

2023/24 APPLICATION FOR GRANT OF AN AUSTRALIAN REGISTRATION CERTIFICATE AS AN AUSTRALIAN-REGISTERED FOREIGN LAWYER IN NEW SOUTH WALES



THE LAW SOCIETY OF NEW SOUTH WALES

THIS IS AN APPLICATION FOR THE GRANT OF AN AUSTRALIAN REGISTRATION CERTIFICATE AS AN AUSTRALIAN-REGISTERED FOREIGN LAWYER FOR THE 2023/24 PRACTISING YEAR.

- To be completed by a foreign lawyer who wishes to practise foreign law as an Australian-registered foreign lawyer in this jurisdiction.
- Applications for registration certificates in New South Wales are made in accordance with *legal profession legislation* (as defined in s3A of the *Legal Profession Uniform Law Application Act 2014*).
- **Please ensure that you read the explanatory notes on pages 6 and 7 before completing this application.**
- Please ensure that you read the personal information collection notice on page 7 before completing this application.
- All questions are mandatory except where indicated otherwise.

1. APPLICANT DETAILS:

Surname:	First name:
Other names:	Preferred first name (if any):
Former names:	Title: <input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Miss <input type="radio"/> Dr <input type="radio"/> Other: <input type="text"/>
Post nominals:	Gender: <input type="radio"/> Male <input type="radio"/> Female
Place of birth:	Date of birth (DD/MM/YYYY): <input type="text"/> / <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
I will be practising the foreign laws of (insert name of the foreign jurisdiction/s): <input type="text"/>	
Country of birth:	Country of birth: <input type="text"/>
Personal email address:	Personal mobile number:

2. QUALIFICATIONS (NOTE A)

Educational qualifications:

Qualification:	
Institution:	Year completed: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
Qualification:	
Institution:	Year completed: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>

Please attach documents verifying your qualifications (NOTE A)

Professional qualifications:

Place 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"/>
Are you admitted in any other jurisdiction? If so, please advise: <input type="text"/>	

Date of admission (DD/MM/YYYY): / /

Please attach documents verifying your qualifications (NOTE A)

3. FOREIGN REGISTRATION/S (NOTE B)

Name of the foreign registration authority:

Foreign jurisdiction/s where you are registered or authorised to engage in legal practice:


Have you had any special condition or undertaking imposed in Australia or a foreign country as a result of criminal, civil or disciplinary proceedings which may restrict your practice of the law?

Yes (please provide details below) No

 Please attach current evidence of your registration and/or authorisation to engage in legal practise in your foreign jurisdiction. See **NOTE B**

Are you currently the subject of disciplinary proceedings (including any preliminary investigation or action that may lead to disciplinary proceedings) in Australia or a foreign country?

Yes (please provide details below) No

 Attach additional page if necessary.

4. PRACTICE DETAILS – PRINCIPAL PLACE OF PRACTICE IN AUSTRALIA (NOTE C)

If you are not currently practising in this jurisdiction what date do you intend to commence practice in this jurisdiction?

/ /

Do you intend that New South Wales will be your principal place of practice?

Yes
 No - Provide the name of the jurisdiction you intend to be your principal place of practice

Practice details:

Practice name:

Office address:

Business phone number:

Business fax number:

Mobile phone number:

Communication email address for the Law Society:

Publication email address for the Law Society:

Residential address:

Address for service (must be a street address): (NOTE D) Place of practice Residential Other (specify below):

Preferred postal address: Place of practice Residential Address for service Other/PO Box (specify below):

5. PRACTICE DETAILS – PRINCIPAL PLACE OF PRACTICE IN AUSTRALIA (NOTE E)

Form of practice:

Please indicate:

- As a sole practitioner; or
- As a partner in a law firm, as defined in the *legal profession legislation* (see Note E); or
- In a partnership with one or more Australian-registered foreign lawyers in circumstances where, if the Australian-registered foreign lawyer were an Australian legal practitioner, the partnership would be permitted under a law of this jurisdiction; or
- As a volunteer at a community legal service or otherwise on a pro bono basis; or
- As a partner, director, officer or employee of an incorporated legal practice or unincorporated legal practice; or
- As an employee of a law practice, as defined in the *legal profession legislation* (see Note E); or
- As an employee of an Australian-registered foreign lawyer.

Other:

6. FIT AND PROPER PERSON (NOTE F)

Is there any matter referred to in section 62(3) of the *Legal Profession Uniform Law (NSW)* and rules 20 and 21 of the *Legal Profession Uniform Law General Rules 2015* which is applicable to you, and which you have not previously disclosed in writing to the Law Society? (see Note F)

- No
- Yes (please provide a statement of all matters not previously disclosed in writing to the Law Society)

7. SHOW CAUSE EVENTS (NOTE G)

Is there any matter referred to in section 87 and 88 of the *Legal Profession Uniform Law (NSW)* which is applicable to you and which you have not previously disclosed in writing to the Law Society? (see Note G)

- No
- Yes (please complete and submit a 'Notice of Show Cause Event' form as indicated in Note G)

8. CURRENT OR PREVIOUSLY HELD AUSTRALIAN CERTIFICATE (NOTE H)

Have you ever held a registration certificate in New South Wales?

- Yes (please provide details below) No

Have you ever held a registration certificate in an Australian jurisdiction other than New South Wales?

- Yes (please provide details below) No

Do you hold a current registration certificate in another Australian jurisdiction as at the date of this application?

- Yes (please provide details below) No

Do you hold a current Australian practising certificate as at the date of this application?

- Yes (please provide details below) No

📎 Attach additional page if necessary.

9. PROFESSIONAL INDEMNITY INSURANCE (NOTE I)

There are specific professional indemnity insurance requirements for Australian-registered foreign lawyers under the *legal profession legislation*. **It is important that you read Note D before responding to the following:**

1. Do you hold or are you covered by professional indemnity insurance that covers you practising foreign law in New South Wales?

- Yes (please complete question 2)
- No (please complete the undertaking below)

2. Do you hold or are you covered by an approved insurance policy issued by the New South Wales approved insurer (Lawcover)?

- Yes (attach evidence of insurance cover and proceed to section 10)
- No (please proceed to question 3)

3. Do you hold or are you covered by an approved insurance policy issued by another Australian jurisdiction?

- Yes (attach evidence of insurance cover and proceed to section 10)
- No (please proceed to question 4)

4. Do you hold or are you covered by an insurance policy issued by a foreign jurisdiction?

- Yes (attach evidence of insurance cover and complete the undertaking below)
- No (please complete the undertaking below)

Undertaking:

I am the applicant named on page 1 of this form and I undertake, upon the grant of my Australian registration certificate, as an Australian-registered foreign lawyer who does not hold or is not covered by an approved insurance policy for this jurisdiction, to provide a disclosure statement in writing to each client before, or as soon as practicable after, being retained for legal services in this jurisdiction stating—

- (a) whether or not the lawyer is covered by other professional indemnity insurance; and
- (b) if covered, the nature and extent of that insurance. (Note I).

Signed:

Dated (DD/MM/YYYY): / /

10. DECLARATION (NOTE J)

I declare that the contents of this application are true and correct and that I am authorised and/or registered to engage in legal practice by the foreign registration authority/authorities as shown on this form and that:

- I am not an Australian legal practitioner.
- I intend to engage in legal practice in New South Wales within a reasonable time after registration.
- I am not the subject of disciplinary proceedings in Australia or a foreign country (including any preliminary investigations or action that might lead to disciplinary proceedings) in my capacity as an overseas-registered foreign lawyer or an Australian-registered foreign lawyer.
- I have not been convicted of an offence in Australia or a foreign country other than as disclosed in this application.
- My registration or authorisation is not cancelled or currently suspended in any place as a result of disciplinary action.
- I am not otherwise personally prohibited from engaging in legal practice in any place or bound by any undertaking not to engage in legal practice in any place as a result of criminal, civil or disciplinary proceedings in any place.

Signed:

Dated (DD/MM/YYYY): / /

10. SCHEDULE OF FEES AND PAYMENT

Amount owing:

Registration Certificate Fee: .

*Fidelity Fund Contribution: .

Total: \$.

* A Fidelity Fund contribution is only payable by an Australian-registered foreign lawyer who practises as a partner or employee of an Australian law practice. Please note that the registration certificate fee and Fidelity Fund contribution do not attract GST.

Payment details:

- Cheque/money order (made payable to The Law Society of New South Wales and attached to application form)
- EFTPOS (payment to be made in person at the Law Society)
- Credit card:

Amount to be charged: \$. Card type: Amex Mastercard Visa

Card number: Expiry date: /

Cardholder's name:

Cardholder's signature:

11. LODGEMENT OF APPLICATION FORM

Please return completed form by:

Email: registry@lawsociety.com.au

Please direct any queries to the Registry on:

Email: registry@lawsociety.com.au

Telephone: +61 2 9926 0156

GENERAL NOTES

Application and practice notes

- An application that fails to provide mandatory information (including payment), or provides incomplete or misleading information, will be treated as an incomplete application.
 - An incomplete application will be treated as 'not received' for the purposes of the *legal profession legislation*, and will be returned to the applicant. It will then be up to the applicant to decide whether or not to proceed with the application.
 - If the applicant wishes to proceed, the applicant will need to resubmit their application by completing the missing/incomplete information in their original application and redeclaring the same application.
- Until the requisite information is provided, the Law Society Council will not consider granting a registration certificate.
- If the applicant does not wish to proceed, the applicant may request to withdraw the application and may be refunded the application fees.
 - It is at the discretion of the Law Society Council whether to grant a registration certificate. Mere lodgement of an application form with the relevant fees does not entitle the applicant to commence practice.
 - A registration certificate will not be granted unless professional indemnity insurance requirements are met.

EXPLANATORY NOTES

Note A: Qualifications

The following supporting documents **MUST** be attached to your application:

- A copy of an original instrument, or certified copy of an original instrument, from each foreign registration authority specified in this application which verifies your educational and professional qualifications.

Note B: Foreign registration/s

The following supporting documents **MUST** be attached to your application:

- A copy of an original instrument, from each foreign registration authority specified in this application which verifies your registration/s by the authority to practise law in the relevant foreign country and the dates of registration.
- A copy of an original instrument, from each foreign registration authority specified in this application which describes anything done by you in engaging in legal practice in that foreign country of which the authority is aware and that, in the opinion of the authority, had or is likely to have an adverse effect on your professional standing within the legal profession of that place.

Note C: Practice details – principal place of practice

Principal place of practice

For the purposes of reporting you will be assigned to this entity on the Law Society's records.

Change in practice details

Section 150 of the *Legal Profession Uniform Law Application Act 2014* provides;

Register of local registration certificates

- (1) The appropriate Council must keep a register of the names of persons to whom it grants local registration certificates.
- (2) The register may include the details that may be included in the register under section 435 of the *Legal Profession Uniform Law (NSW)* and must not include the details that must not be included in the register under that section. Subsection (3) prevails over this subsection in the event of an inconsistency.
- (3) The local regulations may make provision for or with respect to the information that may or must be included in the register.
- (4) The register must state the conditions (if any) imposed on a foreign lawyer's registration.
- (5) The register may be kept in a form determined by the appropriate Council.
- (6) The register must be available for inspection, without charge, at the appropriate Council's office during normal business hours.

Note D: Address details

Section 442(1)(b) of the *Legal Profession Uniform Law (NSW)* requires the Law Society's register of Australian-registered foreign lawyers to include an address for service for each Australian-registered foreign lawyer. The address for service must be a physical street address.

Section 150(6) of the *Legal Profession Uniform Law Application Act 2014* requires the Law Society Council to make the register available for inspection. The address for service will appear on this version of the register, unless special circumstances warrant it not being available.

Note E: Form of practice

For the purposes of specifying your form of practice, please note the following definitions in Section 6 of the *Legal Profession Uniform Law (NSW)*:

Law Firm means a partnership consisting only of -

- (a) Australian legal practitioners; or
- (b) one or more Australian legal practitioners and one or more Australian-registered foreign lawyers.

Law Practice means -

- (a) a sole practitioner; or
- (b) a law firm; or
- (c) a community legal service; or
- (d) an incorporated legal practice; or
- (e) an unincorporated legal practice.

Note F: Fit and proper person

Applicants should refer to section 62(3) of the *Legal Profession Uniform Law (NSW)* and rules 20 and 21 of the *Legal Profession Uniform Law General Rules 2015* in considering whether or not they are a fit and proper person to hold an Australian registration certificate. These Rules are available on the Law Society's website at www.lawsociety.com.au.

Note G: Show cause events

Section 87 of the *Legal Profession Uniform Law (NSW)* requires that an applicant must provide to the Law Society Council a statement about any automatic show cause event and explain why, despite the show cause event, the applicant considers himself or herself to be a fit and proper person to hold a registration certificate.

An automatic show cause event is a bankruptcy-related event, a conviction for a serious offence or a tax offence. Please refer to sections 86 and 87, and the definitions in section 6, of the *Legal Profession Uniform Law (NSW)* to determine if you are required to provide a statement.

A pro-forma statement that may be completed is available under "forms" on the Law Society's website of www.lawsociety.com.au.

Please contact the Professional Standards Department on (02) 9926 0110 for assistance.

EXPLANATORY NOTES (CONTINUED)

Note H: Current or previously held Australian registration certificate

Please note that if you currently hold an Australian registration certificate or Australian practising certificate you will need to surrender that certificate before this certificate can be granted.

The Law Society Council may require you to furnish such further information as it considers relevant to its determination of the application within such time as it specifies.

Note I: Professional indemnity insurance

The single provider of an approved insurance policy for solicitors in NSW is Lawcover.

Section 214 of the *Legal Profession Uniform Law (NSW)* requires an Australian-

registered foreign lawyer who does not hold or is not covered by an approved insurance policy for this jurisdiction to provide a disclosure statement in writing to each client before, or as soon as practicable after, being retained for legal services in this jurisdiction stating:

- (a) Whether or not the lawyer is covered by other professional indemnity insurance; and
- (b) If covered, the nature and extent of that insurance.

Note J: Declaration

The Law Society may make enquiries that it thinks fit of any foreign registration authority for the purposes of determining whether it is satisfied as to any disciplinary matters which may have been disclosed and may also consider any other matters that it thinks relevant.

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).

By lodging this application, you confirm that you have read the Personal Information Collection Notice and that you consent to The Law Society of New South Wales' collection, use and disclosure of information in accordance with that Notice. If you have any questions regarding the Personal Information Collection Notice please contact our Privacy Officer using the contact details below, prior to lodging this application.

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 and hold personal information?

We collect and hold your personal information to:

- fulfil our functions under, facilitate compliance with, and carry out our responsibilities in connection with, the *Legal Profession Act 2004* (NSW), the *legal profession legislation* (as defined in the *Legal Profession Uniform Law Application Act 2014*), the *Corporations Act 2001* (Cth), the *Professional Standards Act 1994* (NSW) and associated regulations (which require and authorise us to collect certain information) including to maintain regulatory and corporate records;
- fulfil our role as a 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.

We use the services of certain third party service providers which may have offices or other operations outside of Australia. As a result, your personal information may be disclosed to overseas recipients. All service providers that have access to personal information held by us are required to keep the information confidential and not to make use of it for any purpose other than to provide services in accordance with their engagement.

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 lawsociety.com.au/privacy-policy

How to contact us for privacy related issues

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
See page 5 for lodgement address.