

WESTERN AUSTRALIA

ACTS AMENDMENT (LEGAL PRACTITIONERS, COSTS AND TAXATION) ACT

No. 65 of 1987

AN ACT to amend the *Legal Practitioners Act 1893*, the *Supreme Court Act 1935*, the *District Court Act 1969*, the *Local Courts Act 1904*, the *Justices Act 1902*, the *Workers' Compensation and Assistance Act 1981*, the *Commercial Arbitration Act 1985*, the *Commercial Tribunal Act 1984*, the *Finance Brokers Control Act 1975*, the *Land Valuers Licensing Act 1978*, the *Land Valuation Tribunals Act 1978*, the *Mining Act 1978*, the *Official Prosecutions (Defendants' Costs) Act 1973*, the *Real Estate and Business Agents Act 1978*, the *Settlement Agents Act 1981*, the *Financial Administration and Audit Act 1985* and the *Legal Aid Commission Act 1976* and for connected purposes.

[Assented to 1 December 1987.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Acts Amendment (Legal Practitioners, Costs and Taxation) Act 1987*.

Commencement

2. (1) Subject to subsection (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Sections 5, 7 to 20 and 22 to 45 shall come into operation on such day as is, or days as are respectively, fixed by proclamation.

PART II—*LEGAL PRACTITIONERS ACT 1893*

Principal Act

3. In this Part the *Legal Practitioners Act 1893** is referred to as the principal Act.

[*Reprinted as approved 12 January 1981 and amended by Acts Nos. 90 of 1981 and 10 of 1982.]

Section 1 amended

4. Section 1 of the principal Act is repealed and the following section is substituted—

Short title

“ 1. This Act may be cited as the *Legal Practitioners Act 1893*. ”.

Section 2 amended

5. Section 2 of the principal Act is amended by deleting “the Schedule to this Act” and substituting the following—

“ Schedule 1 ”.

Section 10 amended

6. Section 10 of the principal Act is amended—

- (a) in subsections (2), (3) (b) and (5) by deleting “the Deputy Commonwealth Crown Solicitor” wherever it occurs and substituting in each case the following—

“ a person authorized under section 55E (4) of the *Judiciary Act 1903* of the Commonwealth to act in the name of the Australian Government Solicitor ”;

- (b) in subsection (3), by deleting paragraph (a) and substituting the following paragraph—

“ (a) other than—

(i) the Crown Solicitor of the State;

(ii) a person authorized under section 55E (4) of the *Judiciary Act 1903* of the Commonwealth to act in the name of the Australian Government Solicitor; or

(iii) the Director of Legal Aid appointed under section 18 of the *Legal Aid Commission Act 1976*,

shall not have articulated to him more than 2 articulated clerks at the same time; ”;

and

- (c) by repealing subsection (3a).

Section 37 repealed and section substituted

7. Section 37 of the principal Act is repealed and the following section is substituted—

Receipt of cheques

“ 37. (1) Where a practitioner receives a cheque from a person for the use or benefit of a person other than the practitioner or the firm of practitioners of which the practitioner is a member—

- (a) the practitioner shall cause an adequate record of the receipt and disposition of the cheque to be made;

- (b) if the cheque is made payable to the practitioner or the firm, the practitioner shall not deal with the cheque unless he has a direction in writing from the person from whom the cheque is received, or from the person for whose use or benefit the cheque is received, as to how the cheque is to be dealt with;
- (c) the practitioner shall retain that record and, where applicable, that direction for at least 7 years.

(2) Subsection (1) does not apply in relation to a cheque that is paid into a trust account.

(3) Notwithstanding paragraph (b) of subsection (1), where the practitioner does not have a direction referred to in that paragraph and it is necessary to deal with the cheque without delay, the practitioner may deal with the cheque but before doing so he shall send notice in writing of his intention to deal with the cheque to the person from whom the cheque is received or to the person for whose use or benefit the cheque is received.

(4) A reference in subsection (1) to the receipt of a cheque by a practitioner includes the receipt of a cheque, in the course of legal practice, by a partner, clerk, servant or agent of the practitioner with whom he shares remuneration, other than as principal and agent.

(5) A reference in paragraph (b) of subsection (1) to a direction in writing includes a letter, authority or other writing clearly indicating the manner in which the cheque is to be dealt with. ”.

Sections 58L, 58M, 58N, 58O, 58P, 58Q, 58R, 58S, 58T, 58U, 58V, 58W, 58X, 58Y, 58Z, 58ZA, 58ZB and divisional headings inserted.

8. After the heading to Part VI of the principal Act the following divisional headings and sections are inserted—

Interpretation

58L. In Divisions 1 and 2, unless the contrary intention appears—

“chairman” means the chairman of the Committee and includes the deputy chairman;

“Committee” means the Legal Costs Committee established by section 58M;

“contentious business” means business carried out as a practitioner in or for the purposes of any action, suit or proceeding before a court, but does not include the administration of estates and trusts;

“costs” includes fees, charges and disbursements;

“court” includes tribunal, arbitrator and the like;

“determination” means a determination made by the Committee under section 58W;

“deputy chairman” means the person appointed under clause 2 of Part A of Schedule 2;

“deputy member” means a person appointed under clause 3 of Part A of Schedule 2;

“member” means the chairman and the other members of the Committee and includes a deputy member;

“non-contentious business” means any business carried out as a practitioner which is not contentious business.

Establishment of Legal Costs Committee

58M. (1) There shall be a committee, to be known as the Legal Costs Committee.

(2) The Committee shall consist of—

(a) a chairman, who shall be—

(i) a judge of the Supreme Court or the District Court;
or

(ii) a practitioner of not less than 8 years standing.

- (b) 2 members, who shall be practitioners in private practice and who shall, where a panel of names has been submitted to the Attorney General by the Law Society of Western Australia (Inc.) in accordance with section 58N, be nominated from that panel; and
- (c) 3 members who are not practitioners, at least one of whom shall be an accountant in private practice who is an associate or fellow of the Institute of Chartered Accountants or the Australian Society of Accountants,

appointed by the Governor.

(3) Part A of Schedule 2 shall have effect with respect to the constitution of the Committee.

Nominations

58N. (1) Where a nomination for appointment under section 58M (2) (b) or clause 3 of Part A of Schedule 2 is required to be made, a panel containing the names of a number of practitioners in private practice (being a number not fewer than twice the number of offices to be filled) shall be submitted by the Law Society of Western Australia (Inc.) to the Attorney General within such time, being not less than 28 days, after receiving notice from the Attorney General that such panel is required as is specified in the notice.

(2) Where the Law Society of Western Australia (Inc.) has been requested under subsection (1) to submit a panel containing the names of a number of persons to the Attorney General, the Attorney General—

- (a) shall, if such a panel is submitted to him within the time specified in the notice referred to in subsection (1), nominate for appointment to the office of member one or more, as the case requires, of the practitioners in private practice whose names appear on the panel; and
- (b) may, if default is made within that time in submitting such a panel to him, nominate for appointment to the office of member such practitioner or practitioners (as the case requires) in private practice as he thinks fit and a person appointed in accordance with this paragraph shall hold office as if he had been nominated as required by section 58M (2) (b) or clause 3 of Part A of Schedule 2, as the case may be.

Members not subject to *Public Service Act 1978*

58O. Appointment as a member does not render the *Public Service Act 1978*, or any other Act applying to persons as officers of the Public Service of the State applicable to that person or affect or prejudice the application to him of those provisions if they applied to him at the time of his appointment.

Validity of acts of Committee

58P. Subject to clause 2 of Part B of Schedule 2, an act or proceeding of the Committee shall not be invalid by reason of a defect in the appointment of a member or a vacancy in its membership.

Remuneration and allowances of members

58Q. A member shall be paid such remuneration and allowances as the Attorney General from time to time, on the recommendation of the Public Service Board, determines.

Procedure of the Committee

58R. Part B of Schedule 2 shall have effect with respect to the procedure of the Committee.

Use of staff and facilities of departments etc.

58S. The Committee may, by arrangement made between the Committee and the Minister concerned, and on such terms and conditions as may be mutually arranged with that Minister and with the Public Service Board, make use, either full time or part time, of—

- (a) the services of any officer or person employed in a department of the Government or in a State instrumentality or otherwise in the service of the Crown in right of the State; or
- (b) any facilities of a department of the Government or of a State instrumentality.

Reports by Committee

58T. The Committee may investigate and report and make recommendations to the Attorney General on any matter relating to—

- (a) bills of costs generally and, in particular, the desirability of the use of scales in the calculation and fixing of bills of costs;
- (b) the basis on which costs are or should be calculated and fixed; and
- (c) any other aspect of the remuneration of practitioners.

Funds of the Committee

58U. (1) The funds available for the purpose of enabling the Committee to perform its functions under this Act consist of—

- (a) moneys from time to time appropriated by Parliament for the purposes of this Part; and
- (b) any other moneys made available for the purposes of this Part.

(2) The funds referred to in subsection (1) shall be paid into and placed to the credit of an account at the Treasury to be called the “Legal Costs Committee Account”.

(3) The provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Committee and its operations.

Review of Committee’s role

58V. (1) The Attorney General shall carry out a review of the operations of the Committee as soon as practicable after 1 January 1992, and in the course of that review the Attorney General shall consider and have regard to—

- (a) the effectiveness of the operations of the Committee;
- (b) the need for the continuation of the functions of the Committee; and

(c) such other matters as appear to him to be relevant.

(2) The Attorney General shall prepare a report based on his review made under subsection (1) and shall, as soon as is practicable after the preparation thereof, cause the report to be laid before each House of Parliament.

Division 2—Determination of remuneration by the Committee

Determinations by the Committee

58W. (1) The Committee may make determinations regulating the remuneration of practitioners in respect of—

- (a) non-contentious business carried out by practitioners;
- (b) contentious business carried out by practitioners in or for the purposes of proceedings before—
 - (i) the Supreme Court;
 - (ii) the District Court;
 - (iii) a Local Court;
 - (iv) a court of petty sessions;
 - (v) the Worker's Compensation Board constituted under the *Workers' Compensation and Assistance Act 1981*; or
 - (vi) such other court as the Attorney General may by order under subsection (3) declare to be a court to which this section applies.

(2) A determination may be amended or revoked by a subsequent determination.

(3) For the purposes of subsection (1) (b) (vi), the Attorney General may, by order published in the *Gazette*, declare any court to be a court in respect of which the Committee may make a determination under this section and may, by subsequent order so published, vary or revoke that declaration.

(4) A provision of a determination may authorize any matter or thing to be determined, applied or regulated by a specified person or body.

Review of determinations

58X. (1) The Committee shall review each determination in force at least once in the period of 2 years after it was made and in each period of 2 years thereafter.

(2) The Attorney General may at any time request the Committee to review a determination in force and the Committee shall carry out that review as soon as practicable after being so requested.

Inquiries by Committee

58Y. (1) Before making or reviewing a determination the Committee shall—

- (a) give public notification in accordance with subsection (2) of its intention to make or review the determination;
- (b) where the determination is to be made or reviewed in respect of proceedings before a court, consult with that court; and
- (c) make such other inquiries as it considers necessary to facilitate the making or review of the determination.

(2) The intention of the Committee to make or review a determination shall be notified by the publication—

- (a) to the Law Society of Western Australia (Inc.); and
- (b) in 2 issues of a daily newspaper circulating throughout the State,

of a notice specifying the intention of the Committee to make or review the determination concerned and stating the manner in which submissions may be made and the effect of subsection (3) and the period referred to in that section.

(3) Written or oral submissions on an intended determination or review may be made by any person within a period determined by the Committee, which period shall be not less than 30 days after the day on which the notice is last published in accordance with subsection (2) (b).

(4) Subject to subsection (1), in the exercise of its functions the Committee—

- (a) may inform itself in such manner as it thinks fit;
- (b) shall take into consideration submissions received by it in relation to the remuneration of practitioners, whether or not those submissions were received in response to a notification under subsection (1);
- (c) is not required to conduct any proceedings in a formal manner; and
- (d) is not bound by the rules of evidence.

Report and publication of determinations

58ZA. (1) The Committee shall, as soon as practicable after making a determination, make a report to the Attorney General of its determination and of the reasons for its decisions in respect of the determination.

(2) The report referred to in subsection (1) shall be published in the *Gazette* as soon as practicable after the report is received by the Attorney General.

(3) A determination shall take effect on and from the date of publication of the report referred to in subsection (1) in the *Gazette* or such later date as is specified in the determination.

(4) Persons acting judicially shall take judicial notice of—

- (a) a determination made under section 58W and published in a report in the *Gazette*; and
- (b) the date of publication of the report.

Effect of determination

58ZB. (1) Subject to sections 59 and 70 (2) of this Act and section 14 of the *Legal Aid Commission Act 1976*—

- (a) the taxation of bills of costs of practitioners, as between practitioner and client or party and party; and

- (b) any other aspect of the remuneration of practitioners the subject of a determination,

shall be regulated by a determination in force under section 58W.

(2) Where a determination is in force under section 58W in respect of any business referred to in subsection (1) of that section any other subsidiary legislation fixing or purporting to regulate the remuneration of practitioners in respect of that kind of business shall be of no force or effect.

(3) Nothing in subsection (1) shall be construed as limiting any power of a court, a judicial officer or a taxing officer of a court to determine in any particular case before that court or judicial officer the amount of costs allowed.

Division 3—Entitlement to remuneration ”.

Section 64 repealed

9. Section 64 of the principal Act is repealed.

Heading to Division 4 inserted

10. Before section 65 of the principal Act the following heading is inserted—

“ *Division 4—Taxation and recovery of costs* ”.

Section 65 repealed and a section substituted

11. Section 65 of the principal Act is repealed and the following section is substituted—

Signed bill of costs to be served before suit

“ 65. (1) No practitioner shall sue for the recovery of any services, fee, charges or disbursements until a bill for the same, being either a bill containing detailed items or for a lump sum, signed by that practitioner, has been served upon the party charged therewith.

(2) At any time within 30 days from the service of a lump sum bill referred to in subsection (1) the party charged may require the practitioner to serve upon him in lieu of the lump sum bill a bill containing detailed items, and upon that requirement being made

the lump sum bill shall be of no effect except that proceedings for recovery already instituted in accordance with subsection (1) may be continued unless stayed by the court in which those proceedings were instituted or under section 66A.

(3) A practitioner shall include in each bill of costs—

(a) where the bill of costs is for a lump sum, a notice to the effect that, under this Act, the person charged may—

(i) within 30 days of receiving the bill require the practitioner to provide him with an itemized bill of costs; and

(ii) within 30 days of receiving the itemized bill, give the practitioner written notice of his intention to have the itemized bill of costs taxed in the Supreme Court;

and

(b) where the bill of costs contains detailed items, a notice to the effect that, within 30 days of receiving the bill, the person charged may give the practitioner written notice of his intention to have the bill of costs taxed in the Supreme Court.

(4) Nothing in section 59 affects the operation of this section. ”.

Section 66 repealed and sections 66, 66A and 66B substituted

12. Section 66 of the principal Act is repealed and the following sections are substituted—

Party charged may give notice of intention to tax

“ 66. (1) Any person charged with an itemized bill of costs may have the same taxed by the taxing officer of the Supreme Court, upon first serving upon the practitioner, within 30 days from the service of such itemized bill, a written notice of his intention to have the same taxed.

(2) Any person who, under section 65, has requested a practitioner to serve upon him an itemized bill of costs in lieu of a lump sum bill may, if the itemized bill is not served upon that

person within 30 days from the service of the request upon the practitioner, have the lump sum bill taxed by the taxing officer of the Supreme Court by lodging the same with the taxing officer.

Written agreement under section 59

66A. (1) When taxing an itemized bill of costs the taxing officer of the Supreme Court shall give effect to any written agreement made under section 59 as to the costs specified in the bill.

(2) The taxing officer, at the request of the party charged with a bill of costs, may refer any written agreement made under section 59 as to the costs specified in the bill to the Supreme Court or a Judge of the Court for review of the agreement under section 59.

Stay of recovery proceedings

66B. Where under section 66 a bill of costs is to be taxed, the taxing officer of the Supreme Court may order that any proceedings for the recovery of the costs be stayed until such time as the taxing officer may direct and the order shall have effect accordingly. ”.

Section 67 amended

13. Section 67 of the principal Act is amended by deleting “notice aforesaid” and substituting the following—

“ notice referred to in section 66 (1) ”.

Section 68 repealed and a section substituted

14. Section 68 of the principal Act is repealed and the following section is substituted—

Time and place of taxation

“ 68. (1) Upon the bill of costs being lodged in accordance with section 66 (2) or 67, the taxing officer shall—

(a) appoint a date, time and place for the taxation of the bill of costs; and

- (b) give at least 7 days' notice of the appointment to both parties.

(2) The taxing officer may refer the bill of costs to an officer of the court or tribunal in which the costs were incurred for a report as to the bill.

(3) The taxing officer may, in his discretion, have regard to a report referred to in subsection (2) when taxing a bill of costs.

(4) The reference under subsection (2) of a bill of costs to an officer of a court or tribunal does not confer on that officer or that court or tribunal any jurisdiction in relation to that bill of costs. ”.

Section 68A amended

15. Section 68A of the principal Act is amended—

- (a) by deleting “For the purposes of sections sixty-five to sixty-eight, inclusive, of this Act” and substituting the following—

“ For the purposes of this Division ”;

- (b) in paragraph (d), by deleting “served.” and substituting the following—

“ served; ”; and

- (c) by inserting after paragraph (d) the following paragraph—

“ (e) where a practitioner performs services by way of legal assistance under Division 3 of Part V of the *Legal Aid Commission Act 1976*, a reference to the person or party charged includes a reference to the Legal Aid Commission established under section 6 of that Act. ”.

Section 70 amended

16. Section 70 of the principal Act is amended—

- (a) by inserting after the section designation “70.” the subsection designation “(1)”; and

(b) by inserting the following subsection—

“ (2) Where a taxing officer taxes a bill of costs with which the Legal Aid Commission is charged for services by way of legal assistance under Division 3 of Part V of the *Legal Aid Commission Act 1976*—

(a) the taxing officer shall give effect to section 14 (1) of that Act, other than the requirement under paragraph (a) (ii) of that section that fees be approved, in determining the amount at which he allows the bill of costs; and

(b) the amount certified by the taxing officer, or any order made in respect thereof under section 71, shall be binding and conclusive on the Legal Aid Commission and the practitioner notwithstanding the provisions of the *Legal Aid Commission Act 1976*. ”.

Heading to Division 5 inserted

17. Before section 73 of the principal Act the following heading is inserted—

“ *Division 5—General* ”.

Section 81 amended

18. Section 81 of the principal Act is amended by deleting “Every person” and substituting the following—

“ Without limiting the operation of Part IV, every person ”.

Heading to Schedule substituted

19. The Schedule to the principal Act is amended by deleting the heading “THE SCHEDULE REFERRED TO.” and substituting the following heading—

“ SCHEDULE 1 ”.

Schedule 2 added

20. After the Schedule to the principal Act the following Schedule is added—

“

SCHEDULE 2 [Sections 58M and 58R]**PART A***Provisions as to constitution of Committee***Term of office**

1. (1) Subject to clause 4, a member shall hold office for such term not exceeding 3 years as is specified in his instrument of appointment, but he may from time to time be re-appointed.

(2) A person appointed under clause 2 or 3 shall hold office for such term as is specified in his instrument of appointment, but he may from time to time be re-appointed.

Deputy chairman

2. (1) The Governor may appoint as deputy chairman a person qualified for appointment as chairman under section 58M (2) (a).

(2) The deputy chairman shall act as chairman during the illness or absence of the chairman and while so acting shall have, and may perform, the functions of the chairman.

Deputy members

3. (1) The Governor may appoint a person having a like qualification or being nominated in the same manner as the member for whom he is a deputy to act in the place of a member of the Committee and may terminate such an appointment at any time.

(2) A person appointed under subclause (1) is, during the illness or absence of the member for whom he is the deputy, entitled to act as a member in place of that member and, when so acting as a member, has and may perform the functions of that member.

Removal and resignation

4. (1) The Governor may remove a member from office—

(a) if he is an insolvent under administration within the meaning of the *Companies (Western Australia) Code*; or

- (b) on the grounds of neglect of duty, misconduct, incompetence or mental or physical incapacity impairing the performance of his functions and proved to the satisfaction of the Governor.

(2) A member may resign his office by notice in writing delivered to the Governor.

Leave of absence

5. The Attorney General may grant leave of absence to a member on such terms and conditions as he thinks fit.

Saving

6. No act or omission of a person acting in the place of another under clause 2 or 3 shall be questioned on the ground that the occasion for his acting had not arisen or had ceased.

PART B

Provision as to the procedure of the Committee

Meetings of the Committee

1. (1) The first meeting of the Committee shall be convened by the chairman and thereafter meetings of the Committee shall be held at such times and places as the Committee determines.

(2) The chairman shall preside at all meetings of the Committee at which he is present.

(3) If the chairman is absent from a meeting the members present shall appoint one of their number to preside.

(4) The Committee shall cause accurate minutes to be kept of the proceedings at its meetings.

(5) At any meeting of the Committee—

- (a) each Committee member present is entitled to a deliberative vote;
- (b) if the votes cast on a question are equally divided, the chairman shall have a casting vote; and
- (c) if the votes cast on a question at a meeting from which the chairman is absent are equally divided, the question shall remain unresolved until the next meeting at which the chairman is present.

Quorum

2. At any meeting of the Committee 4 members, of whom 2 are practitioners and 2 are members appointed pursuant to section 58M(2)(c), constitute a quorum.

Committee to determine procedures

3. Subject to this Act, the Committee shall determine its own procedures. ”.

Validation

21. Where after 31 December 1983 the Director of Legal Aid appointed under section 18 of the *Legal Aid Commission Act 1976* has had articulated to him more than 2 articulated clerks in contravention of section 10 (3) (a) as read with section 10 (3a) of the principal Act as in force before the coming into operation of section 6 of this Act—

(a) those articles of clerkship; and

(b) the admission as a practitioner under section 15 (2) (a) of a person who has served those articles of clerkship,

shall not be invalid by reason only of that contravention.

PART III—SUPREME COURT ACT 1935**Section 167 amended**

22. Section 167 of the *Supreme Court Act 1935** is amended in paragraph (d) of subsection (1) by inserting after “proceedings” the following—

“ fixed by determinations under section 58W of the *Legal Practitioners Act 1893* ”.

[*Reprinted as at 25 July 1986 and amended by Acts Nos. 22 and 50 of 1986.]

PART IV—DISTRICT COURT OF WESTERN AUSTRALIA ACT 1969**Principal Act**

23. In this Part the *District Court of Western Australia Act 1969** is referred to as the principal Act.

[*Reprinted as at 12 February 1987.]

Section 64 amended

24. Section 64 of the principal Act is amended in subsection (1)—

- (a) by deleting “and until Rules of Court are made with respect thereof,”; and
- (b) by deleting “the appropriate scale of costs for the time being in force in the Supreme Court” and substituting the following—

“ a determination in force under section 58W of the *Legal Practitioners Act 1893* ”.

Section 66 amended

25. Section 66 of the principal Act is amended—

- (a) by deleting “Until Rules of Court are made in respect thereof, the” and substituting the following—

“ The ”; and

- (b) by inserting after “other proceeding” the following—

“ shall be according to a determination in force under section 58W of the *Legal Practitioners Act 1893* ”.

Section 88 amended

26. Section 88 of the principal Act is amended in paragraph (b) of subsection (2) by inserting after “Court” the following—

“ fixed by determinations under section 58W of the *Legal Practitioners Act 1893* ”.

PART V—LOCAL COURTS ACT 1904

Principal Act

27. In this Part the *Local Courts Act 1904** is referred to as the principal Act.

[*Reprinted as approved 11 April 1984 and amended by Acts Nos. 69 of 1984, 13 of 1985 and 71 of 1986.]

Section 83 amended

28. Section 83 of the principal Act is amended by deleting “according to the scale prescribed by the rules of court” and substituting the following—

“ fixed by determinations under section 58W of the *Legal Practitioners Act 1893* ”.

Section 87 amended

29. Section 87 of the principal Act is amended in the fourth paragraph by deleting “scale prescribed in” and substituting the following—

“ costs fixed by determinations under section 58W of the *Legal Practitioners Act 1893* in respect of ”.

Section 158 amended

30. Section 158 of the principal Act is amended in subsection (1) by deleting paragraph (b).

PART VI—*JUSTICES ACT 1902*

Section 220 amended

31. Section 220 of the *Justices Act 1902** is amended in subsection (1) by deleting “and the costs to be allowed”.

[*Reprinted as approved 9 November 1984 and amended by Acts Nos. 69 of 1984, 15 and 119 of 1985 and 71 of 1986.]

PART VII—*WORKERS' COMPENSATION AND ASSISTANCE ACT 1981*

Principal Act

32. In this Part the *Workers' Compensation and Assistance Act 1981** is referred to as the principal Act.

[*Reprinted as at 6 February 1987.]

Section 129 amended

33. Section 129 of the principal Act is amended—

- (a) in subsection (3) by deleting “costs,”; and
- (b) by inserting after subsection (3) the following subsection—

“ (3a) Costs shall not be allowed unless they are in accordance with a determination in force under section 58W of the *Legal Practitioners Act 1893*. ”.

Section 176 amended

34. Section 176 of the principal Act is amended in subsection (1)—

- (a) in paragraph (b), by deleting “costs and”; and
- (b) by inserting after paragraph (b) the following paragraph—

“ (ba) regulating matters relating to the costs of any action or proceeding before the Board fixed by determination under section 58W of the *Legal Practitioners Act 1893*; ”.

PART VIII—*COMMERCIAL ARBITRATION ACT 1985*

Section 61 amended

35. Section 61 of the *Commercial Arbitration Act 1985** is amended in paragraph (a) of subsection (1) by deleting “the costs of such applications” and substituting the following—

“ matters relating to the costs of such applications fixed by determination under section 58W of the *Legal Practitioners Act 1893* ”.

PART IX—*COMMERCIAL TRIBUNAL ACT 1984*

Section 25 amended

36. Section 25 of the *Commercial Tribunal Act 1984** is amended in subsection (2)—

(a) in paragraph (f), by deleting “fees;” and substituting the following—

“ fees. ”; and

(b) by deleting paragraph (g).

[*Act No. 103 of 1984.]

PART X—*FINANCE BROKERS CONTROL ACT 1975*

Section 95 amended

37. Section 95 of the *Finance Brokers Control Act 1975** is amended in subsection (2) by deleting paragraph (f).

[*Reprinted as at 2 April 1986.]

PART XI—*LAND VALUERS LICENSING ACT 1978*

Section 36 amended

38. Section 36 of the *Land Valuers Licensing Act 1978** is amended in subsection (2) by deleting paragraph (f).

[*Act No. 55 of 1978 as amended by Act No. 15 of 1984.]

PART XII—*LAND VALUATION TRIBUNALS ACT 1978*

Section 36 amended

39. Section 36 of the *Land Valuation Tribunals Act 1978** is amended in subsection (2) by deleting paragraph (c).

[*Act No. 75 of 1978.]

PART XIII—MINING ACT 1978

Section 162 amended

40. Section 162 of the *Mining Act 1978** is amended in paragraph (r) of subsection (2) by inserting after “therein” the following—

“ fixed by determinations under section 58W of the *Legal Practitioners Act 1893* ”.

[*Reprinted as approved 11 December 1981 and amended by Acts Nos. 10 and 122 of 1982, 52 of 1983, 100 of 1985 and 1, 77 and 105 of 1986.]

PART XIV—OFFICIAL PROSECUTIONS (DEFENDANTS' COSTS) ACT 1973

Section 10 repealed

41. Section 10 of the *Official Prosecutions (Defendants' Costs) Act 1973** is repealed.

[*Reprinted as approved 23 May 1983.]

PART XV—REAL ESTATE AND BUSINESS AGENTS ACT 1978

Section 145 amended

42. Section 145 of the *Real Estate and Business Agents Act 1978** is amended in subsection (2) by deleting paragraph (k).

[*Reprinted as at 7 November 1985 and amended by Acts Nos. 98 of 1985 and 51 of 1986.]

PART XVI—SETTLEMENT AGENTS ACT 1981

Section 123 amended

43. Section 123 of the *Settlement Agents Act 1981** is amended in subsection (2) by deleting paragraph (k).

[*Act No. 33 of 1981 as amended by Acts Nos. 10 and 64 of 1982, 98 of 1985 and 51 of 1986.]

1987]

*Acts Amendment (Legal Practitioners, Costs and
Taxation) Act*

[No. 65

PART XVII—*FINANCIAL ADMINISTRATION AND AUDIT ACT 1985*

Schedule 1 amended

44. Schedule 1 to the *Financial Administration and Audit Act 1985** is amended by inserting after “Legal Contribution Trust” the following—

“ Legal Costs Committee ”.

[*Reprinted as at 4 March 1987.]

PART XVIII—*LEGAL AID COMMISSION ACT 1976*

Section 14 amended

45. Section 14 of the *Legal Aid Commission Act 1976** is amended in subsection (1) by inserting after “49” the following—

“ and to Division 4 of Part VI of the *Legal Practitioners Act 1893* ”.

[*Reprinted as approved 2 March 1983 and amended by Acts Nos. 48 of 1984, 98 of 1985 and 90 of 1986.]
