



Western Australia

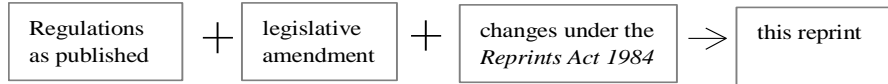
Legal Contribution Trust Act 1967

Legal Contribution Trust Regulations 1968

Reprint 2: The regulations as at 16 January 2004

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

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Legal Contribution Trust Regulations 1968

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Reprinted under the
Reprints Act 1984 as
at 16 January 2004

Western Australia

Legal Contribution Trust Act 1967

Legal Contribution Trust Regulations 1968

1. Citation

These regulations may be cited as the *Legal Contribution Trust Regulations 1968*¹.

[Regulation 1 amended in Gazette 20 Oct 2000 p. 5904.]

2. Interpretation

In these regulations, unless a contrary intention appears, —

“**Act**” means the *Legal Contribution Trust Act 1967*;

“**Form**” means a form in Schedule 1.

[Regulation 2 amended in Gazette 20 Oct 2000 p. 5904.]

3. Prescribed percentage

For the purposes of the Act, the prescribed percentage of the lowest balance of a practitioner’s trust account or, where he maintains more than one, the prescribed percentage of the lowest sum of the balances of a practitioner’s trust accounts is such percentage as will yield the greatest amount being a

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multiple of \$100 that is less than 65% of that lowest balance or of that lowest sum.

[Regulation 3 amended in Gazette 30 Jun 1972 p. 2170.]

4. Practitioners may select any factual balance or sum of balances

Nothing in these regulations imposes on a practitioner the duty of ascertaining the lowest balance of his trust account or, where he maintains more than one, the lowest sum of the balances of his trust accounts; but, for the purposes of the Act, he shall ascertain and select a factual balance or a factual sum of the balances, as the case may require, from that account or those accounts.

5. Deposits to the credit of the Trust

A practitioner who is required by the provisions of section 11 of the Act to deposit moneys to the credit of the Trust shall, as the occasion may require, deposit with the branch, or with each of the branches, of the bank in which he maintains a trust account such amount or amounts, being a multiple or multiples of \$100, as will satisfy the provisions of that section.

[Regulation 5 inserted in Gazette 6 Dec 1974 p. 5217.]

[6. Revoked in Gazette 6 Dec 1974 p. 5217.]

7. Procedure to be followed by branches of banks

Every bank shall cause each of its branches to which a deposit is, or deposits are, made by a practitioner, pursuant to regulation 5, to deal with the amount of the deposit, or deposits, in accordance with such arrangement as may have been entered into by the bank with the Trust; and the bank shall, thereupon, issue to the practitioner a letter of credit or, as the practitioner may require, letters of credit drawn on the branch in the amount of the deposit or deposits.

8. Withdrawals against letters of credit to be notified

Where a practitioner makes a withdrawal against a letter of credit issued pursuant to regulation 7 he shall forthwith thereafter send to the Trust notice in writing of that event, advising the date thereof and of the amount so withdrawn.

9. Occasions of application of moneys in Trust Interest Account

Moneys accruing to the credit of the Trust Interest Account shall be applied for the purposes of section 14 of the Act, on such occasions, and as often, as the Minister and the Trust may agree.

9A. Prescribed bodies

The bodies listed in Schedule 2 are prescribed for the purposes of section 14(3)(c)(iv).

[Regulation 9A inserted in Gazette 20 Oct 2000 p. 5904.]

10. Claims against Guarantee Fund

- (1) Claims for the payment of compensation from the Guarantee Fund shall be made by statutory declaration, in accordance with Form 2.
- (2) The Trust may refuse to consider a claim not made in accordance with subregulation (1) or until such time as the claimant has afforded such further information as the Trust may require.

11. Payment of claims

The Trust may, having regard to the provisions of section 26 of the Act and to the state of the Guarantee Fund, satisfy a claim against that fund by such periodical payments as it thinks fit to make.

12. Notices calling for claims

For the purposes of section 21 of the Act, a notice by the Trust calling for claims against the Guarantee Fund may be in accordance with Form 3.

13. Offences

Every person who fails to comply with any provision of these regulations and every practitioner who knowingly furnishes a certificate that is false in any material particular commits an offence.

Penalty: \$100.

Schedule 1

Forms

[Form 1 deleted in Gazette 6 Dec 1974 p. 5217.]

Form 2

[Reg. 10]

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STATUTORY DECLARATION

I (1) of (2) do solemnly and sincerely declare that —

- 1. On or about the 20, the amount of dollars cents (\$) was entrusted to (3) Legal Practitioner(s) by (5) for (6)
2. The said (7) has not paid over and has not accounted for the amount of dollars cents (\$) being [part of*] the above amount.
3. I applied to the said (7) for the last mentioned amount [or an account thereof*] on the (8) without effect.
4. I have received no moneys or benefit in satisfaction of the said amount of \$ and I have exhausted every other remedy that is available to me against the said (7) and against such other persons who may be liable in respect of the loss suffered by me.

Form 3

[Reg. 12]

Western Australia
Legal Contribution Trust Act 1967
Contribution Trust Regulations 1968

NOTICE CALLING FOR CLAIMS

Persons having a claim to which Part IV of the *Legal Contribution Trust Act 1967*, relates in respect of of in the State of Western Australia, Legal Practitioner(s) are required by the Legal Contribution Trust established under that Act to submit their claims to it, in the manner prescribed by the *Contribution Trust Regulations 1968*, so as to reach the Trust at not later than after which date all claims against the abovementioned are barred, unless the Trust in its absolute discretion determines otherwise.

By the Trust,

.....
Chairman.

[Schedule 1 amended in Gazette 12 Aug 1970 p. 2539; 30 Jun 1972 p. 2170;
6 Dec 1974 p. 5217; 20 Oct 2000 p. 5905.]

Schedule 2 — Prescribed bodies

[r. 9A]

Peak organisations

Federation of Community Legal Centres (Western Australia) Incorporated

Community legal centres

Albany Community Legal Centre Inc
Armadale Information and Referral Service Inc
Boogurlarri Community House Association Inc
Bunbury Community Legal Centre Incorporated
Citizens Advice Bureau of Western Australia Incorporated
City of Fremantle (trading as Community Legal & Advocacy Centre)
Consumer Credit Legal Service (WA) Inc
Environmental Defender's Office (WA) Inc
Geraldton Resource Centre
Goldfields Community Legal Centre Incorporated
Gosnells Community Legal Centre (Inc)
Kimberley Community Legal Services Inc
Lockridge Community Group
Mental Health Law Centre (WA) Inc
North Perth Migrant Resource Centre Inc
Northern Suburbs Community Legal Centre Inc
Parkway Legal Advice Centre
People With Disabilities (WA) Inc
Pilbara Community Legal Service
Rural Community Legal Service (Inc)
Southern Communities Advocacy, Legal and Education Service Inc
Sussex Street Community Law Service Inc
Tenants Advice Service (Inc)

TLC Emergency Welfare Foundation (WA) Inc (trading as Welfare Rights & Advocacy Service (WA))

Women's Legal Services Inc (WA)

Women's Refuges Multicultural Service Incorporated

Youth Legal Service (Inc)

[Schedule 2 inserted in Gazette 20 Oct 2000 p. 5905-6.]



Notes

- ¹ This reprint is a compilation as at 16 January 2004 of the *Legal Contribution Trust Regulations 1968* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Contribution Trust Regulations 1968</i> ²	27 Jun 1968 p. 1861-4	27 Jun 1968
Untitled regulations	12 Aug 1970 p. 2539	12 Aug 1970
Untitled regulations	30 Jun 1972 p. 2170	30 Jun 1972
Untitled regulations	6 Dec 1974 p. 5217	6 Dec 1974
Reprint of the <i>Contribution Trust Regulations 1968</i> authorised 5 Nov 1980 in <i>Gazette</i> 14 Nov 1980 p. 3901-4 (includes amendments listed above)		
<i>Contribution Trust Amendment Regulations 2000</i>	20 Oct 2000 p. 5904-6	23 Oct 2000 (see r. 2 and <i>Gazette</i> 20 Oct 2000 p. 5899)
Reprint 2: The <i>Legal Contribution Trust Regulations 1968</i> as at 16 Jan 2004 (includes amendments listed above)		

- ² Now known as the *Legal Contribution Trust Regulations 1968*; citation changed (see note under r. 1).