

LEGAL PRACTITIONERS.

No. 47 of 1984.

AN ACT to amend the Legal Practitioners Act
1893-1982.

[Assented to 5 September 1984.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Legal Practitioners Amendment Act 1984*. Short title and citation.

(2) In this Act, the Legal Practitioners Act 1893-1982 is referred to as the principal Act.

Reprinted as approved 12 January 1981 and amended by Acts Nos. 90 of 1981 and 10 of 1982.

(3) The principal Act as amended by this Act may be cited as the Legal Practitioners Act 1893-1984.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 85
inserted.

3. After section 84 of the principal Act, the following section is inserted—

Professional
indemnity
insurance.

“ 85. (1) The Governor may make regulations concerning indemnity against loss arising from claims in respect of any description of civil liability incurred by—

(a) a practitioner or former practitioner in connection with his practice; or

(b) an employee or former employee of a practitioner or former practitioner in connection with the practice of that practitioner or former practitioner.

(2) For the purpose of providing the indemnity referred to in subsection (1), regulations made under this section may—

(a) authorize or require The Law Society of Western Australia (Inc.) to make arrangements with one or more insurers for the provision to practitioners and former practitioners of professional indemnity insurance and may authorize that Society to do such acts and things as may be necessary or expedient for giving effect to those arrangements; and

(b) require practitioners or former practitioners, or any prescribed category of practitioner or former practitioner, to take out and maintain professional indemnity insurance in accordance with the

requirements of the regulations and either in accordance with the arrangements made under the regulations or in accordance with a scheme or policy of insurance approved by or under the regulations.

(3) Without prejudice to the generality of subsections (1) and (2), regulations made under this section may—

- (a) specify the terms and conditions on and subject to which professional indemnity insurance is to be provided, including the amounts of insurance cover to be taken out and maintained by practitioners or former practitioners or prescribed categories of practitioner or former practitioner and the periods during which such insurance cover is to be maintained;
- (b) specify classes or categories of practitioner or practice to which different provisions or obligations under the regulations may apply;
- (c) provide for and regulate the approval of insurers and the issue of certificates of insurance to persons and firms covered by professional indemnity insurance and prescribe the form of such certificates;
- (d) empower the Board to refuse to issue an annual practice certificate except to a practitioner who—
 - (i) satisfies the Board that he holds a valid current certificate of insurance for the category of practice he intends to engage in or who is covered by such a certificate issued in respect of every firm of practitioners of which he is a member; or

- (ii) is exempt under the regulations;
 - (e) may specify circumstances in which practitioners or former practitioners are exempt from the regulations or empower the Board to exempt any practitioner or former practitioner or class of practitioners or former practitioners in whole or in part from any provision of the regulations either for a specified or indefinite period or subject to any condition which may be imposed by the Board;
 - (f) empower the Board to vary or revoke any exemption made by the Board under the regulations;
 - (g) empower the Board to take such steps as it considers necessary or expedient to ascertain whether or not the regulations are being complied with; and
 - (h) contain incidental, procedural and supplementary provisions. ”.
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