



# PRACTISING IN NSW UNDER THE UNIFORM LAW INDIVIDUALS

The Legal Profession Uniform Law (NSW), (the Uniform Law), the Legal Profession Uniform Law Application Act 2014 together with subordinate legislation is due to commence in NSW on 1 July 2015 replacing the Legal Profession Act 2004 and the Legal Profession Regulation 2005.

## Australian Practising Certificates

An Australian legal practitioner is an Australian lawyer who holds a current Australian practising certificate. The categories of practising certificate under the Uniform Law include<sup>1</sup>:

- a. Principal of a law practice<sup>2</sup>
- b. Employee of a law practice<sup>3</sup>
- c. Corporate legal practitioner<sup>4</sup>
- d. Government legal practitioner<sup>5</sup>
- e. Volunteer at a community legal service and otherwise on a pro bono basis only

The Law Society Council may impose discretionary conditions on practising certificates<sup>6</sup>.

An Australian practising certificate authorises the holder to supervise legal practice by others unless the certificate is subject to a condition requiring the holder to engage in supervised legal practice or a condition to the effect that he or she may not supervise others<sup>7</sup>.

The Uniform Law will require corporate and government lawyers to hold practising certificates. Transitional arrangements will be in place for corporate and government lawyers who are not admitted to the legal profession or those who have been admitted but who do not hold a practising certificate. Details of the transitional arrangements are available on the Law Society website.

## Professional Indemnity Insurance

Australian legal practitioners must not engage in legal practice unless they hold or are covered by an approved insurance policy<sup>8</sup>. All legal practice as a volunteer or on a pro bono basis needs to be covered by an approved insurance policy.

## Supervised Legal Practice

If holding a practising certificate for the first time, it is a statutory condition of an Australian practising certificate that the holder must engage in supervised legal practice only until the holder has completed<sup>9</sup>:

- If the holder completed practical legal training, principally under the supervision of an Australian lawyer, a period of 18 months supervised legal practice; or
- If the holder completed other practical legal training, a period of 2 years supervised legal practice.
- It is anticipated that the transitional arrangements applying to corporate and government lawyers will enable such lawyers to count periods of prior legal practice towards satisfying the supervised statutory period.

## Responsibilities of Principals

Each principal of a law practice is responsible for ensuring that reasonable steps are taken to ensure that all legal practitioner associates of the practice comply with their obligations<sup>10</sup>.

## Further Information

For further assistance or information please contact:

**Professional Standards Department**  
The Law Society of New South Wales

**Call:** (02) 9926 0115

**Email:** [psd@lawsociety.com.au](mailto:psd@lawsociety.com.au)

<sup>1</sup> Legal Profession Uniform Law (NSW), s47

<sup>2</sup> A principal's practising certificate also authorises the holder to practice as an employee of a law practice or a corporate legal practitioner or government legal practitioner

<sup>3</sup> An employee's practising certificate also authorises the holder to practice as a corporate legal practitioner or government legal practitioner

<sup>4</sup> A corporate practising certificate also authorises the holder to practice as a government legal practitioner

<sup>5</sup> A government practising certificate also authorises the holder to practice as a corporate legal practitioner

<sup>6</sup> See note 1 above, s53

<sup>7</sup> See note 1 above, s47 (6)

<sup>8</sup> See note 1 above, s211

<sup>9</sup> See note 1 above, s49

<sup>10</sup> See note 1 above, s34