

Queensland

Legal Profession Act 2007
[section 374(2)]

Claim For Compensation From Fidelity Guarantee Fund

I/We, (insert name of claimant/s)of (insert address/es of claimant/s)in the State of (insert state of residence of claimant/s)

do solemnly and sincerely declare as follows:

1 I/We have suffered pecuniary loss because of the default of:

(insert name of law practice responsible for the default)

Default means:

- a failure of the practice to pay or deliver trust money or trust property that was received by the practice, or an associate of the practice, in the course of legal practice by the practice or an associate, if the failure arises from an act or omission of an associate that involves dishonesty; or
- a fraudulent dealing with trust property that was received by the law practice, or an associate of the practice, in the course of legal practice by the practice or an associate, if the fraudulent dealing is constituted by or arises from an act or omission of an associate that involves dishonesty.

Associate means:

- an Australian legal practitioner who is a sole practitioner or a partner in a law firm or a legal practitioner director if the law practice is an incorporated legal practice or a legal practitioner partner if the law practice is a multi-disciplinary partnership or an employee of the law practice; or
- an agent or employee of the law practice who is not an Australian legal practitioner; or
- an Australian-registered foreign lawyer who is a partner in the law practice; or
- an Australian-registered foreign lawyer who has a relationship with the law practice, being a relationship that is of a class prescribed under a regulation.

2 Details of the default are as follows, or are set out in the attached declaration, marked 'A':

(insert details of the default, including the date of the default, the name of the associate responsible for the default, the acts or omissions of the associate that caused the default, and the losses claimed)

3 My/our pecuniary loss is the subject of a claim or claims other than this claim against the fidelity fund. Details of the other claim/s are as follows, or are set out in the attached declaration marked 'A':

4 My/our pecuniary loss has been reduced by \$ (insert amount by which the loss has been reduced)

- 5 The manner in which my/our pecuniary loss has been reduced is as follows, or is set out in the attached declaration marked 'A':

(insert details of how the pecuniary loss has been reduced, including the date/s the pecuniary loss was reduced, the names of the persons or entities that reduced the pecuniary loss, the status of those persons within the law practice or their relationship with the law practice)

- 6 The amount claimed by me/us is \$ *(insert the net amount of the loss, being the amount claimed)*

I/We make this solemn declaration conscientiously believing the same to be true and correct and by virtue of the provisions of the *Oaths Act 1867*.

First/sole declarant

Signed and declared by me, at this day of

(Person claiming loss to sign here)

Declarant

(Person witnessing declaration to sign here)

Justice of the Peace/Commissioner for Declarations/Legal Practitioner

Second declarant

Signed and declared by me, at this day of

(Person claiming loss to sign here)

Declarant

(Person witnessing declaration to sign here)

Justice of the Peace/Commissioner for Declarations/Legal Practitioner

NOTE: Time limits apply to the making of claims against the Fidelity Fund. You should familiarise yourself with the relevant provisions of the *Legal Profession Act 2007*.

Please refer to the Queensland Law Society's website, www.qls.com.au, for a copy of its privacy policy.