Victorian Legal Services
BOARD

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Notes: Notice of automatic show cause event
Section 88 Legal Profession Uniform Law (Victoria)

Introduction

If an 'automatic show cause event' happens in relation to the holder of an Australian practising certificate or an Australian registration certificate, the holder must provide to the Victorian Legal Services Board notice that the event happened within seven (7) days after the happening of the event.

The attached form is the approved form of notice pursuant to section 88 of the Legal Profession Uniform Law (Victoria) ('the Uniform Law').

What is an automatic show cause event?

This is defined in the Uniform Law as follows:

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

1. 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.

2. his or her conviction for a 'serious offence' (described below) or a 'tax offence' (described below), whether or not—
    a. 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
    b. 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).

NOTE: a 'conviction' for the purposes of the Uniform Law also includes a finding of guilt or a plea of guilty, whether or not a conviction was recorded as part of the sentencing disposition. All such outcomes must be disclosed.

What you must do after lodging the notice

Within 28 days after the happening of the event, you must send to the Board a written statement explaining why, despite the show cause event, you consider yourself to be a fit and proper person to hold a certificate.

Notice of automatic show cause event

Section 88 Legal Profession Uniform Law (Victoria)

Practitioner / Foreign Lawyer Details

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

Address in Victoria for Service of Notices and other Documents

Building, Level:	
Street:	
Suburb/Town:	
State:	Postcode
Business Telephone: ( )	Business Facsimile: ( )
Email Address:	

I am the holder of (please tick):

☐ an Australian practising certificate (Australian legal practitioner)

☐ an Australian registration certificate (Australian-registered foreign lawyer)

The following show cause event has happened in relation to me (please tick)

☐ I have become bankrupt, been served with notice of a creditor's petition, presented or declared my intention to present a debtor's petition, or applied to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounding with creditors or making an assignment of remuneration for the benefit of creditors.

☐ I have been convicted (or found guilty) of a serious offence.

☐ I have been convicted (or found guilty) of a tax offence.

Date of event: _____./ _____ / _____

Please provide a brief description of the event:

_____

_____

_____

_____

Signature: _____

Date: _____./ _____ / _____

Please print name: _____