



Western Australia

# **Legal Profession Uniform Law Application Act 2022**

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# Legal Profession Uniform Law Application Act 2022

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### Defined terms





Western Australia

## **Legal Profession Uniform Law Application Act 2022**

**An Act to —**

- **apply the Legal Profession Uniform Law (with modifications) as a law of Western Australia; and**
- **provide for the tabling and disallowance of amendments made to the Legal Profession Uniform Law; and**
- **provide for local matters that are ancillary to, or affect the operation of, the Legal Profession Uniform Law as a law of Western Australia; and**
- **otherwise provide for the regulation of legal practice in Western Australia; and**
- **repeal the *Legal Profession Act 2008* and the *Law Society Public Purposes Trust Act 1985*; and**
- **make savings and transitional arrangements; and**
- **make consequential amendments to various Acts, and for related purposes.**

## **Part 1 — Preliminary**

### **1. Short title**

This is the *Legal Profession Uniform Law Application Act 2022*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) section 359(2) —
  - (i) if the *Industrial Relations Legislation Amendment Act 2021* section 69 comes into operation on or before the day fixed under paragraph (c) — on the day fixed under paragraph (c); or
  - (ii) otherwise — immediately after the *Industrial Relations Legislation Amendment Act 2021* section 69 comes into operation;
- (c) the rest of the Act — on a day fixed by proclamation.

### **3. Terms used**

- (1) In this Act —

**accountant** means a member of —

- (a) Chartered Accountants Australia and New Zealand ARBN 084 642 571; or
- (b) CPA Australia Ltd ACN 008 392 452; or
- (c) the Institute of Public Accountants Ltd ACN 004 130 643;

**amend**, in relation to a Victorian Act, includes replace a provision of the Act;

**amending Act** means a Victorian Act, other than the *Legal Profession Uniform Law Application Amendment Act 2019* (Victoria), that amends —

- (a) the *Legal Profession Uniform Law Application Act 2014* (Victoria) Schedule 1; or
- (b) the Uniform Regulations; or
- (c) the Uniform Rules;

**Board** means the Legal Practice Board established under section 30(1);

**Board member** has the meaning given in section 38;

**community representative** has the meaning given in section 62(1)(b);

**contentious business** means legal services by an Australian legal practitioner in or for the purposes of any action, suit or proceedings before a court, but does not include the administration of estates and trusts;

**costs determination** means a legal costs determination made under section 133;

**department** means the department of the Public Service principally assisting the Attorney General in the administration of this Act;

**elected Board member** has the meaning given in section 38(e);

**Guarantee Fund** means the Solicitors' Guarantee Fund established under section 194(1);

**judicial officer** means a person empowered to exercise jurisdiction in a court, whether or not the person is sitting as a court;

**law library** means the library that may be established under section 244(1);

**Law Mutual Fund** means the fund continued under section 179(1);

**Law Society** means the Law Society of Western Australia (Inc.);

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**Legal Aid Commission** means the Legal Aid Commission of Western Australia established under the *Legal Aid Commission Act 1976* section 6(1);

**Legal Contribution Trust** means the Legal Contribution Trust established under section 101(1);

**Legal Costs Committee** means the Legal Costs Committee established under section 83;

**legal member** has the meaning given in section 62(1)(a);

**Legal Profession Uniform Framework** means the uniform framework for regulation of the legal profession as described in the Intergovernmental Agreement or any uniform or national framework for regulation of the legal profession that succeeds that framework;

**Legal Profession Uniform Law (WA)** means the provisions applying in the State because of section 6;

**Legal Services and Complaints Committee** means the Legal Services and Complaints Committee established under section 57(1);

**Legal Services and Complaints Officer** means the person appointed to the office of Legal Services and Complaints Officer established under section 79(1);

**local approved form** means a form approved for the purposes of this Act under section 253(1);

**local legal practitioner** means an Australian legal practitioner whose home jurisdiction is this State;

**non-contentious business** means legal services other than contentious business;

**old Act** means the *Legal Profession Act 2008* —

- (a) as in force immediately before the day on which section 260(a) comes into operation; and
- (b) repealed under section 260(a);

**PII management committee** means the PII management committee that may be established under section 184;



**PII scheme** means a PII scheme approved under the local regulations made under section 162;

**Principal Registrar** has the meaning given in the *Supreme Court Act 1935* section 4(1);

**registered company auditor** has the meaning given in the Corporations Act section 9;

**statutory body** means a body established or continued under a written law for a public purpose;

**trust account arrangement** has the meaning given in section 200(1);

**Trust Interest Account** means the account referred to in section 201(2);

**Uniform Regulations** means —

- (a) the Legal Profession Uniform Regulations as in force under the *Legal Profession Uniform Law Application Act 2014* (Victoria) Schedule 1 Part 9.1 immediately before the day on which this definition comes into operation (as amended or repealed by regulations to which paragraph (b), or an Act to which paragraph (c), applies); and
- (b) the Legal Profession Uniform Regulations made under the *Legal Profession Uniform Law (WA)* Part 9.1 on and after the day on which this definition comes into operation; and
- (c) the Legal Profession Uniform Regulations made by a provision of an amending Act;

**Uniform Rules** means —

- (a) the Legal Profession Uniform Rules as in force under the *Legal Profession Uniform Law Application Act 2014* (Victoria) Schedule 1 Part 9.2 immediately before the day on which this definition comes into operation (as amended or repealed by rules to which paragraph (b), or an Act to which paragraph (c), applies); and

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- (b) the Legal Profession Uniform Rules made under the *Legal Profession Uniform Law (WA)* Part 9.2 on and after the day on which this definition comes into operation; and
- (c) the Legal Profession Uniform Rules made by a provision of an amending Act;

**Uniform Rules (WA)** means the *Legal Profession Uniform Rules (WA)* applying as subsidiary legislation of the State under section 14(2);

**Western Australian Bar Association** means the Western Australian Bar Association (Inc.).

- (2) Terms used in this Act and also in the *Legal Profession Uniform Law (WA)* have the same meanings in this Act as they have in the Law unless the contrary intention appears.

**4. Act binds Crown**

This Act binds the Crown in right of Western Australia and, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

**5. Application of *Interpretation Act 1984* to Act and Uniform Law**

The *Interpretation Act 1984* —

- (a) applies to this Act; but
- (b) does not apply to the *Legal Profession Uniform Law (WA)*.

Note for this paragraph:

See the *Legal Profession Uniform Law (WA)* section 7.

*[Parts 2-17 have not come into operation.]*

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## Notes

This is a compilation of the *Legal Profession Uniform Law Application Act 2022*. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Legal Profession Uniform Law Application Act 2022</i> Pt. 1	9 of 2022	14 Apr 2022	14 Apr 2022 (see s. 2(a))

### Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>Legal Profession Uniform Law Application Act 2022</i> Pt. 2-17	9 of 2022	14 Apr 2022	s. 359(2): commencement dependent on the day the <i>Industrial Relations Legislation Amendment Act 2021</i> s. 69 comes into operation (see s. 2(b)); Act other than Pt. 1 and s. 359(2): to be proclaimed (see s. 2(c))
<i>Legal Profession Uniform Law Application (Levy) Act 2022</i> s. 3 and 4	10 of 2022	14 Apr 2022	Immediately after the <i>Legal Profession Uniform Law Application Act 2022</i> s. 245 comes into operation (see s. 2(b))

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
accountant .....	3(1)
amend.....	3(1)
amending Act.....	3(1)
Board.....	3(1)
Board member.....	3(1)
community representative .....	3(1)
contentious business .....	3(1)
costs determination .....	3(1)
department .....	3(1)
elected Board member .....	3(1)
Guarantee Fund.....	3(1)
judicial officer.....	3(1)
law library .....	3(1)
Law Mutual Fund.....	3(1)
Law Society .....	3(1)
Legal Aid Commission .....	3(1)
Legal Contribution Trust.....	3(1)
Legal Costs Committee.....	3(1)
legal member.....	3(1)
Legal Profession Uniform Framework.....	3(1)
Legal Profession Uniform Law (WA).....	3(1)
Legal Services and Complaints Committee .....	3(1)
Legal Services and Complaints Officer .....	3(1)
local approved form .....	3(1)
local legal practitioner.....	3(1)
non-contentious business .....	3(1)
old Act .....	3(1)
PII management committee .....	3(1)
PII scheme .....	3(1)
Principal Registrar .....	3(1)
registered company auditor.....	3(1)
statutory body .....	3(1)
trust account arrangement .....	3(1)
Trust Interest Account.....	3(1)
Uniform Regulations.....	3(1)
Uniform Rules.....	3(1)
Uniform Rules (WA) .....	3(1)
Western Australian Bar Association .....	3(1)

