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VICTORIA
GOVERNMENT GAZETTE

Published by Authority

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 92]

TUESDAY, OCTOBER 31

[1961

SOLICITORS'
REMUNERATION
ORDER

1961

LAW INSTITUTE OF VICTORIA

VICTORIA

Supreme Court Act 1958.

GENERAL ORDERS.

GENERAL ORDER MADE PURSUANT TO THE SUPREME COURT ACT 1958.

WE the Honorable Alexander Duncan Grant Adam, a Judge of the Supreme Court of Victoria nominated by the Chief Justice thereof, Eustace Halley Coghill, Master of the Supreme Court, Cyril Edward Fyffe, Taxing Master of the Supreme Court, two persons nominated by the Governor in Council, Maxwell Charles Finch and Neil Brooke Boothby two members of the Council of the Law Institute of Victoria nominated by the said Council and being the five persons authorized in that behalf by the Supreme Court Act 1958 do hereby in pursuance and exercise of the powers thereby conferred upon us order and direct in manner following:—

1. This Order may be cited as the Solicitors Remuneration Order 1961 and shall come into force on the first day of November One thousand nine hundred and sixty-one but shall not affect the rights of a solicitor or client in respect of matters pending on the said date.

2. The remuneration of solicitors in respect of business connected with:—

(i) sales purchases leases mortgages wills settlements formation and registration of companies deeds of arrangement and other matters of conveyancing and in respect of other business not being business in any action or transacted in any court or in the chambers of any judge or in the offices of the Master, Prothonotary or other officer of any court and not being otherwise contentious business; and

(ii) negotiating for or procuring an agreement for a loan is hereby prescribed and regulated as follows:—

A. For all such business—

(a) Where the business undertaken is the whole of the work for which some charge or charges is or are prescribed by the First, Second and Third Schedules or any of them—

(i) If the business so undertaken is completed or substantially completed the charges which may be made therefor shall be the relevant charges prescribed by the said Schedules.

(ii) If the business so undertaken is not substantially completed but this occurs at the request or with the concurrence of the client or the client chooses to make use of any of the work done the charges which may be made shall be a rateable part of the relevant charges prescribed by the said Schedules proportionate to the extent of the work done or the work so made use of as the case may be.

(b) Where the business undertaken is a portion of the work for which some charge or charges is or are prescribed by the said Schedules or any of them—

(i) If the business so undertaken is completed or substantially completed the charges which may be made shall be a rateable part of the relevant charges prescribed by the said Schedules proportionate to the extent of the work so undertaken.

(ii) If the business so undertaken is not substantially completed but this occurs at the request or with the concurrence of the client or the client chooses to make use of any of the work done the charges which may be made shall be a rateable part of the relevant charges prescribed by the said Schedules proportionate to the extent of the work done or the work so made use of as the case may be.

(c) In the case of business to which the charges prescribed by the said Schedules are not expressed to apply or extend the charges which may be made shall be those prescribed by Part A. of the Fourth Schedule.

B. For journeys the charges prescribed by Part B. of the Fourth Schedule may be made in addition to the charges hereinbefore authorized.

3. Where it is necessary to obtain the consent of any Government or Authority or third party in respect of business transacted and performed and for which remuneration is prescribed by this Order a solicitor shall be entitled, in addition to the remuneration so prescribed, to charge item remuneration for all business necessarily transacted in connexion with the obtaining of such consent.

4. The remuneration so prescribed shall not include—

(a) disbursements for duties or fees payable at public offices or fees payable to municipalities or public authorities surveyors valuers auctioneers or counsel or for travelling or hotel expenses parchment duty stamps or other disbursements reasonably and properly incurred and paid;

(b) remuneration for any extra work occasioned by material changes occurring in the course of any business by reason of death bankruptcy or otherwise;

(c) payments necessarily made for correspondence from another solicitor employed as agent—

which may be charged in addition to the remuneration so prescribed.

Provided that the amounts chargeable for correspondence shall not exceed—

	£	s.	d.
when the consideration, rental, highest rental or loan does not exceed £1,500	4	4	0
when the consideration, rental, highest rental or loan does not exceed £3,000	6	6	0
when it exceeds £3,000	9	9	0

5. Remuneration at the rate of One pound per hour in addition to such prescribed remuneration may be charged in respect of any business necessarily transacted on Sundays or holidays.

6. In this Order and the Schedules hereto unless inconsistent with the context or subject-matter—

(a) When in a particular transaction the consideration is not wholly monetary the word "consideration" includes the value of any real or personal property transferred conveyed exchanged or given or agreed to be transferred conveyed exchanged or given which is the subject-matter or part of the subject-matter of the transaction.

(b) When the consideration relates to a transaction comprising land under the provisions of the Transfer of Land Acts and other land or comprising real and personal property such consideration for the purpose of determining the remuneration of a solicitor shall be apportioned according to the respective values of the property in question and remuneration may be charged in respect of each transfer conveyance or other assurance necessarily prepared.

(c) When the consideration for a transaction is marriage or any other consideration which is not monetary and when there is no consideration for a transaction remuneration based upon the value of the property the subject-matter of the transaction may be charged.

(d) The consideration for a mortgage bill of sale or stock mortgage shall include any sum secured by such document and any other specified or ascertainable sum agreed to be advanced and secured thereby but without regard to the amount of any possible but

unspecified further advance not ascertainable by the terms of such document. If such document secures no specified or ascertainable sum item remuneration shall apply.

- (e) On the sale of an equity of redemption the principal sum owing shall be deemed to form part of the consideration except when the mortgagee is the purchaser and employs the solicitor who prepared the mortgage in which case the remuneration shall be charged upon the sale price of such equity.
- (f) "Item remuneration" means remuneration prescribed by the fourth schedule hereto as distinguished from remuneration prescribed by the other schedules hereto.
- (g) "Folio" means seventy-two words or figures or words and figures.
- (h) "Lease" includes instrument of lease under the Transfer of Land Acts lease under seal agreement for lease sub-lease and tenancy agreement.
- (i) "Vendor" includes transferrer assignor and grantor and "purchaser" includes transferee assignee and grantee in a contract of exchange of land or of land and personal property.
- (j) The Acts Interpretation Act 1958 applies to this Order and the schedules hereto in like manner as it applies to an Act of Parliament.
- (k) "Terms Contract" means a contract of sale under which the purchaser is entitled to possession or the receipt of the rents and profits before paying the whole of the purchase money.

7. (1) In all cases to which the remuneration prescribed by the first second and third schedules hereto applies a solicitor may within seven days from the time of undertaking any business by notice in writing to his client elect to charge item remuneration.

(2) Upon such election the client may terminate the retainer and item remuneration shall apply in respect of services theretofore rendered.

(3) In cases in which the consideration for the sale or for the transfer or other assurance or the amount of the loan does not exceed Three thousand pounds such selection shall not be made unless there is some unusual difficulty or complexity in the transaction.

8. Where the transaction comprises land, the title to which is a right to occupy the land as a residence area pursuant to Division 11 of Part I. of the *Land Act* 1958 or a licence pursuant to section 138 (1)(g) of the *Land Act* 1958, the appropriate charge shall be 80 per cent. of the charge hereinafter specified for a similar transaction comprising land under the provisions of the Transfer of Land Acts.

9. In any case in which a solicitor is authorized by the first or second schedules hereof to make in respect of a transaction therein specified or in respect of two or more of such transactions relating to the same land completed at the same time—

- (a) charges under both parts A and B thereof, or
- (b) more than one charge under part B thereof, or
- (c) more than one charge under part C thereof,

then in any of such cases each of the charges made under part B or part C thereof shall be reduced by one third.

Provided however that, where more than one charge may be made under part B thereof the total of the charges payable under such part shall in no event be reduced to a sum less than the total of the fees that would be payable in respect of the highest of such charges (before reduction) together with the sum of Three guineas for each additional charge under such part.

FIRST SCHEDULE.

TRANSACTIONS CONCERNING LAND IN VICTORIA UNDER THE PROVISIONS OF THE TRANSFER OF LAND ACTS.

PART A.

Transfer of Freehold or Leasehold Land and Transfer of Mortgage.

Ref. No.

- 1 Column 1. Charges of solicitor for vendor.
Comprising all instructions attendances preparation and perusal of documents correspondence and attention to land tax notices adjustment account and all other matters usual and necessary to complete the transaction on behalf of the vendor.
- 2 Column 2. Charges of solicitor for purchaser.
Comprising all instructions investigation of title searches attendances preparation and perusal of documents registration correspondence and attention to rates and taxes adjustment account and all other matters usual and necessary to complete the transaction on behalf of the purchaser.

Consideration	Column 1	Column 2
	Solicitor for Vendor	Solicitor for Purchaser
£ £	£ s. d.	£ s. d.
3. Not exceeding 200	5 5 0	8 8 0
4. 201 to 500	6 6 0	10 10 0
5. 501 to 1,000	7 7 0	12 12 0
6. 1,001 to 1,500	8 8 0	15 15 0
7. 1,501 to 2,000	10 10 0	18 18 0
8. 2,001 to 2,500	11 11 0	22 1 0
9. 2,501 to 3,000	12 12 0	25 4 0
10. 3,001 to 4,000	14 14 0	28 7 0
11. 4,001 to 5,000	15 15 0	31 10 0
12. 5,001 to 6,000	16 16 0	33 12 0
13. 6,001 to 7,000	17 17 0	35 14 0
14. 7,001 to 8,000	18 18 0	37 16 0
15. 8,001 to 9,000	19 19 0	39 18 0
16. 9,001 to 10,000	21 0 0	42 0 0
17. 10,001 to 12,500	23 2 0	46 4 0
18. 12,501 to 15,000	25 4 0	50 8 0
19. 15,001 to 17,500	28 7 0	56 14 0
20. 17,501 to 20,000	31 10 0	63 0 0
21. 20,001 to 25,000	34 13 0	69 6 0
22. 25,001 to 30,000	37 16 0	75 12 0

23 For each additional £10,000 or part thereof of consideration exceeding £30,000 up to £800,000 charges may be made as follows:—

COLUMN 1.	COLUMN 2.
£ s. d.	£ s. d.
2 12 6	5 5 0

24 Exceeding £800,000:—No increase in the foregoing charges.

Provided that—

25 (1) Item remuneration shall apply to a transfer of mortgage but so that the charges shall not exceed those prescribed by columns 1 and 2 of this Part.

26 (2) Where a solicitor acts for a vendor or purchaser in respect of the completion by transfer of a terms contract and performs such of the services specified in reference No. 1 or reference No. 2 as the case may be as are usual and necessary in the circumstances to effect such completion, his charges in respect thereof shall be one-half of those prescribed by column 1 or column 2 of this Part as the case may be. Such charges shall be subject to further reduction under Regulation 9 where applicable but shall be in addition to any charges authorized by Part B of the Third Schedule.

Ref. No.

PART B.

Mortgage of Freehold or Leasehold Land under the Transfer of Land Acts.

- 27 Column 1. Charges of solicitor for mortgagor only—
Comprising all instructions attendances preparation and perusal of documents correspondence and attention to adjustment account and all other matters usual and necessary to complete the transaction on behalf of the mortgagor.
- 28 Column 2. Charges of solicitor for mortgagee or for both mortgagor and mortgagee.
Comprising all instructions investigation of title searches attendances preparation and perusal of documents registration correspondence and attention to rates and taxes adjustment account and all other matters usual and necessary to complete the transaction on behalf of the mortgagee.

Consideration	Column 1	Column 2
	Solicitor for Mortgagor	Solicitor for Mortgagee only or for both Mortgagor and Mortgagee
£ £	£ s. d.	£ s. d.
29 Not exceeding 200	5 5 0	8 8 0
30 201 to 500	6 6 0	10 10 0
31 501 to 1,000	7 7 0	12 12 0
32 1,001 to 1,500	8 8 0	15 15 0
33 1,501 to 2,000	10 10 0	18 18 0
34 2,001 to 2,500	11 11 0	22 11 0
35 2,501 to 3,000	12 12 0	25 4 0
36 3,001 to 4,000	14 14 0	28 7 0
37 4,001 to 5,000	15 15 0	31 10 0
38 5,001 to 6,000	16 16 0	33 12 0
39 6,001 to 7,000	17 17 0	35 14 0
40 7,001 to 8,000	18 18 0	37 16 0
41 8,001 to 9,000	19 19 0	39 18 0
42 9,001 to 10,000	21 0 0	42 0 0
43 10,001 to 12,500	23 2 0	46 4 0
44 12,501 to 15,000	25 4 0	50 8 0
45 15,001 to 17,500	28 7 0	56 14 0
46 17,501 to 20,000	31 10 0	63 0 0
47 20,001 to 25,000	34 13 0	69 6 0
48 25,001 to 30,000	37 16 0	75 12 0

49. For each additional £10,000 or part thereof of consideration exceeding £30,000 up to £800,000 charges may be made as follows:—

	COLUMN 1	COLUMN 2
	£ s. d.	£ s. d.
	2 12 6	5 5 0

50 Exceeding £800,000:—No increase in the foregoing charges.

PART C.

Discharge of Mortgage or Discharge of Part of the Mortgaged Land or Discharge of Mortgage as to Part of the Debt Secured.

- 51 Column 1. Charges of solicitor for mortgagor only—
Comprising all instructions attendances preparation and perusal of documents correspondence and attention to insurance policies accounts registration and all other matters usual and necessary to complete the transaction on behalf of the mortgagor.
- 52 Column 2. Charges of solicitor for mortgagee or for both Mortgagor and Mortgagee—
For the services last named and otherwise acting as solicitor for the mortgagee.

Amount of Principal Debt Discharged	Column 1	Column 2
	Solicitor for Mortgagor	Solicitor for Mortgagee only or for both Mortgagor and Mortgagee
£ £	£ s. d.	£ s. d.
53 Not exceeding 500	2 2 0	4 4 0
54 501 to 1,000	3 3 0	6 6 0
55 1,001 to 5,000	4 4 0	8 8 0
56 5,001 and upwards	5 5 0	10 10 0

57 Where no part of the principal debt is discharged, the charges which may be made shall be those specified in reference number 53.

SECOND SCHEDULE.

TRANSACTIONS CONCERNING LAND IN VICTORIA NOT UNDER THE PROVISIONS OF THE TRANSFER OF LAND ACTS.

PART A.

Conveyance of Freehold or Leasehold Land or Assignment of Mortgage.

Ref. No.

- 58 Column 1. Charges of solicitor for vendor.
Comprising all instructions attendances preparations and perusal of documents correspondence and attention to land tax notices adjustment, account and all other matters usual and necessary to complete the transaction on behalf of the vendor.
- 59 Column 2. Charges of solicitor for purchaser.
Comprising all instructions investigation of title searches attendances preparation and perusal of documents registration correspondence and attention to rates and taxes adjustment account and all other matters usual and necessary to complete the transaction on behalf of the purchaser.

Consideration	Column 1	Column 2
	Solicitor for Vendor	Solicitor for Purchaser
£ s. d.	£ s. d.	£ s. d.
60 Not exceeding 200	7 17 6	12 12 0
61 201 to 500	9 9 0	15 15 0
62 501 to 1,000	11 0 6	18 18 0
63 1,001 to 1,500	12 12 0	23 12 6
64 1,501 to 2,000	15 15 0	28 7 0
65 2,001 to 2,500	17 6 6	33 1 6
66 2,501 to 3,000	18 18 0	37 16 0
67 3,001 to 4,000	22 1 0	42 10 6
68 4,001 to 5,000	23 12 6	47 5 0
69 5,001 to 6,000	25 4 0	50 8 0
70 6,001 to 7,000	26 15 6	53 11 0
71 7,001 to 8,000	28 7 0	56 14 0
72 8,001 to 9,000	29 18 6	59 17 0
73 9,001 to 10,000	31 10 0	63 0 0
74 10,001 to 12,500	34 13 0	69 6 0
75 12,501 to 15,000	37 16 0	75 12 0
76 15,001 to 17,500	42 10 6	85 1 0
77 17,501 to 20,000	47 5 0	94 10 0
78 20,001 to 25,000	51 19 6	103 19 0
79 25,001 to 30,000	56 14 0	113 8 0

80 For each additional £10,000 or part thereof of consideration exceeding £30,000 up to £800,000 charges may be made as follows:—

COLUMN 1.	COLUMN 2.
£ s. d.	£ s. d.
4 0 0	7 17 6

- 81 Exceeding £800,000:—No increase in the foregoing charges.
- 82 Provided that—
- (1) Item remuneration shall apply to assignments of mortgages but so that the charges shall not exceed those prescribed by columns 1 and 2 of this part.
- 83 (2) Where a solicitor acts for a vendor or purchaser in respect of the completion by conveyance of a terms contract and performs such of the services specified in reference number 58 or reference number 59 as the case may be as are usual and necessary in the circumstances to effect such completion, his charges in respect thereof shall be one-half of those prescribed by column 1 or column 2 of this part as the case may be. Such charges shall be subject to further reduction under regulation 9 where applicable but shall be in addition to any charges authorised by part B of the third schedule.

Ref.
No.

PART B.

Mortgage of Freehold or Leasehold Land NOT under the Provisions of the Transfer of Land Acts.

- 84 Column 1. Charges of solicitor for mortgagor only—
Comprising all instructions attendances preparation and perusal of documents correspondence and attention to adjustment account and all other matters usual and necessary to complete the transaction on behalf of the mortgagor.
- 85 Column 2. Charges of solicitor for mortgagee or for both mortgagor and mortgagee—
Comprising all instructions investigation of title searches attendances preparations and perusal of documents registration correspondence and attention to rates and taxes adjustment account and all other matters usual and necessary to complete the transaction on behalf of the mortgagee.

Consideration		Column 1	Column 2
		Solicitor for Mortgagor	Solicitor for Mortgagee only or for both Mortgagor and Mortgagee
£	£	£ s. d.	£ s. d.
86	Not exceeding 200	7 17 6	12 12 0
87	201 to 500	9 9 0	15 15 0
88	501 to 1,000	11 0 6	18 18 0
89	1,001 to 1,500	12 12 0	23 12 6
90	1,501 to 2,000	15 15 0	28 7 0
91	2,001 to 2,500	17 6 6	33 1 6
92	2,501 to 3,000	18 18 0	37 16 0
93	3,001 to 4,000	22 1 0	42 10 6
94	4,001 to 5,000	23 12 6	47 5 0
95	5,001 to 6,000	25 4 0	50 8 0
96	6,001 to 7,000	28 15 6	53 11 0
97	7,001 to 8,000	28 7 0	56 14 0
98	8,001 to 9,000	29 18 6	59 17 0
99	9,001 to 10,000	31 10 0	63 0 0
100	10,001 to 12,500	34 13 0	69 6 0
101	12,501 to 15,000	37 16 0	75 12 0
102	15,001 to 17,500	42 10 6	85 1 0
103	17,501 to 20,000	47 5 0	94 10 0
104	20,001 to 25,000	51 19 6	103 19 0
105	25,001 to 30,000	56 14 0	113 8 0

- 106 For each additional £10,000 or part thereof of consideration exceeding £30,000 up to £800,000 charges may be made as follows:—
- | COLUMN 1. | COLUMN 2. |
|-----------|-----------|
| £ s. d. | £ s. d. |
| 4 0 0 | 7 17 6 |
- 107 Exceeding £800,000:—No increase in the foregoing charges.

PART C.

Reconveyance of Mortgaged Land or Reconveyance of Part of the Mortgaged Land or Release as to Part of the Debt Secured.

- 108 Column 1. Charges of solicitor for mortgagor only—
Comprising all instructions attendances preparation and perusal of documents correspondence and attention to insurance policies accounts registration and all other matters usual and necessary to complete the transaction on behalf of the mortgagor.
- 109 Column 2. Charges of solicitor for mortgagee or for both mortgagor and mortgagee—
For the services last named and otherwise acting as solicitor for the mortgagee.

Amount of Principal Debt released		Column 1	Column 2
		Solicitor for Mortgagor	Solicitor for Mortgagee only or for both Mortgagor and Mortgagee
£	£	£ s. d.	£ s. d.
110	Not exceeding 500	3 3 0	6 6 0
111	501 to 1,000	5 5 0	8 8 0
112	1,001 to 5,000	6 6 0	10 10 0
113	5,001 and upwards	7 7 0	12 12 0

- 114 Where no part of the principal debt is released, the charges which may be made shall be those specified in reference number 110.

THIRD SCHEDULE.

MISCELLANEOUS.

PART A.

Charges in connexion with the preparation of a CONTRACT OF SALE of freehold or leasehold land (whether or not under the provisions of the Transfer of Land Acts) and conditions contained therein.

- Ref. No.
- 115 Column 1. Charges of solicitor for vendor—
Comprising all instructions for and drawing and engrossing in duplicate contract of sale.
- 116 Column 2.
For the last-named services settling draft contract with purchaser his solicitor or agent obtaining signature and exchanging parts.
- 117 Column 3. Charges of solicitor for purchaser.
Comprising all instructions settling draft contract with the vendor his solicitor or agent obtaining signature and exchanging parts.

Consideration including the Consideration for Stock and Other Personal Property Comprised in the Contract		Column 1	Column 2	Column 3
		Solicitor for Vendor		Solicitor for Purchaser
£	£	£ s. d.	£ s. d.	£ s. d.
118	Not exceeding 2,000	4 4 0	6 6 0	4 4 0
119	2,001 to 4,000	5 5 0	7 7 0	5 5 0
120	4,001 to 6,000	7 7 0	9 9 0	7 7 0
121	6,001 to 8,000	9 9 0	11 11 0	9 9 0
122	8,001 to 10,000	11 11 0	13 13 0	11 11 0
123	10,001 to 15,000	13 13 0	16 16 0	13 13 0
124	15,001 to 20,000	14 14 0	18 18 0	14 14 0
125	20,001 to 25,000	15 15 0	21 0 0	15 15 0
126	25,001 to 30,000	16 16 0	23 2 0	16 16 0

- 127 For each additional £5,000 or part thereof of consideration exceeding £30,000 up to £300,000 charges may be made as follows:—

COLUMN 1.	COLUMN 2.	COLUMN 3.
£ s. d.	£ s. d.	£ s. d.
1 1 0	1 1 0	1 1 0

- 128 Exceeding £300,000:—No increase in the foregoing charges.
- 129 If the land has been sold by the vendor to the purchaser prior to the drafting of the contract of sale or is sold under the contract drafted within two months after the drafting thereof then, subject to item 130 hereof, the charges which may be made by the solicitor shall be those specified in Columns 1, 2 and 3 calculated in accordance with the consideration upon such sale but, where the land has not been and is not so sold, then item remuneration shall apply.
- 130 In cases of unusual difficulty or complexity to which a charge or charges in the said columns is or are applicable, a reasonable additional charge may be made.

PART B.

Charges in connexion with a terms CONTRACT OF SALE of freehold or leasehold land (not being charges under Part A hereof).

- 131 Columns 1 and 3. Charges of solicitor for vendor—
Comprising all instructions attendances perusal of documents answers to requisitions on title correspondence attention to land tax notices and adjustment account and all other matters usual and necessary to complete the transaction on behalf of the vendor but excluding any matters relating to transfer or conveyance.
- 132 Columns 2 and 4. Charges of solicitor for purchaser—
For investigating and advising on title comprising all instructions searches attendances preparation and perusal of documents and enquiring as to rates and taxes preparation of requisitions on title and all usual and necessary attendances at the Office of Titles Registrar-General and elsewhere correspondence and adjustment account and
(a) preparing and signing or obtaining the signature of the purchaser to a caveat and lodging the same for registration at the Office of Titles, or

Ref. No.

(b) preparing and obtaining the signature of a party to a memorial of contract and registering the same at the Office of the Registrar-General

including all necessary attendances and all other matters usual and necessary to complete the transaction on behalf of the purchaser but excluding any matters relating to transfer or conveyance.

LAND UNDER TRANSFER OF LAND ACTS.

Consideration including Personal Property Comprised in the Contract	Column 1	Column 2
	Solicitor for Vendor	Solicitor for Purchaser
£ £	£ s. d.	£ s. d.
133 Not exceeding 200	4 4 0	6 6 0
134 201 to 500	4 14 6	7 17 0
135 501 to 1,000	5 5 0	9 9 0
136 1,001 to 1,500	6 6 0	12 1 6
137 1,501 to 2,000	7 17 6	14 3 6
138 2,001 to 2,500	8 18 6	16 16 0
139 2,501 to 3,000	9 9 0	18 18 0
140 3,001 to 4,000	11 0 6	22 1 0
141 4,001 to 5,000	12 1 6	24 3 0
142 5,001 to 6,000	12 12 0	25 4 0
143 6,001 to 7,000	13 13 0	27 6 0
144 7,001 to 8,000	14 3 6	28 7 0
145 8,001 to 9,000	15 4 6	30 9 0
146 9,001 to 10,000	15 15 0	31 10 0
147 10,001 to 12,500	17 6 6	34 13 0
148 12,501 to 15,000	18 18 0	37 16 0
149 15,001 to 17,500	21 10 6	43 1 0
150 17,501 to 20,000	23 12 6	47 5 0
151 20,001 to 25,000	26 5 0	52 10 0
152 25,001 to 30,000	28 7 0	56 14 0

153 For each additional £10,000 or part thereof of consideration exceeding £30,000 up to £400,000 charges may be made as follows:—

COLUMN 1.	COLUMN 2.
£ s. d.	£ s. d.
2 0 0	4 0 0

154 Exceeding £400,000:—No increase in the foregoing charges.

LAND NOT UNDER THE TRANSFER OF LAND ACTS.

Consideration including Personal Property Comprised in the Contract	Column 3	Column 4
	Solicitor for Vendor	Solicitor for Purchaser
£ £	£ s. d.	£ s. d.
155 Not exceeding 200	5 15 6	9 9 0
156 201 to 500	7 7 0	12 1 6
157 501 to 1,000	8 8 0	14 3 6
158 1,001 to 1,500	9 9 0	17 17 0
159 1,501 to 2,000	12 1 6	21 0 0
160 2,001 to 2,500	13 2 6	24 13 6
161 2,501 to 3,000	14 3 6	28 7 0
162 3,001 to 4,000	16 16 0	32 0 6
163 4,001 to 5,000	17 17 0	35 14 0
164 5,001 to 6,000	18 18 0	37 16 0
165 6,001 to 7,000	19 19 0	39 18 0
166 7,001 to 8,000	21 0 0	42 0 0
167 8,001 to 9,000	22 11 6	45 3 0
168 9,001 to 10,000	23 12 6	47 5 0
169 10,001 to 12,500	26 5 0	52 10 0
170 12,501 to 15,000	28 7 0	56 14 0
171 15,001 to 17,500	32 0 6	64 1 0
172 17,501 to 20,000	35 14 0	71 8 0
173 20,001 to 25,000	38 17 0	77 14 0
174 25,001 to 30,000	42 10 6	85 1 0

175 For each additional £10,000 or part thereof of consideration exceeding £30,000 up to £400,000 charges may be made as follows:—

COLUMN 3.	COLUMN 4.
£ s. d.	£ s. d.
3 0 0	6 0 0

176 Exceeding £400,000:—No increase in the foregoing charges.

Ref. No.

PART C.

177. Deed of Agreement in Duplicate (including all instructions investigation of title searches attendances preparation and perusal of documents correspondence attention to rates and taxes and all other matters usual and necessary to complete the transaction on behalf of the mortgagor or the mortgagee) for variation of terms of mortgage of land (whether or not under the provisions of the Transfer of Land Acts) including extension of date for payment alteration of rate of interest or reduction or increase of loan:

Amount of Loan (if unvaried) or (if varied) the Amount of Loan as Varied	Column 1	Column 2
	Solicitor for Mortgagor	Solicitor for Mortgagee
£ £	£ s. d.	£ s. d.
178 Not exceeding 1,000	3 3 0	6 6 0
179 1,001 to 2,000	4 4 0	8 8 0
180 2,001 to 5,000	5 5 0	10 10 0
181 5,001 to 10,000	6 6 0	12 12 0
182 10,000 and upwards	7 7 0	14 14 0

PART D.

Lease of Land whether or not under the Transfer of Land Acts.

183 Column 1. Charges of solicitor for lessor or for both lessor and lessee—

Comprising all instructions attendances preparations and perusal of documents correspondence and attention to all matters usual and necessary to complete the transaction on behalf of the lessor.

184 Column 2. Charges of solicitor for lessee only—

Comprising similar work for the lessee.

Annual Rent of Land and any Chattels thereon or the Highest Rent if more than one	Column 1	Column 2
	Solicitor for Lessor only or for both Lessor and Lessee	Solicitor for Lessee
£ £	£ s. d.	£ s. d.
185 Not exceeding 104	6 6 0	3 3 0
186 105 to 208	8 8 0	4 4 0
187 209 to 400	10 10 0	5 5 0
188 401 to 600	12 12 0	6 6 0
189 601 to 800	14 14 0	7 7 0
190 801 to 1,000	16 16 0	8 8 0
191 For each additional £400 up to £20,000	1 1 0	0 10 6

192 Exceeding £20,000:—No increase in the foregoing charges.

193 When a lease exceeds in length twenty-five folios: for each additional folio not exceeding ten—

£ s. d.	£ s. d.
0 9 0	0 3 0

194 For each additional folio thereafter—

£ s. d.	£ s. d.
0 3 0	0 1 6

195 For registration at the Office of Titles or Registrar-General—

£ s. d.
3 3 0

196 If the consideration for a lease be wholly or (in addition to rent) partly a bonus or premium such bonus or premium shall be deemed to be apportioned according to the length of the term of the lease as if it were additional rent.

197 The annual rent hereinbefore referred to shall include the annual value or apportioned part of any consideration for the lease not being a monetary consideration.

198 If the document used be printed on a form such as is on sale to the public each of the charges prescribed by reference numbers 187 to 192 shall be reduced by one-fifth.

PART E.

Production of Title.

	£ s. d.
199 For production of Crown Grants, Certificates of Title, Title Deeds and other documents at the office of the solicitor of the person entitled to the custody thereof	2 2 0
200 or if such production occupies more than two hours: for each additional hour or part thereof	0 10 0
201 For the like production whether at the Office of Titles or elsewhere but within ten miles of an office of the solicitor	3 3 0

Ref. No.		£ s. d.
202	or if such production occupies more than three hours: for each additional hour or part thereof	0 10 0
203	For the like production beyond such ten miles not being a production at the Office of Titles within two months following any previous production in the same matter	4 4 0
204	For the like production, beyond such ten miles, at the Office of Titles within two months following any previous production in the same matter	3 3 0

PART F.

Bill of Sale Stock Mortgage—Lien on Wool or Lien on Crop.

- 205 Column 1. Charges of solicitor for debtor only—
- 206 Column 2. Charges of solicitor for creditor or for both debtor and creditor—
Comprising all instructions searches attendances preparation and perusal of documents correspondence and attendance to adjustment account and all other matters usual and necessary to complete the transaction on behalf of the debtor or creditor, as the case may be.

Consideration	Column 1	Column 2
	Solicitor for Debtor	Solicitor for Creditor only or for both Debtor and Creditor
£ £	£ s. d.	£ s. d.
207 Not exceeding 500	3 3 0	6 6 0
208 501 to 1,000	5 5 0	10 10 0
209 1,001 to 2,000	7 7 0	14 14 0
210 2,001 to 3,000	9 9 0	18 18 0
211 3,001 to 4,000	10 10 0	21 0 0
212 4,001 to 6,000	12 12 0	25 4 0
213 6,001 to 8,000	14 14 0	29 8 0
214 8,001 and upwards	18 18 0	37 16 0
215 For renewal of bill of sale, where the amount outstanding does not exceed £500	4 4 0
216 £501 and upwards	6 6 0
217 All work usual and necessary in relation to obtaining and entering or registering (as the case may be) satisfaction or discharge of a bill of sale or stock mortgage: Where the amount of principal debt discharged does not exceed £500	2 2 0	4 4 0
218 £501 and upwards	3 3 0	6 6 0

PART G.

For Negotiating for or Procuring an Agreement for a Loan when the Money is in Fact Lent and the Solicitor is Neither the Lender nor One of the Lenders.

1. (1) In respect of money lent upon security of—
- 219 (a) first mortgage of real or leasehold estate one-half per centum upon the amount lent up to £20,000 and one-quarter per centum upon so much of the amount lent as exceeds £20,000 up to but not exceeding £100,000 and one-eighth per centum upon so much of the amount lent as exceeds £100,000;
- 220 (b) second mortgage of real or leasehold estate three-quarters per centum upon such amount;
- 221 (c) mortgage or other security upon personal property other than leasehold whether or not it be subject to any prior encumbrance one per centum upon such amount.
- 222 (2) In respect of renewal of a mortgage or other security one-half of the above rates respectively.
- 223 (3) Provided that the charges in sub-clauses (1) and (2) of this clause shall be reduced by one-third if the mortgagor or borrower has agreed to pay any other person for negotiating for or procuring an agreement for such loan or renewal.
- 224 2. The remuneration so prescribed shall not include—
disbursements reasonably incurred in travelling more than three miles from any place of business and home respectively of such solicitor and disbursements otherwise reasonably incurred in the inspection of the property mortgaged or charged and in procuring the agreement for loan which disbursements may be charged in addition to the remuneration so prescribed.

Ref.
No.

PART H.

For Negotiating for or Procuring an Agreement for a Loan when the Money is in Fact Lent and the Solicitor is Either the Lender or One of the Lenders.

When the solicitor is either the lender or one of the lenders, no remuneration shall be charged for negotiating or procuring the loan, except in the following cases:—

- 225 1. When the solicitor arranges and obtains the loan from a person for whom he acts and subsequently by arrangement with his client lends the money and executes or signs the security in his own name, he being in fact trustee or agent for the person aforesaid.
- 226 2. When the solicitor contributes portion of the money in fact lent, and arranges and obtains the remaining portion from another person not being his partner as a solicitor, nor being a co-trustee with him in relation to the money lent.
- In either of the foregoing cases a charge for negotiating or procuring an agreement for a loan may be made at the rate prescribed in Part G in respect of the amount so obtained from such other person.

FOURTH SCHEDULE.

ITEM REMUNERATION.

PART A.

Instructions.

- 227 A charge may be made for instructions based upon items at the rates hereinafter in this schedule contained for attendances correspondence perusal and time occupied and including such further charges (if any) as may be reasonable having regard to the skill and responsibility involved the value of the property in question the complexity of the transaction and the other circumstances of the case.
- 228 If the transaction involves money or property of the value of £60,000 or upwards a special additional charge may be made for the responsibility of the solicitor.

*Drawing.**Per Folio.*

£ s. d.

- | | | | | |
|-----|--|---|----|---|
| 229 | Will codicil or marriage settlement | 0 | 12 | 0 |
| 230 | Abstract of title | 0 | 4 | 0 |
| | Other documents (not being letters) including instructions to counsel
in matters not in an action or a proceeding in court— | | | |
| 231 | (a) not wholly or partly in print | 0 | 10 | 0 |
| 232 | (b) partly in print, for so much as remains in print | 0 | 2 | 0 |
| 233 | (c) partly in print, for so much as is not in print | 0 | 10 | 0 |

Engrossing.

- | | | | | |
|-----|--|---|---|---|
| 234 | On parchment | 0 | 4 | 0 |
| 235 | On paper in manuscript or typewriting | 0 | 2 | 8 |
| 236 | For a first carbon or other facsimile engrossment or copy | 0 | 1 | 4 |
| 237 | For additional carbon or machine made engrossments or copies: for
each engrossment or copy | 0 | 0 | 8 |
| 238 | The last two charges shall apply notwithstanding that all or both
engrossments or copies be made by hand if it were possible and
suitable to have made them by one mechanical operation. | | | |
| 239 | For an attested carbon copy | 0 | 2 | 0 |

Perusing.

- | | | | | |
|-----|---|---|---|---|
| 240 | For perusal of manuscript and typewritten documents and documents
not wholly in print where perusal is necessary to give advice or
protect the interests of a client and the charges therefor are not
included in this or the other schedules hereto | 0 | 4 | 0 |
| 241 | For perusal of wholly printed documents and documents formal perusal
whereof is necessary | 0 | 2 | 0 |

Letters.

- | | | | | |
|-----|---|---|----|---|
| 242 | Ordinary letter | 0 | 16 | 0 |
| 243 | Special letter (or a reasonable charge according to the circumstances) | 1 | 4 | 0 |
| 244 | Circular letters: after the first (or if such letters exceed twenty in
number, the reasonable cost of printing whichever may be the less) | 0 | 6 | 0 |
| 245 | For a letter embodying an opinion upon a question of law and for
work necessarily performed in order to furnish such an opinion (or
a reasonable charge according to the circumstances) | 2 | 2 | 0 |
| 246 | The charges in reference Nos. 242 to 245 include postage not exceeding
Five pence. | | | |

Ref. No.		£	s.	d.
<i>Attendances.</i>				
247	To file lodge or deliver any documents or other papers to obtain an appointment or to obtain stamping of a document to insert an advertisement or other attendance of a similar nature capable of performance by a junior clerk	1	0	0
248	Making an appointment by telephone	0	10	0
	On counsel with case for opinion or other papers or to appoint consultation or conference—			
249	If counsel's fee be One guinea to Twelve guineas	1	4	0
250	If over Twelve guineas.	2	8	0
251	On conference if counsel's fee be One guinea to Three guineas	2	8	0
252	On conference if counsel's fee be over Three guineas	4	16	0
253	On consultation	4	16	0
254	If conference or consultation occupies more than one hour: per hour or part thereof after the first hour	2	8	0
255	Searching title and other searches: per hour or part thereof	2	0	0
256	On a settlement of a conveyancing matter: per half-hour or part thereof	2	0	0
257	Attendance by telephone or otherwise requiring the personal attendance of the solicitor or his managing or senior clerk and involving the exercise of skill or legal knowledge: per half-hour or part thereof	2	0	0
258	All other attendances: per hour or part thereof	2	0	0
PART B.				
<i>Journeys.</i>				
259	For time occupied in necessarily travelling to and from or necessarily spent in any place, in Australia more than ten miles from any places of business and home respectively of the solicitor, in addition to the remuneration prescribed by the previous schedules and (except charges for attendances) in the previous part of this schedule: per hour or part thereof	3	0	0
260	But not exceeding for any one day	42	0	0
261	The charges in this schedule relate to ordinary cases but in extraordinary cases the Taxing Master may increase or diminish such charges if for any special reason he thinks fit.			

Dated this 18th day of October, 1961.

A. D. G. ADAM, J.

E. H. COGHILL.

CYRIL FYFFE.

N. B. BOOTHBY.

M. C. FINCH.