

LEGAL PRACTITIONERS.

No. 36 of 1971.

AN ACT to amend the Legal Practitioners Act, 1893-1970.

[Assented to 10th December, 1971.]

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:—

1. (1) This Act may be cited as the *Legal Practitioners Act Amendment Act, 1971*.

Short title
and citation.

(2) In this Act the Legal Practitioners Act, 1893-1970, is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Legal Practitioners Act, 1893-1971.

Amended by
Acts Nos.
59 of 1969
and 92 of
1970.

Section 1
amended.

2. Section 1 of the principal Act is amended by substituting for the passage "34-41.", in line ten, the passage "34-42A."

Section 6
amended.

3. Subsection (1) of section 6 of the principal Act is amended by deleting subparagraph (i) of paragraph (h).

Section 13
amended.

4. Section 13 of the principal Act is amended—

- (a) by adding after the section number "13." the subsection designation "(1)";
- (b) by deleting the passage commencing with the word "Such", in line eight, and ending with the word "Board", in line eighteen;
- (c) by adding after subsection (1) three new subsections as follows—

(2) Subject to the provisions of subsection (3) of this section the written consent of a practitioner shall not be given to an articulated clerk unless the hours of such other office or employment are outside the hours of between nine o'clock in the morning and five o'clock in the afternoon on those week days (excluding Saturdays, Sundays and public holidays) when the offices of legal practitioners are normally open to the public.

(3) Where, in the opinion of the Board, there are special circumstances and the written consent of the practitioner is obtained, the Board may determine that the provisions of subsection (2) of this section shall not apply in relation to an articulated clerk, and any such determination may be made conditional upon such requirements as the Board thinks fit which may include a requirement that the period of service under articles of clerkship is extended.

(4) Where a practitioner refuses to give his consent the articulated clerk has the right of appeal to the Board.

5. Subsection (1) of section 38 of the principal Act is amended by substituting for the passage beginning with the word "at", in line four, and ending with the passage "Companies Act, 1961", in lines seven and eight, the passage "appoint and authorise an accountant who is a registered company auditor within the meaning ascribed to that expression by the Companies Act, 1961, or who is a person approved by the Minister under the provisions of section fourteen G of the Land Agents Act, 1921."

Section 38
amended.

6. The principal Act is amended by adding after section 42 a new section as follows—

Section 42A
added.

42A. Every practitioner who is required to maintain a trust account shall when applying for the annual practice certificate deliver to the Board from an accountant who is a registered company auditor within the meaning ascribed to that expression by the Companies Act, 1961, or who is a person approved by the Minister under the provisions of section fourteen G of the Land Agents Act, 1921, a certificate to the effect that the practitioner's books of account relating to his trust account have been kept in accordance with the rules, if any, relating to the keeping of trust accounts and that the practitioner has deposited to the credit of the Trust established under the provisions of the Legal Contribution Trust Act, 1967, such moneys as are required to be deposited under that Act.

Accountant's
certificate.
