

## Claim for Compensation From Fidelity Guarantee Fund



Queensland | *Legal Profession Act 2007* | section 374(2)

<b>Claim</b>	<p>I/We, ..... <i>(insert name of claimant/s)</i></p> <p>Of .....<i>(insert address/es of claimant/s)</i></p> <p>do solemnly and sincerely declare as follows:</p> <p>1. I/We have suffered pecuniary loss because of the default of:</p> <p>.....  <i>(insert name of law practice responsible for the default)</i></p> <p><b>Default<sup>i</sup> means:</b></p> <ul style="list-style-type: none"> <li>• a failure of the practice to pay or deliver trust money or trust property that was received by the practice in the course of legal practice by the practice, if the failure arises from an act or omission of an associate that involves dishonesty; or</li> <li>• a fraudulent dealing with trust property that was received by the law practice in the course of legal practice by the practice, if the fraudulent dealing arises from or is constituted by an act or omission of an associate that involves dishonesty.</li> </ul> <p><b>Associate<sup>ii</sup> means:</b></p> <ul style="list-style-type: none"> <li>• 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</li> <li>• an agent or employee of the law practice who is not an Australian legal practitioner; or</li> <li>• an Australian-registered foreign lawyer who is a partner in the law practice; or</li> <li>• a partner in a multi-disciplinary partnership who is not an Australian legal practitioner; or</li> <li>• 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</li> </ul> <p>2. Details of the default are as follows, or are set out in the attached declaration, marked 'A':</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><i>(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)</i></p> <p>3. My/our pecuniary loss is <u>not</u> the subject of a claim, or claims, other than this claim against the fidelity fund</p>
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	<p><b>OR</b></p> <p>My/our pecuniary loss is the subject of another claim, or claims.</p> <p><i>(please strike out whichever of these 2 options is not applicable)</i></p> <p>Details of the other claim/s are as follows, or are set out in the attached declaration marked 'B':</p> <p>.....</p> <p>.....</p> <p>4. My/our pecuniary loss has <u>not</u> been reduced</p> <p><b>OR</b></p> <p>My/our pecuniary loss has been reduced.</p> <p><i>(please strike out whichever of these 2 options is not applicable)</i></p> <p>Details of the reduction are as follows, or are set out in the attached declaration marked 'C':</p> <p>.....</p> <p>.....</p> <p><i>(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)</i></p> <p>5. The amount claimed by me/us is:</p> <p>.....</p> <p><i>(insert the net amount of the loss, being the amount claimed)</i></p>
<p><b>Declaration</b></p>	<p>I/We make this solemn declaration conscientiously believing the same to be true and correct and by virtue of the provisions of the <i>Oaths Act 1867</i>.</p> <p>First declarant</p> <p>Signed and declared by me, at .....</p> <p>this.....<i>(insert day)</i> day</p> <p>of.....<i>(insert month and year)</i></p> <p>.....<i>(person claiming loss to sign here)</i></p> <p><b>Declarant</b></p> <p>.....<i>(person witnessing declaration to sign here)</i></p>

	<p><b>Justice of the Peace/Commissioner for Declarations/Legal Practitioner</b></p> <p><b>Second declarant</b></p> <p>Signed and declared by me, at .....  this.....(<i>insert day</i>) day  of.....(<i>insert month and year</i>)  .....(<i>person claiming loss to sign here</i>)</p> <p><b>Declarant</b></p> <p>.....(<i>person witnessing declaration to sign here</i>)</p> <p><b>Justice of the Peace/Commissioner for Declarations/Legal Practitioner</b></p>
<p><b>Note</b></p>	<p>Time limits apply to the making of claims against the Fidelity Guarantee Fund. You should familiarise yourself with the relevant provisions of the <i>Legal Profession Act 2007</i> – s375 in Part 3.6 (ss355 to 415, inclusive).</p>
<p><b>Privacy</b></p>	<p>Queensland Law Society ('the Society') is authorised to collect your personal information under the <i>Legal Profession Act 2007</i>. The personal information you provide in this form will be used to:</p> <ul style="list-style-type: none"> <li>• carry out the Society's obligations and duties;</li> <li>• assess whether to admit claims for payment from the Fidelity Guarantee Fund.</li> </ul> <p>The personal information you provide on this form is not transferred or passed onto third parties outside the Society without your consent or a lawful reason.</p> <p>If you do not wish for your details to be used or accessed for any of the above purposes, please advise in writing to <a href="mailto:Records@qls.com.au">Records@qls.com.au</a>.</p> <p>Further details about the Society's Privacy Policy, Privacy Plan and Personal Information Collection Notice can be found on the Society's website, <a href="http://qls.com.au">qls.com.au</a></p>

<sup>i</sup> S356 *Legal Profession Act 2007*

<sup>ii</sup> S7(1) *Legal Profession Act 2007*