

ADMISSION APPLICATION NOTES

1. These notes are provided for your ease of reference when preparing your application for admission. **Please do not return or attach them** to the completed application you lodge with the Board.
2. **Originating motion for admission:** Your originating motion for admission must be lodged at the Supreme Court of Western Australia at least two months prior to your preferred admission ceremony date. For instructions on how to file your motion paper or information about the admission ceremony, please refer to the Admissions information under FAQ's on the Supreme Court website www.supremecourt.wa.gov.au.
3. **Form A10:** Within 2 days of filing your motion paper at the Supreme Court you must lodge a notice of your application for admission (Form A10) with the Legal Practice Board at 5th Floor, 533 Hay Street, Perth WA 6000. The Form A10 can be downloaded from the Board's website www.lpbwa.org.au.
4. **Required documents:** You are required to attach additional forms and documentation as set out in Form A10. All required forms can be downloaded from the Board's website: www.lpwa.org.au. The Form A10 states which documents may be lodged separately. Any documents lodged separately must be originals or certified copies.
5. **Suitability for admission: Section E of Form A10:**
Before completing Section E of your Form A10, please refer to **Attachment A:** Extract of section 8 of the *Legal Profession Act 2008* defining "suitability matters" and **Attachment B:** Disclosure Guidelines.
6. **Question 13 – Two Certificates of Good Fame and Character:**
You must provide two certificates of good character. The person providing each certificate:
 - Must not be related to you by blood or marriage;
 - Must have known you for at least nine months; and
 - Must have known you in a professional; supervisory or academic capacity.

The person providing a certificate of good fame and character must complete the section stating that he or she is aware that you have or have not made disclosures relating to your suitability to be admitted.

7. **Signing your Form A10:**

As your Form A10 is a statutory declaration please ensure that all statements are factually correct. Attachments should be arranged into the correct order and attached to your Form A10. Your Form A10 must be executed as a statutory declaration and witnessed by an authorised signatory. Please refer to **Attachment C**: Extract from the *Oaths Affidavits and Statutory Declarations Act 2005*. The two certificates of good character attached to your Form A10 must be originals. Other documents attached to your Form A10 may be photocopies. Any documents submitted separately to your Form A10 must be originals or certified copies.

8. **Payment:**

The application fee may be paid via credit card authority, electronic transfer, cheque or cash. A payment options form can be downloaded from the Board's website www.lpbwa.org.au.

9. **Submitting your Form A10:**

Your form A10 must be lodged within 2 days of filing your motion paper at the Supreme Court. Any requests for the Board to accept late lodgement of the Form A10 must be in writing stating the reasons for the late lodgement. If you are not located in the Perth metropolitan area, you may email or fax a copy of the complete application in order to meet the deadline. However, the original application, as executed, should be posted or delivered to the Board's offices; 5th Floor, 533 Hay Street, Perth 6000, Western Australia, as soon as possible.

10. **Processing your application**

- a. The Supreme Court will forward information about the admission ceremony to you at your residential address.
- b. Your Form A10 will be processed by the Board as soon as possible.
- c. The Board will place advertisements in the Public Notices section of the West Australian listing the applicants for admission.
- d. If any further information or documentation is required, you will receive a letter stating the date by which any outstanding documentation must be

received.

- d. Provided your application is in order, a compliance certificate will be issued to the Supreme Court 7-10 days prior to the admission date.
 - e. You will be posted a copy of the compliance certificate, together with information about applying for a practising certificate.
11. **Deferring your admission**
- If you need to defer your admission, either for personal reasons or because you are not able to provide all of the information required by the Board by the relevant deadline, you may lodge an amended motion for admission at the Supreme Court to be admitted at a later ceremony. Please ensure that, within 2 days, you provide the Board with a copy of that amended motion for admission.

Attachment A:

Extract of section 8 of the Legal Profession Act 2008 – Suitability Matters

8. Suitability matters

- (1) Each of the following is a ***suitability matter*** in relation to an individual —
 - (a) whether the person is currently of good fame and character;
 - (b) whether the person is or has been an insolvent under administration;
 - (c) whether the person has been convicted of an offence in Australia or a foreign country, and if so —
 - (i) the nature of the offence; and
 - (ii) how long ago the offence was committed; and
 - (iii) the person's age when the offence was committed;
 - (d) whether the person has engaged in legal practice in Australia —
 - (i) unlawfully; or
 - (ii) when not admitted, or not holding a practising certificate, as required under this Act or a previous law of this jurisdiction that corresponds to this Act or under a corresponding law; or
 - (iii) if holding an Australian practising certificate, in contravention of a condition of the certificate or while the certificate was suspended;
 - (e) whether the person has practised law in a foreign country —
 - (i) when not permitted under a law of that country to do so; or
 - (ii) if permitted to do so, in contravention of a condition applicable to the permission;
 - (f) whether the person is currently subject to an unresolved complaint, investigation, charge or order under any of the following —
 - (i) this Act or a previous Act;
 - (ii) a corresponding law or corresponding foreign law;
 - (g) whether the person —
 - (i) is the subject of current disciplinary action, however expressed, in another profession or occupation in Australia or a foreign country; or
 - (ii) has been the subject of disciplinary action, however expressed, relating to another profession or occupation that involved a finding of guilt;
 - (h) whether the person's name has been removed from —
 - (i) the local roll, and has not since been restored to or entered on a local roll; or
 - (ii) an interstate roll, and has not since been restored to or entered on an interstate roll; or
 - (iii) a foreign roll;
 - (i) whether the person's right to engage in legal practice has been suspended or cancelled in Australia or a foreign country;
 - (j) whether the person has contravened, in Australia or a foreign country, a law about trust money or trust accounts;
 - (k) whether, under this Act, a previous Act, a law of the Commonwealth or a corresponding law, a supervisor, manager or receiver, however described, is or has been appointed in relation to any legal practice engaged in by the person;
 - (l) whether the person is or has been subject to an order under this Act, a previous Act, a law of the Commonwealth or a corresponding law, disqualifying the applicant from being employed by, or a partner of, an Australian legal practitioner or from managing a corporation that is an incorporated legal practice;
 - (m) whether the person is currently unable to carry out the inherent requirements of practice as an Australian legal practitioner.
- (2) A matter mentioned in subsection (1) is a suitability matter even if it happened before the commencement of this section.

Attachment B: Disclosure Guidelines

LAW ADMISSIONS CONSULTATIVE COMMITTEE¹ DISCLOSURE GUIDELINES FOR APPLICANTS FOR ADMISSION TO THE LEGAL PROFESSION IN WESTERN AUSTRALIA

1. PURPOSES OF THESE GUIDELINES

In Western Australia the Legal Profession Act 2008 (Act) requires the Legal Practice Board (Board) to consider whether the applicant is “a fit and proper person” for admission to the legal profession.² In considering whether a person is “a fit and proper person” to be admitted the Board must consider each of the suitability matters, including whether the applicant is “currently of good fame and character”.³ Both these tests reflect the overarching requirements of the pre-existing common law.

The purposes of these Guidelines are:

- (a) to bring home to applicants that Admitting Authorities and Courts and the Board place a duty and onus squarely on each applicant to disclose any matter that could influence the Board’s decision about whether the applicant is “currently of good fame and character” and “a fit and proper person”; and
- (b) to remind applicants that failure to do so, if subsequently discovered, can have catastrophic consequences for an applicant. An applicant might either be refused admission, or struck off the roll, if the applicant has been admitted without making a full disclosure.

There are many judicial explanations of what the phrase “fit and proper person” means in different contexts.⁴ For example:

The requirement for admission to practice (*sic*) law that the applicant be a fit and proper person, means that the applicant must have the personal qualities of character which are necessary to

¹ LACC'S Charter is approved by the Council of Chief Justices which also appoints its Chairman. LACC is not, however, a committee of the Council, nor does it act on the Council's behalf.

² *Legal Profession Act 2008 (WA)* section 30

³ *Legal Profession Act 2008 (WA)* s.22 and s.8.

⁴ *Frugniet v Board of Examiners* [2002] VSC 140; *Frugniet v Board of Examiners* [2005] VSC 332; *XY v Board of Examiners* [2005] VSC 250; *Australian Broadcasting Tribunal v Bond* (1990) 170 CLR 321; *Re Legal Profession Act 2004*; *re OG, a lawyer* [2007] VSC 520; *Ziems v The Prothonotary of the Supreme Court of New South Wales* (1957) 97 CLR 279; *Incorporated Law Institute of NSW v Meagher* (1909) 9 CLR 655; *Re Lenehan* [1948] HCA 45; *Re Evatt*; *Ex Parte NSW Bar Association* (1967) 67 SR (NSW) 236; *In the matter of an application for admission as a legal practitioner* [2004] SASC 426; *In re Davis* [1947] 75 CLR 409; *New South Wales Bar v Murphy* (2002) 55 NSWLR 23; *New South Wales Bar Association v Cummins* (2001) NSWLR 279; *New South Wales Bar Association v Hamman* [1999] NSWCA 404; *Prothonotary of the Supreme Court of NSW v P* [2003] NSWCA 320; *Prothonotary of the Supreme Court v Alcorn* [2007] NSWCA 288; *New South Wales Bar Association v Einfeld* (2009) 259 ALR 278; *In the matter of the Legal Practitioners Act 1970 and in the matter of an application by Hinds* [2003] ACTSC 11; *In the matter of an application for admission as a practitioner* [1997] SASC 6487; *Jackson (previously known as Subramaniam) v Legal Practitioners Admission Board* [2006] NSWSC 1338; *Legal Services Board v McGrath* [2010] VSC 266

discharge the important and grave responsibilities of being a barrister and solicitor. A legal practitioner, upon being admitted to practice, assumes duties to the courts, to fellow practitioners as well as to clients. At the heart of all of those duties is a commitment to honesty and, in those circumstances when it is required, to open candour and frankness, irrespective of self interest or embarrassment. The entire administration of justice in any community which is governed by law depends upon the honest working of legal practitioners who can be relied upon to meet high standards of honesty and ethical behaviour. It is the legal practitioner who is effectively the daily minister and executor in the administration of justice when advising clients, acting for clients, certifying documents, and making presentations to courts, governments, other professionals, and so on. The level and extent of trust placed in what legal practitioners say or do is necessarily high and the need for honesty is self evident and essential.⁵

2. STATUS OF THESE GUIDELINES

These Guidelines do not, and cannot, diminish or supplant in any way an applicant's personal duty to disclose any matter which may bear on the applicant's fitness for admission. They merely provide information about how Admitting Authorities, Courts and the Board approach the requirement of disclosure. They also give examples of matters which an applicant might otherwise overlook when deciding what to disclose.

It is important to understand that any matter bearing on an applicant's fitness should be disclosed, whether or not that matter is mentioned in these Guidelines. It is thus prudent to err on the side of disclosing, rather than concealing, information which may turn out to be relevant in the eyes of an Admitting Authority or a Court or the Board.

3. RELEVANT PRINCIPLES

Admitting Authorities and the Board apply the following principles when determining an applicant's fitness for admission:

- (a) The onus is on an applicant to establish fitness.
- (b) The statutory test is cast in the present tense – whether an applicant “*is currently* of good fame and character” and “is a fit and proper person”. Past conduct, though relevant, is not decisive.
- (c) The candour demonstrated in any disclosure by an applicant is highly relevant when determining present fitness. High standards are applied in assessing the candour of any disclosures. Full and frank disclosure is essential, although in most circumstances disclosure of past indiscretions will not result in an applicant being denied admission.
- (d) An applicant's present understanding and estimation of the applicant's past conduct is relevant.
- (e) If an applicant makes a full disclosure of a condition relevant to the applicant's capacity and demonstrates that the condition is appropriately managed, it is highly unlikely that the disclosure will lead to an adverse assessment of the applicant's suitability for admission.

⁵

Frugtniet v Board of Examiners [2002] VSC 140 per Pagone, J

4. THE DUTY OF DISCLOSURE

An applicant for admission is required to disclose, in the application, any matter which might be relevant to the Board in considering whether the applicant is currently of good fame and character and is a fit and proper person for admission to the legal profession. The applicant *must* state whether any of the suitability matters set out in **Appendix 1** apply to the applicant. This requirement reflects the statutory obligation of the Board. Further, any *other* matter that might be relevant to a decision by an Admitting Authority, Court or the Board about whether the applicant is a fit and proper person for admission should also be disclosed. Recent cases demonstrate that the Courts believe there is an increasing expectation that any matters relevant to the assessment of an applicant's honesty will be disclosed.

If an applicant discloses no matters relevant to fitness for admission, the application must contain the following statement:

I have read and understood the Disclosure Guidelines for Applicants for Admission to the Legal Profession. I am and always have been of good fame and character and am a fit and proper person to be admitted and I have not done or suffered anything likely to reflect adversely on my good fame and character or on whether I am a fit and proper person. I am not aware of any matter or circumstance that might affect my suitability to be admitted as an Australian lawyer and an officer of the Court.

Unfortunately it is not possible to provide applicants with an exhaustive list of all matters which can turn out to be relevant to assessing whether an applicant is currently of good fame and character, or a fit and proper person for admission, and which therefore should be disclosed.

Stated in general terms, however, the duty of disclosure extends to *any* matter which reflects negatively on the applicant's honesty, candour, respect for the law or ability to meet professional standards. An applicant should provide a full account of any such matter in the applicant's disclosure, including a description of the applicant's conduct. The description should not be limited merely to listing criminal charges or other consequences of the conduct. As already noted, there is an increasing expectation that *any* matters relevant to assessing an applicant's honesty will be disclosed.

An applicant should also avoid editing, or selecting only those matters which the *applicant* believes should be relevant to the decision to be made by the Board. Rather, an applicant should disclose every matter that might fairly assist the Board in deciding whether the applicant is a fit and proper person.

Revealing more than might strictly be necessary counts in favour of an applicant - especially where the disclosure still carries embarrassment or discomfort. Revealing less than may be necessary distorts the proper assessment of the applicant and may itself show an inappropriate desire to distort by selecting and screening relevant facts.⁶

5. MATTERS WHICH AN APPLICANT MAY NEED TO DISCLOSE

The following are examples of matters which an applicant may need to disclose in addition to the statutory matters set out in **Appendix 1**:

(a) **Criminal conduct**

An obligation to disclose a criminal *charge*, as distinct from a criminal conviction, may arise, even if charges were subsequently withdrawn or the applicant was

⁶ *Frugtniet v Board of Examiners* [2002] VSC 140, per Pagone J.

acquitted. The fact that an applicant's character has been brought into question may be sufficient to give rise to a need to disclose in the eyes of the Board.

It is usually inadequate for an applicant disclosing criminal conduct merely to list the relevant charges and convictions. An applicant needs to explain, in the applicant's own words, the circumstances giving rise to the charge or conviction.

Whether or not a criminal charge (as distinct from a conviction) should be disclosed will depend on the circumstances. If the charge did not proceed for a technical reason, such as the expiration of a time limit, disclosure *may* be required. On the other hand, if the charge was denied and the matter did not proceed because of an acknowledged lack of evidence, disclosure may not be necessary.

An applicant should carefully consider whether the facts giving rise to a criminal charge are such that the Board might reasonably regard them as relevant in assessing the applicant's suitability for admission.

Spent conviction legislation applies in Western Australia.⁷

(b) Intervention orders and apprehended violence orders

(c) Infringement Offences

Offences resulting in a court-ordered fine or other sanction or else an administrative penalty, such as traffic or public transport offences, may need to be disclosed in circumstances where the frequency or number of fines, or the failure to pay fines, may give rise to concern in the eyes of the Board about the applicant's respect for the law.

(d) Traffic Offences

See item (c) above.

(e) Academic Misconduct

Academic misconduct may need to be disclosed. It will generally be prudent to disclose such conduct whether or not a formal finding was made or a record of the incident retained by the relevant organisation.

Academic misconduct includes, but is not limited to, plagiarism, impermissible collusion, cheating and any other inappropriate conduct, whereby the applicant has sought to obtain an academic advantage either for the applicant or for some other person.

(f) General Misconduct

An applicant may need to disclose misconduct which occurred in a workplace, educational institution, volunteer position, club, association or in other circumstances, if such conduct may reflect on whether the applicant is a fit and proper person to be admitted to the legal profession.

⁷ *Spent Convictions Act 1988 (WA)*; s.26(1) :

Where a written law of this State permits or allows a person to consider, take into account, or determine the good character, fitness, propriety or other like attribute of a person for the purposes of that written law, the person shall not in doing so have regard to a spent conviction or the charge to which the conviction relates.

General misconduct may include, but is not limited to, offensive behaviour, workplace or online bullying, property damage, sexual harassment or racial vilification.⁸

- (g) Making a false statutory declaration**
- (h) Social security offences**
- (i) Tax Offences**
- (j) Corporate insolvency or penalties and offences relating to a corporate entity where the applicant was a director or responsible officer.**

6. CERTIFICATES OF CHARACTER

Please also note that any person who supplies a certificate of character to support an application:

- (a) must be aware of any disclosure of the type mentioned above that is made by the applicant; and
- (b) must attest to that knowledge in the person's certificate of character.

Because of the privacy implications of disclosures about an applicant's capacity, a person who supplies a certificate of character need not be aware of any disclosure about the applicant's capacity: see item 7.

7. DISCLOSURES ABOUT CAPACITY

An Admitting Authority is also required to consider whether an applicant has the present capacity to carry out the tasks of a legal practitioner. At common law, the principle is as follows:

To be a fit and proper person for admission to the legal profession an applicant must possess the capacity to make the judgments necessary to meet appropriate professional standards in legal practice or otherwise *'discharge the important and grave responsibilities of being a barrister and solicitor'*.⁹

The requirement of capacity is separate and distinct from the requirement that an applicant be a fit and proper person or of good fame and character.

The Act describes matters relating to an applicant's capacity as "suitability matters" about which the Board must satisfy itself, including "whether the person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner";¹⁰

⁸ By way of illustration, in *XY v Board of Examiners* [2005] VSC 250, Habersberger, J found that an applicant was under a duty to disclose that a volunteer position had been terminated as a result of making offensive remarks to a fellow worker and that she was also required to disclose property damage she had caused at a meditation retreat, notwithstanding that charges were not laid.

⁹ *Frugtniet v Board of Examiners* [2002] VSC 140 per Pagone J.

¹⁰ *Legal Profession Act 2008 (WA)*; s8(m)).

It is not clear whether the requirement to take into account the “suitability matters” displaces the underlying common-law principles. Furthermore, one of the “suitability matters” is “*whether the person is currently of good fame and character*”.¹¹ The Board must consider “any other matter it considers relevant.”¹²

At common law, an applicant who is otherwise qualified to practise is presumed to have capacity to practise unless the contrary is established. Nevertheless, quite apart from making disclosures which respond to a “suitability matter”, it will often be prudent for an applicant to disclose any other matters which the Board might think relevant when assessing an applicant’s present capacity to engage in legal practice.

Matters which an applicant might disclose include any condition which might affect the applicant’s present ability to engage in legal practice - such as physical impairment, mental illness or addictions.

The Board assesses each applicant’s capacity individually, in the light of the applicant’s particular disclosures and any other supporting information. Such information should include any historical or current medical evidence submitted by the applicant. For this reason, if an applicant discloses a condition which the Board may consider relevant to the applicant’s present capacity to practise law, it will be prudent also to provide a report from an appropriately-qualified medical practitioner relevant to the condition disclosed. If an applicant seeks to demonstrate that the relevant condition is appropriately managed and stable, a certificate to that effect from one or more of the applicant’s treating medical practitioners would greatly assist the Board.

Except for the purposes of the administration of the Act, the Board must not disclose any personal or medical evidence disclosed to it by or on behalf of an applicant.

For privacy reasons, a disclosure about capacity may be made in a separate statutory declaration lodged with an application.

8. SUITABILITY MATTERS PRESCRIBED BY THE ACT

An applicant must disclose any matter relevant to a suitability matter prescribed by the Act. The suitability matters prescribed for Western Australia are set out in **Appendix 1**.

9. FORM OF DISCLOSURE

Any disclosure which an applicant is required to make must be included in a statutory declaration lodged with the applicant’s Notice of Application for Admission (LPB Form A10) or, in the case of a disclosure about capacity, in a supplementary statutory declaration, if the applicant prefers. Each disclosure should be supported by any available supporting documents, to corroborate the disclosure. Each such document should be made an exhibit to the statutory declaration.

¹¹ *Legal Profession Act 2008* (WA) section 8(1)(a)

¹² *Legal Profession Act 2008* (WA) section 22(1)(b)..

APPENDIX 1

SUITABILITY MATTERS PRESCRIBED BY THE LEGAL PROFESSION ACT 2008

As noted in items 4 and 8 of the Guidelines, the Board is required to satisfy itself about each of the following matters in relation to each applicant. Accordingly an applicant needs to disclose anything that the Board might consider relevant when satisfying itself about each of these matters.

- (8) Each of the following is a **"suitability matter"** in relation to an individual—
- (a) whether the person is currently of good fame and character;
 - (b) whether the person is or has been an insolvent under administration;
 - (c) whether the person has been convicted of an offence in Australia or a foreign country, and if so—
 - (i) the nature of the offence; and
 - (ii) how long ago the offence was committed; and
 - (iii) the person's age when the offence was committed;
 - (d) whether the person has engaged in legal practice in Australia—
 - (i) unlawfully; or
 - (ii) when not admitted, or not holding a practising certificate, as required under this Act or a previous law of this jurisdiction that corresponds to this Act or under a corresponding law; or
 - (iii) if holding an Australian practising certificate, in contravention of a condition of the certificate or while the certificate was suspended;
 - (e) whether the person has practised law in a foreign country—
 - (i) when not permitted under a law of that country to do so; or
 - (ii) if permitted to do so, in contravention of a condition applicable to the permission;
 - (f) whether the person is currently subject to an unresolved complaint, investigation, charge or order under any of the following—
 - (i) this Act or a previous Act;
 - (ii) a corresponding law or corresponding foreign law;
 - (g) whether the person—
 - (i) is the subject of current disciplinary action, however expressed, in another profession or occupation in Australia or a foreign country; or
 - (ii) has been the subject of disciplinary action, however expressed, in another profession or occupation that involved a finding of guilt;

- (h) whether the person's name has been removed from—
 - (i) the local roll, and has not since been restored to or entered on a local roll; or
 - (ii) an interstate roll, and has not since been restored to or entered on an interstate roll; or
 - (iii) a foreign roll;
 - (i) whether the person's right to engage in legal practice has been suspended or cancelled in Australia or a foreign country;
 - (j) whether the person has contravened, in Australia or a foreign country, a law about trust money or trust accounts;
 - (k) whether, under this Act, a previous Act, a law of the Commonwealth or a corresponding law, a supervisor, manager or receiver, however described, is or has been appointed in relation to any legal practice engaged in by the person;
 - (l) whether the person is or has been subject to an order, under this Act, a previous Act, a law of the Commonwealth or a corresponding law, disqualifying the person from being employed by, or a partner of, an Australian legal practitioner or from managing a corporation that is an incorporated legal practice;
 - (m) whether the person is currently unable to carry out the inherent requirements of practice as an Australian legal practitioner.
- (2) A matter mentioned in subsection (1) is a suitability matter even if it happened before the commencement of this section.

**Attachment C:
Extract of section 12 of the *Oaths, Affidavits and Statutory Declarations Act 2005***

Statutory declarations, how made

- (1) Unless another written law provides otherwise, a statutory declaration for any purpose in this State must be made in accordance with this section.
- (2) The statutory declaration must be in the form in Schedule 1.
- (3) The person who is making the statutory declaration must —
 - (a) sign or personally mark the statutory declaration;
 - (b) sign or initial any alteration, such as an insertion or erasure, that has been made to the statutory declaration; and
 - (c) in the presence of an authorised witness declare orally —
 - (i) that he or she is the person named as the maker of the statutory declaration;
 - (ii) that the contents of the statutory declaration are true;
 - (iii) that the signature or mark is his or hers; and
 - (iv) if necessary, that any attachment to the statutory declaration is the attachment referred to in it.
- (4) The requirements of subsection (3)(a) and (b) need not be complied with in the presence of an authorised witness.
- (5) After the maker has complied with subsection (3)(c), the authorised witness must —
 - (a) sign or personally mark the statutory declaration;
 - (b) sign or initial any alteration in the statutory declaration that has been signed or initialled by the maker; and
 - (c) imprint or clearly write his or her name and qualification as an authorised witness.
- (6) An authorised witness for a statutory declaration is —
 - (a) for a statutory declaration that is made at a place in Western Australia —
 - (i) any person described in the second column of Schedule 2; or
 - (ii) any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a statutory declaration may be made;
 - (b) for a statutory declaration that is made at a place outside Western Australia but within Australia —
 - (i) any person who, under the law of that place, has authority to take or receive a statutory, solemn or other declaration; or
 - (ii) any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a statutory declaration may be made;
 - (c) for a statutory declaration that is made at any other place —
 - (i) a prescribed consular official who is performing official functions at that place;
 - (ii) a person who is a justice or notary public under the law of that place;
 - (iii) a person who has authority under the law of that place to administer an oath to another person or to take, receive or witness a statutory, solemn or other declaration.

Schedule 2 — Authorised witnesses for statutory declarations

[s. 12(6)(a)]

| Item | Formal description | Informal description |
|------|--|---------------------------------------|
| 1. | A member of the academic staff of an institution established under any of the following Acts — <ul style="list-style-type: none"> • <i>Curtin University of Technology Act 1966</i>; • <i>Edith Cowan University Act 1984</i>; • <i>Murdoch University Act 1973</i>; • <i>University of Notre Dame Australia Act 1989</i>; • <i>University of Western Australia Act 1911</i>; • <i>Vocational Education and Training Act 1996</i>. | Academic (post-secondary institution) |

| Item | Formal description | Informal description |
|------|--|--|
| 2. | A member of any of the following bodies — <ul style="list-style-type: none"> • Association of Taxation and Management Accountants (ACN 002 876 208); • CPA Australia (ACN 008 392 452); • The Institute of Chartered Accountants in Austr: (ARBN 084 642 571); • National Institute of Accountants (ACN 004 130 643); • National Tax & Accountants' Association Limite (ACN 057 551 854). | Accountant |
| 3. | A person who is registered under the <i>Architects Act 200</i> . | Architect |
| 4. | An Australian Consular Officer within the meaning of the Australian Consular Offi <i>Consular Fees Act 1955</i> of the Commonwealth. | |
| 5. | An Australian Diplomatic Officer within the meaning of th Australian Diplomatic <i>Consular Fees Act 1955</i> of the Commonwealth. | Officer |
| 6. | A bailiff appointed under the <i>Civil Judgments Enforceme Act 2004</i> . | Bailiff |
| 7. | A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking instituti carrying on business in the State under the <i>Banking Act 1959</i> of the Commonwealth. | Bank manager |
| 8. | A member of Chartered Secretaries Australia Limited (A Chartered secretary 008 615 950). | |
| 9. | A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the pharmacy profession. | Chemist |
| 10. | A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the chiropractic profession. | Chiropractor |
| 11. | A person registered as an auditor or a liquidator under th <i>Corporations Act 2001</i> of the Commonwealth. | Company auditor or liquidator |
| 12. | A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth. | Court officer |
| 13. | A member of the Australian Defence Force who is — <ul style="list-style-type: none"> • an officer within the meaning of the <i>Defence Fo Discipline Act 1982</i> of the Commonwealth; • a non-commissioned officer within the meaning that Act with 5 or more years of continuous service; or • a warrant officer within the meaning of that Act. | Defence force officer |
| 14. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the dental profession whose name is entered on the Dentists Divisi of the Register of Dental Practitioners kept under that La | Dentist |
| 15. | A person who is registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the medical profession. | Doctor |
| 15A. | A person appointed under the <i>Parliamentary and Elector Staff (Employment) Act 1992</i> section 4(1)(b)(i) or (2)(b)(i) | Electorate officer of a member of State Parliament |
| 16. | A member of the Institution of Engineers, Australia, other than at the grade of student. | Engineer |
| 17. | The secretary of an organisation of employees or employers that is registered under one of the following Acts — <ul style="list-style-type: none"> • <i>Industrial Relations Act 1979</i>; • <i>Workplace Relations Act 1996</i> of the Commonwealth. | Industrial organisation secretary |
| 18. | A member of the National Insurance Brokers Association Australia (ACN 006 093 849). | Insurance broker |
| 19. | A Justice of the Peace. | Justice of the Peace |

| Item | Formal description | Informal description |
|------|--|------------------------------------|
| 19A. | A person who is a member of the Authority's staff within meaning given to that term by the <i>Land Information Authority Act 2006</i> section 3. | Landgate officer |
| 20. | An Australian lawyer within the meaning of that term in the <i>Legal Profession Act 2008</i> section 3. | Lawyer |
| 21. | The chief executive officer or deputy chief executive officer of a local government. | Local government CEO or deputy CEO |
| 22. | A member of the council of a local government within the meaning of the <i>Local Government Act 1995</i> . | Local government councillor |
| 23. | A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167). | Loss adjuster |
| 24. | An authorised celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth. | Marriage celebrant |
| 25. | A member of either House of Parliament of the State or the Commonwealth. | Member of Parliament |
| 26. | A minister of religion registered under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth. | Minister of religion |
| 27. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the nursing and midwifery profession. | Nurse |
| 28. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the optometry profession. | Optometrist |
| 29. | A registered patent attorney under the <i>Patents Act 1990</i> of the Commonwealth. | Patent attorney |
| 30. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the physiotherapy profession. | Physiotherapist |
| 31. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the podiatry profession. | Podiatrist |
| 32. | A police officer. | Police officer |
| 33. | The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth. | Post office manager |
| 34. | A person registered under the <i>Health Practitioner Regulation National Law (Western Australia)</i> in the psychology profession. | Psychologist |
| 35. | A public notary within the meaning of the <i>Public Notaries Act 1979</i> . | Public notary |
| 36. | An officer of the Commonwealth public service. | Public servant (Commonwealth) |
| 37. | A person who is employed under the <i>Public Sector Management Act 1994</i> Part 3. | Public servant (State) |
| 38. | The holder of a licence under the <i>Real Estate and Business Agents Act 1978</i> . | Real estate agent |
| 39. | The holder of a licence under the <i>Settlement Agents Act 1981</i> . | Settlement agent |
| 40. | The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia. | Sheriff or deputy sheriff |
| 41. | A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> . | Surveyor |
| 42. | A person employed as a member of the teaching staff within the meaning of the <i>School Education Act 1999</i> or a teacher of a non-government school within the meaning of that Act. | Teacher |
| 43. | A member, registrar or clerk, or the chief executive officer of any tribunal of the State or the Commonwealth. | Tribunal officer |
| 44. | A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> . | Veterinary surgeon |

