

## LPB FORM 1

### Application for an Australian practising certificate

Applications for Australian practising certificates in Western Australia are made to the Legal Practice Board (**Board**) under:

- the *Legal Profession Uniform Law* (**Uniform Law**);
- the *Legal Profession Uniform Law Application Act 2022* (WA) (**Application Act**);
- the *Legal Profession Uniform Law Application Regulations 2022* (WA) (**Local Regulations**); and
- the *Legal Profession Uniform General Rules* (**Uniform General Rules**).

A reference to 'previous Acts' means the *Legal Profession Act 2008*, *Legal Practice Act 2003* and the *Legal Practitioners Act 1893*.

A reference to an 'Australian practising certificate' or 'practising certificate' includes, where appropriate, a practising certificate issued under previous Acts.

A reference to the 'Complaints Committee' means the Legal Services and Complaints Committee and includes, where appropriate, the Legal Profession Complaints Committee and the Legal Practitioners Complaints Committee established under 'previous Acts'.

**The Board expects that an Australian lawyer will answer the following questions with honesty and candour.**

I,  
(First names in BLOCK LETTERS)

(Surname in BLOCK LETTERS)

apply for an Australian practising certificate to take effect from \_\_\_\_/\_\_\_\_/\_\_\_\_ (dd/mm/yyyy) for the year ending 30 June 20\_\_\_\_.

**NOTE:** A practising certificate:

- (a) is in force from the date specified in it until the end of the financial year in which it is granted;
- (b) cannot commence prior to the date that the application is lodged; and
- (c) cannot commence prior to the date of admission to practice.

### Section A – Eligibility to apply for a practising certificate

**1** Where is your place of residence?

☐ Western Australia

☐ Other State or Territory

☐ Outside Australia

\_\_\_\_\_  
(Please specify)

\_\_\_\_\_  
(Please specify)

**2** Where do you expect your principal place of practice to be?

☐ Western Australia

☐ Other State or Territory

☐ Outside Australia

\_\_\_\_\_  
(Please specify)

\_\_\_\_\_  
(Please specify)

Those applicants who intend to engage in legal practice exclusively outside Australia are still entitled to apply for an Australian practising certificate in Western Australia pursuant to the provisions of rule 18 of the Uniform General Rules. For those solicitors who engage in legal practice within and outside Australia the application should be made by reference to the person's legal practice in Australia.

LPB FORM 1

Section C – Practising certificate renewal

- 8 Are you applying for the renewal of an Australian practising certificate, or the grant of an Australian practising certificate within 12 months of last holding an Australian practising certificate issued in Western Australia?

(NOTE: You can only apply for renewal, if you hold a current Australian practising certificate issued in Western Australia or you held an Australian practising certificate issued in Western Australia which expired within the last six months).

☐ Yes

- a) Have you complied with your continuing professional development requirements?

☐ Yes

☐ No – Please provide explanation: \_\_\_\_\_

\_\_\_\_\_

- b) If the application for the renewal of your practising certificate is submitted after 30 June, please provide a written explanation of any reasons beyond your control or other special circumstances warranting the acceptance of your application by the Board under section 117(4) of the Application Act.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE:** If you are unsure whether you have complied with your CPD requirements, i.e. if your CPD activities are pending accreditation, not accredited, or incomplete, please answer 'no' to the above question. The Board may, in considering whether or not a person is a fit and proper person to hold an Australian practising certificate, take into account whether the person obtained an Australian practising certificate because of incorrect or misleading information. If you are uncertain whether you have complied with your continuing professional development requirements please contact the Board.

**Please now go to Section E – Practising Details**

- ☐ No (I am applying for the grant of an Australian practising certificate having not held an Australian practising certificate issued in Western Australia for at least 12 months)

Section D – Admission and practising details

- 9 Have you ever held a practising certificate issued in Western Australia?

☐ Yes

☐ No (go to Q11)

**LPB FORM 1**

**10** Was the most recent practising certificate held by you issued in Western Australia?

- ☐ Yes (please go to section E – Practising Details)  
☐ No

**11** Have you been admitted in a jurisdiction other than Western Australia and have never held an Australian practising certificate issued in Western Australia?

or

Have you been admitted in Western Australia or previously held an Australian practising certificate issued in Western Australia, but have since been admitted in or practised in an Australian jurisdiction, other than Western Australia, or a foreign country (as defined in section 3 of the Uniform Law)?

- **(Note:** if you have been admitted in Western Australia and have held an Australian practising certificate, or practised in any Australian or foreign jurisdiction, please answer ‘yes’ and answer question 12).
- **(Note:** if you have been admitted in Western Australia and have never held an Australian practising certificate please answer ‘no’ and proceed to question 12).

☐ Yes

Please provide details of all other Australian and foreign jurisdictions in which you have been admitted or practised.

<b>Jurisdiction</b>	<b>Date of Admission (dd/mm/yyyy)</b>	<b>Period practising certificate(s) held (if applicable) (dd/mm/yyyy)</b>

If applicable, I **UNDERTAKE** to provide to the Board within 14 days of lodging this application

- ☐ A certificate of fitness or good standing (no more than one calendar month old) from the appropriate regulatory authority responsible for the issuing of practising certificates in each jurisdiction listed above, including the Australian jurisdiction in which I was first admitted.
- ☐ A statutory declaration stating my previous legal practice history. You should include your dates of admission, jurisdictions in which admitted and periods of practice, in chronological order. Please include the dates you commenced and ceased, the capacity in which you practised, and the name of the law practice or organisation. Any absences from practice should be included with a relevant description, e.g. “not practising”.
- ☐ A certified copy of my certificate of admission from one of the Australian jurisdictions referred to above

**Please now go to Section E – Practising Details**

☐ No

**LPB FORM 1**

<b>12</b>	<p>Have you applied to be admitted to the legal profession by the Supreme Court of Western Australia?</p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes</p> <p style="margin-left: 20px;"><input type="checkbox"/> No</p>
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**Section E – Practising details**

<b>13</b>	<p>Primary Law Practice Name/ Employer: _____</p>
<b>14</b>	<p>Street Address: _____</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">Post Code _____</p>
<b>15</b>	<p>Postal Address: _____</p> <p style="font-size: small;">(If different from street address)</p> <p style="text-align: right;">_____</p> <p style="text-align: right;">Post Code _____</p>
<b>16</b>	<p>Telephone Number: <i>(Include area code)</i> (    )</p>
<b>17</b>	<p>Facsimile Number: <i>(Include area code)</i> (    )</p>
<b>18</b>	<p>Business email: _____</p>
<b>19</b>	<p>Practising certificate category:</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input type="checkbox"/> Principal of a law practice  <input type="checkbox"/> Employee of a law practice  <input type="checkbox"/> Government legal practitioner         </div> <div> <input type="checkbox"/> Barrister only  <input type="checkbox"/> Volunteer or Pro Bono only  <input type="checkbox"/> Corporate legal practitioner         </div> <div> <input type="checkbox"/> Legislative Drafting Work         </div> </div>
<p><b>NOTE:</b></p> <p>If you will not be practising law (and claiming the “Non-Practising” professional indemnity insurance exemption) you will need to choose the default “Employee of a law practice” practising certificate category above.</p>	
<b>20</b>	<p>Date of commencement in above status (dd/mm/yyyy) _____/_____/_____</p>
<b>21</b>	<p>Are you, or will you be, engaged in legal practice with more than one law practice?</p> <div style="display: flex; align-items: flex-start; margin-top: 5px;"> <input type="checkbox"/> No (go to Section F – Trust Account Details)         <div style="margin-left: 20px;"> <input type="checkbox"/> Yes Please enter details of your other place of practice below.         </div> </div>

## LPB FORM 1

### Section E- Practising details (continued)

<b>22</b>	Secondary Law Practice Name/ Employer:	
<b>23</b>	Street Address:	
		Post Code
<b>24</b>	Postal Address: <small>(If different from street address)</small>	
		Post Code
<b>25</b>	Telephone Number: <small>(Include area code)</small>	(    )
<b>26</b>	Facsimile Number: <small>(Include area code)</small>	(    )
<b>27</b>	Business email:	
<b>28</b>	Employment Status	
	<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Principal of a law practice  <input type="checkbox"/> Employee of a law practice  <input type="checkbox"/> Government legal practitioner </div> <div> <input type="checkbox"/> Barrister only  <input type="checkbox"/> Volunteer or Pro Bono only  <input type="checkbox"/> Corporate legal practitioner </div> <div> <input type="checkbox"/> Legislative Drafting Work </div> </div>	
<b>NOTE:</b>		
If you will not be practising law (and claiming the “Non-Practising” professional indemnity insurance exemption) you will need to choose the default “Employee of a law practice” practising certificate category above.		
<b>29</b>	Date of commencement in above status	(dd/mm/yyyy) ____/____/____
<b>30</b>	Are you, or will you be, engaged in legal practice with more than one law practice?	<input type="checkbox"/> No (go to Section F – Trust Account Details) <input type="checkbox"/> Yes Please enter details of your other place of practice below.
<b>NOTE:</b>		
All correspondence from the Board will be directed to your primary place of practice.		
All local Western Australian legal practitioners engaging in legal practice with more than one law practice or employer are required to provide the required information for each law practice. Please attach a separate sheet if you have more than one additional law practice.		
Section 217 of the Application Act and regulation 53 of the Local Regulations require the information provided in Section E to be kept on the Board’s public register of Australian practising certificates unless special circumstances warrant it not being publically available as set out in regulation 56 of the Local Regulations.		

## LPB FORM 1

### Section F – Trust account details

**31** Do you or will you receive trust money?

- ☐ No (go to Section G – Show Cause Events)  
☐ Yes Please fill in your trust account details below.

Name of Account:
Name of Bank:
BSB Number:
Account Number:
Date Account Opened:
External Examiner's Name:
External Examiner's Firm:
External Examiner's Address _____ _____ <div style="text-align: right;">Post Code _____</div>

**NOTE:**

In answering this question, please refer to the definition of trust money and a trust account in section 137 of the Uniform Law.

A law practice that receives trust money must, at least once in each financial year, have its trust records externally examined by an external examiner appointed in accordance with the Uniform Law.

A principal of the law practice must be the holder of an Australian practising certificate authorising the holder to receive trust money.

In order to be authorised to receive trust money a practitioner is required to successfully complete an approved trust accounting course or demonstrate the requisite skills or experience otherwise obtained from completing an approved trust accounting course.

If you require further information please contact the Board on (08) 6211 3600 or by email at [enquiries@lpbwa.com](mailto:enquiries@lpbwa.com)

## LPB FORM 1

### Section G – Show cause events

Section 87 of the Uniform Law requires that an applicant must provide to the Board a statement about any automatic show cause event and explain why, despite the show cause event, the applicant considers they are a fit and proper person to hold an Australian practising certificate.

An automatic show cause event is a bankruptcy-related event, a conviction for a serious offence or a tax offence. Please refer to definitions in section 6 and sections 86 and 87, of the Uniform Law to determine if you are required to provide a statement.

If you require any further information, please contact the Board on (08) 6211 3600 or by email at [enquiries@lpbwa.com](mailto:enquiries@lpbwa.com).

<b>32</b>	<b>Show cause events</b>	
	<b>a) Creditor's petition</b> Have you been served with notice of a creditor's petition presented to the Court under s 43 of the <i>Bankruptcy Act 1966 (Cth)</i> ?	<div style="display: flex; justify-content: space-around;"> <span><input type="checkbox"/> Yes</span> <span><input type="checkbox"/> No</span> </div>
	<b>b) Debtor's Petition</b> Have you presented (as a debtor) to the Official Receiver: <ul style="list-style-type: none"> <li>i. under s 54A of the <i>Bankruptcy Act 1966 (Cth)</i>, a declaration of your intention to present a debtor's petition;</li> <li>or</li> <li>under s 55 of that Act, a debtor's petition?</li> </ul>	<div style="display: flex; justify-content: space-around;"> <span><input type="checkbox"/> Yes</span> <span><input type="checkbox"/> No</span> </div>
	<b>c) Applied for bankruptcy or insolvency relief</b> Have you applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with your creditors or made an assignment of your remuneration for the benefit of your creditor?	<div style="display: flex; justify-content: space-around;"> <span><input type="checkbox"/> Yes</span> <span><input type="checkbox"/> No</span> </div>
	<b>d) Conviction</b> Have you been convicted of a serious offence or a tax offence, whether or not: <ul style="list-style-type: none"> <li>i. the offence was committed in or outside this jurisdiction; or</li> <li>ii. the offence was committed while you were engaging in legal practice as an Australian legal practitioner or were practising foreign law as an Australian-registered foreign lawyer, as the case requires; or</li> <li>iii. other persons are prohibited from disclosing your identity?.</li> </ul> <p><b>NOTE:</b> 'serious offence' and 'tax offence' are defined in s 6 of the Uniform Law.</p>	<div style="display: flex; justify-content: space-around;"> <span><input type="checkbox"/> Yes</span> <span><input type="checkbox"/> No</span> </div>
	If you answered yes to any of the above question, please provide a brief description of the show cause event(s) in the box below, and forward to the Board a notice(s) and statement(s) as required by section 88 of the Uniform Law. <div style="border: 1px solid black; height: 100px; margin-top: 10px;"></div>	



## LPB FORM 1

### Section H – Fitness to practice

#### 33 Matters of Fitness

<b>a) Disciplinary Action: Other profession</b> i. Are you currently the subject of disciplinary action, however expressed, in another profession or occupation in Australia or a foreign country?  ii. Have you been the subject of disciplinary action, however expressed, relating to another profession or occupation in Australia or a foreign country that involved an adverse finding?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>b) Removal from roll</b> Has your name been removed from: i. a local roll, and has not since been restored to or entered on a local roll; or ii. an interstate roll, and has not since been restored to or entered on an interstate roll; or iii. a foreign roll?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>c) Suspended</b> Has your right to engage in legal practice been suspended or cancelled in Australia or a foreign country?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>d) Trust contravention</b> Have you contravened, in Australia or a foreign country, a law about trust money or trust accounts?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>e) External Management</b> Has a supervisor, manager or receiver, however described, whether under an Australian law relating to the legal profession or a law of the Commonwealth, ever been appointed in relation to any legal practice engaged in by you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>f) Disqualified</b> Have you been or are you subject to an order under an Australian law relating to the legal profession or a law of the Commonwealth, disqualifying you from being employed by, or a partner of, an Australian legal practitioner or from managing a corporation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>g) Misleading information</b> Have you ever provided incorrect or misleading information in relation to any application for an Australian practising certificate under an Australian law relating to the legal profession?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>h) Condition contravention</b> Have you contravened a condition of an Australian practising certificate held by you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**LPB FORM 1**

Matters of Fitness continued ...		
<b>i) Legal contravention</b> Have you contravened: <ul style="list-style-type: none"> <li>i. an Australian law relating to the legal profession; or</li> <li>ii. an order of a court or tribunal made in any proceedings; or</li> <li>iii. an order of a designated local regulatory authority or other person or body under legislation of any jurisdiction so far as the legislation relates to the control or discipline of any Australian lawyers or to the practice of law?</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>j) Payment contravention</b> Have you: <ul style="list-style-type: none"> <li>i. failed at any time to pay a required contribution or levy to a fidelity fund of a jurisdiction including the Solicitors Guarantee Fund; or</li> <li>ii. contravened a requirement imposed under an Australian law relating to the legal profession in relation to professional indemnity insurance; or</li> </ul> failed to pay any other costs, expenses or fines for which you were liable under an Australian law relating to the legal profession?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>k) Other</b> Have there been or are there any other matters the Board should consider in deciding whether you are a fit and proper person to hold a local practising certificate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you answered yes to any of the above question, please provide a brief description of the matter(s) in the box below, attach any evidence you have to support your response, and forward further details, as indicated above or otherwise, separately to the Board.		

## LPB FORM 1

### Section I – Professional indemnity insurance

#### NOTE

The Uniform Law requires legal practitioners to hold or be covered by a professional indemnity insurance policy (PII) approved for use in WA before they engage in legal practice in Western Australia unless exempt.

Under Part 7 of the Application Act a PII policy is an approved insurance policy if it is:

- provided under a PII arrangement entered into by the Law Society of Western Australia (Law Society);
- a Western Australia Bar Association approved policy or scheme policy;
- approved by the Attorney General in accordance with section 154 of the Application Act; or
- a scheme approved under the Local Regulations.

Section 215 of the Uniform Law and rule 82 of the Uniform General Rules provide categories of exemptions from the requirement to hold or be covered by an approved insurance policy.

Under the Uniform Law a practitioner's application for an exemption to hold or be covered by an approved PII policy is made directly to the Board.

Applicants who engage in legal practice other than solely as a barrister should contact Law Mutual (WA) at the Law Society of Western Australia on (08) 9481 3111 to discuss individual PII arrangements.

Applicants who engage in legal practice solely as a barrister should obtain PII via a WA Bar Association approved insurer.

Law Mutual (WA) and the WA Bar Association approved PII providers will notify the Board directly once PII is in place.

### Section J – Payment details

**34** This application is accompanied by the following payment:  
(Please refer to the Fee Schedule attached to this application)

Practising certificate fee	\$ _____
Late fee payable	\$ _____
Solicitors' Guarantee Fund contribution	\$ _____
Contribution to Uniform Law Framework	\$ _____
Total payable	\$ _____

**If you are applying to have the 'Volunteer or pro bono only' condition imposed on your practising certificate, you will need to email the Board requesting the imposition of the 'Volunteer or pro bono only' condition and seek a waiver of the prescribed fee.**

**If you are applying for the continuance of a 'Volunteer or pro bono only' condition, you will need to email the Board seeking a waiver of the prescribed fee for this reason.**

**LPB FORM 1**

**Section K – Declaration**

**35** I declare that:

- a) The information given in or with this application is true and correct and that I have not omitted any relevant information;
- b) I am not aware of any finding, conduct or event (other than disclosed herein or previously disclosed in writing to the Board) which would affect my fitness to hold a practising certificate;
- c) I will provide the Board with the supporting documents and information I have undertaken herein to provide; and
- d) I will ensure the Board is provided with payment of the prescribed fee, Contribution to Uniform Law Framework and Solicitors' Guarantee Fund contribution if applicable.

Signature: \_\_\_\_\_

Date: (dd/mm/yyyy) \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Please submit this form via email to [enquiries@lpbwa.com](mailto:enquiries@lpbwa.com). All supporting documents are to be submitted to the Board.

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**GOT TO PAGE 13**

## LPB FORM 1

### Fee Schedule:

Application for an Australian practising certificate and the Solicitor's Guarantee Fund contribution

### GST

Please note all fees are GST exempt.

### Fee Schedule

The standard fee for the grant of an Australian practising certificate is \$1,250.

An applicant for the grant of an Australian practising certificate is entitled to a discount if:

- (a) If the applicant is a person prescribed under regulation 35(3) of the Local Regulations; or
- (b) if the effective date of the local practising certificate will be on or after 1 January but before 30 June; and
- (c) the applicant either –
  - (i) was not an Australian legal practitioner on the previous 30 June; or
  - (ii) was a local Western Australian legal practitioner on the previous 30 June but was not required by section 44(4) of the Uniform Law to renew his or Australian local practising certificate in Western Australia.

The discount is 50% of the Standard Fee.

The following table applies to the renewal of your current Australian practising certificate:

<b>1 May to 31 May</b> Complete application submitted during the standard renewal period	\$1,250.00
<b>1 June to 30 June</b> Complete application submitted during the late fee period is subject to a fee of 25 % of the standard fee in addition to the standard fee.	\$1,562.50
<b>1 July to 31 July</b> Complete application submitted during the overdue period is subject to a fee of 50 % of the standard fee in addition to the standard application fee.	\$1,875.00
<b>After 31 July</b> Complete application submitted after the overdue period is subject to a fee of 100 % of the standard fee in addition to the standard fee.	\$2,500.00

### Contribution to cost of funding Legal Profession Uniform Framework

Pursuant to section 116(1)(e) of the Application Act, and in addition to the fee to accompany an application for a practising certificate, an application for an Australian practising certificate must be accompanied by a contribution of \$30 towards the cost of funding the State's contribution to the Legal Profession Uniform Framework, in accordance with section 34 of the Application Act. Persons specified in regulation 36(2) of the Local Regulations do not pay the contribution to the Uniform Law framework, being: the Solicitor-General; a government lawyer; and practitioners engaging in legal practice both as a volunteer at a community legal service or otherwise on a pro bono basis, only.

## LPB FORM 1

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### Solicitor's Guarantee Fund

The Legal Contribution Trust must advise the Board by 31 March in the previous financial year of the amount of the contribution to the Guarantee Fund set by the Trust under the Uniform Law section 225(2). Currently, legal practitioners are required to pay a yearly fee of \$50 in addition to the fee to accompany an application for a practising certificate. This is the Solicitors' Guarantee Fund contribution. Persons specified in section 225(4) of the Uniform Law do not pay a contribution to the Solicitors' Guarantee Fund being those lawyers engaging in legal practice as or in the manner of a barrister only; a government legal practitioner; and as a corporate legal practitioner.

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# LPB FORM 1

## LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

Level 6, 111 St Georges Terrace, PERTH WA 6000

Phone: (08) 6211 3600 Fax: (08) 6211 3650

A.B.N. 23 127 312 585

### PAYMENT OPTIONS FORM

Your account may be paid by one of the following methods:

- Credit Card – **please note** the Legal Practice Board does not accept payment by Diners Club or American Express.
- Electronic Funds Transfer – please quote the firm name or practitioner's name in your bank's lodgement reference.
- Overseas payments:
  - The Board requires payment in **AUSTRALIAN CURRENCY ONLY**.
  - Bank cheque drawn on an Australian bank payable to "Legal Practice Board"
  - Please note if paying by Telegraphic Transfer the Australian Banking System may deduct fees from your payment. The Board has no control over this and requires payment in full.

Submit this form with your application or email to [enquiries@lpbwa.com](mailto:enquiries@lpbwa.com) when paying by Electronic Funds/Telegraphic Transfer or Credit Card.

1

PRACTICE / PRACTITIONER'S NAME: \_\_\_\_\_

2

#### ELECTRONIC FUNDS TRANSFER/ TELEGRAPHIC TRANSFER:

National Australia Bank

Account Name:

Legal Practice Board WA

100 St Georges Terrace

BSB Number:

086-006

PERTH WA 6000

Account Number:

50-818-2001

Amount Transferred: \$ \_\_\_\_\_ Date of Transfer: \$ \_\_\_\_\_

OR

3

#### CREDIT CARD:

(please tick)

☐

MasterCard

☐

VISA

Cardholder Name: \_\_\_\_\_

Credit Card No: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Expiry: \_\_\_\_ / \_\_\_\_

Amount: \$ \_\_\_\_\_

Signature: \_\_\_\_\_