



Western Australia

## **Legal Profession Amendment Act 2016**

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As at 29 Jun 2016

No. 13 of 2016

Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information



## Legal Profession Amendment Act 2016

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Western Australia

## **Legal Profession Amendment Act 2016**

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**No. 13 of 2016**

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**An Act to amend the *Legal Profession Act 2008*.**

*[Assented to 29 June 2016]*

The Parliament of Western Australia enacts as follows:

**s. 1**

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**1. Short title**

This is the *Legal Profession Amendment Act 2016*.

**2. Commencement**

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation.

**3. Act amended**

This Act amends the *Legal Profession Act 2008*.

**4. Section 548 amended**

- (1) Delete section 548(1)(c) and insert:

- (c) the payment of the law library contribution under section 548A.

- (2) Delete section 548(2).

**5. Section 548A inserted**

After section 548 insert:

**548A. Law library contributions**

- (1) In this section —

***CPI*** means the all groups consumer price index for Perth published by the Australian Statistician referred to in the *Australian Bureau of Statistics Act 1975* (Commonwealth) section 5, or if the index is not published, another similar index nominated by the Minister;

*law library* means the library established under section 596A.

- (2) The Board must pay to the State an amount each year in accordance with the regulations as a contribution towards the cost of providing and maintaining the law library.
- (3) The regulations must specify —
  - (a) the amount of the contribution or the method by which the amount of the contribution is to be calculated; and
  - (b) when payment becomes due.
- (4) An amendment to regulations mentioned in subsection (3) must be made at least 7 months before the beginning of the financial year to which the amendment will apply.
- (5) Before an amendment to regulations mentioned in subsection (3) is made, the Attorney General must —
  - (a) obtain the written agreement to the proposed amendment by the Legal Practice Board, the Law Society of Western Australia Inc and the Western Australian Bar Association; or
  - (b) notify the Legal Practice Board, the Law Society of Western Australia Inc and the Western Australian Bar Association of the proposed amendment at least 9 months before the beginning of the first financial year to which the proposed amendment is intended to apply and have regard to any submissions made by those bodies.
- (6) Unless agreement is obtained as mentioned in subsection (5)(a), neither regulations specifying an amount of contribution to be paid nor regulations specifying a method by which the amount of

contribution is to be calculated in any year (the *calculation regulations*) can be amended so as to increase the amount required to be paid in any year to an amount that is greater than the amount that would have been payable in that year, if calculated under the calculation regulations and adjusted for any CPI increase plus 2.5% per annum, pro rata, from the date on which the calculation regulations were made or last amended (whichever is later) to the date of the proposed amendment.

- (7) The payment must be credited to an agency special purpose account, named the Law Library Fund, established under the *Financial Management Act 2006* section 16 and administered by the department principally assisting in the administration of this Act.
- (8) Money may be charged to the Law Library Fund —
  - (a) to provide and maintain the law library; and
  - (b) to provide library services to the judiciary, local lawyers and other prescribed persons; and
  - (c) for other prescribed purposes relating to the law library.

**6. Section 580 amended**

Delete section 580(1)(d).

Note: The heading to amended section 580 is to read:

**Rules for Board and Complaints Committee**



**7. Sections 596A and 596B inserted**

After section 596 insert:

**596A. Law library**

- (1) The State may establish and manage a law library for the use of the judiciary, local lawyers and other prescribed persons.
- (2) Without limiting section 596, the Governor may make regulations with respect to the provision, operation and management of the law library, including —
  - (a) access to and use of the law library; and
  - (b) the terms on which persons may be given access to and use of the law library facilities (including the payment of fees); and
  - (c) the borrowing of resources and the manner of securing a resource if it has been loaned.
- (3) Regulations made for the purposes of subsection (2) may —
  - (a) adopt wholly or partly any rules or administrative procedure published by any person or body —
    - (i) with or without any modification or amendment; and
    - (ii) as in force at the time of adoption or as amended from time to time;
  - or
  - (b) provide for the making of rules or administrative procedures by a person or body.

**596B. Board library assets transferred to the State**

- (1) In this section —  
*commencement day* means the day on which the *Legal Profession Amendment Act 2016* section 7 comes into operation.
- (2) On the commencement day, by force of this section, any library assets that, immediately before the commencement day, were vested in the Board under section 548(2) are transferred to, and vested in, the State.
- (3) Any assets acquired after the commencement day for the purposes of the law library established under section 596A are vested in and are the property of the State.
- (4) Regulations may be made for or with respect to any matter or thing necessary to be dealt with to effect a transfer of assets under this section, including the assumption of specific liabilities or classes of liabilities in relation to those assets.
- (5) If regulations under subsection (4) provide that a specified state of affairs is to be taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the commencement day, the regulations have effect according to their terms.

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