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Perth, 24th February, 1976.

THE undermentioned Rules made under the provisions of the Legal Practitioners Act, 1893 and amended from time to time up to and including the 19th September, 1975 are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954 by authority of the Attorney General.

R. M. CHRISTIE,
Under Secretary for Law.

LEGAL PRACTITIONERS ACT, 1893.

RULES OF THE BARRISTERS' BOARD.

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Reprinted pursuant to the Re-printing of Regulations Act, 1954 by authority of the Attorney General dated 23rd February, 1976.

LEGAL PRACTITIONERS ACT, 1893.

RULES OF THE BARRISTERS' BOARD.

Part I.—INTRODUCTORY.

Rule 1
amended
by G.G.
9/2/59,
p. 367;
G.G. 12/3/71,
p. 766;
G.G.
10/11/72,
p. 4333.

1. These rules are divided into Parts as follows:—

Part I.—Introductory—Rules 1-3.

Part II.—Election—Rules 4-11.

Part III.—Meetings—Rules 12-17.

Part IV.—Articled Clerks—Rules 18-38.

Division 1—Registration of Articles of Clerkship—Rules 18-22.

Division 2—Assignment and Cancellation of Articles—Rules 23-27.

Division 3—Examinations—Rules 28-35.

Division 4—Miscellaneous—Rules 36-38.

Part V.—Managing Clerks—Rules 39-50.

Part VA.—Control of Certain Practices—Rule 50A.

Part VI.—Admission of Practitioners—Rules 51-55.

Part VII.—Readmission of Practitioners—Rules 56-59.

Part VIII.—Practice Certificates—Rules 60-65.

Part VIIIA.—Solicitors Guarantee Fund—Rule 65A.

Part IX.—Complaints against Practitioners—Rules 66-77.

Part X.—Law Library—Rules 78-89.

Part XI.—Trust Accounts Rules—Rules 90-102.

Division 1—Application of Trust Accounts Rules—Rule 90.

Division 2—Rules Relating to books of account and other accounting records required to be kept by practitioners—Rules 91-99.

Division 3—Provisions relating to the furnishing of accountants' certificates and reports to the Board. Rules 100-102.

2. All rules heretofore made and prescribed by the Barristers' Board in pursuance of the Legal Practitioners Act, 1893, and its amendments, are hereby repealed, but no proceedings, acts or things done under any of the repealed rules before these rules come into operation shall be invalidated or affected by such repeal; and all complaints, proceedings and applications initiated before these rules come into operation shall be carried on so far as practicable according to the provisions of these rules, and subject thereto according to the provisions of the repealed rules applicable thereto which for that purpose shall be deemed to continue in force notwithstanding the repeal thereof.

Rule 3
amended by
G.G. 7/3/74,
p. 740-1.

3. In the interpretation of these rules—

“Secretary” shall mean the Secretary for the time being of the Board;

“Chairman” shall include the Solicitor-General when acting as the delegate of the Attorney General pursuant to section 13 of the Solicitor-General Act, 1969, and any member of the Board elected to preside at any meeting of the Board in the absence of the Chairman.

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Part II.—ELECTION.

4. Subject as hereinafter provided, the annual election of the seven elected members of the Board shall be held on the first Tuesday in the month of April in each and every year.

Rule 4
amended by
G.G. 7/3/74,
p. 741.

5. [Repealed by G.G. 10/1/75, p. 56.]

6. Every practitioner desirous and being qualified to become a member of the Board shall not less than twenty-one days before the date of the election forward to the Secretary written notice of his intention to seek election, countersigned by a least one practitioner entitled to vote.

7. If there are no more candidates than the number of vacancies, such candidates shall be declared elected at a meeting of the Board to be held not later than the date prescribed for the election of members of the Board in that year. In such event it shall not be necessary to hold the meeting referred to in rule 8 (d).

8. If there are more candidates than the number of vacancies, the method of election shall be as follows:—

Rule 8
amended by
G.G. 7/3/74,
p. 741;
G.G. 10/1/75,
p. 56.

(a) The Secretary shall at least ten days before the day of the election send to each practitioner entitled to vote a ballot paper containing the names of all candidates.

(b) Practitioners desirous of voting shall leave the names of all candidates for whom they desire to vote intact and score through the remaining names with a pen or pencil and shall return the ballot paper to the Secretary in an envelope sealed and endorsed "Ballot Paper," so as to reach him not later than twelve o'clock noon on the date of the election.

(c) No practitioner shall have more than one vote for each of the seven vacancies.

(d) A meeting of the Board shall be held on the day of the election at a time and place to be appointed by the Board. At such meeting all ballot papers shall be opened by the Chairman and the Board shall have sole and exclusive right to determine the validity or otherwise of any ballot paper. The candidates receiving the largest number of votes shall be declared elected. In case of an equality of votes between two or more candidates, the Chairman shall be entitled to a casting vote or votes.

9. The elected members of the Board shall take office on the day following the first Tuesday in April of the year of their election and shall go out of office on the first Tuesday in April in the following year.

Rule 9
amended by
G.G. 7/3/74,
p. 741.

10. The names of the successful candidates and of every person nominated as a member of the Board under the provisions of the Act shall be published in the *Government Gazette* as soon as practicable.

11. The omission by the Secretary to send or the non-receipt of any ballot paper by any practitioner within the time aforesaid or at all shall not in any manner invalidate or affect the election.

Rule 11
amended by
G.G. 10/1/75,
p. 56.

Part III.—MEETINGS.

12. Meetings of the Board shall be held when and as often as necessary and shall be convened by the Secretary whenever required in writing by the Chairman or any two members of the Board.

13. Meetings shall be convened by posting or delivering to each member twenty-four hours' written notice stating the time and place of such meeting. The omission to post or deliver any such notice within such time or at all, or the non-receipt thereof, shall in no manner affect or prejudice anything done or agreed to at any meeting.

14. If a quorum of members be not present within fifteen minutes of the time for which the meeting is convened, it may be adjourned to such time and place as those present shall determine.

15. At all meetings of the Board voting shall be by show of hands, unless in any case a ballot shall be called for by any two members present.

16. No resolution arrived at or act, matter, or thing done or authorised by or at any meeting shall be rescinded or amended at any subsequent meeting unless either notice of such intended rescission or amendment be given in the notices convening the meeting at which such rescission or amendment is proposed, or an absolute majority of the total members of the Board vote in favour of such rescission or amendment.

17. Minutes of every meeting shall be kept by the Secretary and such minutes when signed by the Chairman of the same or any subsequent meeting shall be binding and conclusive for all purposes.

Part IV.—ARTICLED CLERKS.

Division 1—Registration of Articles of Clerkship.

Rule 18. Substituted by G.G. 19/4/67, p. 983. Amended by G.G. 12/3/71, p. 766; G.G. 7/3/74, p. 741; G.G. 19/9/75, p. 3599.

18. For the purposes of section 15 subsection (2) (a) of the Act two years is prescribed as the term of service under articles.

Provided that in the case of a person who has fulfilled all the requirements of the University of Western Australia for the taking of the degree of Bachelor of Jurisprudence and the degree of Bachelor of Laws at that University or has such other qualification as in the opinion of the Board is substantially equivalent to those degrees the prescribed term of service under articles is one year.

Rule 19. Substituted by G.G. 19/4/67, p. 983-4.

19. Every person desiring to enter into articles shall lodge with the Board:—

- (a) an application in form A in the Schedule;
- (b) evidence as to the date and place of his birth;
- (c) evidence as to his nationality;
- (d) a certificate as to character in Form B in the Schedule signed by two practitioners of at least two years' standing and in practice;
- (e) evidence that he has fulfilled all the requirements of the University of Western Australia for the taking of a degree in Law at that University or has taken a degree in Law at a University recognised by the Board for the purposes of section 15 subsection (2) (a) of the Act or has passed the matriculation examination then prescribed by the University of Western Australia for candidates entering upon the course for the degree of Bachelor of Laws or some other examination which would be accepted by the said University in lieu thereof.

20. The Board may approve or reject the application or may require further evidence or information on any matter relating thereto.

21. (1) If the Board approves the application, the applicant shall within one month of being notified of such approval produce his articles of clerkship to the Secretary for registration, and if he shall fail to do so, the Board's approval shall cease to be effective, provided that the applicant may lodge his articles with the Secretary at any time prior to the Board's approval and the Board may direct registration thereof as at the date of such lodgment.

(2) No articles shall be registered under this Division of these rules until the applicant has paid to the Secretary the sum of \$25.20.

22. If a clerk who is serving under articles for a period exceeding two years fulfills or has fulfilled all the requirements of the University of Western Australia for the taking of a degree in Law at that University the Board may, upon the application of all parties to such articles and on being satisfied of the material facts, order that the term of the articles be altered so as to expire on the second anniversary of such application and thereafter these rules shall apply as if articles for the period of two years had been registered on the date of such application but no further registration fee shall be payable.

Rule 22.
Substituted
by G.G.
19/4/67,
p. 984.

22A. [Repealed—See *Government Gazette*, 28/5/54, p. 963].

22B. The term of any articles may, with the approval of the Board, be extended, but no further registration fee shall thereby become payable.

Rule 22B.
Added
by G.G.
29/6/62,
p. 1669.

Division 2.—Assignment and Cancellation of Articles.

23. (1) An application for the registration of an assignment of articles of clerkship shall be in Form D in the Schedule.

(2) The Board may approve or reject the application or may require further evidence or information on any matter relating thereto.

(3) If the Board approves the application, the applicant shall within one month of being notified of such approval produce the assignment to the Secretary for registration, and if he shall fail to do so, the Board's approval shall cease to be effective, provided that the applicant may lodge the assignment with the Secretary at any time prior to the Board's approval and the Board may direct registration thereof as at the date of such lodgment.

24. (1) If a practitioner to whom a clerk is articulated shall, before the expiration of such clerk's service, cease to be entitled to have an articulated clerk, the clerk may apply to the Board to cancel the said articles and approve the registration of fresh articles for the unexpired balance of the term of the former articles. Such application shall be in Form E in the Schedule.

(2) The Board may approve or reject the application or may require further evidence or information on any matter relating thereto.

(3) If the Board approves the application, the applicant shall within one month of being notified of such approval produce the fresh articles to the Secretary for registration, and if he shall fail to do so the Board's approval shall cease to be effective, provided that the applicant may lodge the fresh articles with the Secretary at any time prior to the Board's approval and the Board may direct registration thereof as at the date of such lodgment.

25. If the Board, whether as the result of a report by a practitioner or otherwise, has reason to believe that a clerk has ceased to perform valid service under his articles, the Board may call upon the clerk to appear before the Board at a specified time and place

to answer such allegation, and after hearing the clerk, the Board may order that any specified period shall not be counted as service under articles for the purposes of the Act and these rules.

26. In the case of an application to the Board to cancel articles under section 14C of the Act, the application shall proceed as nearly as possible in accordance with the rules relating to the hearing of complaints against practitioners, the applicant being treated as the complainant and the other party to the articles being treated as the practitioner complained against.

27. (1) If a clerk is articted to a practitioner who is practising outside the City of Perth, the Board may by order allow the clerk to serve a portion of his articles with a practitioner in the City of Perth (hereinafter called "the city practitioner").

(2) Service by the clerk in accordance with the terms of such order shall be deemed to be service under his articles, but any certificate relating to the period of the service performed with the city practitioner must be signed by the city practitioner.

(3) Such an order shall not oblige the clerk to continue with the city practitioner for the period mentioned in the order, nor shall it oblige the city practitioner to retain the clerk for such period, nor shall it relieve the practitioner to whom the clerk is articted from any obligation under the articles, but in respect of the period actually served by the clerk with the city practitioner the city practitioner shall be liable under the Act and these rules as if the clerk were articted to him.

(4) The maximum period for which an order may be made under this rule is—

(a) in the case of five years' articles—two years;

(b) in the case of two years' articles—one year.

(5) A city practitioner shall not take or retain a clerk under this rule while he has two clerks articted to him.

(6) An application for such an order shall be in Form F in the Schedule.

Division 3.—Examinations.

Rule 28. Substituted by G.G. 19/4/67, p. 984. Amended by G.G. 19/9/75, p. 35, 98.

28. For the purposes of section 15 subsection (2) (a) of the Act examinations are prescribed in the following subjects, viz.:—

Practice and Procedure.
Conveyancing.
Accounts.
Taxation.
Law Practice and Office Organisation.

The above examinations shall collectively constitute the "Practice Examination".

Subject to Rule 31 (ii) every articted clerk while articted shall attend at the University of Western Australia the lectures provided in those subjects and pass the Practice Examination.

Rule 29. Substituted by G.G. 19/4/67, p. 984.

29. For the purposes of section 15 subsection (2) (b) of the Act the examinations prescribed are the examinations from time to time required to be passed as a qualification for the pass degree of Bachelor of Laws at the University of Western Australia together with the Practice Examination prescribed by Rule 28, all of which examinations will collectively constitute the Final Examination prescribed for articted clerks.

30. The Practice Examination shall be conducted by such persons in such manner and at such times and places as the Board may from time to time determine. The time and place of every examination shall be advertised by the Board by notice displayed in the Supreme Court Library.

Rule 30.
Substituted
by G.G.
19/4/67,
p. 984.

31. (i) Unless for good cause shown the Board in any case shall otherwise determine, an articulated clerk shall not be deemed to have attended the lectures provided in any subject comprised in the Practice Examination unless he shall have attended at least 80 per cent of the number of lectures provided in that subject in any year.

Rule 31.
Substituted
by G.G.
19/4/67,
p. 984;
G.G. 30/3/73,
p. 814.

(ii) An articulated clerk whose principal does not practise within eighty kilometres of the General Post Office of Perth will not be required to attend lectures in a subject comprised in the Practice Examination.

32. (i) Subject to Rule 31 (ii), no articulated clerk may sit for the Practice Examination in any subject until he shall have attended the lectures provided in that subject.

Rule 32.
Substituted
by G.G.
1/10/71,
p. 3882.

(ii) An articulated clerk who fails in any subject shall not be allowed to sit for a further Practice Examination in that subject unless he has attended the lectures in that subject given in the period since the examination in which he has failed.

(iii) No articulated clerk may attend the lectures or sit for examination in any subject comprised in the Practice Examinations until he shall have passed all other examinations comprised in the Final Examination, unless he shall have complied with the requirements of Sec. 15 (2) (a) (i) or Sec. 15 (2) (a) (ii) of the Act.

(iv) An articulated clerk will not be credited with a pass in any subject at any examination unless—

- (a) except where he has only one subject to complete, he passes in at least two subjects at that examination; and
- (b) he sits, at that examination, for all the subjects of the Practice Examination for which he has not been credited with a pass.

(v) Before attending lectures in any year in a subject comprised in the Practice Examination articulated clerks will be required to enrol as students not proceeding to a degree and to pay to the University of Western Australia the fees payable by such students and while attending lectures they will be required to comply with all the statutes and regulations of the University of Western Australia as if they were enrolled as students to a degree.

33. (i) An articulated clerk wishing to sit for any examination comprised in the Practice Examination shall not more than six nor less than four weeks before the date advertised for the examination lodge with the Secretary an application in Form G in the Schedule.

Rule 33.
Substituted
by G.G.
19/4/67,
p. 985.

(ii) An articulated clerk shall lodge with each application a separate certificate in Form H from every practitioner with whom he has served articles as to his conduct during the relevant period of service, or such other evidence of service as the Board may require.

34. Upon an articulated clerk passing the Practice Examination or any person passing an examination required by the Board under section 15 subsection (2) (c) (ii) the Board shall issue to him a certificate in Form I in the Schedule.

Original
Rule 34
renumbered
as 22B by
G.G. 29/6/62,
p. 1669.
New Rule 34
added by
G.G. 19/4/67,
p. 985.

Rule 34A.
Added by
G.G. 7/3/74,
p. 741.
Amended
by G.G.
19/9/75,
p. 3599.

34A. The foregoing rules in this Division have no application to an articled clerk who fulfilled the requirements of the University of Western Australia for the taking of the degree of Bachelor of Jurisprudence and the degree of Bachelor of Laws at that University and for the purposes of section 15 subsection (2) (a) of the Act it is prescribed that such clerk shall attend lectures and take examinations as shall be provided by the Board in the following subjects:—

Accounts.

Law Practice and Office Organisation.

Rule 35.
Amended
by G.G.
27/5/64,
p. 2267.

35. The Board may, in its discretion, abridge any of the periods prescribed in any Part of these rules.

Division 4.—Miscellaneous.

36. The Secretary shall keep the following records:—

- (1) a record of all articles of clerkship and assignments thereof, including the names of the parties, the date of execution and the date of registration, and also of all orders and directions made or given by the Board relating thereto;
- (2) a record of the examinations for which a clerk sits and the result thereof;
- (3) a card index showing the names of all practitioners with whom clerks are serving articles, and the names of such clerks;
- (4) a card index showing the names of all clerks who are serving articles, and the names of the practitioners with whom the articles are being served.

37. At any time while a clerk is serving under articles the Board may require him and any practitioner to whom he is or has been articled to answer verbally before the Board or in writing such questions touching the conduct of the clerk, or as the Board shall think fit, and thereupon the clerk and the practitioner shall be bound to answer accordingly.

38. An application by an articled clerk under section 13 of the Act shall be in Form J in the Schedule.

PART V.—MANAGING CLERKS.

39. Every applicant for approval as a managing clerk shall lodge with the Board—

- (a) an application in Form K in the Schedule;
- (b) evidence as to the date and place of his birth;
- (c) evidence as to his nationality;
- (d) a certificate as to character in Form L in the Schedule signed by two practitioners of at least two years' standing and in practice, neither of whom shall be a practitioner by whom the applicant is or has at any time been employed as a clerk or managing clerk;
- (e) evidence of the length of time that he has been employed as a clerk or managing clerk in the office of a practitioner or practitioners practising in Western Australia or elsewhere and the nature and general description of the work done by him during the period of his employment;
- (f) a certificate by the practitioner by whom he is employed at the time of the application that the applicant is in his opinion a fit and proper person to be approved as a managing clerk and setting out the practitioner's grounds for such opinion;
- (g) the sum of \$21.

40. The Board may approve or reject the application, or may require further evidence or information on any matters relating thereto.

41. Every applicant for approval as a managing clerk and the employer or employers of such applicant shall supply to the Board or the Secretary such further information or evidence as the Board may from time to time require and shall, when or as often as required, attend in person before the Secretary or Board and shall answer verbally or in writing all such questions as may be put to them.

42. If the Board approves the application, it shall fix the date, not being more than twelve months prior to the date of the application when the applicant's employment as managing clerk shall be deemed to have commenced and shall notify the fact of such approval, together with such date to the applicant.

43. No managing clerk shall be entitled to sit for his final examination unless—

- (a) he has applied for and obtained the approval of the Board under the preceding provisions of this Part;
- (b) he satisfies the Board that he has for a period of three years at least after the date when his employment as managing clerk commenced been continuously and regularly employed as a managing clerk in the employment of a practitioner or practitioners in actual practice.

44. Rules 28 to 34 (both inclusive) shall *mutatis mutandis* apply to managing clerks as if they were articulated clerks.

45. [Repealed—See *Government Gazette*, 19/4/67, p. 985].

46. [Repealed—See *Government Gazette*, 1/12/61, p. 3310].

47. [Repealed—See *Government Gazette*, 1/12/61, p. 3310].

48. The Secretary shall keep the following records relating to managing clerks:—

- (a) A record of all applications for approval as managing clerks under the previous provisions of this Part, including the date of each application, the date of approval by the Board, the date when the applicant's employment as managing clerk shall be deemed to have commenced, the name of the managing clerk, and the practitioner or practitioners by whom he is employed, and also all orders and directions made or given by the Board relating to such managing clerks.
- (b) A record of the examinations for which a managing clerk sits and the result thereof.
- (c) A card index showing the names of all practitioners by whom managing clerks are employed, and the names of such managing clerks.
- (d) A card index showing the names of all managing clerks approved by the Board, and the names of the practitioners by whom they are employed.

49. The Board may at any time require a managing clerk approved by the Board and any practitioner by whom he is or has been employed to answer verbally before the Board or in writing such questions touching the conduct of the managing clerk, or as the Board thinks fit, and thereupon the managing clerk and the practitioner shall be bound to answer accordingly.

50. If at any time a managing clerk approved by the Board changes his employment, he shall forthwith notify the Secretary of such change and the name or names of the practitioner or practitioners by whom he has come to be employed.

Rule 44.
Substituted
by G.G.
19/4/67,
p. 985.

Heading.

PART VA.—CONTROL OF CERTAIN PRACTICES.

Added by

G.G. 12/3/71,

p. 766.

Rule 50A.

Added by

G.G. 12/3/71,

p. 766.

Amended

by G.G.

7/3/74,

p. 741.

50A. Whenever an order directed to a banker is made under section 58B, section 58C or section 58 (1) of the Act the Secretary as soon as reasonably practicable shall cause a copy of the order to be served on the banker at its Head Office in Perth.

Rule 50B.

Added by

G.G. 7/3/74,

p. 741.

50B. Whenever a supervising Solicitor is appointed under the provisions of the Act the supervising Solicitor shall as soon as practicable give written notice of his appointment as a supervising Solicitor to the clients of the practice who shall at the time of such appointment have current matters in the practice.

Rule 50C.

Added by

G.G. 7/3/74,

p. 741.

50C. In the case of the practice of a deceased practitioner a supervising Solicitor shall not undertake any new work without first disclosing to the client his appointment as a supervising Solicitor.

Rule 50D.

Added by

G.G. 7/3/74,

p. 741.

50D. In the conduct of a practice pursuant to the provisions of this Part a supervising Solicitor may do all such acts and things as are usually and reasonably done in or about the conduct of practices of a similar nature and without limiting the generality of the foregoing the supervising Solicitor may in respect of the practice:—

- (a) pay all rents and other outgoings payable in respect of the premises in which the practice is conducted or in respect of any chattels utilised in the conduct of the practice.
- (b) employ and dismiss all staff reasonably required for the purpose of conducting the practice and pay all salaries, long service leave, workers' compensation and all other outgoings usually paid in respect of such staff.
- (c) maintain all telephone and electrical services utilised in the practice.
- (d) make the employer's contribution to and continue in a Superannuation Scheme established for the benefit of the employees of the practice.
- (e) make all necessary tax deductions from salaries of the employees of the practice and from such deductions to purchase such tax stamps as may be required by law.
- (f) pay all insurance premiums for fire, accident or professional indemnity and all other insurances as are usual in practices of a similar nature.
- (g) make such contributions as are required under the Legal Contribution Trust Act, 1967 and withdraw money from the credit of the Trust established by that Act.

PART VI.—ADMISSION OF PRACTITIONERS.

Rule 51.

Amended

by G.G.

19/4/67,

p. 985.

51. Every applicant for admission as a practitioner under section 15, subsection (2) paragraphs (c) or (d) of the Act, shall at least three calendar months before he applies to the Court for admission, lodge with the Secretary—

- (i) an affidavit in Form O, together with the exhibits referred to;
- (ii) a certificate of his admission to practise in every court in which he has been admitted to practise; and

- (iii) a certificate from the Registrar or other proper officer of every court in which he has theretofore been admitted to practise that at the date of such certificate not being more than four months prior to the date of the lodging of the affidavit referred to in paragraph (i) of this rule the name of the applicant was still on the rolls of the court and that he had never at any time been struck off or suspended, nor been the subject of a complaint by any person to the Court other than as disclosed in such certificate;
- (iv) a certificate from the Secretary or other responsible officer of any committee or body having authority to deal with complaints against any person entitled to practise before any such Court;
 - (a) that the applicant has not at any time been the subject of any complaint to such committee or body or,
 - (b) if the applicant has been the subject of any such complaint giving details of all complaints against the applicant, including the date or dates of such complaints the nature thereof and the manner in which such complaint or complaints have been disposed of;
- (v) a certificate of two persons of repute who have known the applicant in the place where he was last practising out of the State certifying that the applicant is well known to them and in their opinion is a fit and proper person to be admitted as a practitioner in the Supreme Court of Western Australia; and
- (vi) the prescribed admission fee.

Every applicant for admission as a practitioner under section 15 subsection (2) (c) shall with the foregoing also lodge with the Secretary an affidavit by the applicant defining the system of jurisprudence administered (at the time of his admission) in the Court in which he claims for the purposes of that Subsection to be entitled to practise. If the applicant has been required by the Board under section 15 subsection (2) (c) (ii) to pass an examination or serve under articles of clerkship he shall with the foregoing also lodge a certificate in Form I as to the passing of such examination and a certificate in Form H from every practitioner with whom he has served such articles, or such other evidence as the Board may require.

52. Every applicant for admission as a practitioner under section 15, subsection (2) paragraphs (a) or (b) or section 16 of the Act shall at least one calendar month before he applies to the Court for admission lodge with the Secretary an affidavit in Form P of the Schedule together with the prescribed admission fee.

Rule 52.
Amended
by G.G.
19/4/67,
p. 985.

53. Every applicant for admission as a practitioner shall—

- (a) lodge with the Secretary within one calendar month before he applies to the Court for admission a certificate of two persons of repute resident in this State who have known the applicant certifying that the applicant is well-known to them and in their opinion is in every respect a fit and proper person to be admitted as a practitioner in the Supreme Court of Western Australia;
- (b) supply in writing to the Board or the Secretary all such information and evidence as the Board or Secretary as the case may be from time to time require and shall when and as often as required attend in person before the Secretary or Board and answer verbally or in writing all such questions as may be put to him;

Rule 53.
Amended
by G.G.
12/3/71,
p. 766.

- (c) on at least two occasions not more than twenty-eight nor less than fourteen days before he applies to the Court for admission and at an interval of at least seven days between the first and last of such advertisements advertise in one daily paper published in Perth notice of his intention to apply for admission. Such notice shall be signed by the Secretary and shall be in the Form Q in the Schedule.

54. No person shall be admitted as a practitioner unless and until he produces to the Court the certificate in the Form R or in the case of an applicant for admission under section 16 in the Form Ra in the Schedule. Provided that such certificate shall be of no force or effect unless the applicant is admitted at the sittings of the Full Court next after the date of such certificate.

54A. [Added by G.G. 5/5/50, p. 961. Repealed by G.G. 19/4/67, p. 985].

55. Every applicant shall attend in person before the Court when his admission is moved and shall produce to the Court the affidavit in the Form S in the Schedule.

PART VII.—RE-ADMISSION OF PRACTITIONERS.

56. Every person who shall have been struck off the rolls of the Court and shall desire to be readmitted shall three calendar months before he applies to the Court to be so admitted lodge with the Board an affidavit in the Form T in the Schedule together with a fee of \$63.

57. There shall be exhibited to the said affidavit certificates from all persons by whom the applicant has been employed since he was struck off the rolls and from at least two other persons of good repute and standing stating how long they have known the applicant, that in their belief he has not since he was struck off the rolls been guilty of any dishonourable or unworthy conduct and that he is in every respect a fit and proper person to be admitted as a practitioner.

Rule 57A.
Added
by G.G.
1/12/61,
p. 3311.

57A. On receipt of the affidavit the Board shall fix a time and place for the examination of the applicant on his affidavit and the hearing of verbal evidence from the persons who shall have made the certificate exhibited thereto. The Board shall give not less than seven days' notice in writing of such time and place to the applicant and to all the aforesaid persons.

Rule 57B.
Added
by G.G.
1/12/61,
p. 3311.

57B. The Secretary may, and at the request of the practitioner shall, issue a summons for the attendance of any person or the production of any documents whom or which the Board or the applicant may think fit to call or have produced at the aforesaid hearing. The summons shall be in such form as the Board may from time to time approve.

Rule 57C.
Added
by G.G.
1/12/61,
p. 3311.

57C. The Board may instruct Counsel to appear and examine the applicant and the other witnesses at the hearing and the applicant may appear in person or by Solicitor or by Counsel and may examine any witness.

The hearing shall be conducted in such manner as the Board may determine and the Board may adjourn the hearing from time to time.

Rule 57D.
Added
by G.G.
1/12/61,
p. 3311.

57D. The evidence given at the hearing shall be recorded by the Secretary or by such other person as the Board may appoint whether a member of the Board or not.

Rule 57E.
Added
by G.G.
1/12/61,
p. 3311.

57E. The Board may at its discretion approve the application or withhold its approval and if it approves the application it shall issue a certificate to the applicant in the Form R in the Schedule.

57F. Rules 54 and 55 and 53 (c) shall apply to applicants for readmission but not Rules 51, 52 or 53 (a) or 53 (b).

Rule 57F.
Added
by G.G.
1/12/61,
p. 3311.

58. If and whenever the Board approves such application the applicant shall advertise notice of his intention to apply for re-admission in such manner and place for such time as mentioned in rule 53 (c) or otherwise as the Board shall in writing require.

59. [Repealed and rules 57A, 57B, 57C, 57D, 57E and 57F substituted—See *Government Gazette*, 1/12/61, p. 3311].

PART VIII.—PRACTICE CERTIFICATES.

60. The annual fee to be paid to the Board by each practitioner for the issue of each annual practice certificate shall be \$25.00 provided that the fee payable in respect of any practice certificate issued before the 30th June in any calendar year shall be \$12.50.

Rule 60.
Amended
by G.G.
15/5/63,
p. 1295;
G.G. 7/3/74,
p. 741.

61. On application being made in writing by any practitioner and payment by him of the prescribed fee the Board shall issue to him an annual practice certificate in Form V of the Schedule hereto which shall be current until the 30th day of June next following the date of issue.

Rule 61.
Amended
by G.G.
30/9/55,
p. 2512.

Such certificate shall be issued only in the name of the practitioner as it appears on the Roll of Practitioners in the custody of the Registrar of the Supreme Court at the date on which such certificate is issued.

62. The Secretary of the Board shall on receipt of any application for an annual practice certificate accompanied by the amount of the prescribed fee endorse on such application the date of its receipt by him and shall enter a memorandum of such endorsement together with the particulars furnished in a register to be kept by him.

63. All applications with the prescribed fee under these rules shall be addressed to "The Secretary of the Barristers' Board, Supreme Court, Perth," and shall include particulars of the address where the applicant is carrying on practice.

64. If any practitioner at any time changes his name or address he shall forthwith notify the Secretary who shall thereupon enter particulars of such practitioner's new name or address in the register kept under this Part.

Rule 64.
Amended
by G.G.
30/9/55,
p. 2512.

65. Where by these rules any notice or other document is required to be served or given to any practitioner service may be effected by posting such notice or document to him at his address appearing in the Register kept under this Part.

PART VIIIA.—SOLICITORS' GUARANTEE FUND.

65A. The annual amount payable to the Board by a practitioner obliged to make annual payments under the provisions of section 42 (1) of the Legal Practitioners Act, 1893-1967, for application to the Solicitors' Guarantee Fund established under the Legal Contribution Trust Act, 1967, shall be twenty dollars.

Heading and
Rule 65A.
Added by
G.G. 21/5/68,
p. 1427.

PART IX.—COMPLAINTS AGAINST PRACTITIONERS.

66. A complaint under sections 25 or 25A of the Act shall—
(a) distinctly state the conduct complained of;
(b) be in the Form W in the Schedule;
(c) be verified by the statutory declaration of the complainant unless the Board dispenses with this requirement.

Rule 66.
Amended
by G.G.
29/6/62,
p. 1669.

67. The complaint shall be filed with the Secretary and the Secretary shall forthwith send a copy thereof by registered post to the practitioner whose conduct is complained of.

Rule 68.
Amended
by G.G.
7/3/74,
p. 741.

68. Within 14 days after service of the copy complaint, the practitioner shall file with the Secretary in duplicate an answer to the complaint verified by statutory declaration. The Secretary shall forthwith send by registered post to the complainant at the address shown in the complaint one copy of such answer.

69. The Board or the Chairman may at any time by notice in writing require the complainant or the practitioner to give within such time as may be fixed by such notice further particulars of any of the matters contained in the complaint or the answer. Such further particulars shall be verified by statutory declaration and shall be filed with the Secretary in duplicate who shall forthwith send one copy thereof by registered post to the other party.

70. Either party shall when required by the Secretary provide him with such number of copies of all documents filed by such party as the Secretary shall require.

71. When the answer has been filed or if no answer is filed then when the time for filing the answer has expired, the Board shall fix a time and place for the hearing of the complaint and shall cause not less than seven clear days' notice thereof in writing to be given to the parties.

72. Either party may apply to the Secretary to issue a summons for the attendance of any person (including the other party) or the production of any documents whom or which the party may desire to call or have produced. Such summons shall be in one of the Forms X or Y in the Schedule.

73. (1) Any party may appear before the Board in person or by solicitor or counsel.

(2) The hearing shall be conducted in such manner as the Board may determine.

(3) The Board may adjourn the hearing from time to time.

74. The evidence given at the hearing shall be recorded by the Secretary or by such other person as the Board may appoint, whether a member of the Board or not.

75. (1) If the Board shall decide to transmit a report to the Full Court the report shall be signed by the Chairman on behalf of the Board and within seven days of the same being signed the report with two copies thereof and with three copies of the evidence taken at the hearing shall be filed in the Central Office of the Supreme Court, and within the like time the Secretary shall send a copy of the report to the complainant and to the practitioner.

(2) In every other case the decision of the Board shall be reduced to writing and shall be signed by the Chairman on behalf of the Board and the Secretary shall send a copy thereof to the complainant and to the practitioner.

76. (1) The Board may extend or abridge the time for doing any act under this Part of these Rules, and in cases of urgency the Chairman or any two members of the Board may exercise the powers of the Board in that behalf.

(2) If in any case the Board is of opinion that to require compliance with any rule in this Part of these Rules would work injustice to any party the Board may by special order vary the provisions of such rule in that particular case.

77. If the Board resolves to investigate the conduct of a practitioner although no complaint has been made against him the Board may—

Rule 77.
Substituted
by G.G.
19/9/75,
p. 3599.

- (a) by letter indicating the general subject matter of the inquiry summon the practitioner to appear before it to answer such questions and to produce such documents touching his conduct as the Board may think fit and thereupon the practitioner is bound to comply with the requirements of the Board and the inquiry may in the discretion of the Board proceed in all respects as if it had been initiated by a complaint; or
- (b) direct the Secretary to lay a complaint against the practitioner in the form Z in the Schedule whereupon the matter shall proceed as prescribed by the preceding rules in this Part, except that in all things relating to his position as complainant the Secretary shall act upon the directions of the Chairman or of such other member of the Board as the Board may designate.

PART X.—LAW LIBRARY.

78. In this Part, subject to the context—

Heading and
Rule 78.
Added
by G.G.
9/2/59,
p. 367.

“book” means any book, newspaper, periodical, picture, photograph or written or printed article or other writing in or used in connection with the Library, and includes the cover or frame of a book or picture;

“Judge” includes a Justice or Judge of any Superior Court in Australia;

“Librarian” means the person employed by the Board as the Librarian of the Library and includes the person for the time being in charge of the Library;

“Library” means the Law Library in the Supreme Court Building at Perth.

79. (1) Subject to these Rules, the persons following are permitted to use the Library free of charge at any time when the Library is open, namely, the Judges, the members of the Legislature, professional officers of the Crown Law Department, stipendiary magistrates and certified practitioners, and also clerks or officers employed by or acting on the directions of any of such persons.

Rule 79.
Added
by G.G.
9/2/59,
p. 368.

(2) The Library is deemed not to be open during the period of any meeting of the Board in the Library room, and during any period mentioned in a notice displayed by or by the direction of the Board at the entrance to the Library room.

(3) No person shall enter or remain in the Library room at any time when the Library is not open.

80. A person shall not remove any book from the Supreme Court Building or have any book in his possession or under his control outside the Supreme Court Building.

Rule 80.
Added
by G.G.
9/2/59,
p. 368.

81. (1) No person shall remove any book from the Library room for any purpose other than immediate use in a hearing before a Judge.

Rule 81.
Added
by G.G.
9/2/59,
p. 368.
Amended
by G.G.
28/4/59,
p. 1139.

(2) No book shall be removed from the Library room more than one hour before the hearing referred to in this rule.

(3) Every book removed from the Library room shall be returned to its proper place within the Library within thirty minutes of the termination of the relevant hearing on the day on which the book is removed, unless the Librarian approves of the book's being left on a Library table.

(4) A person shall not leave unattended any book in any place other than the Library room.

(5) Without the permission of the Librarian, a person shall not remove from the Library room a book upon which is displayed a notice to the effect that the book is not to be removed from the Library.

(6) No book shall be removed from the Library unless the borrower shall have recorded his name and the date and time of removal in a book to be kept by the Librarian for that purpose.

Rule 82.
Added
by G.G.
9/2/59,
p. 368.

82. Subject to the directions of the Board, the Librarian has the general control and charge of the Library and is responsible for the safe custody of the books.

Rule 83.
Added
by G.G.
9/2/59,
p. 368.

83. (1) A person using the Library shall, whilst in the Library room, comply with the reasonable directions of the Librarian.

(2) A person shall not obstruct or hinder the Librarian in the performance of his duties.

Rule 84.
Added
by G.G.
9/2/59,
p. 368.

84. The Librarian may open and inspect any case, bag, parcel or receptacle brought to or found in the Library room.

Rule 85.
Added
by G.G.
9/2/59,
p. 368.

85. A person who uses or has in his possession any book shall return it to its proper place in the Library.

Rule 86.
Added
by G.G.
9/2/59,
p. 368.

86. A person shall not misplace or secrete any book.

Rule 87.
Added
by G.G.
9/2/59,
p. 368.

87. A person shall not mark, damage or destroy any book.

Rule 88.
Added
by G.G.
9/2/59,
p. 368.

88. A person who uses or has in his possession a book which is marked, damaged or in imperfect condition shall report the fact to the Librarian.

Rule 89.
Added
by G.G.
9/2/59,
p. 368.

89. Notwithstanding any other rule, the Board or the Librarian with the authority of the Board may, on and subject to such conditions as the Board may decide, permit the sale or removal of any book and the use of the Library and Library room by any person.

Headings
and Rule 90
Added
by G.G.
10/11/72,
p. 4333.

PART XI.—TRUST ACCOUNTS RULES.

Division I—Application of Trust Accounts Rules.

90. (1) In this Part "these rules" mean the rules contained in this Part.

(2) These rules apply to every practitioner who, in the course of the practice of his profession, receives, holds or pays any money for or on account of any client.

Heading and
Rule 91.
Added
by G.G.
10/11/72,
p. 4333.

Division II—Rules Relating to Books of Account and other Accounting Records Required to be Kept by Practitioners.

91. (1) Subject to this rule, every practitioner shall, in connection with his practice—

- (a) open and retain in his place of business;
- (b) keep in accordance with this Division, and comply with the other provisions of this Division with respect to; and
- (c) at all times cause to be kept written up,

such books of account and other accounting records as are necessary to show and to distinguish between—

- (i) money received from or held on account of each client; and
- (ii) money received, or held or paid, on account of the practitioner himself.

- (2) Notwithstanding sub-rule (1) of this rule—
- (a) where two or more practitioners are engaged in the practice of their profession in partnership, the books of account and other accounting records referred to in that sub-rule may be kept for or in respect of the transactions of the partnership; and
 - (b) the Board may require a practitioner who carries on his practice in more than one place of business to keep in each such place and with respect to his practice in each such, a separate set of books of account and other accounting records which comply with requirements of this Division.
- (3) A practitioner who is required by the Board to keep a separate set of books of account and other accounting records pursuant to sub-rule (2) of this rule shall comply with that requirement.

92. In accordance with subsection (1) of section 34 of the Act every Practitioner who receives trust moneys shall unless then dealing with them as directed by the person from whom or for whose use or benefit they are received forthwith deposit them to the credit of a Trust Account whether a general trust account or an account maintained for one or other of those persons specifically and there retain them until such time as they are dealt with as so directed or until they are otherwise dealt with according to Law.

Rule 92.
Added
by G.G.
10/11/72,
p. 4333.

93. (1) Without limiting the generality of sub-rule (1) of rule 91, the books of account and other accounting records required to be kept by a practitioner under that sub-rule shall, subject to this rule, include—

Rule 93.
Added
by G.G.
10/11/72,
p. 4334.

- (a) a record of money received;
- (b) bank deposit records;
- (c) a cash book;
- (d) a trust cheque book;
- (e) a trust ledger;
- (f) a trust account bank statement;
- (g) the reconciliation accounts or statements referred to in rule 99; and

(2) Bank deposit records shall comprise a carbon copy of every Bank deposit form.

(3) Subject to sub-rule (4) of this rule, the books of account and other accounting records may be kept on loose leaves or cards.

(4) Where a cash book is kept on loose leaves or cards pursuant to sub-rule (3) of this rule, the loose leaves or cards shall be fixed together securely and in proper sequence at intervals of not longer than twelve months.

(5) Notwithstanding sub-rule (1) of this rule, where a practitioner, at the same time as he makes an entry in a trust ledger, makes as part of a continuous record of ledger entries a duplicate or true copy of that entry, the continuous record shall be deemed to be a cash-book for the purposes of that sub-rule.

(6) Where a continuous record as is referred to in sub-rule (5) of this rule is kept on loose leaves or cards, the record shall be fixed together securely and in proper sequence at intervals of not longer than twelve months.

(7) Without prejudice to any rule of Law or Equity to the contrary and for the purposes only of these Rules every trust ledger and the source documents referred to in Rule 94 (4) and cash-book shall be retained and preserved in good order and condition for at least seven years.

Rule 94.
Added
by G.G.
10/11/72,
p. 4334.

94. (1) A trust ledger shall be used to record—
- (a) the receipt and deposit of moneys for or on account of a practitioner's clients;
 - (b) the receipt and debiting of a practitioner's charges;
 - (c) the payment by a practitioner of out-of-pocket payments or disbursements on behalf of a client and the repayment thereof to the practitioner.

(2) Subject to sub-rule (3) of this rule, a practitioner may pay out of the trust account money for or on account of a client, notwithstanding that the practitioner does not hold in the trust account money, or sufficient money, for that payment if, for the whole of the period during which such a payment results in a debit balance in the client's ledger account the practitioner retains in the trust account sufficient money belonging to the practitioner—

- (a) to cover the debit balance; and
- (b) which is clearly recorded and identified in the trust account as his own money.

(3) Notwithstanding sub-rule (2) of this rule, a practitioner is not required to retain money belonging to him in his trust account to cover a debit balance in a client's ledger account, if the debit balance—

- (a) is properly shown by adjacent particulars (being particulars that are typewritten or written in ink in the trust ledger) as being covered by a credit balance in another ledger account in the practitioner's trust ledger; or
- (b) Arises from the debiting of a cheque which has been properly used to obtain on behalf of a client a bank cheque, if and while that bank cheque properly remains in the possession of the practitioner pending the proper disposition thereof.

(4) Accurate details of every entry in a practitioner's trust ledger shall be set out therein against the entry or be readily available from source documents and, in particular, all charges by the practitioner which are debited in the trust ledger shall be clearly identified.

(5) A practitioner may withdraw from the trust account, and apply to his own use, all moneys in the account representing the practitioner's charges paid by clients if such a withdrawal does not result in a debit balance in a client's account in the practitioner's trust ledger which is not covered by money belonging to him and retained in the trust account in accordance with sub-rule (2) of this rule.

Rule 95.
Added
by G.G.
10/11/72,
p. 4334.

95. (1) A practitioner shall make a written record of all money received by him for or on account of a client.

(2) Every such record shall be recorded in his cash book and in his trust ledger.

(3) Every record of money received by a practitioner shall contain the following particulars, namely:—

- (a) The date the money is received;
- (b) The amount of money received;
- (c) The name of the client by or on whose account the money is paid; and
- (d) Other particulars sufficient to identify the transaction in respect of which the money is received.

(4) A practitioner who received a payment by way of direct credit to the trust account shall, on becoming aware of the payment record such payment in his Cash Book or his Trust Ledger incorporating therein the particulars prescribed by sub-rule (3) of this rule.

96. (1) The practitioner's bank deposit record referred to in Rule 93 shall make provision for the entry of the following particulars, namely:—

- (a) The date of the deposit;
- (b) Whether the amount deposited consists of money or cheques or both, as the case may be;
- (c) The name of the drawer of every cheque deposited; and
- (d) The total amount of the deposit.

(2) Where a practitioner pays or deposits any money into the trust account, he shall—

- (a) before making the payment or deposit, make a carbon copy of the Bank Deposit Record.
- (b) ensure that the carbon copy of the Bank Deposit Record is stamped by the Bank with which the payment or deposit is made; and
- (c) retain the carbon copy of the Bank Deposit Record.

97. Every cheque drawn by a practitioner on the trust account shall be numbered and drawn consecutively and the number of the appropriate cheque shall be recorded in the practitioner's cash book and in his trust ledger against the entry therein relating to that cheque.

98. (1) Every account in a practitioner's trust ledger shall be kept:—

- (a) under the name or names of the client or clients for whom or on whose behalf the money recorded therein was received or paid away or is held; or
- (b) under the title of the practitioner's file to which such account relates.

(2) Where a practitioner acts and holds money for more than one party to a transaction, the practitioner—

- (a) shall keep a separate account in his trust ledger with respect to each of those parties and shall as soon as possible make all proper transfers between each of those accounts; or
- (b) shall keep a separate account in his Trust Ledger in respect of each file which relates to any matter in which money is received by the Practitioner by or on behalf of more than one party and such account in addition to showing the title of the relevant file shall also record all moneys received or paid away or held for any person who is a party to the transaction to which that file relates.

99. (1) A practitioner shall, at least once in every month and at intervals of not longer than six weeks, cause—

- (a) the trust ledger to be balanced; and
- (b) an account or statement to be drawn up reconciling, in accordance with sub-rule (2) of this rule, the balance of the trust ledger with the trust account bank-statement or bank-statements for the period which has elapsed since the last balance.

(2) A reconciliation for the purposes of sub-rule (1) of this rule—

- (a) shall be made in accordance with the following provisions:—
 - (i) There shall be set out the balance in the trust ledger as at the end of the preceding period of reconciliation;
 - (ii) There shall be added to the balance referred to in paragraph (a) of this sub-rule the total of the moneys paid into the trust account during the period covered by the reconciliation and there shall be deducted from that balance the total of the moneys paid from the trust account during that period.

Rule 96.
Added
by G.G.
10/11/72,
p. 4334.

Rule 97.
Added
by G.G.
10/11/72,
p. 4334.

Rule 98.
Added
by G.G.
10/11/72,
p. 4335.

Rule 99.
Added
by G.G.
10/11/72,
p. 4335.

- (iii) Moneys received by way of direct credit in the Bank to the trust account during the period of reconciliation and amounts debited by the Bank to the trust account and for which no cheques were drawn shall be set out in the reconciliation as distinct items;
 - (iv) Moneys received for the trust account during the period of reconciliation, but not banked therein, shall be set out in the reconciliation as a distinct item; and
 - (v) Every cheque drawn on the trust account during the period of reconciliation (being a cheque which has not been presented to, and debited by, the bank in the bank statement) shall be set out separately in the reconciliation, by cheque number and amount; or
- (b) shall be made in accordance with a system approved by the approved accountant who examines the reconciliation for the purposes of giving a Certificate pursuant to Division III of these Rules.
- (3) For the purposes of sub-rule (2) of this Rule "approved accountant" means an accountant who is registered or approved as required by section 42A of the Legal Practitioners Act.

Heading and Rule 100. Added by G.G. 10/11/72, p. 4335.

Division III—Provisions relating to the furnishing of accountants' certificates and reports to the Board.

100. In this Division—

"approved accountant" means an Accountant who is registered or approved as required by section 42A of the Legal Practitioners Act;

"Certificate" means a Certificate by an approved accountant with respect to a Practitioner's accounting records;

"Practitioner's accounting records" means the books of account and other accounting records required to be kept by a Practitioner under sub-rule (1) of rule 91 hereof.

Rule 101. Added by G.G. 10/11/72, p. 4335-6.

101. (1) Every Practitioner shall furnish the Board with a Certificate in accordance with the form in the Schedule to this Part on or before the thirtieth day of June 1973 in respect of the period from and including the first day of the month next following the gazettal of these Rules and the thirty-first day of March 1973 and thereafter on or before the thirtieth day of June in each year in respect of the period from and including the first day of April in the year immediately preceding the thirty-first day of March of the year in which the Certificate is furnished to the Board.

(2) For the purpose of furnishing the Board with a Certificate under sub-rule (1) of this rule a Practitioner shall supply an approved accountant with particulars of every bank account kept, maintained, or operated by the Practitioner in his practice at any time during the period to which the Certificate relates and all other information which the approved Accountant reasonably requires for the purpose of carrying out the prescribed examinations.

(3) For the purposes of sub-rule (2) of this rule "the prescribed examinations" are—

- (a) an examination of the book keeping system in every place of business of the Practitioner to enable the approved accountant to verify that the system appears to comply with the requirements of Division II of these Rules;
- (b) a test check of a number of postings to the trust ledger or ledgers from records of receipts and payments of clients' moneys, and a test check of the arithmetical accuracy of those accounts;
- (c) a comparison of a sample of lodgments into, and payments from, the trust account, as shown in bank statements, with the records of receipts and payments of clients' moneys;

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- (d) an inquiry into, and a test check of, the system of recording costs and of making withdrawals in respect of costs from the trust account;
 - (e) a selection of some transactions recorded in the trust ledger or ledgers during the period covered by the Certificate in order to ascertain—
 - (i) whether the entries relating to those transactions reflect, and are in accordance with, the respective rights of the clients as those rights appear to the approved accountant from the documents held by the Practitioner, and
 - (ii) that the accounting has been carried out in accordance with Division II of these Rules;
 - (f) a test check of the extraction of a balance of the trust ledger accounts at any one date during the period covered by the report; and
 - (i) a test check of the additions of the extraction of balances;
 - (ii) a check of the reconciliation of the total of the balance with the balance or balances shown in the bank statement or bank statements;
 - (iii) a check that any amount shown in the reconciliation as being money in hand and not deposited, was promptly deposited thereafter; and
 - (iv) a confirmation directly with the Bank or Banks concerned of the accuracy of the Bank balance or Bank balances used in the reconciliation;
 - (g) a check that, as at the date chosen for the examination of the extraction of balances and the check of the reconciliation, the total of any debit balances in the trust ledger accounts was covered in compliance with sub-rule (2) of rule 94; and
 - (h) a test check of moneys taken to the credit of the office account of the Practitioner with a view to ascertaining that the credit was not of moneys which should have been credited to a client's trust account.
- (4) Subject to this rule, nothing in the foregoing provisions of this rule requires an approved accountant—
- (a) to extend his inquiries beyond the information contained in the accounting records and other relative documents produced to him by a Practitioner, supplemented by such information and explanations as he may obtain from the Practitioner;
 - (b) to inquire into the stocks, shares, mortgages, or other securities or documents held by a Practitioner on behalf of a client;
 - (c) to consider whether a Practitioner's accounting records have been properly written up at any time other than at the time to which his examinations relates; or
 - (d) in the absence of suspicion or irregularity beyond trivial errors or mere clerical errors or mistakes to extend a test check beyond an inspection of more than a few isolated transactions.
- (5) Notwithstanding paragraphs (b) of sub-rule (4) of this rule, a Practitioner shall produce to an approved accountant who is in the course of examining the Practitioner's accounting records, any stocks, shares, mortgages, or other securities or documents held by the Practitioner on behalf of a client and called for by the approved accountant.

(6) Notwithstanding paragraph (c) of sub-rule (4) of this rule, where an approved accountant, in the course of examining a Practitioner's accounting records forms the opinion that those records were in disorder at any time during the accounting period and that there should be a closer examination thereof, he shall so report to the Board.

(7) If, after making, or during the making of, the prescribed examinations in accordance with this rule, it appears to an approved accountant that there is evidence of non-compliance by a Practitioner with the requirements of this Part, the accountant may make such further examination as he considers necessary in order to complete his Certificate with or without qualification.

Rule 102.
Added
by G.G.
10/11/72,
p. 4336.

102. Nothing in this Division deprives a Practitioner of the right, on the ground of privilege as between Practitioner and client, to decline to produce any document to an approved accountant who is engaged in an examination for the purposes of this Division and, where a Practitioner so declines, that Practitioner and the approved accountant shall report to that effect and as to the circumstances thereof in writing to the Board.

Schedule:
Amended
by G.G.
29/6/62,
p. 1669;
G.G. 19/4/67,
pp. 985-6;
G.G. 12/3/71,
p. 766;
G.G.
10/11/72,
pp. 4336-7;
G.G. 30/3/73,
p. 814.

The Schedule Referred to.

FORM A.

Rule 19 (a).

IN the matter of the Legal Practitioners Act, 1893-1966 and in the matter of (name and address of student).

1. I of in the State of Western Australia being the son of (name, address and occupation of father) desire to enter into articles for a term of years subject to the Act and Rules.

2. I propose to serve my articles with Mr (name and address of practitioner).

3. I am of the age of years, having been born at (place and country of birth) on the day of, 19..... I attach a certificate of my birth (or if certificate not available, other satisfactory evidence).

4. I am a British subject, by virtue of the following qualification, viz.

5. I attach a certificate as to my character signed by Mr and Mr

6. I have fulfilled all the requirements for the taking of the degree of Bachelor of Laws at the University of Western Australia (or I have taken a degree in law at a University recognised by the Board for this purpose) and I attach a certificate from the said University to that effect.

OR

6. I have passed the matriculation examination prescribed by the University of Western Australia for candidates entering upon the course for the degree of Bachelor of Laws (or otherwise, see Rule 19 (e)) and I attach a certificate from the said University to that effect.

(Omit whichever paragraph is inapplicable.)

Dated the day of, 19.....

.....

FORM B.

Rule 19 (d)

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of student).

We of in the State of Western Australia and of in the said State hereby certify that we have made due inquiry and we verily believe that of in the said State is of good character and a fit and proper person to be articulated under the Act and Rules.

Dated the day of 19.....

Form C [Deleted by G.G. 19/4/67, p. 986.]

FORM D.

Rule 23.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of student).

WHEREAS AB (the clerk) is serving under articles for a term of years with CD (the practitioner) of in the State of Western Australia under articles registered on the day of 19.....

And whereas it is desired to assign such articles for the balance of the term thereof to EF (practitioner taking the assignment) of in the said State.

Now we the said AB, CD, and EF and XY the father (or guardian) of the said AB hereby request that such assignment be approved.

The reason for such assignment is as follows:—

Dated the day of 19.....

(Note.—If the clerk is above the age of 21 years at the date of the application his father or guardian need not join in this request.)

FORM E.

Rule 24.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of student).

WHEREAS AB (the clerk) is serving under articles for a term of years with CD (the practitioner) of in the State of Western Australia under articles registered on the day of 19.....

And whereas the said CD has ceased to be entitled to have an articulated clerk by reason of (state reason).

Now, therefore I, the said AB and XY the father (or guardian) of the said AB hereby request that the said Articles be cancelled and that the registration be approved of fresh articles to EF for the unexpired balance of the term of the former articles.

Dated the day of 19.....

(Note:—If available the written consent of the first-named practitioner (CD) should accompany this application. If the clerk is above the age of 21 years at the date of the application his father or guardian need not join in this request.)

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FORM F.

Rule 27.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of student).

WHEREAS AB (the clerk) is serving under articles for a term of years with CD (the practitioner) of in the State of Western Australia under articles registered on the day of 19.....

And whereas it is decided that the said clerk shall serve portion of his articles with EF of Perth.

Now, therefore we, the said AB, CD and EF hereby apply for an order that the said AB be allowed so to serve with the said EF for a period of commencing on the day of 19.....

Dated the day of 19.....

FORM G.

Rule 33 (i).

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of student).

I AB (clerk) being articulated to CD (practitioner) for a term of years under articles registered on the day of 19..... desire to sit for the examination to be held in the month of 19.....

(I passed the examination in the month of 19.....)

Dated the day of 19.....

FORM H.

Rule 33 (ii).

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of student).

I CD (practitioner) of in the State of Western Australia hereby certify that AB (clerk) faithfully and diligently served me as a *bona fide* articulated clerk from the day of 19..... to the day of 19.....

Dated the day of 19.....

FORM I.

Rule 34.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of student).

THIS is to certify that (name and address) in the month of 19..... passed the examination to the satisfaction of the Board.

Dated the day of 19.....

.....
Secretary to the Barrister's Board.

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FORM J.

Rule 38.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of student).

I AB (clerk) being articulated to CD (practitioner) of..... in the State of Western Australia hereby apply to the Board for its consent under section 13 of the Act to my holding the office of..... (or, engaging in the employment of.....).

The said office (or employment) would occupy my time for..... (state hours and days).

My remuneration for such office (or employment) would be \$..... per month (or as the case may be).

Dated the day of..... 19.....

I the abovenamed CD consent to the above application.

Dated the day of..... 19.....

FORM K.

Rule 39 (a).

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of Managing Clerk).

1. I..... of..... in the State of Western Australia, Clerk to Messrs..... Solicitors of..... hereby make application for approval as Managing Clerk.

2. I have been employed as a Law Clerk for a period of..... years..... months of which period I have been employed as Managing Clerk for a period of.....

3. Details of the Legal Practitioners by whom I have been employed together with the period of my employment and the nature of the duties carried out in the course of such employment are as follows:—

4. I am of the age of..... years having been born at (place and country of birth) on the..... day of..... 19..... I attach a certificate of my birth (or, if certificate not available, other satisfactory evidence).

5. I am a British subject, by virtue of the following qualification, viz.....

6. I attach a certificate as to my character signed by Mr. and Mr.....

Dated the day of..... 19.....

FORM L.

Rule 39 (d).

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of Managing Clerk).

WE..... of..... in the State of Western Australia and..... of..... in the said State hereby certify that we have made due inquiry and we verily believe that..... of..... in the said State is of good character and a fit and proper person to be approved by the Board as a Managing Clerk.

Dated the day of..... 19.....

FORM M. [Deleted by G.G. 19/4/67, p. 986.]

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FORM N. [Deleted by G.G. 19/4/67, p. 986.]

FORM O.

Rule 51 (i) .

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of deponent).

I (name and address) of.....but late of.....make oath and say as follows:—

1. On the.....day of.....I became entitled to practise in the Supreme Court of (if the applicant has been admitted to practise in any other Court or Courts he should here set forth the date or dates of every such admission and the names of every Court to which he has been admitted).

2. I have not done or committed any act or thing which would render my name liable to be struck off the rolls of the said Court (or any of them) or cause me to be suspended from practice.

3. My conduct has not at any time been the subject of a complaint by any person to any of the said Courts nor any Judge thereof or any committee or body having authority to deal with complaints against any person entitled to practise before the said Courts or any of them, save and except as follows (give particulars of all complaints, giving dates, nature of each complaint and how disposed of).

4. Certificate of my admission to the said Court is hereto annexed.

5. I ceased to practise (here set forth the dates when the applicant ceased to practise in any Court to which he has been admitted and the nature of his employment thereafter, the date and manner of his arrival in this State and how and where he has been employed since his arrival).

6. I am of the age of.....years, having been born at.....(place and country of birth) on the.....day of.....19..... I attach a certificate of my birth (or if certificate not available, other satisfactory evidence).

7. I am a British subject, by virtue of the following qualification, viz,.....

Sworn, etc.

FORM P.

Rule 52.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of applicant).

Note.—Whichever of the following forms is appropriate should be employed.

FORM Pa.

(To be Used by Applicants for Admission Under Section 15(2) (b).) I (name and address) make oath and say as follows:—

1. I have been an Articled Clerk under Articles registered with the Secretary of the Board on the.....day of....., 19.....

2. I have passed or (as the case may be) intend offering myself for the examination prescribed by the Rules.

Sworn, etc.

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FORM Pb.

(To be Used by Applicants for Admission Under Section 15(2) (a).)
I (name and address) make oath and say as follows:—

1. On the..... day of....., 19.....
I took the Degree of Bachelor of Laws (or as the case may be) in
the University of.....

2. I have been a Articled Clerk under Articles registered with
the Secretary of the Board on the.....day of.....,
19.....

3. I have passed or (as the case may be) intend offering myself
for the examination prescribed by the Rules.

Sworn, etc.

FORM Pc.

(To be Used by Applicants for Admission Under Section 16.)
I (name and address) make oath and say as follows:—

1. I have been employed as a Clerk in the Office of Messrs.
....., Legal Practitioners, of.....
in the State of Western Australia since the..... day of.....,
19....., and since the day of....., 19.....
I have been so employed as Managing Clerk.

2. My application for approval by the Board as Managing Clerk
was granted by the Board on the.....day of.....
19.....

3. I have passed the Examinations prescribed by the Rules.
Sworn, etc.

FORM Q.

Rule 53 (c).

In the matter of the Legal Practitioners Act, 1893-1966, and in
the matter of (name and address of applicant).

NOTICE is hereby given that (name and address)* intends to apply
to the Full Court on (date) or so soon thereafter as counsel can be
heard for admission as a practitioner of the Supreme Court of
Western Australia.

Any person who desires to object to the admission of the appli-
cant may do so himself or by counsel after lodging at the Supreme
Court seven days before the date appointed a written notice stating
the grounds of such objection.

Dated this.....day of....., 19.....

(Sgd.).....

Secretary of the Barristers' Board.

*If the application is under subsection 2 (c) or subsection 2 (d)
of section 15 there should be interpolated the following:—

“a legal practitioner of (stating Court).”

FORM R.

Rules 54 and 57E.

In the matter of the Legal Practitioners Act, 1893-1966, and in
the matter of (name and address of applicant).

THESE are to certify that (name and address) is in every respect
a person of good fame and character and fit and proper to be
admitted as a practitioner and has observed and complied with
the provisions of the Legal Practitioners Act, 1893-1966, and of
the Rules made thereunder.

Dated this.....day of....., 19.....

(Sgd.).....

Chairman of the Barristers' Board.

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FORM Ra.

Rule 54.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of applicant).

THESE are to certify that (name and address) is in every respect of good fame and character and fit and proper to be admitted as a practitioner. Also that he is possessed of the qualifications required by section 16, paragraph (a) of the Legal Practitioners Act, 1893-1966, and has complied with all other provisions of the said Act and the rules thereunder.

Dated this.....day of....., 19.....

(Sgd.).....
Chairman of the Barristers' Board.

FORM S.

Rule 55.

In the Supreme Court of Western Australia.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of applicant).

I (name and address) make oath and say as follows:—

1. That I am the person referred to in the annexed certificate of the Barristers' Board (annexing Certificate R).

2. That I have advertised notice of my intention to apply for admission in the (naming papers) issues of those papers for (giving dates when advertisement appeared).

Sworn, etc.

FORM T.

Rule 56.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of applicant).

I (state name and address) being duly sworn make oath and say as follows:—

1. That I was admitted as a practitioner on the (date of admission).

2. That I was struck off the Rolls of the Court on the (date of or dates) for (stating grounds).

3. That since that date I have been employed (state fully nature and places of employment since struck off the names of employers).

4. That I annex hereto certificates from each of the said employers and from other persons to whom I have been well-known since I was struck off the Rolls.

5. That since I was struck off the Rolls I have never at any time been guilty of any illegal or unprofessional conduct which would have been a cause of complaint had my name remained on the Rolls of the Court.

6. That I intend to apply to be readmitted as a practitioner.

Sworn, etc.

Form U. defunct—see repeal of rule 59, G.G. 1/12/61, p. 3311, and deleted, see G.G. 29/6/62, p. 1669.

FORM V.

Rule 61.

Annual Practice Certificate.

Certificate No..... Date of Issue.....
 Roll No..... Date of expiry.....

PURSUANT and subject to the Legal Practitioners Act, 1893-1966, and the Acts amending the same, the Barristers' Board hereby certifies that..... is a Certified Practitioner of the Supreme Court of Western Australia from the date hereof until the..... day of..... next.

Dated this..... day of..... 19.....

By authority of and for and on behalf of the Barristers' Board.

(Sgd.).....
 Secretary of the Barristers' Board.

FORM W.

Rule 66.

In the Supreme Court of Western Australia.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of (name and address of complainant) against (name of practitioner).

Complaint to the Barristers' Board.

Name of Complainant.....
 Address.....
 Name of Practitioner.....
 Address.....

Particulars of Complaint.

I..... the abovenamed complainant, do solemnly and sincerely declare that the abovementioned particulars are true and correct.

And I make this solemn declaration conscientiously believing the same to be true by virtue of section 106 of the Evidence Act, 1906.

Declared at Perth by the said..... this..... day of..... 19..... before me.....

FORM X.

Rule 72.

In the Supreme Court of Western Australia.

In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of a complaint by..... against (name of practitioner).

ELIZABETH THE SECOND by the Grace of God, of the United Kingdom, Australia and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To—

Greetings: You are hereby commanded to attend before the Barristers' Board..... Perth on..... the..... day of..... 19..... at the hour of..... o'clock in the..... noon and so from day to day until the above complaint is heard and determined to give evidence (on behalf of the.....).

Dated the..... day of..... 19.....

(Sgd.).....
 Chairman of the Barristers' Board.

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FORM Y.
Rule 72.

In the Supreme Court of Western Australia.
In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of a complaint by..... against (name of practitioner).

ELIZABETH THE SECOND by the Grace of God, of the United Kingdom, Australia and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To—

Greeting: You are hereby commanded to attend before the Barristers' Board..... Perth on..... the day of....., 19..... at the hour of o'clock in the..... noon and so from day to day until the above complaint is heard and determined to give evidence (on behalf of the.....) and also to bring with you and produce at the place and time aforesaid the following documents:—

Dated the..... day of..... 19.....

(Sgd.).....
Chairman of the Barristers' Board.

FORM Z.
Rule 77 (2).

In the Supreme Court of Western Australia.
In the matter of the Legal Practitioners Act, 1893-1966, and in the matter of a complaint by the Secretary of the Barristers' Board against (name of practitioner).

Complaint to the Barristers' Board.

Name of Complainant the Secretary of the Barristers' Board.

Name of Practitioner

Address.....

Particulars of Complaint.

.....
Secretary of the Barristers' Board
by direction of the Board.

Form AA.
Rules 100-102.

TO:

THE SECRETARY
THE BARRISTERS' BOARD
SUPREME COURT BUILDINGS
PERTH.

1. In compliance with the Provisions of Division III of Part XI of the Rules (Trust Account Rules) made under the Provisions of the Legal Practitioners Act, 1893, as amended from time to time.

I.....

of.....

(address) (occupation)

being an approved Accountant within the meaning of the Rules have examined the accounting records and accounts of

.....
(name of Practitioner)

or his firm in respect of his Practice.

{ In partnership under the style of

{ or alone under the style of

for the accounting period beginning on the day of
19 and ending on the 31st day of March, 19

Delete as necessary.

2. I certify that from my examination of the accounting records and accounts relating to the above practice produced to me and from the information and explanations given to me I am satisfied that the said Practitioner has complied with the provisions of the said Rules except so far as concerns:

- (a) certain trivial breaches of the Rules due to clerical errors or mistakes in book-keeping all of which were rectified on discovery.
- (b) The matters set out hereunder.

Delete as necessary.

3. I certify that the Practitioner has/has not deposited to the Credit of the Trust established under the Provisions of the Legal Contributions Trust Act, 1967, such moneys as are required to be deposited under that Act.

Dated the day of 19 .

.....
SIGNATURE