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LEGAL PRACTITIONERS ACT 1893

BARRISTERS' BOARD RULES 1949

Reprinted under the *Reprints Act 1984*
as at 9 April 1987

WESTERN AUSTRALIA

LEGAL PRACTITIONERS ACT 1893

BARRISTERS' BOARD RULES 1949

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as at 9 April 1987

WESTERN AUSTRALIA

LEGAL PRACTITIONERS ACT 1893

BARRISTERS' BOARD RULES 1949

PART I—INTRODUCTORY

Citation

1. These rules may be cited as the *Barristers' Board Rules 1949*.
[Rule 1 substituted in Gazette 12 December 1986 p. 4807.]

Repeal and savings

2. [Rule 2 omitted under Reprints Act 1984 s. 7 (4) (f) and (g).]

Interpretation

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.
[Rule 3 amended in Gazette 7 March 1974 p. 740.]

PART II—ELECTION

Annual election date

4. Subject as hereinafter provided, the annual election of the elected members of the board shall be held on the first Tuesday in the month of April in each and every year.
Except where the first Tuesday in the month of April in a year is a day when the offices of the Supreme Court are not open, in which case the annual election shall be held on the second Tuesday in the month of April.

[Rule 4 amended in Gazettes 7 March 1974 p. 740; 11 March 1983 p. 823.]

Board to appoint electoral officers

5. The Board shall prior to each annual election appoint a person to act as returning officer and a person to act as assistant returning officer for that election.

[Rule 5 inserted in Gazette 27 February 1981 p. 799.]

Time for lodging nomination

6. Every practitioner desirous and being qualified to become a member of the Board shall not less than 28 days before the date of the election forward to the Secretary written notice of his intention to seek election, countersigned by at least one practitioner entitled to vote.

[Rule 6 amended in Gazette 27 February 1981 p. 799.]

Candidates elected where nominations equal vacancies

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.

[Rule 7 amended in Gazette 11 March 1983 p. 823.]

Method of election

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

- (a) the Secretary shall at least 10 days before the day of the election send to each practitioner entitled to vote a ballot paper initialled by him containing the names of all candidates set out in the order determined by lot by the Secretary and indicating by means of an asterisk those candidates who are retiring members;
- (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 the Secretary not later than 12 o'clock noon on the date of the election;
- (c) no practitioner shall vote more than once in any election.

(2) On the day of the election and as soon as is reasonably practicable after 12 o'clock noon on that day—

- (a) the Secretary shall deliver to the Returning Officer unopened all the envelopes endorsed "Ballot Paper" which shall have been delivered to him in connection with the election;
- (b) the Returning Officer shall with the assistance of the Assistant Returning Officer forthwith open each of the envelopes, determine the validity of the ballot paper contained therein, make a written record of the votes cast for each candidate and deliver to the Secretary the written record signed by him and by the Assistant Returning Officer together with a bundle to be marked "A" containing all those ballot papers which he has determined are valid and a bundle marked "B" containing all those ballot papers which he has determined are invalid.

[(3) Omitted under Reprints Act 1984 s. 7 (4) (e).]

(4) If the Board cannot determine with respect to the number of vacancies the candidates in favour of whom the largest number of votes have been cast because 2 or more candidates have received the same number of votes, the Chairman shall have a casting vote in favour of one of such candidates, or in favour of more than one candidate if that be necessary to resolve the matter.

[Rule 8 substituted in Gazette 27 February 1981 pp. 799-800; amended in Gazette 11 March 1983 p. 823.]

Day when successful candidate to take office

9. In respect of each election the successful candidates shall take office on the Thursday next following the day of the election and shall continue in office until midnight on the Wednesday next following the day of the election in the following year.

[Rule 9 substituted in Gazette 27 February 1981 p. 800.]

Names of successful candidates and nominated Board members to be published in the Gazette

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.

Non-receipt of ballot papers

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 in Gazette 10 January 1975 p. 56.]

PART III—MEETINGS

Meetings to be held

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 2 members of the Board.

Convening of meetings

13. Meetings shall be convened by posting or delivering to each member 24 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 effect or prejudice anything done or agreed to at any meeting.

Quorum

14. If a quorum of members be not present within 15 minutes of the time for which the meeting is convened, it may be adjourned to such time and place as those present shall determine.

Voting at meeting

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 2 members present.

Rescission or amendment

16. No resolution arrived at or act, matter, or thing done or authorized 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.

Minutes

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***Term of articles**

18. For the purposes of section 15 (2) (a) of the Act 2 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 18 substituted in Gazette 19 April 1967 p. 983; amended in Gazettes 12 March 1971 p. 766; 7 March 1974 p. 741; 19 September 1975 p. 3599.]

Application for articles

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 birth;
- [(c) *deleted*]
- (d) a certificate as to character in Form B in the Schedule signed by 2 practitioners of at least 2 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 recognized by the Board for the purposes of section 15 (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

[Rule 19 substituted in Gazette 19 April 1967 pp. 983-84; amended in Gazette 11 March 1983 p. 824.]

Board may approve or reject application

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

Articles of clerkship to be produced and registration fee paid

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 until the applicant has paid to the Secretary the sum of \$25.20.

Articles in excess of 2 years may be altered

22. If a clerk who is serving under articles for a period exceeding 2 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 2 years had been registered on the date of such application but no further registration fee shall be payable.

[Rule 22 substituted in Gazette 19 April 1967 p. 984.]

[22A. Rule 22A repealed in Gazette 28 May 1954 p. 963.]

Term of articles may be extended

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 inserted in Gazette 29 June 1962 p. 1669.]

*Division 2—Assignment and Cancellation of Articles***Application for assignment**

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.

Where practitioner ceases to be entitled to have an articed clerk

24. (1) If a practitioner to whom a clerk is articed shall, before the expiration of such clerk's service, cease to be entitled to have an articed 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.

Board may call upon clerk to appear before it

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.

Application to cancel articles

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.

Article clerk may serve a period with approved practitioner other than principal

27. (1) On the application of a clerk or of a person desirous of entering into Articles (hereinafter called "the clerk") consented to in writing by the practitioner to whom he is articulated or with whom he proposes to serve his articles, as the case may be (hereinafter called "the principal") the board may allow the clerk to serve a period or periods of his articles with a practitioner (hereinafter called "the approved practitioner") other than the principal.

(2) Service by the clerk in accordance with the terms of such permission shall be deemed service under his articles, but any Certificate relating to any such period of service must be signed by the approved practitioner with whom the period was served.

(3) Any such permission shall not oblige the clerk to continue with the approved practitioner for the period mentioned therein nor shall it oblige the approved practitioner to retain the clerk for such period nor shall it relieve the principal from any obligation under the articles, but in respect of any period actually served by the clerk with an approved practitioner, such approved practitioner shall be liable under the Act and these rules as if the clerk were articulated to him.

(4) Nothing in this rule shall prevent the Board from allowing a clerk to serve different periods of his articles with different approved practitioners.

(5) No practitioner shall be entitled to be an approved practitioner for the purposes of this rule whilst he has 2 clerks articulated to him.

(6) An application for permission pursuant to this rule shall be in Form F in the Schedule.

[Rule 27 substituted in Gazette 14 January 1977 p. 64.]

Rule 27 extends to practitioner not practising

27A. The provisions of rule 27 shall extend to a case in which the approved practitioner is not practising as a practitioner on his own account provided that before giving the permission referred to therein the Board is satisfied that special circumstances exist.

[Rule 27A inserted in Gazette 3 March 1978 p. 635.]

*Division 3—Examinations***Practice Examination**

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

- Practice and procedure.
- Conveyancing.
- Accounts.
- Law Practice and Office Organisation.

One subject in law (which may comprise 2 half units) chosen in consultation with the Dean of the Law School of the University of Western Australia and with the approval of the Board from those subjects offered at the Law School towards the degree of Bachelor of Jurisprudence.

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

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

[Rule 28 substituted in Gazette 11 March 1983 p. 824.]

Final examinations

29. For the purposes of section 15 (2) (b) of the Act examinations are prescribed as follows:

- (a) not less than 10 subjects in law chosen in consultation with the Dean of the Law School of the University of Western Australia and with the approval of the Board from those subjects offered at the Law School towards the degree of Bachelor of Jurisprudence, provided that for the purposes of this rule a "subject" may comprise two half units so offered and—
- (b) the subjects "Practice and Procedure" and "Conveyancing" conducted by the Law School towards the degree of Bachelor of Laws and—
- (c) a Practice Examination consisting of the following subjects—

- Accounts
- Law Practice and Office Organization

all of which examinations will collectively constitute the Final Examination prescribed for articled clerks provided that the Board may for good cause shown credit a clerk with a pass in any of the subjects contained in the above examinations.

[Rule 29 substituted in Gazette 9 May 1980 pp. 1450-51; amended in Gazettes 27 February 1981 p. 800; 11 July 1986 p. 2337.]

Conduct of Practice Examination

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 in Gazette 19 April 1967 p. 984.]

Clerk to attend at least 80 per cent of Practice Examination lectures

31. (i) Unless for good cause shown the Board in any case shall otherwise determine, an articled 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.

(ii) An articled clerk whose principal does not practise within 80 kilometres of the General Post Office of Perth will not be required to attend lectures in a subject comprised in the Practice Examination.

[Rule 31 substituted in Gazette 19 April 1967 p. 984; amended in Gazette 30 March 1973 p. 814.]

Conditions for sitting for Practice Examinations

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

(ii) An articled 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 articled 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) deleted]

(v) Before attending lectures in any year in a subject comprised in the Practice Examination articled 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.

[Rule 32 substituted in Gazette 1 October 1971 p. 3882; amended in Gazette 11 March 1983 p. 824.]

Time for lodging applications to sit for Practice Examination

33. (i) An articled clerk wishing to sit for any examination comprised in the Practice Examination shall not more than 6 nor less than 4 weeks before the date advertised for the examination lodge with the Secretary an application in Form G in the Schedule.

(ii) An articled 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.

[Rule 33 substituted in Gazette 19 April 1967 p. 985.]

Certificate to be issued on passing Practice Examinations

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

[Rule 34 inserted in Gazette 19 April 1967 p. 985.]

Exceptions to rules 28 to 34

34A. (1) Rules 28 to 34 do not apply to an articled clerk who has fulfilled the requirements of the University of Western Australia for the degrees of Bachelor of Jurisprudence and Bachelor of Laws or has such other qualification as in the opinion of the Board is substantially equivalent to those degrees and for the purposes of section 15 (2) (a) of the Act it is prescribed that such a clerk shall attend lectures and take examinations as shall be arranged by the Board in the following subjects—

Accounts
Law Practice and Office Organization.

(2) The Board in its discretion may permit a person who has fulfilled the requirements of the University of Western Australia for the degrees of Bachelor of Jurisprudence and Bachelor of Laws but who is not an articled clerk to attend lectures and take any examination in any of the subjects referred to in rule 34A (1) provided that he satisfies the Board either—

- (a) that he is actively seeking, and desirous of entering into, articles without delay; or
- (b) that he has within the preceding 2 years satisfactorily completed the requisite period of articles.

[Rule 34A inserted in Gazette 7 March 1974 p. 741; amended in Gazettes 19 September 1975 p. 3599; 3 March 1978 p. 635; 20 March 1981 p. 993.]

Board may alter periods specified

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

[Rule 35 amended in Gazettes 27 May 1964 p. 2267; 3 March 1978 p. 635.]

Division 4—Miscellaneous

Records to be kept

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.

Board may require answers on conduct of clerk

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.

Application under section 13 of the Act

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

Requirements for approval as a managing clerk

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) *deleted*]

- (d) a certificate as to character in Form L in the Schedule signed by 2 practitioners of at least 2 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.

[Rule 39 amended in Gazette 11 March 1983 p. 824.]

Board may approve or reject application

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

Information and answer to questions

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.

Date when applicants employment deemed to commence

42. If the Board approves the application, it shall fix the date, not being more than 12 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.

Prescribed examinations

43. For the purposes of section 16 (c) of the Act examinations are prescribed as follows:—

- (a) not less than 8 subjects in law chosen in consultation with the Dean of the Law School of the University of Western Australia and with the approval of the Board from those subjects offered at the Law School towards the degree of Bachelor of Jurisprudence and—
- (b) a Practice Examination consisting of the following subjects:—
 - Practice and Procedure
 - Conveyancing
 - Accounts
 - Law Practice and Office Organization

provided that the Board may for good cause shown credit a clerk with a pass in any of the subjects contained in such examinations.

[Rule 43 substituted in Gazette 3 March 1978 p. 635; amended in Gazette 9 May 1980 p. 1451.]

Approval to be given before sitting for exams

44. (1) No managing clerk shall sit for any of the examinations referred to in rule 43 (a) unless he has applied for and obtained the approval of the Board as a managing clerk under this Part.

(2) No managing clerk shall be entitled to sit for any of the examinations referred to in rule 43 (b) until he has satisfied the examination requirement prescribed in rule 43 (a).

[Rule 44 substituted in Gazette 27 February 1981 p. 800.]

Period for passing exams

45. A managing clerk shall pass the examinations prescribed in rule 43 within a period of not more than 5 years or such extended period as the Board may approve.

[Rule 45 inserted in Gazette 3 March 1978 p. 636.]

Application of rules 30 to 34

46. Subject to the foregoing rules in this Part, rules 30 to 34 (both inclusive) shall apply *mutatis mutandis* to managing clerks as if they were articulated clerks and as if the Practice Examination referred to therein were the Practice Examination referred to in rule 43 (b).

[Rule 46 inserted in Gazette 3 March 1978 p. 636.]

[47. Rule 47 repealed in Gazette 1 December 1961 p. 3310.]

Records to be kept

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.

Board may require answers on conduct of managing clerk

49. The Board may at any time require a managing clerk approved by the Board and any practitioner who 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.

Notification of change of employment

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.

PART VA—CONTROL OF CERTAIN PRACTICES

[Part VA inserted in Gazette 12 March 1971 p. 766.]

Service of order to a banker

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 50A: See note under Part heading amended in Gazette 7 March 1974 p. 741.]

Notice to be given by supervising solicitor

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 50B inserted in Gazette 7 March 1974 p. 741.]

**Notice to be given by supervising solicitor
in the case of a deceased practitioner**

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 50C inserted in Gazette 7 March 1974 p. 741.]

Conduct of business by supervising solicitor

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 utilized 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 utilized 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.

[Rule 50D inserted in Gazette 7 March 1974 p. 741.]

PART VI—ADMISSION OF PRACTITIONERS

Requirements for application for admission under section 15 (2) (c) or (d) of the Act

51. Every applicant for admission as a practitioner under section 15 (2) (c) or (d) of the Act, shall at least 3 calendar months but not more than 6 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 4 months prior to the date of the lodging of the affidavit referred to in paragraph (i) 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 2 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 (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 (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.

[Rule 51 amended in Gazettes 19 April 1967 p. 985; 30 September 1977 p. 3530.]

Admission fee

51A. For the purposes of section 20 of the Act and rule 51, the prescribed admission fee is

- (a) in the case of an applicant who has been admitted and is entitled to practise in the Superior Courts of law in a State or Territory of Australia, \$450; and
- (b) in the case of any other applicant, \$550.

[Rule 51A inserted in Gazette 14 January 1977 p. 64; amended in Gazettes 27 February 1981 p. 800; 4 May 1984 p. 1184; 11 July 1986 p. 2337.]

Application for admission under section 15 (2) (a) or (b) or section 16 of the Act

52. Every applicant for admission as a practitioner under section 15 (2) (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 in Gazette 19 April 1967 p. 985.]

Requirements for admission

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 2 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;
- (c) on at least 2 occasions not more than 28 nor less than 14 days before he applies to the Court for admission and at an interval of at least 7 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.

[Rule 53 amended in Gazette 12 March 1971 p. 766.]

Certificate to be produced before admission

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.

[Rule 54A repealed in Gazette 19 April 1967 p. 985.]

Applicant for admission to appear in person

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.

Rules may be varied

55A. If in any case the Board is of opinion that compliance with any rule in this Part is not reasonably practicable the Board may by special order vary the provisions of such rule in that particular case.

[Rule 55A inserted in Gazette 30 September 1977 p. 3530.]

PART VII—RE-ADMISSION OF PRACTITIONERS

Application for re-admission

56. Every person who shall have been struck off the rolls of the Court and shall desire to be re-admitted shall 3 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.

Certificates with affidavit

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 2 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.

Board to fix time and place for examination of applicant

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 7 days' notice in writing of such time and place to the applicant and to all the aforesaid persons.

[Rule 57A: Rule 59 repealed and rules 57A, 57B, 57C, 57D, 57E and 57F substituted in Gazette 1 December 1961 p. 3311.]

Secretary may issue summons

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 57B: Rule 59 repealed and rules 57A, 57B, 57C, 57D, 57E and 57F substituted in Gazette 1 December 1961 p. 3311.]

Conduct of hearing

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 57C: Rule 59 repealed and rules 57A, 57B, 57C, 57D, 57E and 57F substituted in Gazette 1 December 1961 p. 3311.]

Recording evidence

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 57D: Rule 59 repealed and rules 57A, 57B, 57C, 57D, 57E and 57F substituted in Gazette 1 December 1961 p. 3311.]

Board may refuse or approve application

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.

[Rule 57E: Rule 59 repealed and rules 57A, 57B, 57C, 57D, 57E and 57F substituted in Gazette 1 December 1961 p. 3311.]

Rules which apply to applicants for re-admission

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

[Rule 57F: Rule 59 repealed and rules 57A, 57B, 57C, 57D, 57E and 57F substituted in Gazette 1 December 1961 p. 3311.]

Application for re-admission to be advertised

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. Rule 59 repealed and rules 57A, 57B, 57C, 57D, 57E and 57F substituted in Gazette 1 December 1961 p. 3311.]

PART VIII—PRACTICE CERTIFICATES**Annual fee**

60. The annual fee to be paid to the Board by each practitioner for the issue of each annual practice certificate shall be \$70 provided that the fee payable in respect of any practice certificate issued before 30 June in any calendar year shall be \$35.

[Rule 60 amended in Gazettes 15 May 1963 p. 1295; 7 March 1974 p. 741; 14 January 1977 p. 64; 21 May 1982 p. 1550; 4 May 1984 p. 1184.]

Form of annual practice certificate

61. On application being made in Form U of the Schedule 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 which shall be current until 30 June next following the date of issue.

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.

[Rule 61 amended in Gazettes 30 September 1955 p. 2512; 11 March 1983 p. 824.]

Register to be kept

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.

Changed particulars to be notified and register to be amended

63. If any of the particulars furnished by a practitioner in an application for a practice certificate ceases to be true and accurate at any time before the practice certificate issued with respect to that application expires, the practitioner shall notify the Secretary immediately of the changed particulars and the Secretary shall amend the register kept under this Part accordingly.

[Rule 63 substituted in Gazette 11 March 1983 p. 824.]

[64. Rule 64 repealed in Gazette 11 March 1983 p. 824.]

Service of documents

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

[Part VIIIA inserted in Gazette 21 May 1968 p. 1427.]

Annual amount payable

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*, for application to the Solicitors' Guarantee Fund established under the *Legal Contribution Trust Act 1967*, shall be \$20.

[Rule 65A: See note under Part heading.]

PART IX—COMPLAINTS AGAINST PRACTITIONERS**Complaint**

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 in Gazette 29 June 1962 p. 1669.]

Complaint to be filed and copy posted to practitioner

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.

Practitioner to file answer

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.

[Rule 68 amended in Gazette 7 March 1974 p. 741.]

Further particulars

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.

Copies to be supplied

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.

Time and place for hearing

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 7 clear days' notice thereof in writing to be given to the parties.

Either party may have summons issued

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.

Conduct of hearing

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.

Evidence to be recorded

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.

Report to Full Court

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 7 days of the same being signed the report with 2 copies thereof and with 3 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.

Rules may be varied

76. (1) The Board may extend or abridge the time for doing any act under this Part, and in cases of urgency the Chairman or any 2 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 would work injustice to any party the Board may by special order vary the provisions of such rule in that particular case.

Board may investigate practitioner where no complaint is laid

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

- (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.

[Rule 77 substituted in Gazette 19 September 1975 p. 3599.]

PART X—LAW LIBRARY

[Part X inserted in Gazette 9 February 1959 pp. 367-68.]

Interpretation

78. In this Part, subject to the context—

“book” means any book, newspaper, periodical, picture, photograph, microfiche 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 for the time being in charge of the Library and any staff under his supervision;

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

[Rule 78: See note under Part heading. R.78 amended in Gazette 2 March 1984 p. 541.]

Persons permitted to use library free of charge

79. (1) Subject to these rules and to their registration as authorized users, 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 certificated practitioners, and also clerks or officers employed by or acting on the directions of any of such persons.

(2) Subject to the direction of the Board, the Librarian may permit persons or classes of persons, other than those referred to in subrule (1) to register as authorized users and to use the Library.

(3) The Library shall be open during such hours as the Board may from time to time direct.

(4) The Librarian may make arrangements with authorized users for the use of the Library at times other than when the Library is open.

[Rule 79: See note under Part heading. R.79 amended in Gazette 2 March 1984 p. 541.]

Repair of books

80. The Librarian may remove or authorize the removal from the Library of any book for the purpose of binding or repair.

[Rule 80 substituted in Gazette 2 March 1984 p. 541.]

Books not to be removed from library

81. (1) No person shall remove any book from the Library for any purpose other than immediate use in a hearing before a Judge in the building in which the Library is situated unless he has applied for and obtained the permission of the Librarian and completed the recording procedure referred to in sub-rule (6).

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

(3) Every book removed from the Library shall be returned to its proper place within the Library within 30 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.

(5) Without the permission of the Librarian, a person shall not remove from the Library 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 authorized user shall have recorded his name, his office, firm or department, the date and the title of the book on a form provided by the Librarian for the purpose.

[Rule 81: See note under Part heading. R.81 amended in Gazettes 28 April 1959 p. 1139; 2 March 1984 p. 541.]

Librarian to have general control

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 82: See note under Part heading.]

Provisions applicable to person using library

83. (1) A person using the Library shall 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 83: See note under Part heading. R.83 amended in Gazette 2 March 1984 p. 541.]

Librarian may inspect baggage

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

[Rule 84: See note under Part heading. R.84 amended in Gazette 2 March 1984 p. 541.]

Book to be returned to its proper place

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

[Rule 85: See note under Part heading.]

Books not to be misplaced or secreted

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

[Rule 86: See note under Part heading.]

Books not to be damaged, etc.

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

[Rule 87: See note under Part heading.]

Person to report damaged book

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 88: See note under Part heading.]

Sale or removal of any book

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.

[Rule 89: See note under Part heading. R.89 amended in Gazette 2 March 1984 p. 541.]

No smoking or eating

89A. No person shall smoke or eat in the Library.

[Rule 89A inserted in Gazette 2 March 1984 p. 541.]

Board may cancel or suspend registration of authorized user

89B. Where the board is satisfied that an authorized user of the Library has failed to comply with the rules in this Part, the Board may suspend or cancel the registration as an authorized user of that person.

[Rule 89B inserted in Gazette 2 March 1984 p. 541.]

PART XI—TRUST ACCOUNTS RULES

[Part XI inserted in Gazette 10 November 1972 pp. 4333-37.]

Division I—Application of Trust Accounts Rules

[Division I: See note under Part heading.]

Interpretation and application

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.

[Rule 90: See note under Part heading.]

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

[Division II: See note under Part heading.]

Accounting records

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)—

- (a) where 2 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) shall comply with that requirement.

[Rule 91: See note under Part heading.]

Trust moneys to be deposited to a trust account

92. In accordance with section 34 (1) 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: See note under Part heading.]

Books of account

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—

- (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), 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), the loose leaves or cards shall be fixed together securely and in proper sequence at intervals of not longer than 12 months.

(5) Notwithstanding sub-rule (1), 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) is kept on loose leaves or cards, the record shall be fixed together securely and in proper sequence at intervals of not longer than 12 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 7 years.

[Rule 93: See note under Part heading.]

Trust ledger

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), 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), 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).

[Rule 94: See note under Part heading.]

Written record of all money received

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).

[Rule 95: See note under Part heading.]

Direction to be in writing

95A. (1) A direction given pursuant to section 34 (1) of the Act by a person from whom, or for whose use or benefit, trust moneys are received by a practitioner must be in writing and be signed by that person, except where those moneys are paid to that person.

(2) A practitioner to whom a direction is given in accordance with section 34 (1) of the Act and sub-rule (1) of this rule shall—

(a) cause an adequate record of the transaction to be made and to be either included in the books of account and other accounting records required to be kept under this Part or placed on the file relating to the matter in question; and

(b) retain that record and the direction and preserve them in good order and condition for at least 7 years.

(3) Sub-rule (1) does not apply in respect of the disposition of moneys which are deposited in a trust account.

[Rule 95A inserted in Gazette 4 May 1984 p. 1184; amended in Gazette 14 September 1984 p. 2906.]

Bank deposit record

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.

[Rule 96: See note under Part heading.]

Cheques

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.

[Rule 97: See note under Part heading.]

Account in trust ledger

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.

[Rule 98: See note under Part heading.]

Trust account to be balanced

99. (1) A practitioner shall, at least once in every month and at intervals of not longer than 6 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), 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)—

- (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) 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;
 - (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.

(3) For the purposes of sub-rule (2) “approved accountant” means an accountant who is registered or approved as required by section 42A of the Legal Practitioners Act.

[Rule 99: See note under Part heading.]

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

[Division III: See note under Part heading.]

Interpretation

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 rule 91 (1) hereof.

[Rule 100: See note under Part heading.]

Certificate to be furnished

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 30 June 1973 in respect of the period from and including the first day of the month next following the gazettal of these Rules and 31 March 1973 and thereafter on or before 30 June in each year in respect of the period from and including the first day of April in the year immediately preceding 31 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) 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) "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;
- (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;
- (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;
- (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 rule 94 (2); 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 sub-rule (4) (b), 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 sub-rule (4) (c), 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 101: See note under Part heading.]

Effect of privilege

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.

[Rule 102: See note under Part heading.]

PART XII—SHARING OF COSTS

[Part XII inserted in Gazette 6 June 1980 p. 1665.]

Persons who may share costs

103. Subject to the provisions of this Part, a certificated practitioner may share the whole or any portion of the costs referred to in section 79 (4) of the Act with any one or more of the following persons, not being certificated practitioners or their executors or administrators, namely,

- (a) a parent, spouse, child or grandchild of the certificated practitioner or of a partner, also being a certificated practitioner, of the certificated practitioner;
- (aa) a person to whom the certificated practitioner or a partner, also being a certificated practitioner, of the certificated practitioner, stands in *loco parentis*;

- (b) a trustee of a trust, the only beneficiary or beneficiaries of which is or are one or more of the following—
- (i) a person referred to in paragraph (a) or (aa);
 - (ii) a certificated practitioner;
 - (iii) a company referred to in paragraph (c);
- (c) a company, the only shares in which are beneficially held by one or more of the following—
- (i) a person referred to in paragraph (a) or (aa);
 - (ii) a certificated practitioner;
 - (iii) the trustee of a trust referred to in paragraph (b).

[Rule 103: See note under Part heading.]

[Rule 103 amended in Gazette 12 June 1981 p. 2053; 12 December 1986 p. 4807.]

Restrictions on sharing costs

104. A certificated practitioner shall not permit or suffer any sharing of costs pursuant to rule 103 which shall result in more than one half of the net income derived in any financial year from the practice in which he is engaged (whether as a sole practitioner, partner or otherwise) being derived by any one or more persons other than a certificated practitioner or his executors or administrators.

[Rule 104 substituted in Gazette 12 June 1981 p. 2054.]

Arrangement for sharing costs to be in writing

105. An agreement or arrangement for the sharing of costs under this Part shall be in writing.

[Rule 105: See note under Part heading.]

Costs not to be shared in certain matters

106. A certificated practitioner shall not share costs so as to affect any one or more of the following matters:—

- (a) the relationship between the practitioner and his client or,
- (b) the proper conduct of his profession by the certificated practitioner or,
- (c) the proper discharge by the Board of its powers and functions

and in any case where the Board is of the opinion that:—

- (i) a practitioner is so sharing costs or,
- (ii) an agreement or arrangement made under this Part is affecting one or more of the above matters

then the Board may direct the certificated practitioner to cease to share costs with any person who is not a certificated practitioner or the executor or administrator of a certificated practitioner and the practitioner shall forthwith give effect to that direction.

[Rule 106: See note under Part heading.]

30

The Schedule Referred to
FORM A
Rule 19 (a)

IN the matter of the *Legal Practitioners Act 1893* 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. deleted]

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 recognized 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.

New 7 sec 14/7/89 P 2132
(Omit whichever paragraph is inapplicable.)

Dated the day of, 19.....

FORM B

Rule 19 (d)

In the matter of the *Legal Practitioners Act 1893*, 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.]

31

FORM D

Rule 23

In the matter of the *Legal Practitioners Act 1893*, 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*, 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 articled 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.)

FORM F

Rule 27

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

WHEREAS AB (the clerk) is serving (*or desirous of serving) under articles for a term of years with CD (the principal) of in the State of Western Australia under articles registered (*or expected to be registered) on the day of 19.....

And whereas it is desired that the said clerk shall serve portion of his article with EF (the approved practitioner) of

Now, therefore we, the said AB, CD and EF hereby seek the permission of the Board allowing the said AB so to serve with the said EF for a period of commencing on theday of 19.....

Dated the day of 19.....

(*Cross out the words which are inapplicable.)

FORM G

Rule 33 (i)

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

I AB (clerk) being articled 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*, 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* articled 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*, 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 Barristers' Board.

FORM J

Rule 38

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

I AB (clerk) being articled 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.....

33

FORM K

Rule 39 (a)

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

1. Iofin the State of Western Australia, Clerk to MessrsSolicitors of hereby make application for approval as Managing Clerk.

2. I have been employed as a Law Clerk for a period ofyearsmonths 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 ofyears having been born at (place and country of birth) on theday of 19..... I attach a certificate of my birth (or, if certificate not available, other satisfactory evidence).

[5. deleted]

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*, and in the matter of (name and address of Managing Clerk).

WEofin the State of Western Australia andOf in the said State hereby certify that we have made due inquiry and we verily believe thatof 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]

[FORM N deleted]

34

FORM O

Rule 51 (i)

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

I (name and address) ofbut late ofmake oath and say as follows:—

1. On theday ofI 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 ofyears, having been born at(place and country of birth) on theday of19..... I attach a certificate of my birth (or if certificate not available, other satisfactory evidence).

[7. deleted]

Sworn, etc.

FORM P

Rule 52

In the matter of the *Legal Practitioners Act 1893*, 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 theday of19.....

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

Sworn, etc.

35

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 Prac-
titioners, 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*, 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 applicant may do so himself or by counsel after lodging at the Supreme Court 7 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 section 15 (2) (c) or (2) (d) there should be interpolated the following:—

“a legal practitioner of (stating Court).”

36

FORM R

Rules 54 and 57E

In the matter of the *Legal Practitioners Act 1893*, 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*, and of the Rules made thereunder.

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

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

FORM Ra

Rule 54

In the matter of the *Legal Practitioners Act 1893*, 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 (a), of the *Legal Practitioners Act 1893*, 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*, 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.

37

FORM T

Rule 56

In the matter of the *Legal Practitioners Act 1893*, 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

Rule 61

APPLICATION FOR A PRACTISING CERTIFICATE

(Rules of the Barristers Board Part VIII)

I, (Mr/Mrs/Miss)
(Full name)

of
(Place of residence) (Postcode) (Telephone)

hereby make application for a Practising Certificate for the 12 months commencing on 1 July in the year in which this application is made.

1. I practise:—
 - (a) on my own behalf under the firm name of.....
 - (b) as a member of the firm of
 - (c) as an employee of
 - (d) as a member of the Independent Bar.
 - (e)
2. (a) My place(s) of business is/are Telephone:
or
(b) My employer's principal place of business is Telephone:
3. (a) I (my firm) keep a trust account which is audited by.....
..... of
or

FORM U—continued

- (b) I do not keep and am not liable under the Act and Rules to keep a separate Trust Account being—
 - (i) an employee of a firm;
 - (ii) a Practitioner who does not hold or disburse money on behalf of some other person.
- 4. I (my firm) maintain my trust bank account at
 (Branch)

 (Bank)
- 5. I will advise the Barristers Board if any obligation to keep a trust account arises during the year in respect of which this application is made.
- 6. I am also on the Roll of Practitioners for
- 7. I enclose the accountant's certificate pursuant to the provisions of Division III of Part XI of the Barristers Board Rules
- 8. I enclose cheque/cash for:
 - (a) the practising fee payable upon this application; \$.....
 - (b) my contribution to the Solicitor's Guarantee Fund; \$.....
 (See 3 (a) on enclosed notes)

TOTAL \$ _____

DATED the.....day of.....19.....

Application must be made before 30 JUNE.

.....
Signature of Applicant.

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*, 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.

39

FORM W

Rule 66

In the Supreme Court of Western Australia.

In the matter of the *Legal Practitioners Act 1893*, 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*, 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' BoardPerth 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.

40

FORM Y

Rule 72

In the Supreme Court of Western Australia.

In the matter of the *Legal Practitioners Act 1893*, 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' BoardPerth on.....theday 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*, 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 Complainantthe Secretary of the Barristers' Board.

Name of Practitioner

Address

Particulars of Complaint.

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

41

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.

Delete as
necessary.

{ 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 31 March 19 .

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

[Schedule amended in Gazettes 29 June 1962 p. 1669; 19 April 1967 pp. 985-86; 12 March 1971 p. 766; 10 November 1972 pp. 4336-37; 30 March 1973 p. 814; 14 January 1977 p. 64; 11 March 1983 pp. 824-25.]

NOTES

This reprint is a compilation as at 9 April 1987 of the *Barristers' Board Rules 1949* and includes all amendments in the reprint published in the Gazette on 3 March 1976 and all amendments effected by the other regulations referred to in the following Table.

Table of Rules

Rules	Gazettal	Commencement	Miscellaneous
<i>Barristers' Board Rules 1949</i> (Rules effecting amendments included in the previous reprints are not referred to in this Table)	5 August 1949 pp. 1876-85	5 August 1949	
<i>Amendment Rules 1977</i>	14 January 1977 p. 64	21 January 1977	
<i>Amendment Rules (No. 2) 1977</i>	30 September 1977 p. 3530	30 September 1977	
<i>Amendment Rules 1978</i>	3 March 1978 pp. 635-36	3 March 1978	
<i>Amendment Rules 1980</i>	9 May 1980 pp. 1450-51	9 May 1980	
<i>Amendment Rules (No. 2) 1980</i>	6 June 1980 p. 1665	6 June 1980	
<i>Barristers' Board Amendment Rules 1981</i>	27 February 1981 pp. 799-800	27 February 1981	
<i>Barristers' Board Amendment Rules (No. 2) 1981</i>	20 March 1981 p. 993	20 March 1981	
<i>Barristers' Board Amendment Rules (No. 3) 1981</i>	12 June 1981 pp. 2053-54	12 June 1981	
<i>Barristers' Board Amendment Rules (No. 1) 1982</i>	21 May 1982 p. 1550	21 May 1982	
<i>Barristers' Board Amendment Rules 1983</i>	11 March 1983 pp. 823-25	11 March 1983	
<i>Barristers' Board Amendment Rules 1984</i>	2 March 1984 p. 541	2 March 1984	
<i>Barristers' Board Amendment Rules (No. 2) 1984</i>	4 May 1984 p. 1184	4 May 1984	
<i>Barristers' Board Amendment Rules (No. 3) 1984</i>	14 September 1984 p. 2906	14 September 1984	
<i>Barristers' Board Amendment Rules 1986</i>	11 July 1986 p. 2337	11 July 1986	
<i>Barristers' Board Amendment Rules (No. 2) 1986</i>	12 December 1986 p. 4807	12 December 1986	