

Legal Profession (Barristers and Solicitors Practising Fees) Determination 2012

Disallowable Instrument DI 2012 - 77

made under the

Legal Profession Act 2006, Section 84 – Determination of fees by law society council and bar council

EXPLANATORY STATEMENT

Section 84(1)(a) empowers the law society council to determine fees in relation to applications for the grant or renewal of unrestricted practising certificates and restricted practising certificates.

Section 84(1)(b) empowers the law society council to determine fees in relation to the services it provides as the licensing body in relation to an application for the grant or renewal of barrister practising certificates.

Clause 3 of this instrument determines fees for applications for the grant or renewal of a restricted or unrestricted practising certificate in 2012 and, unless otherwise determined, in subsequent years.

The fees have been increased in line with the Consumer Price Index to keep pace with inflation. As a result, the fee outlined under:

- 1) clause 3(a) of this instrument has increased from \$705.50 in 2011 to \$731 in 2012;
- 2) clause 3(b) of this instrument has increased from \$688 in 2011 to \$708 in 2012;
- 3) clause 3(c) of this instrument has increased from \$1120.50 in 2011 to \$1154 in 2012;
- 4) clause 3(d) of this instrument has increased from \$503.50 in 2011 to \$521 in 2012;
- 5) clause 3(e) of this instrument has increased from \$378 in 2011 to \$392 in 2012; and
- 6) clause 3(f) of this instrument has increased from \$721.50 in 2011 to \$745 in 2012.

In relation to an application for the grant or renewal of a practising certificate, the fee payable by a government lawyer or in-house lawyer or a lawyer who applies under Section 41(2)(a)(ii) or 41(2)(b)(iv) is lower than the fee for other applicants. This is because those lawyers are engaged in modes of practice that are unlikely to impose a regulatory burden on the Law Society and are therefore unlikely to require the expenditure of regulatory resources. Further, holders of unrestricted practising certificates in those categories are not required to contribute to the fidelity fund.

Fees paid by credit or debit card will attract a surcharge of 2%.

Clause 4 determines a fee for the services that the law society council provides as the licensing body in relation to the grant or renewal of barrister practising certificates. The fee applies to each application for the grant or renewal of a barrister practising certificate, but may be imposed only once in a financial year for each person who applies.

Clause 6 of this instrument notes that the Commonwealth has exempted these fees from payment of GST under the determination titled *A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2005*, dated 1 July 2005.

This determination revokes Disallowable Instrument number 2011 - 277.