

## **NOTES: Notice of show cause event - Sections 2.4.27 and 2.8.31 *Legal Profession Act 2004***

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### **INTRODUCTION**

If a show cause event happens in relation to the holder of a local practising certificate or a locally registered foreign lawyer, the holder of a local practising certificate or the locally registered foreign lawyer must provide to the Board notice that the event happened within 7 days after the happening of the event.

The attached form is the approved form of notice pursuant to sections 2.4.27 and 2.8.31 *Legal Profession Act 2004*

### **WHAT IS A SHOW CAUSE EVENT?**

This is defined in the *Legal Profession Act 2004* as follows:

**show cause event**, in relation to a person, means—

- (a) his or her becoming bankrupt or being served with notice of a creditor's petition presented to the Court under section 43 of the Bankruptcy Act 1966 of the Commonwealth; or
- (b) his or her presentation (as a debtor) of a declaration to the Official Receiver under section 54A of the Bankruptcy Act 1966 of the Commonwealth 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
- (c) 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
- (d) his or her being found guilty of a serious offence or a tax offence, whether or not—
  - (i) the offence was committed in or outside this jurisdiction; or
  - (ii) 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
  - (iii) other persons are prohibited from disclosing the identity of the offender;

The terms "serious offence" and "tax offence" are also defined:

**serious offence** means an offence whether committed in or outside this jurisdiction that is—

- (a) an indictable offence against a law of the Commonwealth or any jurisdiction (whether or not the offence is or may be dealt with summarily); or
- (b) an offence against the law of another jurisdiction that would be an indictable offence against a law of this jurisdiction if committed in this jurisdiction (whether or not the offence could be dealt with summarily if committed in this jurisdiction); or
- (c) an offence against the law of a foreign country that would be an indictable offence against a law of the Commonwealth or this jurisdiction if committed in this jurisdiction (whether or not the offence could be dealt with summarily if committed in this jurisdiction);

**tax offence** means an offence under the Taxation Administration Act 1953 of the Commonwealth, whether committed in or outside this jurisdiction;

### **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 local practising certificate or to be a locally registered foreign lawyer.

## Notice of show cause event

### Sections 2.4.27 and 2.8.31 *Legal Profession Act 2004*

#### 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 (Please tick ✓)

The holder of a local practising certificate

A locally 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 found guilty of a serious offence

I have been found guilty of a tax offence

#### Date of event

...../...../.....

Provide brief description of event


Signature

Date / /

Please print name