

LEGAL PRACTITIONERS ACT 1893

LEGAL PRACTITIONERS (PUBLIC NOTARIES) REPORT 2002

Made by the Legal Costs Committee under section 58ZA of the *Legal Practitioners Act 1893*.

PART 1 – PRELIMINARY

Citation

1. (1) This report may be cited as the *Legal Practitioners (Public Notaries) Report 2002*.
- (2) The determination set out in the Schedule to this report is referred to in this report as the *Legal Practitioners (Public Notaries) Determination 2002*.

PART 2 – NOTICE AND INQUIRIES

Notice under section 58Y of the *Legal Practitioners Act 1893*

The Legal Costs Committee has complied with the notice provisions of section 58Y of the *Legal Practitioners Act 1893*.

2.

Inquiries and submissions under section 58Y of the *Legal Practitioners Act 1893*

3. Before making the *Legal Practitioners (Public Notaries) Determination 2002* the Legal Costs Committee:
 - (a) reviewed all submissions received as a result of the notice given under section 58Y of the *Legal Practitioners Act 1893*;
 - (b) consulted with the Court;
 - (c) had regard to the impact of the Goods and Services Tax on the level of fees charged by Practitioners; and
 - (d) noted that the fees set by the Committee in the *Legal Practitioners (Public Notaries) Determination* have not been increased since 1999.

PART 3 – REPORT OF COMMITTEE'S CONCLUSIONS

Scale of costs to be adopted

4. (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 the Table to clause 4 of the *Legal Practitioners (Public Notaries) Determination 2002* be adopted for the business of Notaries Public and which have been rounded up or down to represent an approximate increase of 16%.
- (2) It is the further recommendation of the Committee that given the amendments to the scale of costs in the manner set out in the Table to clause 4 of the *Legal Practitioners (Public Notaries) Determination 2002* are inclusive of any provision for the Goods and Services Tax, that from and including the date of that determination coming into operation, the *Legal Practitioners (Effect on Costs of a New Tax System) (Goods and services Tax) Determination 2000* as published in the Gazette on 15 September 2000 p5411 will no longer apply to the Public Notaries scale of costs from that date.

Ted Sharp, Chairman
Michael McPhee, Deputy Chairman
Patrick Coward, Member
Janine Freeman, Member
Angela Gaffney, Member
Jill Vander Wal, Member

Schedule

LEGAL PRACTITIONERS ACT 1893

LEGAL PRACTITIONERS (PUBLIC NOTARIES) DETERMINATION 2002

Made by the Legal Costs Committee under section 58W of the *Legal Practitioners Act 1893* and section 25 of the *Interpretation Act 1984*.

Citation

1. This determination may be cited as the *Legal Practitioners (Public Notaries) Determination 2002*.

Commencement

2. This determination comes into operation on 1 June 2002.

Application

3. (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.

Scale of costs

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

TABLE
SCALE OF NOTARIES FEES

Item No	Matter	\$
1	<p><i>Affidavits, affirmations and declarations:</i></p> <p>(a) For administering an oath or affirmation or taking a declaration and for signing the jurat or its equivalent –</p> <p style="padding-left: 40px;">where there is one deponent or declarant</p> <p style="padding-left: 80px;">and for each additional deponent, affirmant or declarant swearing, affirming or declaring at the same time</p> <p>(b) For preparing an affidavit, affirmation or declaration verifying the execution of a document by a company or by a person</p> <p>(c) For preparing a notarial certificate in respect of an oath, affirmation or declaration</p> <p>(d) For completing the certificate</p> <p>(e) For completing a second and third certificate (if required)</p> <p>(f) For preparing an exhibit to an affidavit, affirmation or declaration</p> <p>(g) For completing an exhibit</p>	<p>46</p> <p>7</p> <p>31</p> <p>31</p> <p>16</p> <p>16</p> <p>7</p> <p>4</p>
2	<p><i>Deeds and other documents:</i></p> <p>(a) Witnessing and attesting the execution or signing of a deed or other document –</p> <p style="padding-left: 40px;">where there is one party</p> <p style="padding-left: 80px;">and for each additional party signing at the same time</p> <p>(b) For preparing a notarial certificate in respect of the attestation</p> <p>(c) For completing the certificate</p>	<p>46</p> <p>7</p> <p>31</p> <p>16</p>
3	<p><i>Verification of copies of documents:</i></p> <p>(a) For examining with the original a photographic copy of the document</p> <p style="padding-left: 40px;">for each page exceeding one</p> <p>(b) For examining with the original a copy of a document other than a photographic copy</p> <p style="padding-left: 40px;">for each folio exceeding five</p> <p>(c) For preparing a notarial certificate verifying a copy of a document</p> <p>(d) For completing the certificate</p>	<p>16</p> <p>1.60</p> <p>31</p> <p>4</p> <p>31</p> <p>16</p>

4	<p><i>Certificates under seal not otherwise prescribed by this scale:</i></p> <p>(a) For preparing a notarial certificate 31</p> <p>(b) For completing the certificate 16</p>	
5	<p><i>Bills of Exchange:</i></p> <p>(a) For noting a bill of exchange, entering in the register and supplying one copy of note 100</p> <p>(b) For presenting bill – a fee for the time so occupied calculated in accordance with the <i>Solicitors Costs Determination 1998*</i></p> <p>(c) For preparing, issuing and entering a protest of a bill of exchange and supplying one copy of protest 100</p> <p>together with the reasonable disbursements necessarily incurred in connection with any of those services.</p>	
6	<p><i>Ship's protests:</i></p> <p>(a) Preparing and attesting a ship's protest including three copies (if required) 100</p> <p>(b) Preparing and attesting extension of ship's protest 128</p>	
7	<p><i>Duplicates:</i></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>for each copy (after the first) up to ten - one half of the prescribed fee</p> <p>for each copy (after the tenth) - one quarter of the prescribed fee</p>	
8	<p><i>Miscellaneous services:</i></p> <p>For instructions, attendances, correspondence, drawing, engrossing 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 Practitioners (Solicitors Costs) Determination 2000*</i> having regard to the time skill and responsibility involved.</p>	

*[Published in the Gazette 6 December 2000]