



PRACTISING IN NSW UNDER THE UNIFORM LAW LIABILITY OF PRINCIPALS

The Legal Profession Uniform Law (NSW), (the Uniform Law), the Legal Profession Uniform Law Application Act 2014 together with the Rules and Regulation, commencing in NSW on 1 July 2015 will replace the Legal Profession Act 2004 and the Legal Profession Regulation 2005.

Liability of principals under the LPA 2004

Where a law practice contravenes, whether by act or omission, any provision of the LPA 2004 or the Legal Profession Regulation 2005, each principal of the practice is deemed to have contravened the same provision unless the principal can establish otherwise.¹

Responsibilities and liability of principals under the Uniform Law

If a law practice contravenes, any provision of the Uniform Law or the Rules imposing an obligation on the law practice, a principal of the law practice is taken to have contravened the same provision if:

- the principal knowingly authorised or permitted the contravention; or
- the principal was in or ought reasonably to have been in a position to influence the conduct of the practice in relation to the contravention and failed to take reasonable steps to prevent the contravention.

Any finding against a principal in these circumstances does not affect any liability of the law practice or any other person for the contravention.

There is also a responsibility² on each principal of a law practice to ensure that reasonable steps are taken to ensure that-

- (a) all legal practitioner associates of the law practice comply with their professional obligations including their obligations under the Uniform Law and the Rules ; and
- (b) the legal services provided by the law practice are provided in accordance with the Uniform Law and the Rules.

A failure by a principal to uphold that responsibility may amount to unsatisfactory professional conduct or professional misconduct.

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

¹ Legal Profession Act 2004 s719

² Legal Profession Uniform Law (NSW) s34