



Government Gazette

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[1968

LEGAL CONTRIBUTION TRUST ACT, 1967.

Crown Law Department,
Perth, 25th June, 1968.

HIS Excellency the Lieutenant Governor in Executive Council, acting pursuant to the powers conferred by the Legal Contribution Trust Act, 1967, has been pleased to make the regulations set out in the Schedule hereunder.

W. J. ROBINSON,
Under Secretary for Law.

Schedule.

Regulations.

1. These regulations may be cited as the Contribution Trust Regulations, 1968. Citation.
2. In these regulations, unless a contrary intention appears,— Interpretation.
 "Act" means the Legal Contribution Trust Act, 1967;
 "Form" means a form in the Schedule to these regulations.
3. 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 multiple of one hundred dollars that is less than fifty per centum of that lowest balance or of that lowest sum. Prescribed percentage.
4. 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. Practitioners may select any factual balance or sum of balances.

- Deposits to the credit of the Trust.
5. 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,—
- (a) 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 one hundred dollars, as will satisfy the provisions of that section; and
 - (b) forthwith after complying with the provisions of paragraph (a) of this regulation, complete and forward to the Trust a certificate in accordance with Form 1.
- Certificates by practitioners not required to make deposits.
6. A practitioner who, being the holder of a current practice certificate,—
- (a) is excused by the provisions of section 11 of the Act from the requirement of depositing moneys to the credit of the Trust;
 - (b) is a member of a firm that is required to give a certificate pursuant to paragraph (b) of regulation 5 of these regulations and is not the signatory to the firm's certificate; or
 - (c) does not maintain a trust account,
- shall, within fourteen days after the conclusion of the financial year during which the provisions of any of paragraph (a), (b) or (c) of this regulation applied to him, complete and forward to the Trust a certificate in accordance with Form 1.
- Procedure to be followed by branches of banks.
7. Every bank shall cause each of its branches to which a deposit is, or deposits are, made by a practitioner, pursuant to regulation 5 of these regulations, 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.
- Withdrawals against letters of credit to be notified.
8. Where a practitioner makes a withdrawal against a letter of credit issued pursuant to regulation 7 of these regulations he shall forthwith thereafter send to the Trust notice in writing of that event, advising the date thereof and of the amount so withdrawn.
- Occasions of application of moneys in Trust Interest Account.
9. 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.
- Claims against Guarantee Fund.
10. (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) of this regulation or until such time as the claimant has afforded such further information as the Trust may require.
- Payment of claims.
11. 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.
- Notices calling for claims.
12. 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.
- Offences.
13. 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: One hundred dollars.

Schedule.

FORMS.

Form 1. Regs. 5 and 6.

Western Australia.

Legal Contribution Trust Act, 1967.

Contribution Trust Regulations, 1968.

CERTIFICATE.

1,⁽¹⁾..... of⁽²⁾.....
in the State of Western Australia Legal Practitioner being⁽³⁾
.....

HEREBY CERTIFY that—

*On the..... day of....., 19.....
I caused the amount of \$..... to be deposited
to the credit of the Legal Contribution Trust with the ⁽⁴⁾.....
..... Such amount being in respect of a balance
(or a sum of the balances) of \$..... of the trust
account(s) maintained by⁽⁵⁾.....

or

*I am excused by the provisions of section 11 of the above Act
from the requirement of depositing moneys to the credit of the
Legal Contribution Trust.

or

* I am a member of the firm of
of..... in the State of
Western Australia that is obliged by the provisions of section 11
of the above Act to deposit moneys to the credit of the Legal Con-
tribution Trust and do not, personally, maintain a trust account.

or

* I do not maintain a trust account, personally, in partnership
with any other practitioner or at all.

Dated at this day of 19

.....
(Signature.)

*Delete such paragraphs as are inapplicable. (1) Full name. (2) Residential address. (3) Insert "in practice on my own account" or "a member of the firm of (name)", as the case requires. (4) Registered name of bank. (5) Insert "me" or "the said firm", as the case requires.

Reg. 10.

Form 2.

Western Australia.
Legal Contribution Trust Act, 1967.
Contribution Trust Regulations, 1968.

STATUTORY DECLARATION.

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

1. On or about the 19 , the amount of
dollars cents (\$) was en-
trusted to ⁽³⁾ of ⁽⁴⁾
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.

5. I verily believe I am entitled to claim the said amount of
\$ from the Solicitors' Guarantee Fund estab-
lished under the Legal Contribution Trust Act, 1967.

And I make this solemn declaration by virtue of section one
hundred and six of the Evidence Act, 1906.

DECLARED at this day of ⁽⁹⁾
19 , before me.

J.P. (or as the case may be). ⁽¹⁰⁾

*Delete whichever is inapplicable. (1) Full name. (2) Full residential address. (3) Insert name of practitioner or firm of practitioners. (4) Address of practitioner or firm. (5) Insert "me this declarant" or the name of the person or company by whom the payment was made. (6) Insert here the purpose for which the moneys were paid to the practitioner(s). (7) Insert "practitioner" or "firm" as the case requires. (8) Insert here the dates on which application(s) was (were) made for payment or account. (9) Signature of declarant. (10) Signature of person before whom declaration is made (see: Declarations and Attestations Act, 1913, as amended by Acts Nos. 22 of 1953 and 11 of 1962).

Reg. 12.

Form 3.

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.