

# THE LAW SOCIETY OF NEW SOUTH WALES SCHEME (22 NOV 2016 – 21 NOV 2017) APPLICATION FOR PARTICIPATION OR EXEMPTION



THE LAW SOCIETY  
OF NEW SOUTH WALES

This form **MUST** be returned to the Law Society with either "PART A" or "PART B" completed.

## LAW PRACTICE DETAILS

Name of law practice:

Law practice number:

### Street Address

Street number and name:

City:

State:

Country:

Postcode:

### Scheme Coordinator

Scheme coordinator name:

Scheme coordinator phone number:

Scheme coordinator email address:

## PART A - APPLICATION FOR SCHEME PARTICIPATION

### Annual Fee Payable\* \$105.00 (GST inclusive) per Scheme Participant

\*Calculated by multiplying \$105.00 by the total number of legal practitioners in the law practice who hold NSW practising certificates. Upon payment, this form constitutes a tax invoice for GST in respect of the Administration Fee (Please retain a copy for your records).

**Note:** Legal practitioners who are Solicitor Members or Life Members of the law practice, as recorded by the Law Society, are listed on the Schedule on page 2 of this Application. If any legal practitioner details have changed, please amend the list on the Schedule accordingly.

<b>A</b>	Fee - \$105.00 x number of Solicitor Members/Life Members in the law practice	\$105.00
<b>B</b>	Total number of legal practitioners specified on attached schedule.	
<b>C</b>	<b>Total amount payable</b>	

### Payment Method

**Cheque** (made payable to The Law Society of New South Wales and attached to this order form)

**Credit card** (please debit my credit card)  Mastercard  Visa  AMEX

Card number:     /     /     /     Expiry date:   /

Cardholder's name:

Cardholder's signature:

## PART A - APPLICATION FOR SCHEME PARTICIPATION (CONTINUED)

### Limitation Amount\*\*

\*\* You must select either Class 1 or 2 as the primary Limitation Amount appropriate for the law practice by ticking one of the boxes below. In addition, your law practice may choose to apply for a Discretionary Higher Maximum Amount by completing an Application for Discretionary Higher Cap and checking the box. **(Application for Higher Cap form must accompany this application form if selecting the Discretionary Higher Maximum Amount).** (Available from [www.lawsociety.com.au/solicitorsscheme](http://www.lawsociety.com.au/solicitorsscheme)).

Class	Description	Monetary Ceiling (Maximum amount of liability)	Class Selected (tick box)
1	Participating Scheme Members who were at the Relevant Time in a Law Practice consisting of up to and including 20 Principals and where the Law Practice generates total annual fee income for the financial year at the Relevant Time up to and including \$10m.	\$1.5 million	<input type="radio"/>
2	(a) Participating Scheme Members who were at the Relevant Time in a Law Practice consisting of greater than 20 Principals; or (b) Participating Scheme Members who were at the relevant Time in a Law Practice where the Law Practice generates total annual fee income for the financial year at the Relevant Time greater than \$10m.	\$10 million (NB: Certificate of top up PII cover must be provided)	<input type="radio"/>
Discretionary Higher Monetary Ceiling	Participating Scheme Members who apply for a discretionary higher maximum amount of liability, and which higher amount is authorised by the Law Society. (See Note 5 in the "Checklist").	Discretionary Higher Maximum Amount (NB: Certificate of top up PII cover must be provided)	<input type="radio"/>

### Schedule of Practitioners in the Law Practice

- All legal practitioners in the law practice must be Full Members of the Law Society to participate in the Scheme. Legal practitioners who are non-members must become Law Society Members (SM) prior to joining the Scheme.
- SM or LM indicates that the legal practitioner is a Full Member of The Law Society of New South Wales (the Occupational Association).

Law Practice Number:

LSID	Name	Employment Status	Practising Certificate Type	Law Society Member

## PART A - APPLICATION FOR SCHEME PARTICIPATION (CONTINUED)

### Authorisation

With the authority of and on behalf of the law practice, I apply for the inclusion, in the appropriate class of persons to be covered by the Law Society of New South Wales Scheme, of all legal practitioners engaged in legal practice on behalf of the law practice. This application is made in the case of each legal practitioner, for so much of the period until 21 November 2017 as each legal practitioner engaged in legal practice on behalf of the law practice.

### Declaration

I am the person duly authorised for and on behalf of the law practice to make this application. On behalf of the law practice, I declare that:

- (a) the contents of this application are true and correct; and
- (b) all documents of the law practice comply with the notification of limitation of liability requirements of section 33 of the *Professional Standards Act 1994* and clause 9 of the *Professional Standards Regulations*; and
- (c) the law practice has sufficient business assets to cover any claim made up to the amount of any excess applicable to the law practice's insurance; and
- (d) I have read the personal information collection notice.

Name:

Signed:

Date:

Drawer shown on cheque:

Upon payment, a tax receipt will be forwarded to you as confirmation of your Scheme participation. Please retain a copy of this form with the tax receipt for your records.

## PART B - APPLICATION FOR EXEMPTION

With the authority of and on behalf of the law practice, I apply for exemption of the law practice from participation in the Law Society of New South Wales Scheme for the legal practitioners listed on the attached Schedule.

Name:

Signed:

Date:

## CHECKLIST

### If you are applying for participation in the Scheme:

1. Complete Part A of the form on pages 1-3.
2. Complete "Payment" section and, if paying by cheque, make payable to "The Law Society of NSW".
3. Attach a sample of current letterhead as an example of your law practice's method of disclosure of limitation of liability. The disclosure statement, "Liability limited by a scheme approved under Professional Standards Legislation" is prescribed. The wording must be printed in a size not less than the face measurement of Times New Roman typeface in 8 point. Incorporated Legal Practices (ILPs) may wish to add: "Legal Practitioners employed by (name of ILP) are members of the scheme".
4. If selecting a Limitation Amount above \$1.5 million provide a copy of top-up insurance certificate to the level selected.
5. If selecting the Discretionary Higher Monetary Ceiling Class ALSO complete the Application for Discretionary Higher Cap form (available from [www.lawsociety.com.au/solicitorsscheme](http://www.lawsociety.com.au/solicitorsscheme)) and provide evidence of top-up insurance held to level nominated. The Discretionary Higher Cap will apply from the date of notification by the Law Society of its authorisation of that discretionary higher maximum amount of liability.
6. Ensure that each legal practitioner on the application form has a notification "SM" indicating that he/she is a current Solicitor Member of the Law Society or "LM" if a Life Member. If "SM" or "LM" are not noted next to the legal practitioner's name on the application form, then it will be necessary for your law practice to take appropriate action to ensure the legal practitioner is a Member of the Law Society to be eligible to join the Scheme.
7. On payment, a tax receipt is issued to confirm your participation in the Scheme. This should be retained for your records.

### If you are applying for Exemption from participation in the Scheme:

1. Complete Part B of the form on this page.
2. If previously a Scheme Participant, you must ensure that the disclosure statement is removed from your law practice's documentation.

**All original forms (with either PART A or PART B completed) and supporting documents must be returned to:**

The Scheme Manager,  
The Law Society of New South Wales,  
170 Phillip Street,  
Sydney NSW 2000  
or DX 362 Sydney

## 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.

### 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](http://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](mailto:corplegal@lawsociety.com.au)

**Please do not return this form to the privacy officer**