

STATEMENT OF AN 'AUTOMATIC SHOW CAUSE EVENT'

APPLICANT FOR AN AUSTRALIAN PRACTISING CERTIFICATE



THE LAW SOCIETY
OF NEW SOUTH WALES

This is a statement of an 'Automatic Show Cause Event' as required by section 87 of the *Legal Profession Uniform Law (NSW)*.

TO THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES
170 PHILLIP STREET SYDNEY NSW 2000

Practitioner details:

I	Full name:		
of,	Address:		
	Contact number:	Email address:	

hereby provide a statement of an automatic show cause event as defined in section 86 of the *Legal Profession Uniform Law (NSW)*.

Details of conviction/bankruptcy related event:

Date of conviction/bankruptcy-related event (DD/MM/YYYY):

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Nature of offence/nature of bankruptcy-related event:

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If you are an undischarged bankrupt, please complete a [Bankruptcy Undertaking](#) and return with this form.

Attach additional page if necessary.

Sentence (if applicable):

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Attach additional page if necessary.

Fit and proper person:

Please specify the facts and circumstances surrounding the show cause event and the reasons why you consider yourself to be a fit and proper person to hold an Australian practising certificate despite the show cause event:

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Attach additional page if necessary.

Signed:	Dated (DD/MM/YYYY): <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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Failure by a practitioner to provide a written statement may lead to refusal to grant, cancellation or suspension of a practising certificate.

LODGEMENT: Please lodge your completed form at the time of lodgement of your application for an Australian practising certificate with the Registry Department of the Law Society.

ENQUIRIES: PROFESSIONAL STANDARDS DEPARTMENT, The Law Society of New South Wales, 170 Phillip Street, Sydney NSW 2000 or DX 362 Sydney

T: +61 2 9926 0110 | **F:** +61 2 9221 5804 | **E:** psdenquiry@lawsociety.com.au | **W:** lawsociety.com.au | **ACN:** 000 000 699 | **ABN:** 98 696 304 966

EXPLANATORY NOTES

Section 86 of the *Legal Profession Uniform Law (NSW)* provides;

86 Nature of automatic show cause events

An automatic show cause event is any of the following in relation to a person who is an applicant for or the holder of a certificate-

- (a) a bankruptcy-related event;
- (b) his or her conviction for a serious offence or a tax offence, whether or not-
 - (i) the offence was committed while he or she was engaging in legal practice as an Australian legal practitioner or was practising foreign law as an Australian-registered foreign lawyer; or
 - (ii) other persons are prohibited from disclosing the identity of the offender;
- (c) an event of a kind specified in the Uniform Rules for the purposes of this section.

Section 87 of the *Legal Profession Uniform Law (NSW)* provides;

87 Automatic show cause events-applicants

- (1) This section applies if an automatic show cause event has occurred at any time in relation to an applicant for the grant or renewal of a certificate.
- (2) As part of the application, the applicant must provide to the designated local regulatory authority a statement-
 - (a) about the show cause event; and
 - (b) explaining why, despite the show cause event, the applicant considers himself or herself to be a fit and proper person to hold a certificate.

- (3) However, the applicant need not provide a statement under subsection (2) if the applicant (as a previous applicant for the grant or renewal of a certificate or as the holder of a certificate) has previously provided to the designated local regulatory authority a statement under this Part explaining why, despite the show cause event, he or she considers himself or herself to be a fit and proper person to hold a certificate.

Section 88 of the *Legal Profession Uniform Law (NSW)* provides;

88 Automatic show cause events-holders

- (1) This section applies to an automatic show cause event that occurs in relation to the holder of a certificate.
- (2) The holder must, in accordance with subsection (3), give the designated local regulatory authority-
 - (a) a written notice stating that the show cause event occurred; and
 - (b) a written statement explaining why, despite the show cause event, the holder considers himself or herself to be a fit and proper person to hold a certificate.
- (3) The holder must give the designated local regulatory authority-
 - (a) the notice within 7 days after the show cause event occurred; and
 - (b) the statement within 28 days after the show cause event occurred or a longer period allowed by the designated local regulatory authority (not exceeding the maximum period specified in the Uniform Rules) on application made by the holder within the applicable period.
- (4) The designated local regulatory authority may nevertheless accept a statement received out of time.

GENERAL NOTES

The term “**conviction**” is defined in section 6 of the *Legal Profession Uniform Law (NSW)* and includes a finding of guilt, or the acceptance of a guilty plea by the court, whether or not a conviction is recorded.

The term “**bankruptcy-related event**” is defined in section 6 of the *Legal Profession Uniform Law (NSW)* and, in relation to a person, means;

- (a) his or her becoming bankrupt in the Bankruptcy Act (or the 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 (whether Australian or otherwise) 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;

The term “**serious offence**” is defined in section 6 of the *Legal Profession Uniform Law (NSW)* and means;

- (a) an indictable offence against a law of the Commonwealth, a State or a Territory (whether or not the offence is or may be dealt with summarily); or
- (b) an offence against a law of a foreign country that would be an indictable offence against a law of the Commonwealth, a State or a Territory if committed in Australia (whether or not the offence could be dealt with summarily if committed in Australia);

The term “**tax offence**” is defined in section 6 of the *Legal Profession Uniform Law (NSW)* and means any offence under the *Taxation Administration Act 1953* of the Commonwealth.