

## LEGAL PROFESSION ACT



## Schedule

### LEGAL PROFESSION ACT 2008

#### LEGAL PROFESSION (FAMILY COURT OF WESTERN AUSTRALIA) DETERMINATION 2016

Made by the Legal Costs Committee under section 275 of the *Legal Profession Act 2008* (Act).

#### 1 Citation

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This Determination may be cited as the *Legal Profession (Family Court of Western Australia) Determination 2016*.

#### 2 Commencement

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This Determination comes into operation on 1 July 2016.

#### 3 Application

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This Determination applies to the remuneration of legal practitioners, clerks and paralegals in respect of advice given by legal practitioners in or for the purposes of proceedings or potential proceedings before the Family Court of Western Australia (**Family Court**).

#### 4 No minimum charge

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In no respect is this Determination to be seen as providing a minimum charge for any work.

#### 5 Introduction of new Restricted Practitioner category

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- (a) This determination introduces the new category Restricted Practitioner. This category includes all Australian legal practitioners engaging in restricted legal practice pursuant to section 50 of the Act, during the period when that person is an endorsement to that effect remains on their practising certificate.
- (b) A Restricted Practitioner is not intended to include an Australian legal practitioner who has a condition placed on their practising certificate by the Legal Practice Board, State Administrative Tribunal or otherwise, requiring them to practise under supervision for disciplinary, medical or other reasons.
- (c) The Legal Costs Committee consulted the profession regarding the necessity for amendments to the levels of practitioner set out in Table A, in light of the changing nature of legal practice in this State. In particular the Legal Costs Committee was conscious of the changes to admission requirements and pathways to admission, which have resulted in practitioners being admitted to practise without the close supervision of legal practice formerly afforded by articles of clerkship but with a longer period of restricted practice. The effect of this is that practitioners become

senior practitioners with less experience than they previously have had, which has the effect of increasing the legal costs to consumers of their services.

(d)

Counsel fees charged as a disbursement to practitioners  
or charged by in-house Counsel:

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Counsel (C)*		
	hourly rate	\$396
	daily rate	\$3,960
Senior Counsel (SC)**		
	hourly rate	\$682
	daily rate	\$6,820

- The reference to Restricted Practitioner, Junior Practitioner or Senior Practitioner in this Determination includes all legal practitioners even if the services were rendered in another State or Territory. Where a local practitioner has held an interstate practising certificate, the length of unrestricted legal practice in that other jurisdiction is to be counted in practice for the purposes of this

- (b) As between a law practice and its own client, time spent travelling by a law practice, other than minor travel, is to be charged at no more than one half of the rates set