

Guideline: Principal place of practice

Guideline Title:	Principal place of practice
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Purpose

The purpose of this guideline is to assist lawyers to determine whether they are eligible to apply for an ACT Practising Certificate by clarifying what ‘principal place of practice’ means under the *Legal Profession Act 2006* (ACT) (the Act).

This guideline outlines key factors to consider when deciding whether to apply for a practising certificate in the ACT or another jurisdiction.

Legislation

To be eligible to apply for an ACT Practising Certificate, a lawyer must, at the time of application, reasonably expect to engage in legal practice solely or principally in the ACT for the duration of the certificate or its renewal: s 41(2) of the Act.

Key definitions

- **Lawyer:** an Australian lawyer, being a person who is admitted to the legal profession under the Act or a corresponding Act.
- **Legal practitioner:** an Australian lawyer who holds a practising certificate.
- **Practising certificate:** a local practising certificate as defined in the Dictionary of the Act.

What does ‘principal place of practice’ mean?

While an applicant’s principal place of practice is not defined in the Act and the subordinate legislation, it ordinarily means the State or Territory where the legal practitioner does most of their legal work or intends to do so. However, as legal practitioners commonly work remotely and/or operate virtual law practices, determining a legal practitioner’s principal place of practice has become less straightforward than in the past.

¹ By resolution of Council on 23 February 2026

Key factors to consider:

Assessing one's principal place of practice is ultimately a matter for each applicant to determine before applying for the grant or renewal of a practising certificate. The following factors may be relevant:

- 1. Physical location of practice*

For many legal practitioners, the principal place of practice is where they are physically located. For example, if you work in Canberra for a law practice based in the ACT, your principal place of practice is clearly the ACT. However, if you reside in one jurisdiction but work for a law practice registered elsewhere, the assessment becomes less straightforward.
- 2. Location of clients*

Consider where the majority of your clients are located. If most of your clients are based in a particular jurisdiction, this may indicate that your legal practice is centred there. A sustained client base concentrated in another State or Territory may suggest that jurisdiction is the more appropriate place to hold a practising certificate.
- 3. Client interactions*

Consider where you meet and/or take instructions from clients. While virtual meetings are common, if your practice involves regular in-person meetings in a particular jurisdiction, this is a relevant consideration.
- 4. Duration and permanency of practice*

If you practice across multiple jurisdictions, consider where you spend most of your time providing legal services and the permanency of each engagement. Short-term or irregular work in another jurisdiction would likely not alter your principal place of practice.
- 5. Court and Tribunal appearances*

The jurisdiction where you mostly appear before courts, tribunals, attend mediations or conferences etc.
- 6. Governing jurisdiction of legal advice provided*

If most advice concerns ACT law, that would indicate that the ACT is the principal place of practice.
- 7. Residence*

If, after weighing each of the indicia listed above, it is still not reasonably practicable to determine your principal place of practice, it will default to the jurisdiction in which the applicant resides (s 41(2)(a)(ii) and s 41(2)(b)(iv) of the Act).

Legal practice outside of Australia

If you practice law outside of Australia, you may apply for a non-ACT practising certificate, provided you have an identifiable connection to the ACT, for example, being admitted to practice in the ACT or most recently holding a practising certificate here. If you practice both within and outside Australia, your application should be based on your Australian practice only as overseas work is disregarded for this purpose.

Summary

- Assessing and determining 'principal place of practice' is ultimately a matter for each applicant;
- No single factor is determinative. All relevant factors should be considered and assessed together as a whole;
- An applicant should support their determination based on the factors discussed above; and
- If, during the validity of a practising certificate, a legal practitioner reasonably believes their principal place of practice is no longer the ACT, they will not be eligible to apply for renewal of a PC issued by the ACT Law Society.

Further guidance

For further guidance, please contact Member Connect



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