

LEGAL PROFESSION AMENDMENT BILL 2016

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Attorney General)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [4.14 pm]: I move —

That the bill be now read a second time.

The Department of the Attorney General provides and maintains a law library for members of the judiciary and officers of the department and associated agencies. Under section 548 of the Legal Profession Act 2008, the Legal Practice Board is responsible for providing and maintaining the law library at the Supreme Court of Western Australia. This law library is primarily used by members of the judiciary and legal practitioners and is funded from moneys received by the Legal Practice Board under the Legal Profession Act 2008 and, in particular, from fees charged to grant or renew local practising certificates.

In 2012, the State Solicitor was asked to undertake a project to amalgamate the two law libraries. The impetus behind the project was twofold. First, the Legal Practice Board had indicated that it no longer wished to have any involvement with the law library at the Supreme Court. Second, it was recognised that there was a need to provide a law library for the judiciary, members of the legal profession and government legal officers in the new justice complex at the Old Treasury Building, which has now been named the David Malcolm Justice Centre, while at the same time reducing the inefficiency and duplication occasioned by supporting two law libraries.

The steering committee for the project to amalgamate the two law libraries consisted of representatives from the Supreme Court, the Legal Practice Board, the Law Society of Western Australia, the Western Australian Bar Association, the State Solicitor's Office, the Director of Public Prosecutions and the Parliamentary Counsel's Office. Consolidating the two law libraries requires an amendment to the Legal Profession Act 2008. This is to be effected by the Legal Profession Amendment Bill 2016 and the Legal Profession Amendment (Levy) Bill 2016.

Under the Legal Profession Amendment Bill 2016, the Legal Practice Board is relieved of its obligation to provide and maintain the law library at the Supreme Court. Instead, the state is given power to establish and manage a law library for the use of the judiciary, local lawyers and other prescribed persons. The Legal Profession Amendment Bill 2016 also provides for the transfer of the library assets of the Legal Practice Board to the state. Under proposed section 548A, the Legal Practice Board will be required to make an annual contribution to the state towards the cost of providing and maintaining the amalgamated law library. The amount of the contribution will be calculated in accordance with regulations. This contribution will be credited to the law library fund, an agency special-purpose account established under the Financial Management Act 2006. The funds credited to that account may be used to provide and maintain the law library, to provide library services and for other prescribed purposes relating to the law library. A separate bill, the Legal Profession Amendment (Levy) Bill 2016, will introduce into section 548A provision for the imposition of a levy prescribed either by that section or by regulations made thereunder.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental agreement to which the government of this state is a party. Nor does this bill by reason of its subject matter introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and I table the explanatory memorandum.

[See paper 4062.]

Debate adjourned, pursuant to standing orders.