

## **NOTES: Application for grant or renewal of registration as foreign lawyer: Section 62 Legal Profession Uniform Law (Victoria)**

---

### **INTRODUCTION**

A person can only practice foreign law in Victoria if they:

1. **are an Australian-registered foreign lawyer** – this is a person who holds a registration certificate as a foreign lawyer in an Australian state or territory; or
2. **are an Australian legal practitioner** – this is a person who is admitted to the legal profession in an Australian state or territory and holds a current practising certificate from an Australian state or territory.

It is an offence under section 10 of the Legal Profession Uniform Law (Victoria) ('the Uniform Law') for a person to engage in legal practice in Victoria unless the person is:

- a) an Australian-registered foreign lawyer; or
- b) an Australian legal practitioner

There are some exceptions to this prohibition set out in section 60(1) of the Uniform Law.

### **STATUS OF FOREIGN PRACTITIONERS**

An Australian-registered foreign lawyer may only provide the legal services in Victoria as set out in section 69 of the Uniform Law.

### **NOTES FOR COMPLETION OF THIS FORM**

#### **1. Address for Service**

This must be a street address and cannot be a PO Box or DX number.

#### **2. Disciplinary proceedings**

This question asks if you are the subject of any disciplinary proceedings in Australia or a foreign country in relation to your legal practice. This includes any preliminary investigations or action that might lead to disciplinary proceedings.

#### **3. Prohibition or restriction on practice**

This question asks if you are otherwise prohibited from engaging in legal practice or restricted from engaging in legal practice as a result of criminal, civil or disciplinary proceedings in any jurisdiction. This includes whether you are bound by any undertakings or special conditions related to engaging in legal practice.

#### **4. Conditions or undertakings**

This question asks you to specify any conditions imposed as a restriction on your legal practice or any undertaking given by you restricting your legal practice in any jurisdiction. You must disclose all restrictions, even if they are routine, statutory or voluntary (eg. relating to practising as an employee rather than a principal, not receiving trust money, supervised legal practice or continuing professional development).

#### **5. Intending to receive trust moneys**

If the application is for the grant or renewal of registration certificate with authorisation to hold trust money, you must provide evidence that you have completed a course of study in relation to trust accounts approved by the Board prior to receiving a registration certificate.

Before receiving any trust money, you will be required to comply with the requirements of Part 4.2 of the Uniform Law: This requires that you open a general trust account in an approved deposit taking institution and appoint an external examiner of trust records. There are a number of requirements set out in the Uniform Law and the *Legal Profession Uniform General Rules 2015 (Vic)* regarding how trust money is to be dealt with and how trust accounts are to be maintained and inspected.

#### **6. Statement from current and former registration authorities**

The application must be accompanied by a current, original document (or certified copy) from the home registration authority in any country where you are **currently** registered to engage in legal practice, that:

- verifies your educational and professional qualifications (eg. tertiary degree and admission to practice) or, if it is not in a position to do so, states that fact
- verifies that you are currently registered to engage in legal practice in the foreign country and specifies the date period covered by that registration
- states whether you are subject to any special conditions or undertakings concerning engaging in legal practice
- describes anything done by you in engaging in legal practice in the foreign country, of which the authority is aware, that has had or is likely to have an adverse effect on your professional standing within the legal profession in that country.

If the current foreign registration authority is unable to verify your educational and professional qualifications, the application form must be accompanied by a certified copy of the relevant qualifications.

The application must be accompanied by a current, original document (or certified copy) from any former home registration authority in any country where you were **formerly** registered to engage in legal practice, that:

- specifies the date period when you were registered
- describes anything done by you in engaging in legal practice in the foreign country, of which the authority is aware, that has had or is likely to have an adverse effect on your professional standing within the legal profession in that country.

## 7. English translations

If any accompanying document is not in English, it must be accompanied by a translation in English that is authenticated or certified to the satisfaction of the Board.

## 8. Show cause event (Part 3.5, Division 4 of the Uniform Law)

If a show cause event (such as an 'automatic show cause event' or a 'designated show cause event', as described below) occurred in relation to you at any time after you first become registered as a lawyer in your home jurisdiction. You must provide a written statement to the Board about the show cause event and explain why, despite the show cause event, you consider yourself to be a fit and proper person to be an Australian registered foreign lawyer.

An *'automatic show cause event'*, in relation to a person, means:

- a) a bankruptcy-related event, which, in relation to a person, means:
  - a. his or her becoming bankrupt under the *Bankruptcy Act 1966* (Cth), or corresponding provisions of the law of a foreign country or external territory; or
  - b. his or her being served with notice of a creditor's petition presented to a court under section 43 of the *Bankruptcy Act*; or
  - c. his or her presentation (as a debtor) of a declaration to the Official Receiver under section 54A of the *Bankruptcy Act* of his or her intention to present a debtor's petition or his or her presentation (as a debtor) of such a petition under section 55 of that Act; or
  - d. his or her applying to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounding with his or her creditors or making an assignment of his or her remuneration for their benefit; or
- b) his or her conviction for a "serious offence" (described below) or a "tax offence" (described below), whether or not—
  - (i) the offence was committed while the person was engaging in legal practice as an Australian legal practitioner or was practising foreign law as an Australian-registered foreign lawyer, as the case requires; or
  - (ii) other persons are prohibited from disclosing the identity of the offender.

*'Serious offence'* means an indictable offence against the law of the Commonwealth, a State or a Territory whether or not the offence is or may be dealt with summarily. It also includes an offence against a law of a foreign country that would be indictable if committed in Australia whether or not the offence could be dealt with summarily if committed in Australia.

*'Tax offence'* means any offence under the *Taxation Administration Act 1953* (Cth).

A ‘*designated show cause event*’ means a notice served on the holder of a practising certificate or a registration certificate:

- a) alleging:
  - a. that the holder of an Australian practising certificate
    - i. has engaged in legal practice outside the terms of a condition restricting his or her practising entitlements;
    - ii. does not have, or no longer has, approved professional indemnity insurance when required;
  - b. that the holder of an Australian registration certificate has provided legal services not permitted by or under the Uniform Law; and
- b) requiring the holder to provide a statement showing cause why the Board should not take the action specified in the notice.

## **9. Fees**

The application must be accompanied by the registration fee. The registration fee is the same amount as the fee prescribed by the Board, from time to time, for a local practising certificate (either with or without authorisation to receive trust money). The registration fee will be pro-rated on a quarterly basis for part year registration. The current fees for local practising certificates may be found on the Board’s website [www.lsbc.vic.gov.au](http://www.lsbc.vic.gov.au).

Pursuant to section 76(4) of the *Legal Profession Uniform Law Application Act 2014* (Vic), the Board may also require the applicant to pay any reasonable costs and expenses incurred by the Board in considering the application, including (for example) the cost of making inquiries and obtaining information about whether the applicant meets the criteria for registration.

## **10. Enquiries with other registration authorities**

The Board may make enquiries of and exchange information with any foreign registration authority it considers appropriate regarding your activities in engaging in legal practice in that place or otherwise regarding matters relevant to your application.

## **11. Certification of copy documents**

If you are required to provide a certified copy of any document, the person certifying the copy must sight the original document and be a person authorised to witness statutory declaration under Victorian law or a registered legal practitioner pursuant to the law of another jurisdiction or a registered public notary pursuant to the law of another jurisdiction.

## **12. Statutory declaration**

The statutory declaration must be signed in the presence of a person authorised to witness statutory declarations under section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic).

**Application for grant or renewal of registration as foreign lawyer**  
**Section 62 Legal Profession Uniform Law (Victoria)**

**Applicant's details**

Surname	First Name
Middle initials	Title (Ms, Mr, Dr etc.)
Date of Birth / /	

**Address for service of notices and other documents (See note 1)**

Building, Level	
Street	
Suburb/Town	
State	Postcode
Business Telephone ( )	Business Facsimile ( )
Email Address	
Are you an Australian legal practitioner? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I intend to practise the law of _____ (name of country)	
<input type="checkbox"/> As a partner/director <input type="checkbox"/> As an employee <input type="checkbox"/> On my own account (ie. sole practitioner)	
I intend to commence practising foreign law in Victoria on: / / (commencement date)	

**Business or employer name and address**

Name	
Building, Level	
Street	
Suburb/Town	
State	Postcode

**Applicant's educational qualifications**

Name of qualification:	Name of qualification:
Name of tertiary institution:	Name of tertiary institution:
Year completed:	Year completed:

**Applicant's admission and registration details**

Date and place of admission: / / _____	
Place in which you are registered to engage in legal practice:* _____ (country)	
Registration number in that place:	Registration valid to / / (date)

\*Please attach a list if you are registered in more than one jurisdiction

**The name and address of the registration authority in that place:\***

Name		
Building, Level		
Street		
Town/City		
State/Province	Postcode	Country

\*Please attach a list if you are registered in more than one jurisdiction

**Are you currently the subject of disciplinary action in any country relating to your legal practice?** (See note 2)

Yes (supply details below)       No


**Are you a party to a criminal or civil proceeding in any country that may result in future disciplinary action against you?**

Yes (supply details below)       No



**Is your registration to engage in legal practice in any country cancelled or currently suspended as a result of disciplinary action?**  Yes (supply details below)       No


**Are you otherwise prohibited or restricted from engaging in legal practice in any country as a result of criminal, civil or disciplinary proceedings in any country?** (See note 3)  Yes (supply details below)       No


**Specify any conditions imposed as a restriction on your legal practice or any undertaking given by you restricting your legal practice** (See note 4)


**Has your registration in any other profession been cancelled, suspended or otherwise restricted as a result of criminal, civil or disciplinary action?**  Yes (supply details below)       No


I wish to be authorised to receive trust money       Yes       No

**Trust accounts course details** (see note 5)

Name of course
Name of training provider
Date completed

**The following MUST be enclosed with this application** (please tick to confirm which documents are attached)

- Original or (certified copy) document from current and former registration authorities (see note 6)
- Certified copy of education and professional qualifications, if not verified by registration authority (see note 6)
  
- Translation of any document not in English (see note 7)
- Show cause statement, if a relevant event has occurred (see note 8)
- Registration fee for certificate **with** authorisation to receive trust (see note 9) **or**
- Registration fee for certificate **without** authorisation to receive trust (see note 9)
- Statutory declaration

**Consent**

I consent to the making of inquiries of and the exchange of information with any foreign registration authority regarding my activities as a legal practitioner (see note 10).

Signature	Date	/	/
Please <u>print</u> name			

**Privacy**

The Victorian Legal Services Board complies with the privacy principles set out in the *Privacy and Data Protection Act 2014*. All personal information you provide will be handled in accordance with this Act. The collection of the information on this form is required by the Legal Profession Uniform Law (Victoria) and the *Legal Profession Uniform General Rules 2015 (Vic)*. Information held by the Victorian Legal Services Board may be disclosed to various organisations, including the Victorian Civil and Administrative Tribunal, the Law Institute of Victoria Ltd, Victorian Bar Inc., Victoria Police and corresponding interstate authorities in order to carry out its duties under the *Legal Profession Uniform Law Application Act 2014*.

**STATUTORY DECLARATION**

I declare that:

1. I have read this application form.
2. No show cause event has occurred in relation to me since I first became registered to engage in legal practice in my home jurisdiction or if a show cause event has occurred, I attach a written statement regarding the event in accordance with the requirements of the *Legal Profession Uniform Law (Vic)*.
3. The information provided in this application form (and any attached written statement) is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.
4. I undertake to notify the Victorian Legal Services Board within 14 days if:
  - I become the subject of disciplinary proceedings in Australia or a foreign country
  - my registration to engage in legal practice in any jurisdiction in which I was entitled to practise is cancelled or suspended.

Declared at \_\_\_\_\_ in the state / province of \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signature \_\_\_\_\_

Before Me: \_\_\_\_\_

*[to be signed in the presence of a person authorised to witness statutory declarations under section 107A Evidence (Miscellaneous Provisions) Act 1958 (Vic)]*