

Legal Profession Amendment Bill 2016

Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 548 amended	2
5.	Section 548A inserted	2
	548A. Law library contributions	2
6.	Section 580 amended	4
7.	Sections 596A and 596B inserted	4
	596A. Law library	4
	596B. Board library assets transferred to the State	5

Western Australia

LEGISLATIVE ASSEMBLY

Legal Profession Amendment Bill 2016

A Bill for

An Act to amend the *Legal Profession Act 2008*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Legal Profession Amendment Act 2016*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
7 (b) the rest of the Act — on a day fixed by proclamation.

8 **3. Act amended**

9 This Act amends the *Legal Profession Act 2008*.

10 **4. Section 548 amended**

11 (1) Delete section 548(1)(c) and insert:

12

- 13 (c) the payment of the law library contribution
14 under section 548A.

15

16 (2) Delete section 548(2).

17 **5. Section 548A inserted**

18 After section 548 insert:

19

20 **548A. Law library contributions**

21 (1) In this section —

22 *law library* means the library established under
23 section 596A.

24 (2) The Board must pay to the State an amount each year
25 calculated in accordance with the regulations as a
26 contribution towards the cost of providing and
27 maintaining the law library.

- 1 (3) The regulations must specify —
2 (a) the method by which the amount of the
3 contribution is to be calculated; and
4 (b) when payment becomes due.
- 5 (4) An amendment to regulations mentioned in
6 subsection (3) must be made at least 7 months before
7 the beginning of the financial year to which the
8 amendment will apply.
- 9 (5) Before an amendment to regulations mentioned in
10 subsection (3) is made, the Attorney General must —
11 (a) obtain the written agreement to the proposed
12 amendment by the Legal Practice Board, the
13 Law Society of Western Australia Inc and the
14 Western Australian Bar Association; or
15 (b) notify the Legal Practice Board, the Law
16 Society of Western Australia Inc and the
17 Western Australian Bar Association of the
18 proposed amendment at least 9 months before
19 the beginning of the first financial year to
20 which the proposed amendment is intended to
21 apply and have regard to any submissions made
22 by those bodies.
- 23 (6) The payment must be credited to an agency special
24 purpose account, named the Law Library Fund,
25 established under the *Financial Management Act 2006*
26 section 16 and administered by the department
27 principally assisting in the administration of this Act.
- 28 (7) Money may be charged to the Law Library Fund —
29 (a) to provide and maintain the law library; and
30 (b) to provide library services to the judiciary, local
31 lawyers and other prescribed persons; and

- 1 (c) for other prescribed purposes relating to the law
2 library.
3

4 **6. Section 580 amended**

5 Delete section 580(1)(d).

6 Note: The heading to amended section 580 is to read:

7 **Rules for Board and Complaints Committee**

8 **7. Sections 596A and 596B inserted**

9 After section 596 insert:
10

11 **596A. Law library**

- 12 (1) The State may establish and manage a law library for
13 the use of the judiciary, local lawyers and other
14 prescribed persons.
- 15 (2) Without limiting section 596, the Governor may make
16 regulations with respect to the provision, operation and
17 management of the law library, including —
- 18 (a) access to and use of the law library; and
19 (b) the terms on which persons may be given
20 access to and use of the law library facilities
21 (including the payment of fees); and
22 (c) the borrowing of resources and the manner of
23 securing a resource if it has been loaned.
- 24 (3) Regulations made for the purposes of subsection (2)
25 may —
- 26 (a) adopt wholly or partly any rules or
27 administrative procedure published by any
28 person or body —
- 29 (i) with or without any modification or
30 amendment; and

- 1 (ii) as in force at the time of adoption or as
2 amended from time to time;
3 or
4 (b) provide for the making of rules or
5 administrative procedures by a person or body.

6 **596B. Board library assets transferred to the State**

- 7 (1) In this section —
8 *commencement day* means the day on which the *Legal*
9 *Profession Amendment Act 2016* section 7 comes into
10 operation.
11 (2) On the commencement day, by force of this section,
12 any library assets that, immediately before the
13 commencement day, were vested in the Board under
14 section 548(2) are transferred to, and vested in, the
15 State.
16 (3) Any assets acquired after the commencement day for
17 the purposes of the law library established under
18 section 596A are vested in and are the property of the
19 State.
20 (4) Regulations may be made for or with respect to any
21 matter or thing necessary to be dealt with to effect a
22 transfer of assets under this section, including the
23 assumption of specific liabilities or classes of liabilities
24 in relation to those assets.
25 (5) If regulations under subsection (4) provide that a
26 specified state of affairs is to be taken to have existed,
27 or not to have existed, on and from a day that is earlier
28 than the day on which the regulations are published in
29 the *Gazette* but not earlier than the commencement
30 day, the regulations have effect according to their
31 terms.

32