

Practitioners (State Administrative Tribunal) Determination 2008.

PART2-BACKGROUND

Background

2. Prior to commencement of the *legal Profession Act 2008* (Act), the Legal Costs Committee had no jurisdiction to determine legal costs in connection with matters undertaken or heard **in** the State Administrative Tribunal (Tribunal).

The Legal Costs Committee has initiated its inquiries and sought submissions in connection with this Report and the Determination in advance of the proclamation of the relevant provisions of the Act in order to ensure this Report and the Determination is published in a timely manner.

PART 3 - NOTICE AND INQUIRIES

Notice under section 278 of the Act

3. The Legal Costs Committee has complied with the notice provisions of section 278 of the Act.

Inquiries and submissions under section 277 of the Act

4. (a) Before making the Legal Practitioners (State Administrative Tribunal) Determination 2008 the Legal Costs Committee:

- (1) reviewed all submissions received as a result of the notice given under section 278 of the Act;
- (2) consulted with the Tribunal;
- (3) consulted with The Law Society of Western Australia (Inc) and the Western Australian Bar Association (Inc); and
- (4) had regard to relevant provisions of the *State Administrative Tribunal Act 2004*.

(b) As part of its inquiries, the Legal Costs Committee met with His Honour, Justice Michael Barker, the President of the State Administrative Tribunal.

The Legal Costs Committee acknowledges that the overriding philosophy of the Tribunal, as expressed through its enabling legislation, is that parties appearing before the Tribunal are to bear their own costs of proceedings.

The Legal Costs Committee recognises that there are many types of matters heard before the Tribunal which are of a substantial nature in respect of which legal advice may be sought, but not necessarily made the subject of any costs orders in the Tribunal (not) Tj 0.0072 Tct7051.68 Tm (be) T69. 0 122.8

