

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) (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)

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Section C – Practising certificate renewal

9 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 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 approval, not approved, 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

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

Yes

No (go to Q12)

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

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

12 Have you been admitted in a jurisdiction other than Western Australia and have never held a practising certificate issued in Western Australia?

or

Have you been admitted in Western Australia or previously held a 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 a practising certificate, or practised in any Australian or foreign jurisdiction, please answer 'yes' and answer question 13).

(Note: if you have been admitted in Western Australia and have never held a practising certificate please answer 'no' and proceed to question 13).

- Yes

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

| Jurisdiction | Date of Admission (dd/mm/yyyy) | Period practising certificate(s) held if applicable (dd/mm/yyyy – dd/mm/yyyy) |
|--------------|-----------------------------------|---|
| | | |
| | | |
| | | |

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 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".

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| | |
|-----------|--|
| | <input type="checkbox"/> A certified copy of my certificate of admission from one of the Australian jurisdictions referred to above <p style="text-align: center;">Please now go to Section E – Practising Details</p> <input type="checkbox"/> No |
| 13 | Have you applied to be admitted in Western Australia? <input type="checkbox"/> Yes <input type="checkbox"/> No |

Section E- Practising details

| | | | | | | | | | | | | | | |
|---|--|---|------------------------------------|--|---|--|--|---|----------------------------------|--|---|---|--|--|
| 14 | Primary Law Practice Name/ Employer: | <hr/> | | | | | | | | | | | | |
| 15 | Street Address: | <hr/> <hr/> <div style="text-align: right;">Post Code</div> <hr/> | | | | | | | | | | | | |
| 16 | Postal Address: <i>(If different from street address)</i> | <hr/> <hr/> <div style="text-align: right;">Post Code</div> <hr/> | | | | | | | | | | | | |
| 17 | Telephone Number: <i>(Include area code)</i> | () | | | | | | | | | | | | |
| 18 | Facsimile Number: <i>(Include area code)</i> | () | | | | | | | | | | | | |
| 19 | Business email: | | | | | | | | | | | | | |
| 20 | Employment Status: | <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Barrister</td> <td style="width: 33%;"><input type="checkbox"/> Legal Practitioner Director of an incorporated legal practice</td> <td style="width: 33%;"><input type="checkbox"/> Corporate legal practitioner</td> </tr> <tr> <td><input type="checkbox"/> Sole Practitioner</td> <td><input type="checkbox"/> Government legal practitioner</td> <td><input type="checkbox"/> Not Practising</td> </tr> <tr> <td><input type="checkbox"/> Partner</td> <td></td> <td><input type="checkbox"/> Volunteer or Pro Bono only</td> </tr> <tr> <td><input type="checkbox"/> Employee of a law practice</td> <td></td> <td></td> </tr> </table> | <input type="checkbox"/> Barrister | <input type="checkbox"/> Legal Practitioner Director of an incorporated legal practice | <input type="checkbox"/> Corporate legal practitioner | <input type="checkbox"/> Sole Practitioner | <input type="checkbox"/> Government legal practitioner | <input type="checkbox"/> Not Practising | <input type="checkbox"/> Partner | | <input type="checkbox"/> Volunteer or Pro Bono only | <input type="checkbox"/> Employee of a law practice | | |
| <input type="checkbox"/> Barrister | <input type="checkbox"/> Legal Practitioner Director of an incorporated legal practice | <input type="checkbox"/> Corporate legal practitioner | | | | | | | | | | | | |
| <input type="checkbox"/> Sole Practitioner | <input type="checkbox"/> Government legal practitioner | <input type="checkbox"/> Not Practising | | | | | | | | | | | | |
| <input type="checkbox"/> Partner | | <input type="checkbox"/> Volunteer or Pro Bono only | | | | | | | | | | | | |
| <input type="checkbox"/> Employee of a law practice | | | | | | | | | | | | | | |
| 21 | Date of commencement in above status | (dd/mm/yyyy) <div style="text-align: right;">_____ / _____ / _____</div> | | | | | | | | | | | | |
| 22 | 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. | | | | | | | | | | | | |

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Section E- Practising details (continued)

| | | |
|-----------|---|---|
| 23 | Secondary Law Practice Name/ Employer: | |
| 24 | Street Address: | |
| | | |
| | | Post Code |
| 25 | Postal Address: <i>(If different from street address)</i> | |
| | | |
| | | Post Code |
| 26 | Telephone Number: <i>(Include area code)</i> | () |
| 27 | Facsimile Number: <i>(Include area code)</i> | () |
| 28 | Business email: | |
| 29 | Employment Status: | |
| | <input type="checkbox"/> Barrister <input type="checkbox"/> Legal Practitioner Director of an incorporated legal practice <input type="checkbox"/> Corporate legal practitioner | |
| | <input type="checkbox"/> Sole Practitioner <input type="checkbox"/> Government legal practitioner <input type="checkbox"/> Not Practising | |
| | <input type="checkbox"/> Partner <input type="checkbox"/> Volunteer or Pro Bono only | |
| | <input type="checkbox"/> Employee of a law practice | |
| 30 | Date of commencement in above status | (dd/mm/yyyy) _____/_____/_____ |
| 31 | 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. |

NOTE:

All correspondence from the Board will be directed to your primary place of practice as given at the beginning of Section E.

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 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 Regulations.

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Section F – Trust account details

32 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; margin-top: 10px;">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 a 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 general@lpbwa.com

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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 himself or herself to be a fit and proper person to hold a 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 sections 86 and 87, and the definitions in section 6, of the Uniform Law to determine if you are required to provide a statement.

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

33 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 Uniform Law, occurred in relation to you?

| | | |
|--|------------------------------|-----------------------------|
| | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|--|------------------------------|-----------------------------|

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 Uniform Law.

| |
|--|
| |
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Section H – Fitness to practice (continued)

35 Apart from matters **previously disclosed** by you in writing to the Board, have any of the matters referred to in rule 13 of the Uniform General Rules occurred to you?

Please note that amendments to the *Spent Convictions Act 1988* effective 6 March 2015 mean that applicants for the grant or renewal of an Australian practising certificate are required to disclose a spent conviction to the Board and that the conviction may be taken into account in considering whether the applicant is a fit and proper person. Spent convictions previously disclosed in writing to the Board are not required to be disclosed again to the Board.

| | | |
|--|------------------------------|-----------------------------|
| | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|--|------------------------------|-----------------------------|

If you answered yes, please provide a brief description of the relevant matter(s) referred to in rule 13 of the Uniform General Rules in the box below and provide a separate written statement in accordance with rule 12 of the Uniform General Rules which addresses all of the matters in rule 13 relevant to you that you have not previously disclosed, including why you are a fit and proper person to hold an Australian practising certificate notwithstanding the matter disclosed.

NOTE:

A person may be considered by the Board a fit and proper person to hold a practising certificate notwithstanding the existence of any of the matters in rule 13 of the Uniform General Rules.

If you are unsure whether a particular matter is referred to in rule 13 of the Uniform General Rules, it is recommended that you declare the matter in your application. The matter will then be assessed when your application is determined.

If a matter referred to in rule 13 of the Uniform General Rules has occurred in relation to you and you are unsure whether you have previously disclosed it in writing to the Board, you should disclose it in this application.

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Section I – Professional indemnity insurance

NOTE:

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

Under Part 7 of the Application Act a professional indemnity insurance 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 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 insurance 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 insurance arrangements.

Applicants who engage in legal practice solely as a barrister should obtain professional indemnity insurance via a WA Bar Association approved insurer. Law Mutual (WA) and the WA Bar Association approved insurance providers will notify the Board directly once professional indemnity insurance is in place.

Section J – Payment details

36 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.

NOTE:

Your application for an Australian practising certificate will not be considered before the prescribed fee is paid to the Board.

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Section K – Declaration

37 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 would affect my fitness to hold a practising certificate;
- I will provide the Board with the supporting documents and information I have undertaken herein to provide; and
- 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 general@lpbwa.com. All supporting documents are to be submitted to the Board.

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Fee Schedule:

Application for 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 *Legal Profession Uniform Law Application Regulations 2022*; 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:

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

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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 who have been practising in Western Australia for more than two years but less than seven years are required to pay a yearly fee of \$20 in addition to the fee to accompany an application for a practising certificate. This is the Solicitors' Guarantee Fund contribution.

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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:

- Cash (*exact amount only*).
- Cheque – payable to “Legal Practice Board”
- 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 general@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: |
| <i>(please tick)</i> | |
| <input type="checkbox"/> MasterCard | <input type="checkbox"/> VISA |
| Cardholder Name: _____ | |
| Credit Card No: ____ / ____ / ____ / ____ Expiry: ____ / ____ | |
| Amount: \$ _____ | Signature: _____ |