

Western Australia

Legal Contribution Trust Act 1967

Legal Contribution Trust Regulations 1968

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Western Australia

Legal Contribution Trust Regulations 1968

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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 —

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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 *Repealed in Gazette 13 Jul 2004 p. 2824.]*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 *Repealed in Gazette 13 Jul 2004 p. 2824.]*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]

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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⁾ 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]

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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)

Schedule 2 Prescribed bodies

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
<i>Contribution Trust Regulations 1968</i> 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 <i>Contribution Trust Regulations 1968</i> authorised 5 Nov 1980 in <i>Gazette</i> 14 Nov 1980 p. 3901-4 (includes amendments listed above)		
<i>Contribution Trust Amendment Regulations 2000</i>	20 Oct 2000 p. 5904-6	23 Oct 2000 (see r. 2 and <i>Gazette</i> 20 Oct 2000 p. 5899)
Reprint 2: The <i>Legal Contribution Trust Regulations 1968</i> as at 16 Jan 2004 (includes amendments listed above)		
<i>Legal Contribution Trust Amendment Regulations 2004</i>	13 Jul 2004 p. 2823-4	13 Jul 2004

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