

Western Australia

LEGISLATIVE ASSEMBLY

Legal Contribution Trust Amendment Bill 2000

A Bill for

An Act to amend the *Legal Contribution Trust Act 1967*.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Legal Contribution Trust Amendment Act 2000*.

2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. The Act amended

The amendments in this Act are to the *Legal Contribution Trust Act 1967*.*

[* Reprinted as at 5 February 1999.]

4. Section 14 replaced

Section 14 is repealed and the following section is inserted instead —

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14. Application of money resulting from investments

(1) The Trust shall pay all moneys resulting from investments made under section 13 to the credit of an account called the “Trust Interest Account”.

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(2) Moneys in the Trust Interest Account shall, subject to subsection (4) —

(a) be applied, firstly, in payment of the costs and expenses, other than those mentioned in section 19, of administering the Trust; and

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(b) be paid, secondly, to the Guarantee Fund, until the Fund is in credit in such amount of not less than \$100 000 as the Minister and the Society may, from time to time, by agreement determine.

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- (3) Once the Guarantee Fund has been in credit in the amount provided by subsection (2)(b), the moneys in the Trust Interest Account shall, subject to subsection (4) be paid —
- (a) in maintaining the Fund in credit in that amount;
- (b) as to 50% of the balance, to the Legal Aid Commission to be applied to the Legal Aid Fund; and
- 10 (c) as to the remainder —
- (i) to the Legal Aid Commission, to be applied to the Legal Aid Fund;
- (ii) to the Society, to be applied in the furtherance of law reform, legal
- 15 research and legal education, or any of those things;
- (iii) to a body, whether corporate or not, for the purposes of which moneys have been appropriated by Parliament and which is charged with the functions of
- 20 law reform; or
- (iv) to prescribed community legal centres or their peak organisations, to be substantially applied to funding the
- 25 legal services or community legal education provided by such bodies,
- in such amounts or in such proportions as the Minister may, after consultation with the Society, from time to time, approve or determine.
- 30 (4) Despite subsections (2) and (3), if the Trust effects a policy or policies of insurance indemnifying the Guarantee Fund in the amount of \$100 000 or such

lesser amount as may, taking into account the amount in which the Fund is in credit, be required to indemnify the Fund in the balance of the amount of \$100 000, the moneys in the Trust Interest Account shall —

- 5 (a) be applied, firstly as provided by subsection (2)(a);
- (b) be applied, secondly, in payment of the premiums payable under the policy or policies of insurance;
- 10 (c) be paid, thirdly, to the credit of the Guarantee Fund in such amounts as the Minister and the Society may, from time to time, by agreement, determine; and
- (d) be paid, finally, and applied as provided in subsections 3(b) and (c).
- 15 (5) The costs and expenses of administering the Trust include such fees and allowances to the trustees, or any of them, as may be prescribed.
- (6) In this section —
- 20 **“community legal centre”** means a not-for-profit body, one of the main functions of which is the delivery of free or substantially subsidised legal services to disadvantaged sections of the community or community legal education;
- 25 **“Legal Aid Commission”** means the Legal Aid Commission of Western Australia established under section 6 of the *Legal Aid Commission Act 1976*;
- 30 **“Legal Aid Fund”** means the Legal Aid Fund of Western Australia established under section 52 of the *Legal Aid Commission Act 1976*; and

“peak organisation” means an incorporated body that provides representation, coordination and support services for community legal centres.

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5 **5. Section 29 amended**

Section 29(4) is repealed.

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