Western Australia

Legal Contribution Trust Regulations 1968

Compare between:

[13 Jul 2004, 02-b0-05] and [01 Mar 2009, 02-c0-09]

Western Australia

Legal Contribution Trust Act 1967

Legal Contribution Trust Regulations 1968

##### 1. Citation

These regulations may be cited as the *Legal* *Contribution Trust Regulations 1968* 1.

[Regulation 1 amended in Gazette 20 Oct 2000 p. 5904.]

##### 2. Interpretation

In these regulations, unless a contrary intention appears, —

Form means a form in Schedule 1.

[Regulation 2 amended in Gazette 20 Oct 2000 p. 5904; 13 Jul 2004 p. 2824.]

##### 3. Bank to pay interest on trust accounts to Trust (s. 13)

(1) For the purposes of the definition of “relevant period” in section 13(1) of the Act, the period of one month is prescribed in place of the periods referred to in paragraphs (a) and (b) of that definition.

(2) For the purposes of section 13(2) of the Act, the prescribed percentage is 51%.

(3) For the purposes of section 13(3) of the Act, the interest is to be paid within 10 working days of the end of the relevant period during which it was earned.

(4) In this regulation —

working day means a day that is not a Saturday, Sunday, public holiday or public service holiday.

[Regulation 3 inserted in Gazette 13 Jul 2004 p. 2824.]

[**4-5.** Repealed in Gazette 13 Jul 2004 p. 2824.]

[**6.** Revoked in Gazette 6 Dec 1974 p. 5217.]

[**7-9.** Repealed in Gazette 13 Jul 2004 p. 2824.]

##### 9A. Prescribed bodies

The bodies listed in Schedule 2 are prescribed for the purposes of section 14(3)(c)(iv).

[Regulation 9A inserted in Gazette 20 Oct 2000 p. 5904.]

##### 10. Claims against Guarantee Fund

(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) or until such time as the claimant has afforded such further information as the Trust may require.

##### 11. Payment of claims

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.

##### 12. Notices calling for claims

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.

##### 13. Offences

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: $100.

Schedule 1

Forms

[Form 1 deleted in Gazette 6 Dec 1974 p. 5217.]

Form 2

[Reg. 10]

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 20 , the amount of

dollars cents ($ ) was entrusted 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 established under the *Legal Contribution Trust Act 1967*.

And I make this solemn declaration by virtue of section 106 of the *Evidence Act 1906*.

........................................................... (9)

DECLARED at this day of

20 , before me.

.......................................................... (10)

J.P. (or as the case may be).

\*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, 11 of 1962 and 46 of 1972).

Form 3

[Reg. 12]

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.

[Schedule 1 amended in Gazette 12 Aug 1970 p. 2539; 30 Jun 1972 p. 2170; 6 Dec 1974 p. 5217; 20 Oct 2000 p. 5905.]

Schedule 2 — Prescribed bodies

[r. 9A]

|  |
| --- |
| *Peak organisations* |
|  |
| Federation of Community Legal Centres (Western Australia) Incorporated |
|  |
| *Community legal centres* |
|  |
| Albany Community Legal Centre Inc |
| Armadale Information and Referral Service Inc |
| Boogurlarri Community House Association Inc |
| Bunbury Community Legal Centre Incorporated |
| Citizens Advice Bureau of Western Australia Incorporated |
| City of Fremantle (trading as Community Legal & Advocacy Centre) |
| Consumer Credit Legal Service (WA) Inc |
| Environmental Defender’s Office (WA) Inc |
| Geraldton Resource Centre |
| Goldfields Community Legal Centre Incorporated |
| Gosnells Community Legal Centre (Inc) |
| Kimberley Community Legal Services Inc |
| Lockridge Community Group |
| Mental Health Law Centre (WA) Inc |
| North Perth Migrant Resource Centre Inc |
| Northern Suburbs Community Legal Centre Inc |
| Parkway Legal Advice Centre |
| People With Disabilities (WA) Inc |
| Pilbara Community Legal Service |
| Rural Community Legal Service (Inc) |
| Southern Communities Advocacy, Legal and Education Service Inc |
| Sussex Street Community Law Service Inc |
| Tenants Advice Service (Inc) |
| TLC Emergency Welfare Foundation (WA) Inc (trading as Welfare Rights & Advocacy Service (WA)) |
| Women’s Legal Services Inc (WA) |
| Women’s Refuges Multicultural Service Incorporated |
| Youth Legal Service (Inc) |

[Schedule 2 inserted in Gazette 20 Oct 2000 p. 5905‑6.]

Notes

1 This is a compilation of the *Legal Contribution Trust Regulations 1968* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Contribution Trust Regulations 1968*2 | 27 Jun 1968 p. 1861‑4 | 27 Jun 1968 |
| Untitled regulations | 12 Aug 1970 p. 2539 | 12 Aug 1970 |
| Untitled regulations | 30 Jun 1972 p. 2170 | 30 Jun 1972 |
| Untitled regulations | 6 Dec 1974 p. 5217 | 6 Dec 1974 |
| **Reprint of the *Contribution Trust Regulations 1968* authorised 5 Nov 1980** **in *Gazette* 14 Nov 1980** **p. 3901‑4** (includes amendments listed above) | | |
| *Contribution Trust Amendment Regulations 2000* | 20 Oct 2000 p. 5904‑6 | 23 Oct 2000 (see r. 2 and *Gazette* 20 Oct 2000 p. 5899) |
| **Reprint 2: The *Legal Contribution Trust Regulations 1968* as at 16 Jan 2004** (includes amendments listed above) | | |
| *Legal Contribution Trust Amendment Regulations 2004* | 13 Jul 2004 p. 2823-4 | 13 Jul 2004 |
| **These regulations were repealed as a result of the repeal of the *Legal Contribution Trust Act 1967* by the *Legal Profession Act 2008* s. 599 (No. 21 of 2008) on 1 Mar 2009 (see *Gazette* 27 Feb 2009 p. 511)** | | |

2 Now known as the *Legal Contribution Trust Regulations 1968*; citation changed (see note under r. 1).