

ACTS AMENDMENT AND REPEAL (COURTS AND LEGAL PRACTICE) BILL 2002

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Nick Griffiths (Minister for Racing and Gaming), read a first time.

Second Reading

HON NICK GRIFFITHS (East Metropolitan - Minister for Racing and Gaming) [11.25 am]: I move -

That the Bill be now read a second time.

The Acts Amendment and Repeal (Courts and Legal Practice) Bill 2002 serves a number of purposes commencing with the repeal of the Legal Practitioners Act 1893. This Act is to be replaced by the Legal Practice Bill 2002, which will introduce a series of reforms to modernise the regulation of the legal profession. Part 2 of the Acts Amendment and Repeal (Courts and Legal Practice) Bill 2002 repeals the Legal Practitioners Act and sets out the transitional arrangements to the new legislation.

The Legal Practice Bill 2002 also requires minor consequential amendments to a number of other Acts. These deal largely with matters such as specifying the Legal Practice Bill 2002 as the basis for defining legal practitioners and they are dealt with in part 3 of the Acts Amendment and Repeal (Courts and Legal Practice) Bill 2002.

Part 4 of this Bill amends the Legal Contribution Trust Act 1967 in order to simplify the requirements for the keeping of trust accounts by lawyers. A previously over-complex procedure will be streamlined by requiring lawyers to place trust moneys into only one trust account thus reducing the administrative burden for both practitioners and the banks, while still ensuring that clients' funds are held in trust and that the interest from these funds is still available to be put to good purpose.

The Government is also using this Bill to take the opportunity to address some outstanding issues relating to the courts. Legislation governing courts and court procedures uses monarchical expressions rather than more relevant concepts, such as the State and/or Commonwealth as the basis of authority and point of reference. The Government is committed to removing such outmoded monarchical references to the Queen and the Crown in legislation and, through this Bill, will replace them with terminology more appropriate to the Western Australian context. As examples, the Crown Solicitor will become State Solicitor, indictments will be issued in the name of the State and a summons will be issued in the name of the court.

There is a need to address anomalies affecting the payment of judges' salaries and pensions following changes to commonwealth superannuation legislation. These amendments will bring Western Australia into line with other Australian jurisdictions and will also ensure that those judges who do not qualify for a judicial pension upon ceasing to hold office will still receive the minimum level of employer superannuation required under the superannuation guarantee legislation.

The Government is also acting to broaden the range of experience recognised as satisfying the requirements for appointment to the Supreme, District and Children's Courts, regulatory tribunals and positions such as the Solicitor General and the Director of Public Prosecutions. Previously, for example, experience in a role such as a magistrate has not counted towards these service requirements, but under the amendments in part 7 of the Acts Amendment and Repeal (Courts and Legal Practice) Bill 2002, such service will be recognised in these circumstances.

The legislative changes represented by this Bill reflect the Government's commitment to pursuing reform to ensure that the State has a properly functioning, modern and relevant legal system. Coupled with the Legal Practice Bill 2002, this Bill will deliver a package of far-reaching and substantial reforms. Therefore, I again have much pleasure in commending the Bill to the House.

Debate adjourned, pursuant to standing orders.