

Legal Profession (Solicitors Practising Fees) Determination 2014

Disallowable Instrument DI 2014 - 194

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.

Clause 3 of this instrument determines fees for applications for the grant or renewal of a restricted or unrestricted practising certificate in 2014 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 \$747 in 2013 to \$761 in 2014;
- 2) clause 3(b) of this instrument has increased from \$1046 in 2013 to \$1067 in 2014;
- 3) clause 3(c) of this instrument has increased from \$721 in 2013 to \$747 in 2014;
- 4) clause 3(d) of this instrument has increased from \$1176 in 2013 to \$1207 in 2014;
- 5) clause 3(e) of this instrument has increased from \$532 in 2013 to \$540 in 2014;
- 6) clause 3(f) of this instrument has increased from \$761 in 2013 to \$774 in 2014;
- 7) clause 3(g) of this instrument has increased from \$401 in 2013 to \$412 in 2014; and
- 8) clause 3(h) of this instrument has increased from \$761 in 2013 to \$774 in 2014.

In relation to an application for the grant or renewal of a restricted practising certificate, the fee payable by a government 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, and those holding an in-house unrestricted practising certificate, are not required to contribute to the fidelity fund.

Clause 5 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 2011 (No. 1), Part 8, Items 3.53-3.54*, dated 15 December 2010.

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

This determination revokes Disallowable Instrument number 2013-55.