

Legal Profession (Solicitors Practising Fees) Determination 2016

Disallowable Instrument DI 2016 - 36

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 the 2016/17 financial year.

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

- 1) clause 3(a) of this instrument has increased from \$772 in 2015 to \$785 in 2016;
- 2) clause 3(b) of this instrument has increased from \$1083 in 2015 to \$1101 in 2016;
- 3) clause 3(c) of this instrument has increased from \$760 in 2015 to \$773 in 2016;
- 4) clause 3(d) of this instrument has increased from \$1226 in 2015 to \$1247 in 2016;
- 5) clause 3(f) of this instrument has increased from \$547 in 2015 to \$556 in 2016;
- 6) clause 3(g) of this instrument has increased from \$785 in 2015 to \$798 in 2016;
- 7) clause 3(h) of this instrument has increased from \$419 in 2015 to \$426 in 2016; and
- 8) clause 3(i) of this instrument has increased from \$785 in 2015 to \$798 in 2016.

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 section 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. There is no fee payable by a volunteer for a restricted or unrestricted practising certificate.

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 2015-133 and Disallowable Instrument number DI 2015-290 on 30 June 2016.