

LEGAL PROFESSION (PUBLIC NOTARIES) REPORT 2019

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 2019*.
- (2) The determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Public Notaries) Determination 2019*.

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 2019* 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 Public Notaries Society of Western Australia Incorporated;
- (c) considered the rates applicable to the work undertaken by Public Notaries in other Australian jurisdictions; and
- (d) considered the hourly and daily rates applicable under the *Legal Profession (Solicitors Costs) Determination 2019**.

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

4. Adjustment in fees

The Legal Costs Committee had regard to submission made by the Public Notaries Society of Western Australia Incorporated and resolved that prevailing market and economic considerations warranted an increase in the rates set out in Table A of the *Legal Profession (Public Notaries) Determination 2017*.

5. Scale of costs to be adopted

It is the determination 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 2019* be adopted for the business of Public Notaries.

*To be published in the *Government Gazette* on or about the same time as the *Legal Profession (Public Notaries) Determination 2019*

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 2019

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 2019*.

2. Commencement

This Determination comes into operation on 1 July 2019.

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 and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time	140 70
	(b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person	140
	(c) For preparing a notarial certificate in respect of an oath, affirmation or declaration and for completing the certificate	140
	(d) For completing a second and third certificate, if required	70
	(e) For preparing an exhibit to an affidavit, affirmation or declaration and for completing an exhibit	70
	(f) For each page over and above the first 5 pages which requires signing by each deponent or declarant and witnessing by the Public Notary	0.70

Item No	Matter	Maximum amount \$
2	<p>Deeds and other documents:</p> <p>(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</p> <p>(b) For preparing a notarial certificate in respect of the attestation and for completing the certificate</p> <p>(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</p> <p>(d) For documents requiring notarisation in public or solemn form by requiring the notary to certify to the effect that “the document was read to the appearer, who listened, confirmed it and agreed to its contents”, an additional charge: For the first page For each folio (100 words) thereafter</p>	<p>140 70 140 0.77 105 14</p>
3	<p>Verification of copies of documents:</p> <p>(a) For examining, with the original, a photocopy of the document for each additional page exceeding the first</p> <p>(b) For examining, with the original, a copy of a document other than a photocopy</p> <p>(c) For preparing a notarial certificate verifying a copy of a document and for completing the certificate</p> <p>(d) For each page over and above the first 5 pages which requires signing by the Public Notary</p>	<p>77 7 140 140 0.38</p>
4	<p>Certificates under seal not otherwise prescribed by this scale:</p> <p>For preparing a notarial certificate and for completing the certificate</p>	<p>132</p>
5	<p>Bills of Exchange:</p> <p>(a) For noting a bill of exchange, entering in the register and supplying one copy of note</p> <p>(b) For presenting bill – a fee for the time so occupied calculated in accordance with the <i>Legal Profession (Solicitors Costs) Determination 2019*</i> or any subsequent determination made in substitution for that determination</p>	<p>222</p>

Item No	Matter	Maximum amount \$
	(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	222
6	Ship's protests: (a) Preparing and attesting a ship's protest including three copies (if required) (b) Preparing and attesting extension of ship's protest	280 280
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 2019*</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 19 June 2019.