

LEGAL PROFESSION (PUBLIC NOTARIES) REPORT 2017

Made by the Legal Costs Committee under Division 5 of Part 10 of the *Legal Profession Act 2008 (Act)*.

PART 1 – PRELIMINARY

1. Citation

- (1) This Report may be cited as the *Legal Profession (Public Notaries) Report 2017*.
- (2) The determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Public Notaries) Determination 2017*.

PART 2 – NOTICE AND INQUIRIES

2. Notice under section 278 of the Act

The Legal Costs Committee has complied with the notice provisions of section 278 of the Act.

3. Inquiries and submissions under section 277 of the Act

Before making the *Legal Profession (Public Notaries) Determination 2017* the Legal Costs Committee:

- (a) reviewed all submissions received as a result of the notice given under section 277 of the Act;
- (b) consulted with the Courts, Law Society of Western Australia, Western Australian Bar Association and the Public Notaries Society of Western Australia Incorporated; and
- (c) considered the hourly and daily rates applicable under the *Legal Profession (Solicitors Costs) Determination 2017**.

PART 3 – REPORT OF THE LEGAL COSTS COMMITTEE'S CONCLUSIONS

4. No adjustment in fees

The Legal Costs Committee had regard to submissions made by the Law Society of Western Australia and considered the matters set out in the *Legal Profession (Solicitors Costs) Report 2017* and resolved that prevailing market and economic considerations did not warrant an increase in the rates set out in Table A of the *Legal Profession (Public Notaries) Determination 2015*.

5. Scale of costs to be adopted

- (1) It is the recommendation of the Legal Costs Committee, after reviewing the information gained as a result of the inquiries and submissions described in clause 3, that the scale of costs set out in Table A to clause 4 of the *Legal Profession (Public Notaries) Determination 2017* be adopted for the business of Public Notaries.
- (2) It is the further recommendation of the Legal Costs Committee given that the amendments to the scale of costs in the manner set out in Table A to clause 4 of the *Legal Practitioners (Public Notaries) Determination 2002* were inclusive of any provision for the Goods and Services Tax (GST), the scale of Public Notaries fees continues to be inclusive of GST.

*To be published in the *Government Gazette* on or about the same time as the *Legal Profession (Public Notaries) Determination 2017*

CLARE THOMPSON, CHAIR
ANGELA GAFFNEY, MEMBER

MARCUS COCKER, MEMBER
JANICE DUDLEY, MEMBER
MATTHEW CURWOOD, MEMBER
BRENDAN ASHDOWN, MEMBER

Schedule

LEGAL PROFESSION ACT 2008

LEGAL PROFESSION (PUBLIC NOTARIES) DETERMINATION 2017

Made by the Legal Costs Committee under section 275 of the *Legal Profession Act 2008* (Act).

1. Citation

This Determination may be cited as the *Legal Profession (Public Notaries) Determination 2017*.

2. Commencement

This Determination comes into operation on 1 July 2017.

3. Application

- (1) This Determination applies to the remuneration of a Public Notary for the provision of notarial services.
- (2) This Determination does not apply to the remuneration of a Public Notary based on costs incurred in respect of instructions taken before the commencement of this Determination.

4. Scale of costs

The fee charged by a Public Notary for providing notarial services shall not exceed the fee, inclusive of GST, for those services set out in the Table A to this clause.

TABLE A

SCALE OF PUBLIC NOTARIES FEES

Item No	Matter	Maximum amount \$
1	Affidavits, affirmations and declarations:	
	(a) For administering an oath or affirmation or taking a declaration and for signing the jurat or its equivalent: where there is one deponent or declarant	132
	and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time	66
	(b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person	132
	(c) For preparing a notarial certificate in respect of an oath, affirmation or declaration and for completing the certificate	132
	(d) For completing a second and third certificate, if required	66
	(e) For preparing an exhibit to an affidavit, affirmation or declaration and for completing an exhibit	66
	(f) For each page over and above the first 5 pages which	0.66

Item No	Matter	Maximum amount \$
	requires signing by each deponent or declarant and witnessing by the Public Notary	
2	Deeds and other documents: (a) Witnessing and attesting the execution or signing of a deed or other document: where there is one party and for each additional party signing at the same time (b) For preparing a notarial certificate in respect of the attestation and for completing the certificate (c) For each page over and above the first 5 pages which requires signing by the party or parties and witnessing by the Public Notary	132 66 132 0.66
3	Verification of copies of documents: (a) For examining, with the original, a photocopy of the document for each additional page exceeding the first (b) For examining, with the original, a copy of a document other than a photocopy (c) For preparing a notarial certificate verifying a copy of a document and for completing the certificate (d) For each page over and above the first 5 pages which requires signing by the Public Notary	66 6.60 132 132 0.33
4	Certificates under seal not otherwise prescribed by this scale: For preparing a notarial certificate and for completing the certificate	121
5	Bills of Exchange: (a) For noting a bill of exchange, entering in the register and supplying one copy of note (b) For presenting bill – a fee for the time so occupied calculated in accordance with the <i>Legal Profession (Solicitors Costs) Determination 2017*</i> or any subsequent determination made in substitution for that determination (c) For preparing, issuing and entering a protest of a bill of exchange and supplying one copy of protest together with the reasonable disbursements necessarily incurred in connection with any of those services	209 209

Item No	Matter	Maximum amount \$
6	Ship's protests:	
	(a) Preparing and attesting a ship's protest including three copies (if required)	264
	(b) Preparing and attesting extension of ship's protest	264
7	Duplicates: Except where otherwise provided, for more than one copy of any of the above notarial documents completed at the same time: (a) for each copy, after the first, up to the tenth: one half of the prescribed fee (b) for each copy, after the tenth: one quarter of the prescribed fee	
8	Miscellaneous services: For instructions, attendances, correspondence, drawing, engrossing, travel and all other services not covered by this scale, or, if so covered, for matters involving unusual work or difficulty: a fee calculated in accordance with the <i>Legal Profession (Solicitors Costs) Determination 2017*</i> or any subsequent determination made in substitution for that determination, having regard to the time skill and responsibility involved	
	For photocopies where necessary, including of documents for which allowance is otherwise made in this Determination	1.00 per page

*To be published in the *Government Gazette* on or about the date of this Determination

Made by the Legal Costs Committee on June 2017.