

NOTES

All references in these notes refer to the *Legal Profession Uniform Law Application Act 2014* (the Act), the Legal Profession Uniform Law (Victoria) - being Schedule 1 to the Act - (the Uniform Law), or the *Legal Profession General Rules 2015* (the Rules), unless otherwise specified.

Section 74 of the Act requires applications for the renewal of a practising certificate to be made on or before 30 April. Applications lodged after this date will attract a surcharge calculated in accordance with s.75 of the Act.

Note A – Practice details

(a) Primary place of practice

For the purposes of reporting you will be assigned to this law practice on the Board's records.

(b) Change in place of practice

An Australian legal practitioner or law practice should notify the Board of any changes to information recorded on the Board's Register within 14 days after it occurs. If you need to change your details, please do so through the Board's online registration system, LSB Online, which can be accessed via the Board's website at www.lsb.vic.gov.au.

Note B – Address for service

The Board's Register includes an address for service for each local legal practitioner and law practice. The address for service must be a physical street address.

Section 150(4) of the Act requires the Board to make the Register available for public inspection at the Board's offices. Your address for service will appear on this version of the Register.

Under s.150(5), the Board may also provide the information recorded on the Register to members of the public in any other manner approved by the Board, including on the Board's website. The Board has approved the provision of Register information online, over the telephone and in writing, including email. With the exception of date of birth, all information on the Register will be available by any of these means.

Note C – Other places of practice

Australian legal practitioners engaging in legal practice with more than one law practice or entity are required to complete this question. Please attach a separate sheet if you have more than one additional place of practice.

Note D – Eligibility to apply for a practising certificate

Under ss.43-45 of the Uniform Law, you may apply for an Australian practising certificate if:

- you reasonably intend that Victoria will be your principal place of practice; and
- you are an Australian lawyer; and
- you have, or will have professional indemnity insurance (if required by the Uniform Law); and
- you have indicated that you do not or will not hold another Australian practising certificate that would be in force concurrently with this certificate. (For example, your practising certificate cannot be renewed in Victoria if you indicate you will hold a Queensland practising certificate for the 2018/2019 practising year.)

Note E – Authorisation to receive trust money

This question does not apply to barristers. To be authorised to receive trust money, the applicant must provide evidence of completion of an approved trust account course of study. The Board has approved the Law Institute of Victoria Trust Account course for this purpose.

Note F – Fit and proper person

The Board must not renew a practising certificate unless it is satisfied that the applicant is a fit and proper person to continue to hold a practising certificate (s.45(2) of the Uniform Law). In considering whether a person is fit and proper, the Board may take into account any matter it thinks appropriate, including the matters set out in rule 13(1) of the Rules.

Practitioners should refer to rule 13 of the Rules when completing their application for a full description of suitability matters and other matters that the Board can take into account. Notwithstanding any of the matters in these sections, the Board may find that a person is a fit and proper person where circumstances warrant.

In determining whether the applicant is a fit and proper person, the Board will also consider a practitioner's disclosure obligations outlined in the Board's 'Fit and Proper Person Policy', and 'Mental Health Policy', which are available on the Board's website.

Practitioners should read these policies and note that case law generally affirms that honesty, candour and frankness are particularly relevant to a person's fitness and propriety. Mental illness, however, is not relevant where it is appropriately managed and has no impact on the practitioner's capacity to engage in legal practice.

If any of the matters referred to above are applicable to you, or if there are any other matters which you think may be relevant, you must attach a written statement addressing each of these matters to this form.

Matters previously disclosed to an admission authority

Please also provide details of any matters which you have previously disclosed in an application for admission in an Australian jurisdiction, including Victoria. If, however, you have already disclosed these matters to the Board you are not required to provide the details again in your current application. These matters will not generally be considered by the Board unless, together with your current disclosures, they form part of a course of conduct that may warrant the refusal or cancellation of a practising certificate.

Note G – Show cause or notifiable events

Under s.87(2) of the Uniform Law, if an automatic show cause event has happened to you prior to this application, you must disclose this in your application for renewal of an Australian practising certificate. This is done by providing the Board with a written statement under s.87(2)(b) about the automatic show cause event explaining why, despite this event, you consider yourself to be a fit and proper person to hold a certificate.

You will not be required to disclose the show cause event if it has previously been disclosed to the Board. Show cause events are found in s.85 of the Uniform Law, and s.86 provides that an ‘automatic show cause event’ refers to a ‘bankruptcy-related event’, ‘serious offence’ and ‘tax offence’. These terms are defined in s.6 of the Uniform Law. Part 3.5, Division 4 of the Uniform Law describes the show cause procedure.

A ‘Notice of show cause event’ form is available on the Forms page on the Board’s website.

Please note, you have an ongoing obligation under ss.51 and 88 of the Uniform Law to disclose show cause or other notifiable events to the Board and provide:

- notice of the event within 7 days; and
- with regard to show cause events, a written statement explaining why, despite the event, you still consider yourself to be a fit and proper person to hold an Australian practising certificate within 28 days after the event occurring. If the written statement is provided after 28 days, the Board may accept the statement and take it into consideration.

Under s.89(2) the Board may refuse to renew an Australian practising certificate if:

- you are required to provide a written statement (as outlined above) and fail to do so; or
- you have provided a written statement, but the Board does not consider that you have shown in the statement that, despite the show cause event, you are a fit and proper person to continue to hold a practising certificate.

Note H – Continuing professional development (CPD)

Under s.52 of the Uniform Law, it is a statutory condition of an Australian practising certificate that you comply with the Continuing Professional Development Rules. This condition applies wherever you are located.

On renewal an Australian legal practitioner must certify to the Board whether they have complied with the CPD requirements for the preceding CPD year ending 31 March (see rule 13.1 of the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* or Rule 14 of the *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015*).

A practitioner who certifies non-compliance is required to submit a CPD Rectification Plan to the Board’s delegate (the LIV or Vic Bar) setting out the steps the practitioner intends to take to rectify the non-compliance within 90 days after the Plan is submitted. A *pro forma* Rectification Plan is available on the LIV website.

The CPD Rules allow *pro rata* reductions for practitioners who did not hold a current practising certificate for the whole of the preceding CPD year.

The CPD Rules also allow for whole or part exemptions to be granted on written application from the practitioner.

Note I – Declaration by an individual applying for a practising certificate

You must complete the declaration by ticking the declaration on LSB Online. Please note that you cannot hold concurrent Australian practising certificates under the Uniform Law. Please also note that obtaining an Australian practising certificate on the basis of incorrect or misleading information is a matter which may be taken into account by the Board when considering whether or not a person is a fit and proper person to hold a practising certificate.

Law Library of Victoria

This year’s practising certificate renewal form includes a question from the Supreme Court Library seeking consent for the Board to provide your details to the new Law Library of Victoria. If you tick ‘yes’, you’ll be emailed later in the year and invited to register for access to the member-only portal on the Law Library of Victoria website, which incorporates the Supreme Court Library.

Note J – Practising certificate types and prescribed fees

Under s.47(1) of the Uniform Law, an Australian practising certificate granted in this jurisdiction will authorise the holder to engage in legal practice in one of six capacities.

Under s.73 of the Act, a practising certificate application must be accompanied by the prescribed fee. The following table sets out the prescribed fees for each type of practising certificate.

Practising Certificate Type	Fee
Principal of a law practice	
• authorised to receive trust money	\$624
• not authorised to receive trust money	\$435
Employee of a law practice with/without receipt of trust money	\$406
Barrister	\$352
Corporate legal practitioner	\$244
Principal legal practitioner of CLS with/without receipt of trust money	\$224
Employee legal practitioner of CLS	\$224
Government legal practitioner	\$224
Volunteer at a CLS/ <i>pro bono</i>	No fee

Note K – Applying for renewal of a practising certificate between 1 May and 30 June - late lodgement surcharge

Under s.75 of the Act, you may apply for renewal of an Australian practising certificate after 30 April on payment of a surcharge of:

- 25% of the prescribed renewal fee if the application is made on or before 31 May;
- 50% of the prescribed renewal fee if the application is made after 31 May.

The Board may refund all or part of the surcharge if it believes that special circumstances apply. If you believe that special circumstances apply you must pay the surcharge, and include with your application a written statement to the Board outlining the special circumstances.

This form may not be submitted after 30 June. If you fail to submit an application for renewal of a practising certificate by 30 June, you will be required to submit an application for a grant of a practising certificate and pay a surcharge calculated in accordance with s.73(2) of the Act. You are not permitted to engage in legal practice until you have been granted a practising certificate. Engaging in unqualified legal practice can have serious repercussions. RPA News bulletin #27 deals with this issue: http://www.lsb.vic.gov.au/documents/RPA_News_27_May_2016.pdf

Note L – Fidelity Fund Contribution

Under s.73(1)(b) of the Act, a practising certificate application must be accompanied by the required fidelity fund contribution (if any) under s.225 of the Uniform Law. The table below sets out the fidelity fund contribution classes determined by the Board and corresponding fees.

Note M – Professional indemnity insurance (PII)

Under s.211 of the Uniform Law, an Australian legal practitioner must not engage in legal practice in Victoria unless the practitioner holds or is covered by an approved insurance policy, and the policy covers that legal practice. The same applies to an ILP by virtue of s.212. For exemptions from the requirements to hold approved PII see s.215.

A policy of professional indemnity insurance is an approved insurance policy if the policy is issued by the Legal Practitioners' Liability Committee (LPLC), or it has been issued by another insurer and it has been approved by the Board (see s.13 of the Act).

For further information about obtaining PII, please contact the LPLC on (03) 9672 3800. For further information about obtaining an exemption from PII, please refer to the Board's website.

The LPLC will provide the Board with notification that your PII has been paid. Principal, employee, and volunteer practising certificates cannot be renewed for any applicant who is not covered by PII as required by the Uniform Law. If you hold a corporate or government practising certificate, the onus will be on you to ensure that you are covered by your employer's insurance or self-insurance arrangements.

PII for Community Legal Services (CLSs)

Under s.213 of the Uniform Law, CLSs must have insurance on terms and conditions approved by the Board. Further information on PII for CLSs is available on the Board's website.

PII for practitioners engaged in pro bono work

All practitioners who provide legal services on a *pro bono* basis outside of a CLS must hold, or be covered by, an approved PII policy which covers *pro bono* work.

Under s.13 of the Act, the Board can approve insurance for corporate legal practitioners or government legal practitioners providing legal services on a *pro bono* basis. Practitioners who hold a PII policy authorising *pro bono* work which has not been approved by the Board, or issued by the LPLC, can apply for an exemption pursuant to s.215 of the Uniform Law.

PII for overseas-based Victorian practitioners

Section 211 of the Uniform Law only requires practitioners to hold professional indemnity insurance when engaging in legal practice 'in this jurisdiction'.

Only when practitioners intend to continue advising Victorian clients, or intend to practise in Victoria from their overseas base, will they be required to be covered by an approved insurance policy, or exempted under s.215 of the Uniform Law.

The fidelity fund contribution classes table is available on the following page.

ALL APPLICANTS NOTE:

1. An application that fails to provide mandatory information (including payment), or provides incomplete or misleading information, will be treated as an incomplete application.
2. An incomplete application will be treated as 'not received' for the purposes of the Uniform Law, and will be returned to the applicant, or will not be processed by LSB Online. It will then be up to the applicant to decide whether or not to proceed with the application.
3. If the applicant wishes to proceed, the applicant will need to resubmit their application by completing the missing/incomplete information in their original application and re-declaring the same application. Until the requisite information is provided, the Board will not consider renewing an Australian practising certificate. Late lodgement surcharges apply for renewal applications made between 1 May and 30 June (see Note K).
4. If the applicant does not wish to proceed, the applicant may request the Board to withdraw the application and refund the application fees.
5. It is at the discretion of the Board whether to renew an Australian practising certificate. The lodgement of an application form with the relevant fees does not entitle the applicant to commence practice. A practitioner who engages in legal practice without a valid practising certificate is engaging in unqualified legal practice. Practising without a certificate can result in a heavy fine, misconduct charges or even gaol. Further, it requires a refund of client fees.
6. Where an application is refused, the Board will notify the applicant and refund the application fees in due course.
7. A practising certificate cannot be renewed unless the appropriate professional indemnity insurance requirements are in place prior to 1 July. A law practice must have professional indemnity insurance cover with the Legal Practitioners' Liability Committee before commencing to engage in legal practice. This insurance must be maintained at all times while engaged in legal practice in Victoria. A law practice may apply to the Board for an exemption from professional indemnity insurance requirements. For further information, please see **Note M** and the information available on the Board's website at www.lsb.vic.gov.au.
8. Where an application for the renewal of an Australian practising certificate has been **properly** made before its expiry but the Board has not determined the application by the following 1 July, the existing certificate is taken to continue in force on and from that 1 July until the Board renews or refuses to renew the practising certificate unless the practising certificate is earlier suspended, cancelled or surrendered, or the application withdrawn.
9. A practising certificate will be issued with the supervised legal practice condition unless the condition is not applicable to the practitioner, or the practitioner's application for exemption or removal of the condition has been granted. For further information, please see the supervised legal practice information on the Board's website at www.lsb.vic.gov.au

Lodgment of renewal form

All legal practitioners:

Lodgement via LSB Online.

If any queries:

Barristers email pcrenewal@vicbar.com.au

Practitioners other than barristers email online@lsb.vic.gov.au

The Victorian Legal Services Board has determined the following fidelity fund contribution classes:

Class	Type	
1	<p>Australian legal practitioner/approved clerk Authorised to receive trust money - received trust money exceeding the \$750,000 threshold</p> <p>Approved clerks or holders of an Australian practising certificate that:</p> <ul style="list-style-type: none"> are authorised to receive trust money; and received, or were a principal, employee or a director of a law practice that received trust money exceeding the \$750,000 threshold in total during the year ending on 31 October of the previous year. 	\$532
2	<p>Australian legal practitioner Principal practising certificate not authorised to receive trust money - law practice that received trust money exceeding the \$750,000 threshold</p> <p>Holders of an Australian principal practising certificate that authorises the person to engage in legal practice but:</p> <ul style="list-style-type: none"> does not authorise the receipt of trust money; and are a principal, employee or a director of a law practice that received trust money exceeding the \$750,000 threshold in total during the year ending on 31 October of the previous year. 	\$532
3	<p>Australian legal practitioner/approved clerk Authorised to receive trust money - received trust money not exceeding the \$750,000 threshold</p> <p>Approved clerks or holders of an Australian practising certificate that:</p> <ul style="list-style-type: none"> are authorised to receive trust money; and received, or were a principal, employee or a director of a law practice that received trust money within the range of \$Nil – \$750,000 threshold in total during the year ending on 31 October of the previous year. 	\$266
4	<p>Australian legal practitioner Principal practising certificate not authorised to receive trust money - law practice that received trust money not exceeding the \$750,000 threshold</p> <p>Holders of an Australian principal practising certificate that authorises the person to engage in legal practice but:</p> <ul style="list-style-type: none"> does not authorise the receipt of trust money; and are a principal, employee or a director of a law practice that received trust money within the range of \$Nil – \$750,000 threshold in total during the year ending on 31 October of the previous year. 	\$266
5	<p>Employee practising certificate and not authorised to receive trust money</p> <p>The holder of an Australian employee practising certificate that authorises the person to engage in legal practice but does not authorise the receipt of trust money and who is employed by a law practice that is authorised to receive trust money.</p>	\$129
6	<p>Exempt entities/community legal services</p> <p>Barristers, government legal practitioners, corporate legal practitioners, sole practitioners not authorised to receive trust money, employee practitioners/foreign lawyers employed by a sole practitioner or law practice not authorised to receive trust money, interstate practitioners, and employees/volunteers at community legal services.</p>	Nil