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Application for early declaration of suitability

Legal Profession Uniform Law (WA) (Uniform Law) [Section 21]

Legal Profession Uniform (Admission) Rules 2015 (Admission Rules) [Admission Rule 21]

A “relevant person” may apply to the Board for a declaration that a matter disclosed (including, for example, a matter referred to in rule 10 of the Admission Rules) either in:

- (a) the application for the declaration; or
- (b) an undecided application for admission to the legal profession under the Uniform Law

will not, without more, adversely affect an assessment by the Board as to whether the person is a fit and proper person to be admitted.

Statutory Declaration

I, _____
(full legal name)

_____ (occupation) of _____

_____ (residential address, including postcode)

sincerely declare as follows:

Section A – Personal details and eligibility to apply

1	Title:	Gender:	<input type="checkbox"/> Male
			<input type="checkbox"/> Female
	Phone number:	(Home) _____	(Mobile) _____
	Personal email address:	_____	
2	I am:		
	<input type="checkbox"/> An applicant for admission? Date application lodged: ____ / ____ / ____		
	OR		
	A prospective applicant for admission? Provide details, legal studies or eligibility to undertake a course of legal studies.		
	OR		
	<input type="checkbox"/> Another person who has a sufficient interest in applying for a declaration? Provide further details:		

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<div><div></div><div></div><div></div><div></div></div> <div>OR</div> <div><input type="checkbox"/> None of the above. You are not eligible to apply to the Board for a declaration.</div>

Section B – Disclosures

3	I have previously applied for admission, or sought a declaration as to suitability to be admitted, in another jurisdiction of Australia or overseas.
<input type="checkbox"/>	Yes – Provide details: <div></div>
<input type="checkbox"/>	No
<input type="checkbox"/>	A statutory declaration is attached (refer to Section C below).
4	One or more of the matters referred to in Rule 10 of the Admission Rules apply to me.
<input type="checkbox"/>	Yes – Provide details: <div></div>
<input type="checkbox"/>	No
<input type="checkbox"/>	A statutory declaration is attached (refer to Section C below).
5	One or more show cause events as identified in section 87 of the <i>Legal Profession Uniform Law (WA)</i> apply to me.
<input type="checkbox"/>	Yes – Provide details: <div></div>
<input type="checkbox"/>	No
<input type="checkbox"/>	A statutory declaration is attached (refer to Section C below).

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Section C- Required attachments to this application

- ☐ **A statutory declaration if indicated in the answers to questions 4-5 above.**
A statutory declaration should include:
- full details of the facts and circumstances surrounding the matters which are subject to this application
 - copies of any relevant documents
- ☐ **Express Consent to Make Enquiries form** (Attachment A).
- ☐ **A National Police Certificate dated within one month of this application.**
- ☐ **Two letters from referees.**
The letters must include contact details and occupation of the referee, details of the capacity and period of time the person has been known to the referee, confirmation that the referee has knowledge of the facts and circumstances surrounding the matters which are the subject of this application; and reasons why the referee is of the view that the person is a fit and proper person to be admitted to the legal profession.
- ☐ **\$300 prescribed fee.**

Section D - Declaration

This declaration is true and I know it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths Affidavits and Statutory Declarations Act 2005*:

at: _____

on: _____ / _____ / _____ (dd/mm/yyyy)

by: _____ (signature of person making the declaration)

in the presence of:

(signature authorised witness)

(name of authorised witness and qualification as such a witness)

Attachment A

EXPRESS CONSENT TO MAKE ENQUIRIES

Legal Practice Board

Level 6, 111 St Georges Terrace

PERTH WA 6005

1. I consent to the Legal Practice Board (**Board**) making enquiries of, or exchanging information with, any authorities, academic institutions, referees, or current or past employers, regarding matters relevant to my application for early declaration of suitability and authorise any authorities, academic institutions, referees, or current or past employers, to give information to the Board concerning me.
2. I consent to the Board providing any documents relating to my application for early declaration of suitability including, but not limited to, any documents provided to the Board by me and records of deliberations and decisions of the Board, to any Australian admitting authority or Board.

Signed: _____

Full name: _____
(printed)

Date: _____

Attachment B

THE FOLLOWING INFORMATION IS FOR GUIDANCE ONLY AND SHOULD NOT BE ATTACHED TO YOUR APPLICATION, OR RETURNED TO THE LEGAL PRACTICE BOARD.

Submitting your application:

The original application, together with attachments and payment, must be posted to:

Legal Practice Board
PO Box 5720
St Georges Terrace
Perth WA 6831

or, delivered to:

Legal Practice Board
Level 6, 111 St Georges Terrace
Perth WA 6000

Overseas and interstate applicants may, in the first instance, fax a copy of the complete application to (08) 6211 3650 or scan via email to enquiries@lpbwa.com

Payment Form:

A payment form is available to download on [the Board's website](#). Please attach your payment form to your application.

Authorised Witnesses:

Extract of section 12 of the *Oaths, Affidavits and Statutory Declarations Act 2005*

Statutory declarations, how made:

1. Unless another written law provides otherwise, a statutory declaration for any purpose in this State must be made in accordance with this section.
2. The statutory declaration must be in the form in Schedule 1.
3. The person who is making the statutory declaration must —
 - (a) sign or personally mark the statutory declaration;
 - (b) sign or initial any alteration, such as an insertion or erasure, that has been made to the statutory declaration; and
 - (c) in the presence of an authorised witness declare orally —
 - i. that he or she is the person named as the maker of the statutory declaration;
 - ii. (that the contents of the statutory declaration are true;
 - iii. that the signature or mark is his or hers; and

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- iv. if necessary, that any attachment to the statutory declaration is the attachment referred to in it.
 - 4. The requirements of subsection (3)(a) and (b) need not be complied with in the presence of an authorised witness.
 - 5. After the maker has complied with subsection (3)(c), the authorised witness must —
 - (a) sign or personally mark the statutory declaration;
 - (b) sign or initial any alteration in the statutory declaration that has been signed or initialled by the maker; and
 - (c) imprint or clearly write his or her name and qualification as an authorised witness.
 - 6. An authorised witness for a statutory declaration is —
 - (a) for a statutory declaration that is made at a place **in Western Australia** —
 - i. any person described in the second column of Schedule 2; or
 - ii. any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a statutory declaration may be made;
 - (b) for a statutory declaration that is made at a place **outside Western Australia but within Australia** —
 - i. any person who, under the law of that place, has authority to take or receive a statutory, solemn or other declaration; or
 - ii. any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a statutory declaration may be made;
 - (c) for a statutory declaration that is made **at any other place** —
 - i. a prescribed consular official who is performing official functions at that place;
 - ii. a person who is a justice or notary public under the law of that place;
 - iii. a person who has authority under the law of that place to administer an oath to another person or to take, receive or witness a statutory, solemn or other declaration.
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Schedule 2

Authorised witnesses for statutory declarations [s. 12(6)(a)]

Item	Formal description	Informal description
1.	<p>A member of the academic staff of an institution established under an of the following Acts —</p> <ul style="list-style-type: none"> • <i>Curtin University of Technology Act 1966</i>; • <i>Edith Cowan University Act 1984</i>; • <i>Murdoch University Act 1973</i>; • <i>University of Notre Dame Australia Act 1989</i>; • <i>University of Western Australia Act 1911</i>; • <i>Vocational Education and Training Act 1996</i>. 	Academic (post-secondary institution)
2.	<p>A member of any of the following bodies —</p> <ul style="list-style-type: none"> • Association of Taxation and Management Accountants (ACN 002 876 208); • CPA Australia (ACN 008 392 452); • The Institute of Chartered Accountants in Australia (ARBN 084 642 571); • National Institute of Accountants (ACN 004 130 643); • National Tax & Accountants' Association Limited (ACN 057 551 854). 	Accountant
3.	A person who is registered under the <i>Architects Act 2004</i> .	Architect
4.	An Australian Consular Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Consular Officer
5.	An Australian Diplomatic Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Diplomatic Officer
6.	A bailiff appointed under the <i>Civil Judgments Enforcement Act 2004</i> .	Bailiff
7.	A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the <i>Banking Act 1959</i> of the Commonwealth.	Bank manager
8.	A member of Chartered Secretaries Australia Limited (ACN 008 615 950).	Chartered secretary
9.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the pharmacy profession.	Chemist
10.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the chiropractic profession.	Chiropractor
11.	A person registered as an auditor or a liquidator under the <i>Corporations Act 2001</i> of the Commonwealth.	Company auditor or liquidator

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Item	Formal description	Informal description
12.	A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth.	Court officer
13.	A member of the Australian Defence Force who is — <ul style="list-style-type: none"> an officer within the meaning of the <i>Defence Force Discipline Act 1982</i> of the Commonwealth; a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or a warrant officer within the meaning of that Act. 	Defence force officer
14.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law.	Dentist
15.	A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the medical profession.	Doctor
15A.	A person appointed under the <i>Parliamentary and Electorate Staff (Employment) Act 1992</i> section 4(1)(b)(i) or (2)(b)(i)	Electorate officer of a member of State Parliament
16.	A member of the Institution of Engineers, Australia, other than at the grade of student.	Engineer
17.	The secretary of an organisation of employees or employers that is registered under one of the following Acts — <ul style="list-style-type: none"> <i>Industrial Relations Act 1979</i>; <i>Workplace Relations Act 1996</i> of the Commonwealth. 	Industrial organisation secretary
18.	A member of the National Insurance Brokers Association of Australia (ACN 006 093 849).	Insurance broker
19.	A Justice of the Peace.	Justice of the Peace
19A.	A person who is a member of the Authority's staff within the meaning given to that term by the <i>Land Information Authority Act 2006</i> section 3.	Landgate officer
20.	An Australian lawyer within the meaning of that term in the <i>Legal Profession Act 2008</i> section 3.	Lawyer
21.	The chief executive officer or deputy chief executive officer of a local government.	Local government CEO or deputy CEO
22.	A member of the council of a local government within the meaning of the <i>Local Government Act 1995</i> .	Local government councillor
23.	A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster

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Item	Formal description	Informal description
24.	An authorised celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth.	Marriage celebrant
25.	A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament
26.	A minister of religion registered under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth.	Minister of religion
27.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the nursing and midwifery profession.	Nurse
28.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the optometry profession.	Optometrist
29.	A registered patent attorney under the <i>Patents Act 1990</i> of the Commonwealth.	Patent attorney
30.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the physiotherapy profession.	Physiotherapist
31.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the podiatry profession.	Podiatrist
32.	A police officer.	Police officer
33.	The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth.	Post office manager
34.	A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the psychology profession.	Psychologist
35.	A public notary within the meaning of the <i>Public Notaries Act 1979</i> .	Public notary
36.	An officer of the Commonwealth public service.	Public servant (Commonwealth)
37.	A person who is employed under the <i>Public Sector Management Act 1994</i> Part 3.	Public servant (State)
38.	The holder of a licence under the <i>Real Estate and Business Agents Act 1978</i> .	Real estate agent
39.	The holder of a licence under the <i>Settlement Agents Act 1981</i> .	Settlement agent
40.	The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
41.	A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> .	Surveyor

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Item	Formal description	Informal description
42.	A person employed as a member of the teaching staff within the meaning of the <i>School Education Act 1999</i> or as a teacher of a non-government school within the meaning of that Act.	Teacher
43.	A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
44.	A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> .	Veterinary surgeon
