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LEGAL PROFESSION ACT 2008

**LEGAL PROFESSION
(LAW LIBRARY)
REGULATIONS 2016**

Western Australia

Legal Profession (Law Library) Regulations 2016

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Legal Profession Act 2008

Legal Profession (Law Library) Regulations 2016

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Legal Profession (Law Library) Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Terms used

In these regulations —

Board includes a body carrying out the functions of the Board on the Board's behalf;

book includes a document, film, tape, recording, disk or other thing forming part of the contents of the library;

committee means the committee established under regulation 7;

Director General means the chief executive officer;

librarian means the person employed or appointed to manage the library, or anyone acting in that position, and in regulations 11 and 12 includes any staff under the librarian's supervision;

Legal Profession (Law Library) Regulations 2016**Part 1** Preliminary**r. 3**

library means the law library established under section 596A of the Act;

rules means the rules referred to in regulation 14(1);

superior court of record means the Supreme Court, the District Court, the Family Court of Western Australia or the Children's Court when constituted so as to consist of or include a judge;

year means financial year.

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Board contribution

Part 2

r. 4**Part 2 — Board contribution****4. Amount of Board's contribution**

An amount of \$600 000 must be paid by the Board to the State each year under section 548A(2) of the Act as a contribution towards the cost of providing and maintaining the library.

5. Manner of payment of Board's contribution — 2016/2017 year

- (1) On or before 1 August 2016, the Board must pay 50% of the amount set out in regulation 4, as the first payment for the year commencing on 1 July 2016.
- (2) On or before 30 January 2017, the Board must pay the remaining 50% of the amount set out in regulation 4, as the second payment for the 2016/2017 year.

6. Manner of payment of Board's contribution — subsequent years

- (1) On or before 1 July of each year after the 2016/2017 year, the Board must pay 50% of the amount set out in regulation 4, as the first payment for the year commencing on that 1 July.
- (2) On or before 30 January of each year after the 2016/2017 year, the Board must pay the remaining 50% of the amount set out in regulation 4, as the second payment for that year.

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Part 3 — Administration of the library**7. Committee established**

- (1) The Director General is to set up a committee to advise on the management of the library.
- (2) The committee is to comprise —
 - (a) 2 Judges of a superior court of record (one of whom will be chairperson);
 - (b) one person nominated by the Law Society;
 - (c) one person nominated by the Western Australian Bar Association;
 - (d) one person nominated by the Board;
 - (e) 2 persons nominated by the Director General.
- (3) The committee is to advise the Director General in relation to the administration of the library generally and in particular, in relation to —
 - (a) a matter requiring the committee's advice under these regulations; and
 - (b) the hours during which the library is to open; and
 - (c) any service provided by the library; and
 - (d) the amount of any fee charged by the library for any service.
- (4) A decision by the committee requires a simple majority.

8. People entitled to use library

- (1) In addition to the judiciary and local lawyers, the following people may use the library —
 - (a) members and officers of State or Commonwealth courts, tribunals, boards or similar bodies;

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Administration of the library **Part 3**

r. 9

- (b) articulated clerks and other persons undertaking approved practical legal training requirements (within the meaning given in section 21 of the Act);
 - (c) members of Parliament;
 - (d) members of a department of the staff of Parliament referred to in the *Parliamentary and Electorate Staff (Employment) Act 1992*;
 - (e) members of the Police Force;
 - (f) holders of an office, post or position established under an Act;
 - (g) public service officers and employees within the meaning given in the *Public Sector Management Act 1994*;
 - (h) local legal practitioners;
 - (i) employees of persons referred to in any of paragraphs (a) to (h) acting in the course of their employment;
 - (j) officers and employees of the Board.
- (2) The following people may use the library subject to any restrictions, including payment of a fee —
- (a) interstate legal practitioners;
 - (b) Australian-registered foreign lawyers who do not hold a local registration certificate issued by the Board;
 - (c) employees of persons referred to in paragraph (a) or (b) acting in the course of their employment.

9. Librarian may suspend or restrict entitlement to use library

- (1) If it appears to the librarian that there are sufficient grounds for doing so, the librarian may summarily suspend, or impose restrictions on, a person's entitlement to use the library for such period as the librarian thinks fit.

Legal Profession (Law Library) Regulations 2016**Part 3** Administration of the library**r. 10**

- (2) The librarian may revoke or alter the terms of a suspension or restriction.
- (3) The librarian must notify the committee, within one business day, of any suspension or restriction imposed by the librarian and the revocation or any alteration of it.
- (4) The committee may confirm, revoke, or alter the terms of, a suspension or restriction imposed by the librarian.
- (5) Whether or not the committee has acted under subregulation (4), the Director General, after considering any advice from the committee, may confirm, revoke, or alter the terms of, a suspension or restriction imposed by the librarian.

10. Suspension or restricted entitlement to use library

- (1) If it appears to the committee that there are sufficient grounds for doing so, the Director General, after considering any advice from the committee, may suspend, or impose restrictions on, a person's entitlement to use the library.
- (2) The Director General, after considering any advice from the committee, may revoke or alter the terms of a suspension or restriction.

11. Use of library and books

- (1) If required by the librarian to do so, a person must register with the librarian before using the library or any books.
- (2) A person entitled to use the library may do so —
 - (a) during the library's opening hours; or
 - (b) at other times by arrangement with the librarian.
- (3) A person in the library or using a book must comply with any reasonable direction given by the librarian.

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Administration of the library **Part 3**

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12. Borrowing books

- (1) Unless the librarian specifically forbids it in a particular case, the following persons may remove a book from the library for a period not exceeding a week —
 - (a) the judiciary;
 - (b) the Public Trustee, the Corruption and Crime Commissioner;
 - (c) members and officers of State or Commonwealth courts, tribunals, boards or similar bodies;
 - (d) the Director of Public Prosecutions, the Solicitor General, the Parliamentary Counsel, the State Solicitor or persons employed in the Director of Public Prosecution's Office, the Parliamentary Counsel's Office, the State Solicitor's Office or employed by a government agency to assist the Solicitor General;
 - (e) employees of persons referred to in any of paragraphs (a) to (c) acting in the course of their employment.
- (2) A person, other than a person set out in subregulation (1), must not remove a book from the library unless —
 - (a) it is for use in a hearing in the building in which the library is situated; or
 - (b) the rules permit it.
- (3) Subregulation (2)(a) does not apply to a book labelled as being not to be removed from the library.

13. Removal of unauthorised people and retrieval of books

- (1) The librarian may exclude or remove from the library a person who appears to the librarian —
 - (a) not to be entitled to use the library; or
 - (b) to be in breach of these regulations or the rules.

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- (2) The librarian may retrieve a book if it appears to the librarian that —
- (a) it was removed from the library in breach of these regulations or the rules; or
 - (b) the person who removed it is in breach of these regulations or the rules.

14. Rules

- (1) The Director General may, after considering any advice from the committee, make rules to administer the library and any services provided by the library.
- (2) Subject to subregulation (3), the Director General must consult with the committee if the Director General intends to make a rule that is not in accordance with previous advice given by the committee.
- (3) The Director General may not impose a fee of an amount that exceeds the costs reasonably anticipated to be incurred in providing a service without the agreement of the committee.
- (4) If rules include a fee being charged for a particular service, the amount must be shown on the library website, as well as in the rules.

N. HAGLEY, Clerk of the Executive Council.

Legal Profession (Law Library) Regulations 2016

Defined terms**Defined terms**

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

The list is not part of the law.]

Defined term	Provision(s)
Board.....	3
book	3
committee	3
Director General	3
librarian.....	3
library.....	3
rules.....	3
superior court of record.....	3
year	3
