

Version 2
LPB FORM A11

WESTERN AUSTRALIA

Legal Profession Uniform Law (WA)
Sections 62 and 69

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

Application for the grant or renewal of registration as an Australian-registered foreign lawyer (Australian registration certificate)

I,

(First names in BLOCK LETTERS)

(Surname in BLOCK LETTERS)

apply for the

☐ grant

OR

☐ renewal

of an Australian registration certificate to take effect from ____/____/____ (dd/mm/yyyy) for the year ending 30 June 20____.

NOTE: *An Australian registration certificate:*

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

This form may be sent via email to enquiries@lpbwa.com in the first instance however, as it is a statutory declaration, the original must be posted or delivered to the Board.

LEGAL PRACTICE BOARD
OF WESTERN AUSTRALIA

Section A – Personal details

1 Title: _____	Date of birth: (dd/mm/yyyy) _____/_____/_____	Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
2 Residential address: _____ _____ _____ Post code: _____		
3 Phone number: _____ <div style="text-align: center; font-size: small;">(Home) (Mobile)</div>		
4 Personal email address: _____		

Section B – Educational and Professional Qualifications (for grant of certificate only)

<p><u>If this is an application for renewal, go to Section C.</u></p> <p>Details of legal academic qualification/s completed:</p>	
5	<p>Primary qualification:</p> <p>Jurisdiction in which qualification obtained: _____</p> <p>Name of qualification: _____</p> <p>Name of institution: _____</p> <p>Year completed: _____</p> <p>Other legal qualifications: _____</p>
6	<p>_____</p> <p>Jurisdiction in which first admitted or eligible to be admitted:</p> <p>_____</p> <p>Admitted as: _____ Date admitted: ____/____/____</p> <p>Other jurisdictions in which admitted:</p> <p>_____</p>

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7 Details of post admission experience:

From	To	Capacity	Organisation	Jurisdiction
/ /	/ /			
/ /	/ /			
/ /	/ /			
/ /	/ /			
/ /	/ /			

(Attach annexure if insufficient space)

Section C – Declaration (s. 62(3) of the Legal Profession Uniform Law (WA))

8 I am not an Australian legal practitioner

9 I am currently registered to engage in legal practice by the following foreign registration authority/ies:

Jurisdiction: _____

Registration Authority: _____

Registration current to: _____

Jurisdiction: _____

Registration Authority: _____

Registration current to: _____

10 I am not the subject of disciplinary proceedings in Australia or a foreign country (including any preliminary investigations or action that might lead to disciplinary proceedings) in my capacity as:

- (a) a foreign lawyer; or
- (b) an Australian registered foreign lawyer; or
- (c) an Australian lawyer.

11 I have not been convicted of an offence in Australia or a foreign country.

(Or, if so, **attach** details of the nature of the offence; how long ago the offence was committed and your age when the offence was committed).

12 My registration or authorisation is not cancelled or currently suspended in any place as a result of disciplinary action.

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- 13 I am not subject to any special conditions or undertakings concerning my engagement in legal practice as a result of criminal, civil or disciplinary proceedings in Australia or a foreign country that would make registration inappropriate.
- 14 I am not otherwise personally prohibited from engaging in legal practice in any place or bound by any undertaking not to engage in legal practice in any place as a result of criminal, civil or disciplinary proceedings in any place.
- 15 I intend to engage in legal practice in Australia within a reasonable period after registration.
- 16 I give consent to the making of inquiries of, and the exchange of information with, any foreign registration authorities the Board considers appropriate regarding my activities in engaging in legal practice in the places concerned or otherwise regarding matters relevant to this application.
- 17 **If this is an application for renewal – Go to Section D.**
- I attach an original instrument, or a copy of an original instrument, from each foreign registration authority in which I am registered, that —
- (a) verifies my educational and professional qualifications; and
 - (b) verifies my registration by the authority to engage in legal practice in the foreign country concerned, and the date of registration; and
 - (c) describes anything done by me in engaging in legal practice in that foreign country of which the authority is aware and that, in the opinion of the authority, has had or is likely to have had an adverse effect my professional standing within the legal profession of that place.
- Instruments from foreign registration authority/ies **attached** (Not required for renewal).

Section D – Practice in Western Australia

- 18 Details of my intended/ place of practice as a registered foreign lawyer in Western Australia:
- Name of practice: _____
- Capacity: _____
(eg on own account; in partnership; as a director; as an employee – refer s155)
- Street Address: _____
- Postal Address: _____
- Phone: _____ Email: _____

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Section E – Show cause events

Section 87 of the *Legal Profession Uniform Law* (WA) 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 himself or herself to be a fit and proper person to hold a Australian registration certificate.

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

Please contact the Board on (08) 6211 3600 or by email at enquiries@lpbwa.com for assistance.

- 19** Apart from matters **previously disclosed** by you in writing to the Board, has an automatic show cause event, as referred to in section 87 of the *Legal Profession Uniform Law* (WA), occurred in relation to you?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If you answered yes, 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 *Legal Profession Uniform Law* (WA).

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Section F – Fitness to practice

- 22** Apart from matters **previously disclosed** by you in writing to the Board, have any of the matters referred to in rule 21 of the *Legal Profession Uniform General Rules 2015* occurred to you?

	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If you answered yes, please provide a brief description of the relevant matter(s) referred to in rule 21 of the *Legal Profession Uniform General Rules 2015* in the box **below** and provide (and **attach**) separate written statement which addresses all of the matters in rule 21 relevant to you that you have not previously disclosed, including why you are a fit and proper person to hold an Australian registration certificate notwithstanding the matter disclosed.

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NOTE:

Rule 21 of the *Legal Profession Uniform General Rules 2015* provides that for the purposes of section 62 of the *Legal Profession Uniform Law (WA)*, the designated local regulatory authority for a jurisdiction may refuse to grant or renew an Australian registration certificate on any of the following grounds:

- (a) *that the application is not accompanied by, or does not contain, information sufficient to allow the regulatory authority to be satisfied as to the matters referred to in section 62(3) of the Legal Profession Uniform Law (WA),*
- (b) *that the applicant has contravened an Australian law relating to the legal profession,*
- (c) *that the applicant has contravened an order of the designated tribunal or a corresponding disciplinary body, including but not limited to an order to pay any fine or costs,*
- (d) *that the applicant has contravened an order of a local regulatory authority or corresponding authority of any jurisdiction, including but not limited to an order to pay any fine or costs,*
- (e) *that the applicant has failed to comply with a requirement under an Australian law relating to the legal profession to pay a contribution to, or levy for, a fidelity fund,*
- (f) *that the applicant has contravened a requirement of or made under an Australian law relating to the legal profession in relation to professional indemnity insurance,*

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- (g) that the applicant has failed to pay any expenses of receivership payable under an Australian law relating to the legal profession,
- (h) that the applicant's foreign legal practice is in receivership (however described),
- (i) that an authority of another jurisdiction has under a corresponding law—
 - i. refused to grant or renew registration for the applicant, or
 - ii. suspended or cancelled the applicant's registration.

Section G – Trust account details

23 Do you or will you receive trust money?

☐ Yes – please fill in your trust account details **below**.

☐ No – Go to Section H.

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
Post Code

NOTE:

In answering this question, please refer to the definition of trust money and a trust account in section 137 of the *Legal Profession Uniform Law (WA)*.

Section 64 of the *Legal Profession Uniform Law (WA)* provides that an Australian registration certificate is subject to a condition, as determined by the designated local regulatory authority, that the holder is authorised or not authorised to receive trust money.

In order to be authorised to receive trust money an Australian-registered foreign lawyer 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.

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Section H – Professional Indemnity insurance

There are specific professional indemnity insurance requirements for Australian-registered foreign lawyers pursuant to section 214 of the *Legal Profession Uniform Law (WA)*.

See the **Note** below before responding to the following:

24 Do you hold or are you covered by professional indemnity insurance that covers you practising foreign law in Western Australia?

☐ Yes – please complete question 25.

☐ No – please complete the undertaking **below**.

25 Do you hold or are you covered by an approved insurance policy issued by the Western Australian approved insurer (Law Mutual)?

☐ Yes – please **attach** evidence of insurance cover and proceed to payment at Section I.

☐ No – please proceed to question 26.

26 Do you hold or are you covered by an approved insurance policy issued by another Australian jurisdiction?

☐ Yes – please **attach** evidence of insurance cover and proceed to payment at Section I.

☐ No – please proceed to question 27.

27 Do you hold or are you covered by an insurance policy issued by a foreign jurisdiction?

☐ Yes – please **attach** evidence of insurance cover and complete the undertaking **below**.

☐ No – please complete the undertaking **below**.

Undertaking:

I am the applicant named on page 1 of this form and I undertake, upon the grant of my Australian registration certificate, as an Australian-registered foreign lawyer who does not hold or is not covered by an approved insurance policy for this jurisdiction, to provide a disclosure statement in writing to each client before, or as soon as practicable after, being retained for legal services in this jurisdiction stating:

(a) whether or not the lawyer is covered by other professional indemnity insurance; and

(b) if covered, the nature and extent of that insurance.

Signature: _____

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

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NOTE:

The single provider of an approved insurance policy for solicitors in Western Australia is Law Mutual. Section 214 of the *Legal Profession Uniform Law (WA)* requires an Australian registered foreign lawyer who does not hold or is not covered by an approved insurance policy for this jurisdiction to provide a disclosure statement in writing to each client before, or as soon as practicable after, being retained for legal services in this jurisdiction stating:

- (a) Whether or not the lawyer is covered by other professional indemnity insurance; and
- (b) If covered, the nature and extent of that insurance.

Section I – Payment details

28 This application is accompanied by the following payment:

*(Please refer to the Fee Schedule **attached** to this application)*

Australian registration certificate fee	\$ _____
Late fee payable	\$ _____
Solicitors' Guarantee Fund contribution	\$ _____
Total payable	\$ _____

NOTE:

Your application for an Australian registration certificate will not be considered before the prescribed fee is paid to the Board. A Payment Form is available in the Downloadable Forms section on the Board's website.

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Section J – Statutory Declaration

29 I declare that:

- The information given in or with this application is true and correct and that I have not omitted any relevant information;
- I am not aware of any finding, conduct or event (other than disclosed herein or previously disclosed in writing to the Board) which could provide grounds for refusing to grant or renew the Australian registration certificate;
- I will provide the Board with the supporting documents and information I have undertaken herein to provide;
- All attachments to this application are original documents or complete and accurate copies of original documents;
- All attachments to this application are in English or are accompanied by an authenticated English translation; and
- I will ensure the Board is provided with payment of the prescribed fee and Solicitors' Guarantee Fund contribution if applicable.

This declaration is true and I know that 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* (WA).

at: _____ on: ____/____/____

by: _____

in the presence of:

Name: _____

Qualification as witness: _____

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Authorised Witnesses:

Extract of section 12 of the *Oaths, Affidavits and Statutory Declarations Act 2005 (WA)*.

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
 - (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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Fee Schedule:

Application for an Australian registration certificate.

GST

Please note all fees are GST exempt.

Fee Schedule

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

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

1 May to 31 May Complete application submitted during the standard renewal period	\$1,250.00
1 June to 30 June 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
1 July to 31 July 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
After 31 July 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

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 section 225(2) of the *Legal Profession Uniform Law* (WA). Currently, Australian-registered foreign lawyers who practice foreign law in this jurisdiction as an associate of a law practice, are required under reg. 38 of the *Legal Profession Uniform Law Application Regulations 2022* (WA) to pay a Guarantee Fund contribution of \$50 per year. This is the Solicitors' Guarantee Fund contribution.

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