

## LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2022

### LEGAL PROFESSION (PUBLIC NOTARIES) REPORT 2023

Made by the Legal Costs Committee under Division 1 of Part 6 of the *Legal Profession Uniform Law Application Act 2022 (Act)*.

#### PART 1 – PRELIMINARY

### 1. Citation

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- (1) This Report may be cited as the *Legal Profession (Public Notaries) Report 2023*.
- (2) The determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Public Notaries) Determination 2023*.

#### PART 2 – NOTICE AND INQUIRIES

### 2. Notice under section 139 of the Act

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The Legal Costs Committee (**Committee**) has complied with the notice provisions of section 139 of the Act.

### 3. Inquiries and submissions under section 139 of the Act

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Before making the *Legal Profession (Public Notaries) Determination 2023* the Legal Costs Committee:

- (a) reviewed the submissions received as a result of the notice given under section 139 of the Act;
- (b) met with the Public Notaries Society of Western Australia Inc.;
- (c) held a seminar with members of the Law Society of Western Australia Inc.;
- (d) considered the responses to a survey of the legal profession in Western Australia; and
- (e) considered the hourly and daily rates applicable under the *Legal Profession (Non-Contentious Business) Determination 2023*<sup>1</sup>.

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

### 4. Adjustment to scale of costs

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The information gained as a result of the inquiries and submissions described in clause 3 satisfied the Committee that:

- (a) the manner in which legal services are provided and prevailing market and economic considerations made it appropriate to amend the rates set out in Table A of the *Legal Profession (Public Notaries) Determination 2021*; and
- (b) to amend the calculation of rates in Table A of the *Legal Profession (Public Notaries) Determination 2023* to take into account the incidental administrative implications of the calculation of the Goods and Services Tax; and
- (c) It is the determination of the 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 2023* be adopted for the business of Public Notaries.

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<sup>1</sup> to be published on or about the date of this Determination

CLARE THOMPSON SC Chair

JANICE DUDLEY Member

MATTHEW CURWOOD SC Member

CRAIG MCKIE Member

ANNETTE MORGAN Member

GREG RICKIE Member

**Schedule**

*LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2022*

**LEGAL PROFESSION (PUBLIC NOTARIES) DETERMINATION 2023**

Made by the Legal Costs Committee under section 133 of the *Legal Profession Uniform Law Application Act 2022 (Act)*.

## 1. Citation

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This Determination may be cited as the *Legal Profession (Public Notaries) Determination 2023*.

## 2. Commencement

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This Determination comes into operation on 1 July 2023.

## 3. Application

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- (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

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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 \$
<b>1</b>	<b>Affidavits, affirmations and declarations:</b>	
	(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	165
	and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time	77
	(b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person	165
	(c) For preparing a notarial certificate in respect of an oath, affirmation or declaration and for completing the certificate	165
	(d) For completing a second and third certificate, if required	77

Item No	Matter	Maximum amount \$
	(e) For preparing an exhibit to an affidavit, affirmation or declaration and for completing an exhibit  (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	77  0.88
2	<b>Deeds and other documents:</b>  (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  (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	165 77 165 0.88 121 22
3	<b>Verification of copies of documents:</b>  (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	88 11 165 165 0.44
4	<b>Certificates under seal not otherwise prescribed by this scale:</b>  (a) For preparing a standard notarial certificate and for completing the certificate, where the certificate is of a nature that it is reasonable for the Public Notary to have developed and maintained a standard precedent document  (b) For preparing a complex notarial certificate and for completing the certificate, where the certificate is <b>not</b> of	165  517

Item No	Matter	Maximum amount \$
	a nature that it is reasonable for the Public Notary to have developed and maintained a standard precedent document	
5	<p><b>Bills of Exchange:</b></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 (Non-Contentious Business) Determination 2023<sup>2</sup></i> or any subsequent determination made in substitution for that determination</p> <p>(c) For preparing, issuing and entering a protest of a bill of exchange and supplying one copy of protest</p> <p>together with the reasonable disbursements necessarily incurred in connection with any of those services</p>	<p>275</p> <p>275</p>
6	<p><b>Ship's protests:</b></p> <p>(a) Preparing and attesting a ship's protest including three copies (if required)</p> <p>(b) Preparing and attesting extension of ship's protest</p>	<p>330</p> <p>330</p>
7	<p><b>Duplicates:</b></p> <p>Except where otherwise provided, for more than one copy of any of the above notarial documents completed at the same time:</p> <p>(a) for each copy, after the first, up to the tenth: one half of the prescribed fee</p> <p>(b) for each copy, after the tenth: one quarter of the prescribed fee</p>	
8	<p><b>Miscellaneous services:</b></p> <p>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:</p> <p>a fee calculated in accordance with the <i>Legal Profession (Non-Contentious Business) Determination 2023</i> or any subsequent determination made in substitution for that determination, having regard to the time skill and responsibility involved</p>	
	For photocopies where necessary, including of documents for which allowance is otherwise made in this Determination	1.10 per page

Made by the Legal Costs Committee on 21 June 2023.

<sup>2</sup> to be published on or about the date of this Determination