

Allegation: Fee Setting - Professional Associations (Attorneys-at-Law)

In 2007, the Commission began a follow-up inquiry into fee setting in the professions focusing especially on the schedule of legal fees for non-contentious matters.

The Commission had previously found that mandatory fees set by professional associations were in breach of the Fair Competition Act. However it stopped short of making the same finding in regard to non-contentious fees because they were set in statute. The Commission however determined that the schedule of legal fees for attorneys at law, represented a conflict with the principles of fair and open competition as advocated in the Fair Competition Act.

The Commission therefore has formally recommended that an amendment be made to the Legal Profession Act 1997, so that the fees charged for non-contentious matters can be recognised as being provided for reference only, and attorneys wishing to charge above or below these fees, being able to do so without reprisal.

This will resolve the conflict between the two statutes, and should allow for some competition in the legal profession.

See Fee Setting in the Professions II: Follow-up Report. [pdf]

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