

NOTICE BY A GOVERNMENT OR CORPORATE LAWYER (ADMITTED) OF PRACTICE PURSUANT TO TRANSITIONAL EXEMPTION



THE LAW SOCIETY
OF NEW SOUTH WALES

THIS IS A NOTICE BY A GOVERNMENT OR CORPORATE LAWYER (ADMITTED) OF RELIANCE ON TRANSITIONAL EXEMPTION FROM REQUIREMENT TO HOLD A PRACTISING CERTIFICATE.

- To be completed by an Australian lawyer practising pursuant to transitional exemption under clause 19 Legal Profession Uniform Law Application Regulation 2015 [NSW]
- Please read the general notes and the personal information collection notice attached before completing this notice.

1. APPLICANT DETAILS:

Surname:	First name:
Other names:	Preferred first name (if any):
Former names:	Title: Mr Mrs Ms Miss Dr <input type="text" value="Other:"/>
Date of birth (DD/MM/YYYY): <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Gender: Male Female

2. ADMISSION DETAILS:

Lawyer/admission number (if known):	State or territory of admission:
Date of admission (DD/MM/YYYY): <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	



If you were not admitted to the Supreme Court of New South Wales, you must attach evidence of your admission.

3. EMPLOYMENT DETAILS:

Date when practice first commenced pursuant to transitional exemption (DD/MM/YYYY): / /

Name of employer:		
Street number and name:		
City:	State:	Postcode:
Telephone:	Fax:	
Mobile:	Email address:	

Position held: Corporate lawyer Government lawyer

Is this employment continuing: Yes No (If no, date employment ceased) (DD/MM/YYYY): / /

GENERAL NOTES

NOTIFICATION REQUIREMENT

Clause 19 of the Legal Profession Uniform Law Application Regulation 2015 [NSW] provides a transitional exemption for government and corporate lawyers from holding an Australian practising certificate in respect of their functions as such a lawyer. A government or corporate lawyer who was an Australian lawyer when the exemption first applied to the lawyer and who relies on the exemption in clause 19 must give notice to the Law Society Council of such reliance not later than 6 months after the exemption first applies to the lawyer. The exemption applies from the time that the government or corporate lawyer commenced practice under the transitional exemption and may be relied upon until 1 July 2017.

A government lawyer is defined in Part 4, Legal Profession Uniform Law Application Regulation 2015 [NSW] as:

government lawyer means a government lawyer with official functions in New South Wales, in the Commonwealth or in any other jurisdiction.

A corporate lawyer is defined in section 45A of the Legal Profession Uniform Law Application Act 2014 as:

corporate lawyer means a person who engages in legal practice only:

- (a) as an employee who provides legal services in the capacity of an in-house lawyer for his or her employer or a related entity, and
- (b) if he or she;
 - i. so acts in the ordinary course of his or her employment, and
 - ii. receives no fee, gain or reward for so acting other than his or her ordinary remuneration as an employee, but does not include a government lawyer.

SCOPE OF THE EXEMPTION

Section 10(1) of the Legal Profession Uniform Law (NSW) prohibits an entity from engaging in legal practice in this jurisdiction unless it is a qualified entity.

A qualified entity is defined in the Uniform Law at part 1.2. Section 11(1) of the Uniform Law prohibits an entity from advertising or representing that it is entitled to engage in legal practice unless it is a qualified entity. The transitional exemption provides that sections 10(1) and 11(1) do not apply to a government or corporate lawyer in respect of their functions as such a lawyer whilst practising pursuant to the transitional exemption.

EXEMPT GOVERNMENT AND CORPORATE LAWYERS MAY APPLY FOR PRACTISING CERTIFICATES

A government or corporate lawyer is not excluded from applying for or holding a practising certificate whilst practising pursuant to the transition exemption. It is at the discretion of the Law Society Council whether to grant a practising certificate under the Legal Profession Legislation. Mere lodgement of an application form with the relevant fees does not entitle the applicant to a practising certificate.

MEMBERSHIP OF THE LAW SOCIETY

A government or corporate lawyer practising pursuant to the transitional exemption (whether or not holding a practising certificate), may apply for membership of the Law Society.

Solicitor membership is available to solicitors holding a NSW practising certificate. Associate membership is available for solicitors holding an Australian practising certificate outside of NSW, law students, legal office managers and legally qualified people who don't hold a practising certificate.

For a list of the many benefits which Associate Membership brings, download an application form through the following link:

www.lawsociety.com.au/cs/groups/public/documents/internetregistry/1055952.pdf

Membership is optional.

PERSONAL INFORMATION COLLECTION NOTICE

By completing this form you are providing personal information to The Law Society of New South Wales (we, us, or our).

WHO DO WE COLLECT THE PERSONAL INFORMATION FROM?

We generally collect your personal information directly from you. However, in some cases, we may receive your personal information from a third party (for instance if we receive a complaint) and when it is relevant to our statutory responsibilities (for instance other regulators who have dealt with you).

WHAT ARE THE PURPOSES FOR WHICH WE COLLECT PERSONAL INFORMATION?

We collect your personal information to:

- fulfil our functions and responsibilities under, and facilitate compliance with, the *Legal Profession Act 2004 (NSW)*, *legal profession legislation* (as defined in the *Legal Profession Uniform Law Application Act (2014)*), the *Corporations Act 2001 (Cth)* and associated regulations (which require and authorise us to collect certain information) including to maintain regulatory and corporate records;
- fulfil our role as your professional association including:
 - maintaining membership records
 - communicating with you to offer products, services and events and when you obtain a product or service or come to an event
 - to conduct research and provide public representation; and
- provide information to third parties as authorised or required by law.

WHAT IF WE DIDN'T COLLECT THIS PERSONAL INFORMATION?

Without your personal information we may not be able to process your application or request, perform our statutory functions or provide you with some or all of the services of the Law Society as a professional association.

WHO ARE THE TYPES OF BODIES AND PERSONS TO WHOM WE USUALLY DISCLOSE YOUR PERSONAL INFORMATION?

Your personal information may be provided to:

- entities distributing information relevant to you as a legal practitioner or member of the Law Society;
- LawCover and other professional indemnity insurers and practising certificate funders;
- our professional advisors and contractors (strictly on the basis that the information is to be used only for providing services to the Law Society and must not be disclosed);
- Australian regulators and government entities (such as the Office of the Legal Services Commissioner) and overseas regulators; and
- organisations that represent the legal profession such as the Law Council of Australia and Regional Law Societies.
- Clause 21 (4) of the Legal Profession Uniform Law Application Regulation 2015 [NSW] permits the Legal Profession Admission Board, The Bar Council and the Law Society Council to exchange information in a notice given to any of them under clause 21 of the Legal Profession Uniform Law Application Regulation 2015 [NSW].

DISCLOSURE OVERSEAS

If you practise in a foreign country (or apply to do so) we may send your personal information overseas in response to an inquiry from the relevant authority in that place.

YOU CAN ACCESS AND CORRECT YOUR PERSONAL INFORMATION

Our privacy policy contains information about how you may access your personal information and seek correction of such information; as well as how to complain about a breach of the Australian Privacy Principles and how we will deal with such a complaint. Our privacy policy is accessible via a link appearing at the foot of each web page at www.lawsociety.com.au.

HOW TO CONTACT US

PRIVACY OFFICER

Corporate Legal Services
The Law Society of New South Wales
170 Phillip Street, SYDNEY NSW 2000

Telephone: (02) 9926 0333
Fax: (02) 9231 5809
Email: corplegal@lawsociety.com.au

Please do not return this form to the privacy officer