



Western Australia

Legal Practice Board Rules 2004

As at 02 Feb 2007

Version 01-a0-03

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Legal Practice Board Rules 2004

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Defined Terms



Western Australia

Reprinted under the
Reprints Act 1984 as at
2 February 2007

Legal Practice Act 2003

Legal Practice Board Rules 2004

Part 1 — Introductory

1. Citation

These rules may be cited as the *Legal Practice Board Rules 2004*¹.

2. Terms used in these Rules

In these Rules —

“**articles**” means articles of clerkship to a legal practitioner;

“**Articles Training Programme**” means the programme of practical legal training for articulated clerks (including assessments and examinations) conducted by the Board;

“**chairperson**” includes a member of the Board presiding at a meeting of the Board in the absence of the chairperson;

“**committee**” means a committee appointed under section 10;

“**Form**” means a form set out in Schedule 1;

“**principal**” means a legal practitioner to whom an articulated clerk is articulated;

“**secretary**” means the secretary to the Board;

“**section**” means, except in Part 9, section of the Act.

Part 2 — Legal Practice Board

Division 1 — Election of members

3. Annual election date

- (1) Elections to elect members of the Board for the purposes of section 7(1)(d) are to be held on the first Tuesday in April each year.
- (2) If the first Tuesday in April is a day when the offices of the Supreme Court are closed, the election is to be held on the second Tuesday in April.

4. Returning officers

The Board is to appoint a returning officer and an assistant returning officer for each election.

5. Nomination of candidates

- (1) A legal practitioner who is eligible to be a member of the Board may nominate as a candidate in an election by giving a notice of intention to stand to the Board at least 28 days before the election date.
- (2) A notice of intention to stand is to be signed by the nominee and countersigned by another legal practitioner who is eligible to vote in the election.

6. Candidates elected when nominations equal vacancies

If the number of candidates in an election is less than or equal to the number of vacancies, the candidates are all elected and the election need not be held.

7. Ballot papers

- (1) If the number of candidates in an election exceeds the number of vacancies, the secretary is to give a ballot paper to each legal practitioner who is eligible to vote in the election.

- (2) On the ballot paper —
 - (a) the candidates are to be listed in the order determined by lot by the secretary; and
 - (b) a candidate who is a member of the Board standing for re-election is to be identified as such.
- (3) The secretary is to give the ballot paper —
 - (a) with a ballot paper envelope for the purposes of rule 8(1)(b);
 - (b) in an envelope marked “Confidential” and initialled by the secretary; and
 - (c) at least 10 days before the election date.

8. Voting

- (1) A legal practitioner who is eligible to vote in an election may cast his or her vote by —
 - (a) indicating on the ballot paper, by clearly scoring through them, the names of the candidates for whom the legal practitioner does not wish to vote;
 - (b) sealing the ballot paper in an envelope marked “Ballot Paper” and signing the envelope; and
 - (c) returning the ballot paper to the secretary.
- (2) A vote is not valid unless it is received by the secretary before 12 noon on the election date.
- (3) A legal practitioner must not cast more than one vote in an election.
- (4) As soon as practicable after 12 noon on the election date —
 - (a) the secretary is to give to the returning officer, unopened, all the ballot paper envelopes returned under subrule (1)(c);

- (b) the returning officer, assisted by the assistant returning officer, is to —
 - (i) open the ballot paper envelopes;
 - (ii) decide on the validity of each ballot paper; and
 - (iii) record the number of votes cast for each candidate.
- (5) When all the votes have been counted the returning officer is to give to the Board —
 - (a) the record of votes signed by the returning officer and the assistant returning officer; and
 - (b) the valid and invalid ballot papers (in 2 separate, clearly marked bundles).
- (6) The candidates, equal in number to the number of vacancies, who receive the most votes are elected.
- (7) If —
 - (a) 2 or more candidates receive the same number of votes; and
 - (b) after candidates who received more votes are elected, the number of vacancies left is less than the number of candidates referred to in paragraph (a),

the chairperson has a casting vote to decide which of the candidates referred to in paragraph (a) is elected.

9. Commencement of term of office

The people elected under rules 6 or 8 take office on the Thursday after the election date.

10. Results to be published in *Gazette*

The secretary is to cause a notice setting out the names of the successful candidates, and of all other members of the Board, to be published in the *Gazette*.

11. Non-receipt of ballot papers

A failure by the secretary to give a ballot paper to a legal practitioner in accordance with rule 7, or the non-receipt of a ballot paper by a legal practitioner, does not affect the validity of an election.

Division 2 — Board meetings

12. Board meetings

- (1) Board meetings are to be held —
 - (a) at the times and places determined by the Board; and
 - (b) at other times at the request of the chairperson or 2 members of the Board.
- (2) A request for a Board meeting is to be in writing, signed by the chairperson or members of the Board and given to the secretary at least 48 hours before the time requested for the meeting.

13. Notice of meeting

- (1) The secretary is to notify all members of the Board of the time and place of a Board meeting at least 24 hours before the time for that meeting.
- (2) A failure by the secretary to notify a member of the Board in accordance with subrule (1), or the non-receipt by a member of the Board of such a notice, does not affect the validity of the meeting or anything done or agreed to at the meeting.

14. Urgent meetings

- (1) If a committee decides that the urgency of a matter being considered at a committee meeting requires immediate consideration by the Board, the members of the committee present at the meeting may immediately sit as the Board for the purpose of considering, and making a decision on, that matter.

- (2) Rules 12 and 13 do not apply to a meeting held under subrule (1).

15. Voting at Board meetings

- (1) Subject to subrule (2), voting at a Board meeting is to be by show of hands.
- (2) If 2 members of the Board present at a meeting call for a ballot in respect of a resolution, voting for that resolution is to be by ballot.

16. Rescission or amendment

The Board cannot rescind or amend a resolution passed at a previous Board meeting unless notice of the proposed rescission or amendment is given in the notice convening the meeting.

17. Minutes

- (1) The secretary is to keep minutes of every Board meeting.
- (2) The minutes, when signed by the chairperson of that or a subsequent meeting, are binding and conclusive for all purposes.

Division 3 — Committees

18. Convenor and deputy convenor

- (1) The Board is to appoint a convenor and deputy convenor for each committee.
- (2) Schedule 1 clauses 1 and 6 of the Act apply to a convenor and deputy convenor.

19. Committee meetings

- (1) Schedule 1 clauses 3, 4 and 5 of the Act and rules 12, 13, 15, 16 and 17(1) apply to committee meetings.

- (2) The minutes of a committee meeting, when signed by the convenor of that meeting or by the chairperson, are binding and conclusive for all purposes.

20. Application of applied provisions

For the purpose of applying the provisions referred to in rules 18(2) and 19(1), a reference in those provisions to —

- (a) the Board, is to be read as a reference to the committee;
- (b) the chairperson, is to be read as a reference to the convenor;
- (c) the deputy chairperson, is to be read as a reference to the deputy convenor; and
- (d) a member of the Board, is to be read as a reference to a member of the committee.

Part 3 — Articled clerks

Division 1 — Articles

21. Examinations — s. 19(1)(b)

For the purposes of section 19(1)(b), the required examinations are the examinations needed to be passed to obtain a degree or other qualification referred to in section 27(2)(a)(i) or (ii) or (2)(b)(i).

22. Application and registration

- (1) A person wanting to register articles must lodge an application for registration of articles with the Board.
- (2) An application for registration of articles is to be in the form of Form 1 and is to be accompanied by —
 - (a) a deed of articles of clerkship in the form of Form 2; and
 - (aa) an undertaking in the form of Form 2A from the person who is to be the principal; and
 - (b) 2 certificates of good character in the form of Form 3; and
 - (c) documentary evidence of the educational qualifications that entitle the applicant to be admitted certified by the university from which those qualifications were obtained; and
 - (d) a certificate from the Police Force, given not more than one month before the application is lodged, setting out details of any offences committed by the applicant; and
 - (e) a certified copy of the applicant's birth certificate; and
 - (f) payment of a fee of \$200.
- (3) If the requirement for the applicant to serve a term of articles is imposed under section 27(3)(b), subrule (2)(aa) does not apply unless the applicant is required under section 27(3)(a) to satisfy

the requirements for practical legal training prescribed for the purposes of section 27(1)(a).

[Rule 22 amended in Gazette 1 Dec 2006 p. 5301-2.]

23. Assignment or replacement of articles

- (1) If an event referred to in section 22 occurs, the articled clerk may apply to the Board to —
 - (a) assign his or her articles to a new principal; or
 - (b) cancel the registration of his or her articles and register new articles with another legal practitioner for the unexpired balance of the term of the former articles.
- (2) An application for registration of assignment of articles is to be —
 - (a) in the form of Form 4; and
 - (b) accompanied by a deed of assignment of articles in the form of Form 5.
- (3) An application to cancel the registration of articles and register new articles is to be —
 - (a) in the form of Form 6; and
 - (b) accompanied by a deed of articles of clerkship in the form of Form 2.
- (3a) An application referred to in subrule (2) or (3) is to also be accompanied by —
 - (a) a certificate in the form of Form 7 from the former principal in respect of the period of articles prior to the assignment or registration of new articles; and
 - (b) a statement from the former principal setting out the extent to which the articled clerk has completed his or her practical legal training; and
 - (c) an undertaking in the form of Form 2A from the person who is to become the principal.

- (3b) Without limiting rule 76, subrule (3)(a) and (b) do not apply if the application has been made because of the death of the former principal.
- (4) When articles are assigned or replaced the obligations of the former principal under the deed of articles cease when the assignment is, or new articles are, registered.
- (5) In this rule —
 “former principal” means the principal under the articles of clerkship that are to be assigned or replaced.

[Rule 23 amended in Gazette 1 Dec 2006 p. 5302.]

24. Date of registration

Registration of articles, or an assignment of articles, takes effect on the date determined by the Board.

25. Notification of change of details

An articled clerk must notify the Board of any change in any of the information given in or with the application for registration of articles, or any application lodged under rule 23.

26. Conduct of articled clerks and principals

- (1) During the term of his or her articles, an articled clerk must —
 - (a) comply with his or her obligations under those articles; and
 - (b) attend all courses determined by the Board in relation to articled clerks in general or that articled clerk in particular.
- (2) During the term of an articled clerk’s articles, a principal must —
 - (a) comply with his or her obligations under those articles; and

- (b) provide, or arrange for the provision of, any of the articled clerk's practical legal training that the principal undertook to provide or have provided on his or her behalf; and
- (c) ensure that the duties required of the articled clerk do not prevent the articled clerk from —
 - (i) satisfying the requirements for practical legal training prescribed for the purposes of section 27(2)(a); and
 - (ii) satisfying any requirements imposed on the articled clerk under section 27(3)(a); and
 - (iii) complying with the articled clerk's obligations under subrule (1)(b).

[Rule 26 amended in Gazette 1 Dec 2006 p. 5303.]

[27. Repealed in Gazette 1 Dec 2006 p. 5303.]

28. Supervision of articled clerks

- (1) The Board may supervise the conduct of articled clerks in general or an articled clerk in particular.
- (2) For the purposes of subrule (1) the Board may require an articled clerk or principal to —
 - (a) make available to the Board any document or other information in his or her possession or control;
 - (b) appear before the Board and answer questions put to the person.
- (3) If the Board determines that an articled clerk has not complied with his or her obligations under the Act or his or her articles, the Board may determine that a specified period not be counted as part of the term of those articles.

[Division 2 (r. 29-31) repealed in Gazette 1 Dec 2006 p. 5303.]

Part 4 — Admission and practice certificates

Division 1 — Qualifications for admission

32. Universities — s. 27(2)(a)(i)

For the purposes of section 27(2)(a)(i) the following universities are specified —

- (a) The University of Western Australia;
- (b) Murdoch University; and
- (c) The University of Notre Dame Australia.

33. Other qualifications under s. 27(2)(a)(ii)

- (1) A person intending to apply for admission as a person qualified under section 27(2)(a)(ii) must, after obtaining the qualification or during his or her final year of study, apply to the Board for its opinion of his or her qualification.
- (2) An application under subrule (1) is to be in the form of Form 8 and be accompanied by —
 - (a) a copy of the person's academic record; and
 - (b) payment of a fee of \$250.
- (3) A person who lodges an application under subrule (1) during his or her final year of study must, after obtaining the qualification, give to the Board a copy of his or her academic record including the completed qualification.

34. Term of articles and practical legal training — s. 27(2)(a)

- (1) For the purposes of section 27(2)(a), the prescribed term of articles is —
 - (a) one year; or
 - (b) if the person has —
 - (i) after obtaining a degree or other qualification referred to in section 27(2)(a) of the Act; and

- (ii) during the 2 years preceding the registration of his or her articles,

been engaged in employment determined by the Board to have provided sufficient professional training and experience to justify a shorter term of articles, 6 months.

[(2) Repealed]

[Rule 34 amended in Gazette 1 Dec 2006 p. 5303.]

34A. Practical legal training for articled clerks — s. 27(2)(a)

- (1) For the purposes of section 27(2)(a) the prescribed requirements for practical legal training are —

- (a) completion, to the satisfaction of the Board, of all of the courses forming part of the Articles Training Programme for subjects that are not the optional subjects; and
- (b) in relation to each optional subject, completion, to the satisfaction of the Board, of either —
 - (i) the Articles Training Programme course for that subject; or
 - (ii) practical legal training in that subject to the standard required by the Uniform Admission Rules, provided to an articled clerk by or on behalf of his or her principal.

- (2) In this rule —

“optional subject” means —

- (a) commercial and corporate law practice; or
 - (b) property law practice,
- as described for the purposes of the Articles Training Programme;

“Uniform Admission Rules” means the uniform admission rules prepared by the Law Admissions Consultative Committee and adopted by the Council of Chief Justices on 4 April 2002.

[Rule 34A inserted in Gazette 1 Dec 2006 p. 5303-4.]

35. Other qualifications under s. 27(2)(b)

- (1) A person intending to apply for admission as a person qualified under section 27(2)(b) must apply to the Board for —
 - (a) its opinion of his or her qualifications and experience; and
 - (b) a determination of the requirements the Board would impose under section 27(3) for the applicant to be qualified to be admitted.
- (2) An application under subrule (1) is to be in the form of Form 9 and be accompanied by —
 - (a) a copy of the person’s academic record; and
 - (b) payment of a fee of \$250.
- (3) If the person is seeking approval of his or her experience for the purposes of section 27(2)(b)(ii) the application is to also be accompanied by —
 - (a) a copy of the person’s admission certificate (or its equivalent) for each jurisdiction in which the person is admitted;
 - (b) a copy of the person’s practice certificate (or its equivalent) for each jurisdiction in which the person is entitled to practice; and
 - (c) copies of any documents evidencing the person’s experience in legal practice.

Division 2 — Application for admission

36. Notice of intention to apply

- (1) Before applying to the Court for admission a person must give a notice of intention to apply for admission to the Board.
- (2) A notice of intention to apply for admission must be given to the Board at least —
 - (a) if the person is qualified under section 27(2)(b) and is not admitted in another State or Territory or in New Zealand, 3 months; or
 - (b) otherwise, 2 months,before applying to the Court for admission.
- (3) A notice of intention to apply for admission is to be in the form of Form 10 and be accompanied by —
 - (a) documentary evidence of the educational qualifications that entitle the applicant to be admitted certified by the university from which those qualifications were obtained; and
 - (b) a certificate from the Police Force, given not more than one month before the notice is given to the Board, setting out details of any offences committed by the person in this State; and
 - (c) payment of the fee prescribed by rule 37.
- (4) If the person is qualified under section 27(2)(a) the notice is to also be accompanied by —
 - (a) a certificate in the form of Form 7 from each legal practitioner with whom the person served articles; and
 - (b) 2 certificates of good character in the form of Form 11 from —
 - (i) local practitioners of at least 2 years' standing; or

- (ii) if the person is qualified under section 27(2)(b), people of good repute and standing from the jurisdiction in which the person is currently practising or last practised.
- (5) If the Board imposed any requirements on the person under section 27(3) the notice is to also be accompanied, if the requirements were imposed under —
 - (a) section 27(3)(a), by documentary evidence that the person has satisfied those requirements; and
 - (b) section 27(3)(b), by a certificate of completion of articles in the form of Form 7 from the person's principal.
- (5a) Despite subrule (2)(b), the certificates referred to in subrule (4)(a) and (5)(b) —
 - (a) may be given to the Board after the applicant has lodged his or her notice of intention to apply for admission; and
 - (b) must be given to the Board at least 14 days before the applicant applies to the Court for admission.
- (6) If the person is qualified under section 27(2)(b)(ii) the notice is to also be accompanied by —
 - (a) a certificate from the regulatory authority corresponding to the Supreme Court in each jurisdiction in which the person has been admitted stating whether the person —
 - (i) is still on the roll of admitted practitioners (or its equivalent), and if not, giving details of when and why the person was removed from the roll;
 - (ii) has ever been struck off or suspended, and if so, giving details of when, why and for what period the person was struck off or suspended; and
 - (iii) has ever been the subject of a complaint to the regulatory authority, and if so, giving the date of the complaint and details of its nature and how it was dealt with; and

- (b) a certificate from the regulatory authority corresponding to the Complaints Committee in each jurisdiction in which the person has been admitted stating whether the person —
 - (i) has ever been the subject of a complaint to the authority; and
 - (ii) if so, giving the date of the complaint and details of its nature and how it was dealt with.
- (7) Certificates for the purposes of subrule (6)(a) and (b) must have been given by the regulatory authority not more than 4 months before the notice is given to the Board.
- (8) In subrule (6) —
“regulatory authority” of a place other than this State or another State means a person or body in that place having a function conferred by legislation relating to regulation of legal practice that corresponds to such a function exercised by a regulatory authority of this State.

[Rule 36 amended in Gazette 1 Dec 2006 p. 5304.]

37. Prescribed fee — s. 28(1)(e)

For the purposes of section 28(1)(e) and rule 36(3)(c), the prescribed fee is —

- (a) if the applicant has not previously been admitted in any jurisdiction, \$250;
- (b) if the applicant has been admitted and is entitled to practise in another State or Territory or New Zealand, \$750; or
- (c) otherwise, \$1 000.

38. Advertisement of intention to apply for admission

- (1) A person intending to apply for admission must cause an advertisement of his or her intention to appear twice in a daily newspaper circulating throughout the State.
- (2) The advertisements are to be in the form of Form 12 and must appear —
 - (a) at least 14 days, but not more than 28 days, before the applicant applies to the Court for admission; and
 - (b) at least 7 days apart.

39. Application to the Court

An application for admission is to be made to the Court in accordance with the *Rules of the Supreme Court 1971* and supported by an affidavit in the form of Form 13.

[Rule 39 inserted in Gazette 1 Dec 2006 p. 5305.]

40. Applicant for admission to appear in person

Subject to section 30(2), an applicant for admission must attend in person before the Full Court when his or her admission is moved.

41. Certificate of completion of restricted practice

- (1) A person who completes a term as an employed legal practitioner for the purposes of section 33(1) or (2) must give a certificate of completion of restricted practice to the Board within 14 days of the end of that term.
- (2) A certificate of completion of restricted practice is to be in the form of Form 14.

Division 3 — Re-admission

42. Notice of intention to apply for re-admission

- (1) A person intending to apply for re-admission under section 34(1) must give a notice of intention to apply for re-admission to the Board at least 3 months before applying to the Court for re-admission.
- (2) A notice of intention to apply for re-admission is to be in the form of Form 15 and be accompanied by —
 - (a) certificates of good character in the form of Form 16 from —
 - (i) each person by whom the applicant has been employed since being struck off; and
 - (ii) at least 2 other people of good repute and standing;
 - and
 - (b) payment of a fee of \$250.

43. Application for re-admission

Rules 38, 39 and 40 apply in relation to a person applying for re-admission as if he or she were applying for admission.

Division 4 — Practice certificates

44. Application for practice certificate — s. 37(2)

- (1) For the purposes of section 37(2)(b) the following information must be included in, or accompany, an application for a practice certificate —
 - (a) the applicant's full name and residential contact details;
 - (b) the name and contact details of the applicant's practice or place of employment;
 - (c) the capacity in which the applicant practices;

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Part 4 Admission and practice certificates

Division 4 Practice certificates

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- (d) a statement to the effect that the applicant is not a disqualified person, is not an insolvent practitioner and is not in prison;
 - (e) a statement as to whether, in the course of the applicant's practice, the applicant will accept trust moneys;
 - (f) if the applicant will accept trust moneys —
 - (i) the following information in relation to the applicant's trust account —
 - (I) the name of the account;
 - (II) the name of the bank;
 - (III) the BSB and account number;
 - (IV) the date the account was opened;and
 - (ii) the name and contact details of the auditor of the trust account.
- (1a) In subrule (1) —
- “contact details”** means —
- (a) street address; and
 - (b) postal address, if different from street address; and
 - (c) telephone number; and
 - (d) facsimile number (if any); and
 - (f) email address (if any).
- (2) An application for a practice certificate is subject to confirmation from the insurer with whom the applicant, or the applicant's employer, holds professional indemnity insurance confirming that the insurance is current and setting out any restrictions or limitation to which the insurance is subject.

- (3) For the purposes of section 37(2)(c) the prescribed fee is —
- (a) if the application is for a practice certificate to which section 42(b) applies and the completed application is received by the secretary after 31 December, \$500; or
 - (b) if the completed application for a practice certificate, including all documents required to be provided pursuant to section 147 and rule 44, are received by the secretary on or before 31 May, \$950;
 - (c) otherwise, \$1 000.
- (4) Any application for a practice certificate that is not received by the secretary on or before 30 June is subject to the following surcharge —
- (a) if the completed application is received on or before 31 July, 25% of the application fee; or
 - (b) if the completed application is received after 31 July but on or before 31 August, 50% of the application fee; or
 - (c) if the completed application is received after 31 August, 100% of the application fee.

[Rule 44 amended in Gazette 12 Apr 2005 p. 1170; 6 May 2005 p. 2023; 2 May 2006 p. 1705-6.]

45. Notification of change of details

- (1) A certificated practitioner must notify the Board immediately of any change in any of the information given in or with the practitioner's most recent application for a practice certificate.
- (2) A person who is taken to be a certificated practitioner under section 36 must notify the Board immediately of any change in the person's name, address, telephone or fax number, email address or employer.

Part 5 — Interstate practitioners, foreign lawyers and supervising solicitors

46. Interstate practitioners — notification of establishment of office — s. 91

- (1) A notice for the purposes of section 91(1) is to be in the form of Form 18 and be accompanied by —
 - (a) a copy of the interstate practitioners current practice certificate;
 - (b) a copy of the policy of professional indemnity insurance covering the interstate practitioner's practice in this State; and
 - (c) a certificate from the insurer —
 - (i) confirming that the insurance —
 - (I) extends to practice in this State; and
 - (II) is current;
 - and
 - (ii) setting out any restrictions or limitation to which the insurance is subject.
- (2) For the purposes of section 91(2)(e) the particulars required to complete Form 18 are prescribed.
- (3) An interstate practitioner with an office in this State must notify the Board immediately of any change in any of the information given in or with the notice given under section 91(1).

47. Foreign lawyers — s. 103, 104, 108

- (1) A notice for the purposes of section 103 is to be —
 - (a) in the form of Form 19; and
 - (b) accompanied by an affidavit sworn by the foreign lawyer, giving details of the system that exists for the regulation of legal practice in the place outside Australia in which he or she is registered to practise law.

- (2) A registered foreign lawyer must notify the Board immediately of any change in any of the information given in or with the notice given under section 103.
- (3) For the purposes of section 104(1) the prescribed fees are —
 - (a) an application fee of \$400; and
 - (b) a registration fee of \$200.
- (4) For the purposes of section 108 the annual registration fee is \$600.

48. Supervising solicitor to notify clients

- (1) A supervising solicitor must give notice of his or her appointment to each client for whom the legal practitioner to whose practice the supervising solicitor has been appointed was currently acting —
 - (a) in the case of a deceased legal practitioner, at the time the practitioner died;
 - (b) in the case of a former incorporated legal practice, at the time it was deregistered or dissolved; or
 - (c) otherwise, at the time the supervising solicitor was appointed.
- (2) A supervising solicitor appointed to the practice of a deceased legal practitioner must give notice of his or her appointment to any other client or former client of the deceased legal practitioner before undertaking new work for that client.
- (3) In this rule “**legal practitioner**”, “**supervising solicitor**” and “**practice**” have the same meanings as in Part 11 of the Act.

Part 6 — Trust accounts

49. Terms used in this Part

In this Part —

“**accountant**” has the same meaning as in section 147;

“**client**”, in relation to trust moneys received by a legal practitioner, means the person for whose use or benefit the moneys were received;

“**legal practitioner**” has the same meaning as in Part 10 of the Act.

50. Application

This Part, other than rule 51, does not apply to a legal practitioner who, in the course of his or her legal practice, does not receive trust moneys.

51. Books of account

A legal practitioner must maintain books of account that clearly distinguish —

- (a) between trust moneys and other moneys received by the legal practitioner;
- (b) in the case of an incorporated legal practice or a multi-disciplinary partnership, between moneys received in relation to legal services provided by the practice or partnership and moneys received in relation to other services;
- (c) in the case of an interstate legal practitioner or a registered foreign lawyer, between moneys received in the course of his or her legal practice in this State and moneys received in relation to his or her practice elsewhere; and
- (d) if the legal practitioner has more than one place of practice and the Board so requires, between moneys

received in the course of his or her legal practice at each place.

52. Trust moneys

- (1) A legal practitioner must maintain books of account for —
 - (a) the receipt and payment of trust moneys by the legal practitioner; and
 - (b) trust accounts maintained by the legal practitioner pursuant to section 140.
- (2) The books of account required under subrule (1)(a) are to include —
 - (a) for each receipt of trust moneys —
 - (i) the date and amount received;
 - (ii) the name of the client;
 - (iii) details of the transaction in respect of which the moneys are received; and
 - (iv) details of any directions given by the client as to how the moneys are to be dealt with;
 - (b) for each payment made out of trust moneys —
 - (i) the date and amount of the payment;
 - (ii) the name of the payee;
 - (iii) details of the transaction in respect of which the payment is made; and
 - (iv) details of the direction in compliance with which the payment is made;

and

 - (c) for each application of trust moneys towards the payment of costs and disbursements charged by the legal practitioner —
 - (i) the date of the application and amount applied;

and

- (ii) details of the transaction in respect of which the costs and disbursements are charged.
- (3) The books of account required under subrule (1)(b) are to include, for each debit or credit to the account —
 - (a) the date and amount debited or credited;
 - (b) the name of the client;
 - (c) details of the transaction in respect of which the debit or credit occurred;
 - (d) in the case of a deposit — whether it consisted of cash or cheques, and if cheques, the name of the drawer of each cheque;
 - (e) in the case of a cheque drawn on the account — the cheque number and the names of the payee and the person who signed the cheque; and
 - (f) in the case of an electronic transfer of funds —
 - (i) the transfer number (or other identification);
 - (ii) the name and identifying number of the bank and the account to or from which the funds were transferred; and
 - (iii) for a transfer out of the account, the name of the person who authorised the transfer.
- (4) The details required under subrule (2)(a)(iii), (2)(b)(iii), (2)(c)(ii) and (3)(c) are to include the name or number of the legal practitioner's files relating to that transaction.

53. Payments out of trust accounts not to exceed clients account balance

- (1) Subject to this rule, a legal practitioner must not —
 - (a) make a payment for or on behalf of a client out of trust moneys held by the legal practitioner; or

- (b) apply trust moneys towards the payment of costs and disbursements charged against a client,

if the amount to be paid or applied would exceed the amount of trust moneys held by the legal practitioner for or on behalf of that client.

- (2) A legal practitioner may make a payment or application that would otherwise be contrary to subrule (1) if the legal practitioner —
 - (a) before doing so, pays into a trust account an amount of his or her own money equal to the excess referred to in subrule (1); and
 - (b) retains that amount in the account until further trust moneys of that amount are credited to the account for or on behalf of that client.
- (3) If a payment of trust moneys is made to a bank in order to obtain a bank cheque payable to or on behalf of a client, subrule (1) does not apply while the legal practitioner retains possession of the cheque.

54. Direction for payment of trust moneys

- (1) A legal practitioner must not act on a direction referred to in section 137(1)(b) or (2) unless it is in writing and signed by the client.
- (2) Subrule (1) does not apply to a direction from a client that trust moneys are to be paid to the client or deposited in a trust account.

55. Cheques

- (1) A legal practitioner must not draw a cheque on a trust account unless it is individually numbered and is crossed and marked “not negotiable”.
- (2) A legal practitioner must not draw a cheque on a trust account that is made payable to cash.

- (3) A legal practitioner must not authorise a bank to pay cheques drawn on a trust account which are not signed by —
- (a) the legal practitioner;
 - (b) a partner of the legal practitioner who is also a legal practitioner;
 - (c) in the case of a legal practitioner director, another legal practitioner director of the incorporated legal practice; or
 - (d) at least 2 people authorised in writing by the legal practitioner to sign cheques drawn on the account.

56. Electronic transfer of funds

A legal practitioner must not authorise a bank to electronically transfer funds out of a trust account if the transfer is not approved in writing signed by —

- (a) the legal practitioner;
- (b) a partner of the legal practitioner who is also a legal practitioner;
- (c) in the case of a legal practitioner director, another legal practitioner director of the incorporated legal practice; or
- (d) at least 2 people authorised in writing by the legal practitioner to approve transfers out of the account.

57. Balancing of trust books

- (1) At least once a month, and at intervals of not more than 6 weeks, a legal practitioner must reconcile and prepare reconciliation statements for the accounts maintained under rules 52(1)(a) and (b).
- (2) The reconciliation statements are to be in a form approved, and include the information required, by an accountant.

58. Accountant's certificate — s. 147

- (1) An accountant's certificate for the purposes of section 147 is to be in the form of Form 20.

- (2) Before giving a certificate an accountant must conduct test checks on —
- (a) a number of transactions involving —
 - (i) trust moneys, to determine whether they have been properly recorded in the books of account; and
 - (ii) moneys credited to non-trust accounts to determine whether any trust moneys were credited to those accounts;and
 - (b) the books of account as a whole to determine —
 - (i) their arithmetical accuracy; and
 - (ii) whether the legal practitioner has complied with this Part.
- (3) Subrule (2) does not require an accountant to —
- (a) conduct inquiries beyond the information made available by the legal practitioner;
 - (b) inquire into any securities, documents or other property held by the legal practitioner on behalf of a client;
 - (c) consider whether the books of account were properly maintained or correct prior to the date as at which the previous accountant's certificate was given; or
 - (d) extend a test check beyond an inspection of more than a few isolated transactions,
- unless there are serious irregularities in the books of account or other grounds for suspicion.
- (4) Despite subrule (3)(c), an accountant must notify the Board if he or she considers that the books of account were not properly maintained or were incorrect at any time and that there should be a closer examination of those books of account.

59. Information to be provided to accountant

- (1) A legal practitioner must make available to an accountant preparing a certificate all documents and other information reasonably required by the accountant for that purpose.
- (2) However, a legal practitioner may refuse to make a document or information available to an accountant on the ground of privilege as between the legal practitioner and a client.

60. Solicitors' Guarantee Fund — s. 146

For the purposes of section 146(1), the prescribed amount is \$20.

61. Partnerships and incorporated legal practices

In relation to a legal practitioner who is a partner or a legal practitioner director, it is sufficient compliance with rules 51, 52, 57 and 58 for the legal practitioner to ensure that those rules are complied with in respect of the partnership or the incorporated legal practice.

62. Form and retention of books of account

- (1) A legal practitioner who is required under this Part to maintain books of account must —
 - (a) maintain them in writing; and
 - (b) keep them, and all source documents —
 - (i) at his or her principal place of practice or another place approved by the Board;
 - (ii) in good order and condition; and
 - (iii) for at least 7 years from the date of the transactions to which they relate.
- (2) A legal practitioner who maintains his or her books of account electronically in accordance with the *Electronic Transactions Act 2003* must produce a written copy of those accounts at the request of the Board or an accountant preparing a certificate.

Part 7 — Law Library

63. Terms used in this Part

In this Part —

“**book**” includes a document, film, tape, recording, disc or other thing forming part of the contents of the library;

“**committee**” means the committee to which the Board has delegated authority to oversee the management of the library;

“**librarian**” means the person employed or appointed to manage the library, or anyone acting in that position, and in rules 67 and 68, includes any staff under the librarian’s supervision;

“**library**” means the Law Library at the Supreme Court and the branch of that library at the Central Law Courts.

64. People entitled to use the library

(1) The following people may use the library free of charge —

- (a) judges and magistrates;
 - (b) members and officers of State or Commonwealth courts, tribunals, boards or similar bodies;
 - (c) certificated practitioners;
 - (d) articulated clerks;
 - (e) members of Parliament;
 - (f) members of a department of the staff of Parliament referred to in the *Parliamentary and Electorate Staff (Employment) Act 1992*;
 - (g) members of the Police Force;
 - (h) holders of an office, post or position established under an Act;
 - (i) public service officers and employees within the meaning of the *Public Sector Management Act 1994*;
- and

- (j) employees of people referred to in paragraphs (a) to (i) acting in the course of their employment.
- (2) Law students may use the library free of charge subject to any restrictions determined by the committee.
- (3) The following people may use the library subject to any restrictions, including as to payment of a fee, determined by the committee —
 - (a) interstate practitioners;
 - (b) foreign lawyers;
 - (c) employees of people referred to in paragraphs (a) and (b) acting in the course of their employment;
 - (d) litigants in person, and officers and employees of corporate litigants; and
 - (e) any other person, or class of people, determined by the committee.

65. Librarian may suspend or restrict entitlement to use library

- (1) If it appears to the librarian that there are sufficient grounds for doing so, the librarian may summarily suspend, or impose restrictions on, a person's entitlement to use the library for such period as the librarian thinks fit.
- (2) The librarian may withdraw or alter the terms of a suspension or restriction.
- (3) The librarian must notify the committee of any suspension or restriction imposed by the librarian and the withdrawal or any alteration of it.
- (4) The committee may confirm, withdraw or alter the terms of, a suspension or restriction imposed by the librarian.
- (5) Whether or not the committee has acted under subrule (4), the Board may confirm, withdraw or alter the terms of, a suspension or restriction imposed by the librarian.

66. Board may suspend or restrict entitlement to use library

- (1) If it appears to the Board that there are sufficient grounds for doing so, the Board may suspend, or impose restrictions on, a person's entitlement to use the library.
- (2) The Board may withdraw or alter the terms of a suspension or restriction.

67. Use of the library and books

- (1) If required by the librarian to do so, a person must register with the librarian before using the library or any books.
- (2) A person entitled to use the library may do so —
 - (a) during the library's opening hours, as determined by the Board; or
 - (b) at other times by arrangement with the librarian.
- (3) A person in the library or using a book must comply with any reasonable direction given by the librarian.
- (4) A person who uses a book —
 - (a) must not mark or damage it;
 - (b) must report to the librarian any mark or damage on or to it;
 - (c) must not leave it unattended; and
 - (d) when finished with it, must return it to its proper place in the library or to a place provided by the librarian for the return of books.
- (5) A person must not eat, drink or smoke in the library.
- (6) A person in the library must open for inspection any bag or other receptacle in the person's possession at the request of the librarian.
- (7) The librarian may open and inspect any bag or other receptacle found unattended in the library.

- (8) A person must not obstruct or hinder the librarian in the performance of his or her duties.

68. Borrowing books

- (1) A person must not remove a book from the library unless —
- (a) it is for use in a hearing in the building in which the library is situated; or
 - (b) the librarian has authorised the removal of the book.
- (2) Subrule (1)(a) does not apply to a book labelled as being not to be removed from the library.
- (3) Before removing a book from the library a person must record on a form provided by the librarian —
- (a) his or her name;
 - (b) his or her office or the name of the firm, department or other body of which he or she is a member, officer or employee;
 - (c) the title of the book; and
 - (d) the date and time.
- (4) Unless otherwise authorised by the librarian, a person removing a book from the library for the purposes of a hearing —
- (a) must not remove the book more than one hour before the hearing commences; and
 - (b) must return the book within 30 minutes after the end of the hearing,

and if the hearing continues for more than one day, paragraphs (a) and (b) apply separately for each day.

69. Removal of unauthorised people and retrieval of books

- (1) The librarian may exclude or remove from the library a person who appears to the librarian —
- (a) not to be entitled to use the library; or

- (b) to be in breach of rule 67 or 68.
- (2) The librarian may retrieve a book if it appears to the librarian that —
 - (a) it was removed from the library in breach of rule 68; or
 - (b) the person who removed it is in breach of rule 67.

Part 8 — Miscellaneous

70. Register of legal practitioners

- (1) The Board is to maintain a register of legal practitioners.
- (2) The register is to include details of —
 - (a) certificated practitioners;
 - (b) articulated clerks;
 - (c) interstate legal practitioners who are practising in this State;
 - (d) registered foreign lawyers;
 - (e) incorporated legal practices; and
 - (f) any other person or class of people determined by the Board.
- (3) The details to be included in the register are —
 - (a) the person's name and address;
 - (b) the category referred to in subrule (2) to which the person belongs;
 - (c) a summary of the information given in or with the latest application or notice lodged by the person under section 50, 91 or 103 or rule 22, 23, or 44 and any change in that information of which the Board is notified; and
 - (d) any other details determined by the Board.

71. Documents to be in writing

A Form or other notice, certificate or document given for the purposes of these Rules is to be in writing, signed by the person giving it.

72. Address for giving documents

- (1) For the purposes of these Rules a document to be given to the Board, it is to be given by posting or delivering it to the secretary at the offices of the Board.
- (2) For the purposes of these Rules a document to a person listed in the register maintained under rule 70, may be given by posting or delivering it to that person at the address listed in the register.

73. Alternative forms, documents or information

Where these Rules provide for a Form, a particular document or particular information to be given to the Board in relation to a matter, the Board may accept a document in a different form, a different document or different information, if it considers it appropriate to do so.

74. Further information to be provided

When a person gives an application or notice to the Board for the purposes of these Rules the Board may require the person to —

- (a) give to the Board further documents or information; or
- (b) appear before the Board and answer questions put to the person,

about the matter to which the application or notice relates.

75. Applications

- (1) The Board may accept an application made under these Rules with or without conditions, or may reject the application.
- (2) The Board is to notify the applicant of its decision to accept or reject an application and of any conditions.

76. Board may excuse non-compliance

If the Board determines that, in a particular case, it is not practicable for a person to comply with any of these Rules or that there are other special circumstances, the Board may excuse

r. 76

a person from complying with that rule to the extent and subject to any conditions determined by the Board.

Part 9 — Repeal and transitional

77. Repeal

The *Legal Practice Board Rules 1949* are repealed.

78. 5 year articulated clerks

(1) For the purposes of section 7(2)(b)(i) of the *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003* the following examinations are prescribed —

(a) the examinations in the subjects selected by the Board from those forming part of the degree of Bachelor of Laws at —

(i) The University of Western Australia;

(ii) Murdoch University; or

(iii) The University of Notre Dame Australia;

and

(b) the examinations to be sat by articulated clerks under rules 29 and 30.

(2) For the purposes of section 7(2)(b)(ii) of the *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003* the requirements for practical legal training prescribed for the purposes of section 27(2)(a) of the *Legal Practice Act 2003* are prescribed.

79. Application of these Rules

Parts 3 and 4 and Schedule 1 of these Rules apply to a person referred to in section 7(2) or 8 of the *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003* with any necessary modifications.

80. Amendment of old Rules

(1) The amendments in these rules are to the *Legal Practice Board Rules 1949* as continued by section 8(1) of the *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003*.

(2) Rule 43(a) is deleted and the following paragraph is inserted instead —

“

(a) the examinations in at least 8 subjects forming part of the degree of Bachelor of Laws at —

(i) The University of Western Australia;

(ii) Murdoch University; or

(iii) The University of Notre Dame Australia,

chosen in consultation with the Dean of the relevant Law School and approved by the Board;

”.

(3) Rule 44(1) and (2) are amended by inserting after “he” —

“ or she ”.

(4) Rule 48 is amended as follows:

(a) in paragraph (a) by inserting after “he” —

“ or she ”;

(b) in paragraphs (c) and (d) by deleting “card index” and inserting instead —

“ record ”.

(5) Rule 49 is amended by inserting after “he” —

“ or she ”.

- (6) Rules 50 is amended as follows:
- (a) by inserting after “his” —
“ or her ”;
 - (b) by inserting after “he” in both places where it occurs —
“ or she ”.

Schedule 1 — Forms

[r. 2]

Form 1— Application for registration of articles

Application for registration of articles		<i>Legal Practice Act 2003 Part 3</i> <i>Legal Practice Board</i> <i>Rules 2004 r. 22</i> Form 1	
Applicant	Name _____		
	Residential address _____		
	Telephone (h) _____	(w) _____	
	(mobile) _____		
	Fax (h) _____	(w) _____	
	Email (h) _____	(w) _____	
	Date of birth / /	Place of birth _____	
Principal	Name _____		
	Address _____		
	Telephone _____	Fax _____	
	Mobile _____		
	Email _____		
Qualifications	<input type="checkbox"/> Bachelor of Laws degree from — <input type="checkbox"/> The University of Western Australia <input type="checkbox"/> Murdoch University <input type="checkbox"/> The University of Notre Dame Australia or <input type="checkbox"/> Qualifications approved for the purposes of s. 27(2)(a)(ii) on (date of approval) ____/____/20____ or <input type="checkbox"/> Qualifications approved for the purposes of s. 27(2)(b)(i) on (date of approval) ____/____/20____ or <input type="checkbox"/> Experience in legal practice approved for the purposes of s. 27(2)(b)(ii) on (date of approval) / /20		
	Convictions	I have not / have been convicted of any offences	
		If yes, give details _____ _____	

<p>Statutory declaration</p> <p><i>(Witness must be a person authorised to take statutory declarations)</i></p>	<p>I declare that the information given in or with this application is true and correct and that I have not omitted any relevant information.</p>
	Signature _____
	Date / /20
	Witness
	Signature _____
	Name _____
	Address _____

Form 2 — Deed of articles of clerkship

Deed of Articles of Clerkship

Date ____/____/20____

Between

_____ of _____
_____ (“Principal”)

and

_____ of _____
_____ (“Articled Clerk”)

1. Entry into articles

- 1.1 The Principal is to take the Articled Clerk as an articled clerk for one year from the date on which the articles are registered by the Board (“**articles period**”).
- 1.2 The Articled Clerk is to serve the Principal as an articled clerk during the articles period in accordance with this deed and the *Legal Practice Act 2003* (“**the Act**”).

2. Articled Clerk’s obligations

- 2.1 During the articles period, the Articled Clerk must —
 - (a) serve the Principal as an articled clerk, honestly, faithfully and diligently;
 - (b) attend to the duties required of the Articled Clerk by the Principal;
 - (c) be present at the Principal’s offices during ordinary office hours or at other places or times as required by the Principal;
 - (d) comply with the proper standards of the legal profession as expected of articled clerks; and
 - (e) behave in a proper and orderly manner.
- 2.2 The Articled Clerk must keep confidential all information acquired during the articles period about the Principal’s practice or clients, or the practice or clients of the firm or incorporated legal practice of which the Principal is a partner or legal practitioner director.

3. Principal's obligations

3.1 The Principal must ensure that during the articles period the Articled Clerk —

- (a) is instructed in the practice and profession of the law as conducted in Western Australia;
- (b) is given exposure to as many different areas of law as is practicable;
- (c) is provided with an appropriate working environment; and
- (d) is not required to carry out duties, or be present at places or times, that are not related to the Principal's practice or to the practice of law generally, or that are unreasonable.

3.2 During the articles period, the Principal must comply with the proper standards of the legal profession in relation to dealing with articled clerks.

3.3 If the Articled Clerk —

- (a) complies with the Articled Clerk's obligations under this deed;
- (b) has satisfied the requirements for practical legal training prescribed for the purposes of section 27(2)(a) of the Act; and
- (c) has satisfied any requirements imposed on the Articled Clerk under section 27(3)(a); and
- (d) otherwise complies with the Act in relation to admission as a legal practitioner,

at the end of the articles period the Principal must use his or her best endeavours to have the Articled Clerk admitted.

3.4 Clause 3.3 does not require the Principal to pay any costs associated with the Articled Clerk's admission.

4. Obligation under deed in addition to obligations under Act

The obligations of the Articled Clerk and the Principal under this deed are in addition to their obligations under the Act.

5. Date of effect

This deed takes effect from the date on which the articles are registered by the Legal Practice Board.

Signed as a deed

Principal _____
(Signature of Principal)

Witness _____
(Signature of Witness)

(Name of Witness)

(Address of Witness)

Articled Clerk _____
(Signature of Articled Clerk)

Witness _____
(Signature of Witness)

(Name of Witness)

(Address of Witness)

[Form 2 amended in Gazette 1 Dec 2006 p. 5305.]

Form 2A — Undertaking as to practical legal training

Undertaking as to practical legal training		<i>Legal Practice Act 2003 Legal Practice Board Rules 2004 r. 22, 23 Form 2A</i>	
Applicant	Name _____		
	Address _____		
Principal	Name _____		
	Address _____		
	Telephone	Fax	
	Mobile _____		
	Email _____		
Articles	Date of Deed of Articles / /20		
The Applicant and Principal have agreed that the Applicant's practical legal training in the following subjects will be provided as follows:			
	ATP course	By or on behalf of Principal	
Commercial and corporate law practice	<input type="checkbox"/>	<input type="checkbox"/>	
Property law practice	<input type="checkbox"/>	<input type="checkbox"/>	
In relation to the subjects indicated above as to be provided by or on behalf of the Principal, I undertake to provide, or arrange for the provision on my behalf of, practical legal training to the standard required by the Uniform Admission Rules.			
Signature: _____			
Date / /20			

[Form 2A inserted in Gazette 1 Dec 2006 p. 5305-6.]

**Form 3 — Certificate of good character for registration as an
articled clerk**

Certificate of good character for registration as an articled clerk		<i>Legal Practice Act 2003 s. 19 Legal Practice Board Rules 2004 r. 22 Form 3</i>
Applicant	Name _____	
	Address _____	
Practitioner / Person giving certificate	Name _____	
	Address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
	I am (<i>select appropriate box</i>) — <input type="checkbox"/> local practitioner of at least 2 years' standing. <input type="checkbox"/> person of good repute and standing, being (describe) _____	
	Relationship with applicant (<i>e.g. friend, relative, employer</i>) _____	
	I have known the applicant for _____ months/years	
I certify that —		
• in my opinion the applicant is of good fame and character to be an articled clerk in Western Australia.		
Signature _____		
Date / /20		

Form 4 — Application for registration of assignment of articles

Application for registration of assignment of articles		<i>Legal Practice Act 2003 s. 22 Legal Practice Board Rules 2004 r. 23 Form 4</i>
Articled Clerk	Name _____	
	Residential address _____	
	Telephone (h) _____	(w) _____
	(mobile) _____	
	Fax (h) _____	(w) _____
	Email (h) _____	(w) _____
Former Principal	Name _____	
	Address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
New Principal	Name _____	
	Address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
Articles	Date of Deed of Articles of Clerkship / /20	
	Date of registration / /20	
	Date of Deed of Assignment of Articles / /20	
Reason for assignment	The Former Principal — <input type="checkbox"/> is incapacitated by reason of mental disability. <input type="checkbox"/> has become a disqualified person. <input type="checkbox"/> has ceased to practise in Western Australia on his or her own account or to be a legal practitioner director. <input type="checkbox"/> has had his or her approval to have an articled clerk revoked by the Board.	
	or Another reason consented to by the Board (<i>details</i>) _____	
Articled Clerk	Signature _____	
	Date / /20	

[Form 4 amended in Gazette 1 Dec 2006 p. 5306.]

Form 5 — Deed of assignment of articles

Deed of Assignment of Articles of Clerkship

Date ____/____/20____

Between

_____ of _____
_____ (“Former Principal”)

and

_____ of _____
_____ (“New Principal”)

and

_____ of _____
_____ (“Articled Clerk”)

Recitals

- A. By a deed of articles of clerkship dated ____/____/20____ (“deed”), and registered by the Legal Practice Board on ____/____/20____ the Articled Clerk became articled to the Former Principal.
- B. The parties agree that, subject to registration by the Legal Practice Board, the articles be assigned to the New Principal.

Deed

1. Assignment

The Former Principal assigns to the New Principal the obligations and benefit of the position of principal under the deed.

2. Obligations under assigned deed

For the remainder of the term of the articles —

- (a) the New Principal is to perform the obligations of principal under the deed; and
- (b) the Articled Clerk is to perform his or her obligations as an articled clerk to the New Principal.

3. Date of effect

This deed takes effect from the date on which the assignment of the articles is registered by the Legal Practice Board.

4. Release of Former Principal

The Former Principal's obligations under the deed cease on the date of this deed.

Signed as a deed.

Former Principal _____
(Signature of Former Principal)

Witness _____
(Signature of Witness)

(Name of Witness)

(Address of Witness)

New Principal _____
(Signature of New Principal)

Witness _____
(Signature of Witness)

(Name of Witness)

(Address of Witness)

Articled Clerk _____
(Signature of Articled Clerk)

Witness _____
(Signature of Witness)

(Name of Witness)

(Address of Witness)

[Form 5 amended in Gazette 12 Apr 2005 p. 1170; 1 Dec 2006 p. 5306.]

Form 6 — Application for cancellation of registration of articles and registration of new articles

Application for cancellation of registration of articles and registration of new articles		<i>Legal Practice Act 2003 s. 22</i> <i>Legal Practice Board</i> <i>Rules 2004 r. 23</i> Form 6
Articled Clerk	Name _____	
	Residential address _____	
	Telephone (h) _____	(w) _____
	(mobile) _____	
	Fax (h) _____	(w) _____
	Email (h) _____	(w) _____
Former Principal	Name _____	
	Address _____	
New Principal	Name _____	
	Address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
Articles	Date of original Deed of Articles of Clerkship / /20	
	Date of registration / /20	
	Date of new Deed of Articles of Clerkship / /20	
Reason for cancellation of articles	The Former Principal — <input type="checkbox"/> has died <input type="checkbox"/> is incapacitated by reason of mental disability <input type="checkbox"/> has become a disqualified person <input type="checkbox"/> has ceased to practise in Western Australia on his or her own account or to be a legal practitioner director <input type="checkbox"/> has had his or her approval to have an articled clerk revoked by the Board or Another reason consented to by the Board (<i>details</i>) _____	
Articled Clerk	Signature _____	
	Date / /20	

[Form 6 amended in Gazette 1 Dec 2006 p. 5306.]

Form 7 — Certificate of completion of articles

Certificate of completion of articles		<i>Legal Practice Act 2003 Legal Practice Board Rules 2004 r. 27 Form 7</i>	
Articled Clerk	Name _____		
	Address _____		
Principal	Name _____		
	Address _____		
	Telephone _____	Fax _____	
	Mobile _____		
	Email _____		
Articles	Date of registration ____ / ____ /20____		
Practical legal training	The Articled Clerk's practical legal training in the following subjects was provided as follows:		
		ATP course	By or on behalf of Principal
	Commercial and corporate law practice	<input type="checkbox"/>	<input type="checkbox"/>
	Property law practice	<input type="checkbox"/>	<input type="checkbox"/>
<p>I certify that the Articled Clerk —</p> <p><input type="checkbox"/> has completed 12 months service as my articled clerk;</p> <p>or</p> <p><input type="checkbox"/> served as my articled clerk from ____ / ____ /20____ to ____ / ____ /20____;</p> <p>or</p> <p><input type="checkbox"/> has served as my articled clerk since ____ / ____ /20____ and that I intend the Articled Clerk to continue as my articled clerk for the duration of the term of articles, which will be completed before the date proposed for the Articled Clerk's admission.</p> <p>I will notify the Board immediately if the Articled Clerk ceases to be my articled clerk before the term of articles is completed.</p>			
<p>In relation to the subjects indicated above as those in which practical legal training was provided by me or on my behalf, I certify that the Articled Clerk has completed that training and in my opinion has attained the standard required by the Uniform Admission Rules.</p>			

I certify that while serving as my articulated clerk, the Articled Clerk has complied with all of the Articled Clerk's obligations under the <i>Legal Practice Act 2003</i> and the Deed of Articles of Clerkship.

Signature:

Date / /20

[Form 7 inserted in Gazette 1 Dec 2006 p. 5306-7.]

Form 8 — Application for approval of qualification for s. 27(2)(a)(ii)

Application for approval of qualification for s. 27(2)(a)(ii)		<i>Legal Practice Act 2003 s. 27 Legal Practice Board Rules 2004 r. 33 Form 8</i>
Applicant	Name _____	
	Residential address _____	
	Telephone (h) _____	(w) _____
	(mobile) _____	
	Fax (h) _____	(w) _____
	Email (h) _____	(w) _____
	Date of birth ____ / ____ / ____	Place of birth _____
Qualification	Qualification _____	
	Institution _____	
	I <input type="checkbox"/> obtained the qualification on _____	
	<input type="checkbox"/> am in my final year of studying for the qualification I expect to complete my final examinations on or about ____ / ____ / 20 ____ The subjects I am currently taking, or will take, to obtain that qualification are _____ _____	
Statutory declaration <i>(Witness must be a person authorised to take statutory declarations)</i>	I declare that the information given in or with this application is true and correct and that I have not omitted any relevant information.	
	Signature _____	
	Date ____ / ____ / 20 ____	
	Witness _____	
	Signature _____	
	Name _____ Address _____	

**Form 9 — Application for approval of qualifications and experience
for s. 27(2)(b)**

Application for approval of qualifications and experience for s. 27(2)(b)		<i>Legal Practice Act 2003 s. 27</i> <i>Legal Practice Board</i> <i>Rules 2004 r. 35</i> Form 9
Applicant	Name _____	
	Residential address _____	
	Telephone (h) _____	(w) _____
	(mobile) _____	
	Fax (h) _____	(w) _____
	Email (h) _____	(w) _____
	Date of birth / /	
	Place of birth _____	
Qualifications	<i>(Give details of all educational and professional qualifications and courses)</i>	
	Qualification _____	
	Institution _____	
	Obtained/completed ____/____/____	
	Qualification _____	
	Institution _____	
Obtained/completed (date) / /		
Experience	Articles / pupillage	
	Principal _____	
	Firm _____	
	Address _____	
	Telephone _____	Fax _____
	Email _____	
	Period of service / / to / /	
	Admission to practice	
	Jurisdiction _____	
	Admitted as <i>(e.g. barrister, solicitor, attorney)</i> _____	
	Date admitted ____/____/____	
	Jurisdiction _____	
Admitted as _____		
Date admitted / /		

	<p>Entitlement to practice</p> <p>Jurisdiction _____</p> <p>Entitlement (e.g. licence, practice certificate) _____</p> <p>Issuing authority _____</p> <p>Period of entitlement ____/____/____ to ____/____/____</p> <p>Jurisdiction _____</p> <p>Entitlement _____</p> <p>Issuing authority _____</p> <p>Period of entitlement ____/____/____ to ____/____/____</p>
	<p>Post admission practice (Give details for each different period of work)</p> <p>Jurisdiction _____</p> <p>Capacity (e.g. barrister, solicitor, in-house lawyer) _____</p> <p>Firm/employer (name & address) _____ + _____</p> <p>Period of practice ____/____/____ to ____/____/____</p> <p>Nature of work _____</p> <p>_____</p> <p>Jurisdiction _____</p> <p>Capacity _____</p> <p>Firm/employer _____</p> <p>Period of practice _____</p> <p>Nature of work _____</p>
	<p>Current practice</p> <p>Jurisdiction _____</p> <p>Capacity _____</p> <p>Firm/employer _____</p> <p>_____</p>
Professional Regulatory Body	<p>Name _____</p> <p>Address _____</p> <p>Telephone _____ Facsimile _____</p>

Statutory declaration <i>(Witness must be a person authorised to take statutory declarations)</i>	I declare that the information given in or with this application is true and correct and that I have not omitted any relevant information.
	Signature _____
	Date / /20
	Witness
	Signature _____
	Name _____
Address _____	

Form 10 — Notice of intention to apply for admission

Notice of intention to apply for admission		<i>Legal Practice Act 2003 s. 28 Legal Practice Board Rules 2004 r. 36 Form 10</i>
Applicant	Name _____	
	Residential address _____	
	Telephone (h) _____	(w) _____
	(mobile) _____	
	Fax (h) _____	(w) _____
	Email (h) _____	(w) _____
Qualification	<input type="checkbox"/> Bachelor of Laws degree from — <input type="checkbox"/> The University of Western Australia <input type="checkbox"/> Murdoch University <input type="checkbox"/> The University of Notre Dame Australia or <input type="checkbox"/> Qualifications approved for the purposes of s. 27(2)(a)(ii) on (date of approval) ____/____/20____ or <input type="checkbox"/> Qualifications approved for the purposes of s. 27(2)(b) on (date of approval) ____/____/20____	
	Articles	
	Date of registration ____ / ____ /20____	
Principal Name _____ Address _____		
Articles were <input type="checkbox"/> assigned <input type="checkbox"/> replaced with new articles If yes, date of registration ____/____/20____ New Principal Name _____ Address _____		

Admission in other jurisdictions	Place of admission _____ Admitted as (e.g. barrister, solicitor, attorney) _____ Date of admission _____
	Place of admission _____ Admitted as (e.g. barrister, solicitor, attorney) _____ Date of admission _____
	I have not / have committed any act which would render my name liable to be struck off the rolls of any jurisdiction to which I am admitted or to be suspended from practice If yes, give details _____ _____
	I have not / have been the subject of a complaint to any regulatory body. If yes, give details _____ _____
Convictions	I have not / have been convicted of any offences If yes, give details _____ _____
Statutory declaration <i>(Witness must be a person authorised to take statutory declarations)</i>	I declare that the information given in or with this notice is true and correct and that I have not omitted any relevant information.
	Signature _____
	Date / /20
	Witness
	Signature _____
	Name _____ Address _____

[Form 10 amended in Gazette 1 Dec 2006 p. 5307.]

Form 11 — Certificate of good character for applicant for admission

Certificate of good character for applicant for admission		<i>Legal Practice Act 2003 s. 28 Legal Practice Board Rules 2004 r. 36 Form 11</i>
Applicant	Name _____	
	Address _____	
	<i>(If qualified under s. 27(2)(b))</i> Jurisdiction where currently practising, or last practised _____	
Person giving certificate	Name _____	
	Address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
	I am — <input type="checkbox"/> a local practitioner of at least 2 years' standing; <input type="checkbox"/> a person of good repute and standing from jurisdiction where Applicant is currently practising, or last practised.	
	Relationship with Applicant (<i>e.g. friend, relative, employer</i>) _____	
	I have known the Applicant for _____ years	
I certify that in my opinion the Applicant is of good fame and character and a fit and proper person to be admitted as a legal practitioner in Western Australia.		
Signature _____		
Date / /20		

Form 12 — Advertisement of intention to apply for admission

Application for admission as a legal practitioner		<i>Legal Practice Act 2003 s. 28 Legal Practice Board Rules 2004 r. 38 Form 12</i>
Applicant *	Name _____	
	Address _____	
<p>The Applicant intends to apply to the Full Court of the Supreme Court of Western Australia to be admitted as a legal practitioner under the <i>Legal Practice Act 2003</i>.</p> <p>The Applicant intends to make the application on ____ / ____ /20 ____</p> <p>Objections to the admission can be made by lodging a notice of objection, stating the grounds for objection, at the Supreme Court at least 7 days before that date.</p>		
Secretary of the Legal Practice Board	Signature _____	
	Name _____	
	Date ____ / ____ /20 ____	

* *If Applicant is qualified under section 27(2)(b)(ii), include this panel*

Admitted to practice in (jurisdiction) _____
as (e.g. barrister, solicitor, attorney) _____
on ____ / ____ /

Form 13 — Affidavit of applicant for admission

AFFIDAVIT of _____

I _____
of _____

make oath and say —

1. I have obtained from the Legal Practice Board a certificate as required by the *Legal Practice Act 2003* section 28(1)(c). That certificate is attached as Annexure A.

2.* I have caused advertisements of my intention to apply to the Court for admission as a legal practitioner to be published in accordance with the *Legal Practice Act 2003* section 28(1)(d) and the *Legal Practice Board Rules 2004* rule 38.

The advertisements appeared in *(name of newspaper)* _____
_____ on ____/____/20____ and
_____/____/20____

Sworn by _____
at _____
on ____/____/20____

Before me _____

(signature of witness)

Name _____

} _____
(signature of deponent)

* Paragraph 2 not required if the application is made under the *Mutual Recognition (Western Australia) Act 2001*.

Form 14 — Certificate of completion of restricted practice

Certificate of completion of restricted practice		<i>Legal Practice Act 2003 s. 33</i> <i>Legal Practice Board</i> <i>Rules 2004 r. 41</i> Form 14	
Restricted Practitioner	Name _____		
	Address _____		
	Telephone _____	Fax _____	
	Mobile _____		
	Email _____		
	Date of admission / /20		
Period of employment / /20 to / /20			
Employer	Name _____		
	Address _____		
	Telephone _____	Fax _____	
	Mobile _____		
	Email _____		
I certify that — <ul style="list-style-type: none"> • I am a legal practitioner authorised under the <i>Legal Practice Act 2003</i> to take, have and retain an articulated clerk; and • the Restricted Practitioner worked for me as an employed legal practitioner during the period of employment referred to above. 			
Signature _____			
Date / /20			

Form 15 — Notice of intention to apply for re-admission

Notice of intention to apply for re-admission		Legal Practice Act 2003 s. 34 Legal Practice Board Rules 2004 r. 42 Form 15
Person intending to apply for re-admission	Name	_____
	Residential address	_____
	Telephone (h) _____ (w) _____	
	(mobile)	_____
	Fax (h) _____ (w) _____	
	Email (h) _____ (w) _____	
Admission	Date of admission	____ / ____ / ____
	Date struck off	____ / ____ / ____
	Reasons for being struck off	_____
Employment since being struck off	Employer	_____
	Address	_____
	Position in which employed	_____
	Nature of work	_____
	Employer	_____
	Address	_____
Statutory declaration <i>(Witness must be a person authorised to take statutory declarations)</i>	I declare that —	
	• the information given in or with this notice is true and correct and that I have not omitted any relevant information;	
	• since being struck off I have not engaged in any illegal or unprofessional conduct.	
	Signature	_____
	Date	____ / ____ / 20____
	Witness	_____
	Signature	_____
	Name	_____
Address	_____	

Form 16 — Certificate of good character for applicant for re-admission

Certificate of good character for applicant for re-admission		<i>Legal Practice Act 2003 s. 34 Legal Practice Board Rules 2004 r. 42 Form 16</i>
Applicant	Name _____	
	Address _____	
	Date struck off / /	
Person giving certificate	Name _____	
	Address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
	Relationship with Applicant (<i>e.g. friend, relative, former employer</i>) _____	
	I have known the Applicant for _____ years	
	<input type="checkbox"/> Employer of Applicant since being struck off Period of employment / / to / / <input type="checkbox"/> Other person of good repute and standing	
I certify that — <ul style="list-style-type: none"> • to the best of my knowledge, since being struck off the Applicant has not engaged in any illegal or unprofessional conduct; and • in my opinion the Applicant is a fit and proper person to be re-admitted as a legal practitioner in Western Australia. 		
Signature _____		
Date / /20		

[Form 17 deleted in Gazette 2 May 2006 p. 1706.]

Form 18 — Notice of establishment of office by interstate practitioner

Notice of establishment of office by interstate practitioner		<i>Legal Practice Act 2003 s. 91 Legal Practice Board Rules 2004 r. 46 Form 18</i>
Interstate Practitioner	Name _____	
	Residential address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
	Date of birth / /	
Place of birth _____		
Practice in WA	Address _____	
	Telephone _____	Fax _____
	Email _____	
	Date of establishment of office / /20	
	Capacity in which practising	
	<input type="checkbox"/> Barrister <input type="checkbox"/> Sole practitioner <input type="checkbox"/> Equity Partner / Salaried Partner Partnership name _____ <input type="checkbox"/> Legal partnership <input type="checkbox"/> Multi-disciplinary partnership Names of partners (<i>identify any who are not legal practitioners</i>) _____ _____ _____ _____ _____ _____ <input type="checkbox"/> Employee / Consultant / Corporate Solicitor	

	<input type="checkbox"/> Director or officer of incorporated legal practice Name of corporation _____ <input type="checkbox"/> Director <input type="checkbox"/> Officer (<i>office</i>) _____ ACN or ARBN _____ Registered office _____ _____ Telephone _____ Fax _____ Email _____
	I will / will not accept trust moneys in WA If yes, trust account in WA Bank _____ Branch _____ Name of account _____ BSB no. _____ account no. _____
Principal place of practice	State _____
	Address _____ _____
	Telephone _____ Fax _____ Email _____
	Date of admission ____ / ____ / ____ Date of practice certificate ____ / ____ / ____
	Any restrictions on entitlement to practice (<i>give details</i>) _____ _____
Other places of practice	Address _____ _____
	Telephone _____ Fax _____ Email _____
	Date of admission ____ / ____ / ____ Date of practice certificate ____ / ____ / ____
	Any restrictions on entitlement to practice (<i>give details</i>) _____ _____
	Address _____ _____
	Telephone _____ Fax _____ _____
	Email _____ Date of admission ____ / ____ / ____ Date of practice certificate ____ / ____ / ____
	Any restrictions on entitlement to practice (<i>give details</i>) _____ _____

<p>Statutory declaration</p> <p><i>(Witness must be a person authorised to take statutory declarations)</i></p>	<p>I declare that the information given on or with this notice is true and correct and that I have not omitted any relevant information.</p>
	Signature _____
	Date / /20
	Witness
	Signature
	Name
Address _____	

Form 19 — Application for registration as foreign lawyer

Application for registration as a foreign lawyer		<i>Legal Practice Act 2003 s. 103</i> <i>Legal Practice Board</i> <i>Rules 2004 r. 47</i> Form 19
Applicant	Name _____	
	Residential address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
	Date of birth / /	
Place of birth _____		
Qualifications	<i>(Give details for all educational and professional qualifications)</i>	
Qualification _____		
Institution _____		
Date obtained/completed _____ / _____ / _____		
Qualification _____		
Institution _____		
Date obtained/completed / /		
Practice outside Australia	I am registered to practice law in _____ (home country)	
	Principal place of practice	
	Address _____	
	Telephone _____ Fax _____	
	Email _____	
	Date of admission / /	
	Period of practice / / to / /	
Registration authority		
Name _____		
Address _____		
Telephone _____		
Email _____		

Disciplinary proceedings and restrictions on practice in home country	<p>My registration to practice law in my home country is / is not cancelled or suspended as a result of disciplinary action. If yes, give details _____ _____</p>
	<p>I am / am not the subject of any disciplinary proceedings (including any preliminary investigations or action that might lead to disciplinary proceedings) in relation to my registration to practice law in my home country. If yes, give details _____ _____</p>
	<p>I am / am not a party to any pending criminal or civil proceeding that might result in disciplinary action being taken against me. If yes, give details _____ _____</p>
	<p>I am / am not otherwise prohibited from practising law, or bound by any undertaking not to practise law, in my home country. If yes, give details _____ _____</p>
	<p>I am / am not subject to any conditions in practising law in my home country as a result of criminal, civil or disciplinary proceedings in that country. If yes, give details _____ _____</p>
	<p>I am / am not subject to any other conditions imposed as a restriction on my legal practice, or any undertaking given by me restricting my legal practice. If yes, give details _____ _____</p>

Practice in WA <i>(subject to being registered)</i>	Address <i>(for service of documents)</i> _____ _____
	Telephone _____ Fax _____ Email _____
	Commencement date ____ / ____ /20____
	Capacity in which practising <input type="checkbox"/> Barrister <input type="checkbox"/> Sole practitioner Practice name _____ <input type="checkbox"/> Equity Partner <input type="checkbox"/> Salaried Partner Partnership name _____ <input type="checkbox"/> Legal partnership <input type="checkbox"/> Multi-disciplinary partnership Names of partners _____ _____ _____ _____ _____ _____
	<input type="checkbox"/> Employee / Consultant / Corporate Solicitor Name of employer _____ Address _____ _____ Telephone _____ Fax _____ Mobile _____ Email _____
	<input type="checkbox"/> Director or officer of incorporated legal practice Name of corporation _____ <input type="checkbox"/> Director _____ ACN or ARBN _____ Registered office _____ _____ Telephone _____ Fax _____ Email _____
I will / will not _____ accept trust moneys in WA If yes, trust account in WA Bank _____ Branch _____ Name of account _____ BSB no. _____ account no. _____	

Form 20 — Accountant’s certificate

Accountant’s certificate		<i>Legal Practice Act 2003 s. 147</i> <i>Legal Practice Board</i> <i>Rules 2004 r. 58</i> Form 20
Legal Practitioner	Name _____	
	Firm _____	
	Address _____	
Accountant	Name _____	
	Firm _____	
	Address _____	
	Telephone _____	Fax _____
	Mobile _____	
	Email _____	
	I am — <input type="checkbox"/> registered, or taken to be registered, as an auditor under Part 9.2 of the Corporations Act <input type="checkbox"/> approved for the purposes of the <i>Real Estate and Business Agents Act 1978 s. 72(2)</i>	
Previous certificate	Given by (<i>name and firm</i>) _____	
	Date / /20	
Examination of books of accounts	Date of examination / /20 to / /20	
	The Legal Practitioner did / did not make available all documents and information necessary to enable me to give this certificate. If not, give details of what was not made available, the reasons given and the effect of the non-availability on this certificate _____ _____	
	I have examined the Legal Practitioner’s accounting systems and am of the opinion that they — <ul style="list-style-type: none"> • are / are not suitable to enable compliance with the <i>Legal Practice Board Rules 2004, Part 6</i> • are / are not appropriate for the Legal Practitioner’s practice If not, give details _____ _____	

	<p>I have examined the Legal Practitioner's books of account for the period since the previous accountant's certificate was given and am of the opinion that the Legal Practitioner —</p> <ul style="list-style-type: none"> • has / has not complied with the <i>Legal Practice Board Rules 2004</i>, Part 6 <p>If not — the non-compliance consisted of —</p> <p><input type="checkbox"/> trivial breaches due to clerical errors or mistakes all of which were rectified on discovery</p> <p><input type="checkbox"/> other breaches (give details) _____</p> <p>_____</p> <p>_____</p>
Examinations conducted	<p>I have conducted the following examinations to enable me to give this certificate:</p> <p>_____</p> <p>_____</p>
<p>I certify that the information given in this certificate is true and correct and that I honestly hold the opinions stated in it.</p>	
<p>Signature _____</p>	
<p>Date / /20</p>	

Notes

- ¹ This reprint is a compilation as at 2 February 2007 of the *Legal Practice Board Rules 2004* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Legal Practice Board Rules 2004</i>	14 May 2004 p. 1473-557	14 May 2004
<i>Legal Practice Board Amendment Rules (No. 2) 2005</i>	12 Apr 2005 p. 1170-3 (Printers correction 19 Apr 2005 p. 1292-4)	12 Apr 2005
<i>Legal Practice Board Amendment Rules (No. 3) 2005</i>	6 May 2005 p. 2023	6 May 2005
<i>Legal Practice Board Amendment Rules 2006</i>	2 May 2006 p. 1704-6	2 May 2006
<i>Legal Practice Board Amendment Rules (No. 2) 2006</i>	1 Dec 2006 p. 5301-7	1 Dec 2006
Reprint 1: The <i>Legal Practice Board Rules 2004</i> as at 2 Feb 2007 (includes amendments listed above)		
