

## LEGAL PRACTITIONERS.

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No. 59 of 1969.

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**AN ACT to amend the Legal Practitioners Act,  
1893-1967.**

[Assented to 29th September, 1969.]

**B**E 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:—

Short title  
and citation.

1. (1) This Act may be cited as the *Legal Practitioners Act Amendment Act, 1969.*

Reprinted as  
approved for  
reprint 22nd  
November,  
1968.

(2) In this Act the Legal Practitioners Act, 1893-1967 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Legal Practitioners Act, 1893-1969.

2. Section 3 of the principal Act is amended by adding after the word “practitioners”, being the last word in the interpretation “practitioner”, the passage “and for the purposes of Part IV and Part VA of this Act the expression includes a person who has been a practitioner”.

Amendment  
to s. 3.

3. The principal Act is amended by adding after Part V a part as follows:—

Part VA  
added.

PART VA—CONTROL OF CERTAIN PRACTITIONERS.

58A. In this Part unless the contrary intention appears—

Interpreta-  
tion.

“practice” means the practice of a practitioner in respect of whose bank account or accounts an order, other than an order for revocation, has been made under section fifty-eight B or fifty-eight C;

“section” means a section of this Act;

“supervising solicitor” means a certificated practitioner appointed under section fifty-eight D to conduct a practice; and

“the Trust” means the Legal Contribution Trust established under the Legal Contribution Trust Act, 1967.

58B. (1) Where a Judge, on the application of the Board, is satisfied that there are reasonable grounds for believing—

Restraint  
on bank  
accounts.

- (a) that there is a deficiency in any trust account of a practitioner; or
- (b) that there has been undue delay on the part of a practitioner in properly paying or applying trust moneys to or

on behalf of a person or persons for whose use or benefit they have been received,

the Judge may make an order directed to the practitioner and his bankers and their respective servants and agents restraining dealings in all or any of the bank accounts of the practitioner, subject to such terms and conditions as the Judge thinks fit.

(2) A Judge may, on the application of the Board, the practitioner, or any person interested, by further order revoke or vary an order made under subsection (1) of this section.

(3) If an order, other than an order for revocation, is made under subsection (1) or (2) of this section, the practitioner and his bankers and their respective servants and agents shall give effect to the order according to its tenor.

Control of  
trust moneys  
by Trust.

58C. (1) Where a Judge is satisfied, on the application of the Board, that there is a deficiency in any trust account of a practitioner, the Judge may order that the Trust—

- (a) take possession of the moneys constituting the balance of the account and amalgamate them with moneys deposited by the practitioner to the credit of the Trust under section eleven of the Legal Contribution Trust Act, 1967;
- (b) deposit the amalgamated moneys in a separate account in the name of the Trust; and
- (c) deal with those moneys according to law.

(2) If an order is made under subsection (1) of this section the practitioner and his bankers and their respective servants and agents shall permit the Trust to give effect to the order according to its tenor.

58D. If an order other than an order for revocation is made under section fifty-eight B or fifty-eight C, the Board, during the currency of the order—

Special powers of Board.

- (a) may, on such terms and conditions as to remuneration and indemnity as the Board thinks fit, appoint a certificated practitioner to be supervising solicitor of the practice;
- (b) may authorise the Trust to advance money, out of the Solicitors' Guarantee Fund established by section sixteen of the Legal Contribution Trust Act, 1967, to the supervising solicitor for the purpose of carrying on the practice and to the practitioner for his sustenance; and
- (c) may determine what, if any, proportion of any profit costs recovered on account of the practitioner shall be paid to him and what proportion shall be paid to the Trust towards the expenses and remuneration of the supervising solicitor and for re-imburement of advances made out of the Solicitors' Guarantee Fund.

58E. The supervising solicitor shall conduct the practice for the purpose of concluding or disposing of matters commenced but not concluded on behalf of clients of the practice and, where necessary, for the purpose of disposing of, or dealing with, documents relevant to those matters.

Duties of supervising solicitor.

58F. If an order is made under section fifty-eight C—

Payment of moneys out of separate account.

- (a) the Trust may, on the certificate of the supervising solicitor, pay to him or as he directs in the certificate, out of the moneys deposited in the separate

account under the order, such amount or amounts as are specified in the certificate, without enquiring as to, or being liable in respect of, the correctness of the certificate or the application of any money paid on the certificate; and

- (b) a Judge may, on the application of the Board, the Trust, or any person interested, give such directions as he thinks fit for the payment by the Trust of any part of the moneys deposited in the separate account under the order. .