THE LAW SOCIETY OF NEW SOUTH WALES

Legal Profession Act 2004

APPLICATION FOR REGISTRATON AS A FOREIGN LAWYER 2012/13

ACN 000 000 699 ABN 98 696 304 966

This form is required to be completed by foreign lawyers who practise foreign law in NSW pursuant to Part 2.7 of the Legal Profession Act 2004 (as amended).

Please note:

- The 'Act' and any references to legislation refer to the Legal Profession Act 2004 (as amended) and the Legal Profession Regulation 2005. The legislation can be found at www.legislation.nsw.gov.au
- This registration is required to be renewed on 1 July. The Law Society will send a renewal form.

APPLICANT'S DETAILS

SURNAME ……..

GIVEN NAMES ……..

TITLE*(eg Mr, Mrs/Mrs/Dr)*

HOME ADDRESS

……..

……..

HOME TELEPHONE NO ……..

EMAIL ADDRESS ……..

I will be practising the law of _____ (insert name of country)

I will be practising foreign law as a ☐ Principal **OR** ☐ Employee

PAYMENT

Payment must be made to The Law Society of New South Wales as follows:

Registration Fee	$320.00
Fidelity Fund Contribution (if required*)	50.00

***** *A Fidelity Fund contribution is only payable by a foreign lawyer who practises as a partner or employee of a local solicitor.*

Please forward a cheque made payable to The Law Society of NSW or complete the following credit card section:

Debit the following credit card with the amount of $.....

☐ American Express ☐ Mastercard ☐ Visa

Card Number _____ Expiry date _____

Cardholder's name _____ Signature _____

NSW PRACTICE DETAILS

Practice Name .....

Office Address .....

.....

Address for Service .....
[Must be an office
or residential address .....
and must be provided]

……..

Postal Address .....

.....

DX No & Location .....

Business Phone No .....

Fax No .....

Mobile Phone No .....

E-mail address .....

Web-site .....

Does the office operate a trust account? ☐ Yes ☐ No

If 'Yes', please complete the following details about the trust account:

Bank ..... Branch .....

Account No .....

EMPLOYEES ONLY:

If you are registering as an employee solicitor, your employer or the Managing Partner of the firm must complete the following Declaration:

I am aware of the contents of this application and declare that the details contained on this form are true and correct.

Signature .....**(Employer/Managing Partner)**

Full Name (please print)……..

Dated……..……..

FOREIGN REGISTRATION(S)

Where are you registered to practise law by a foreign registration authority?
(Name (s) of state and country)

.....

Please state the name(s) of the **foreign registration authority?**
(Eg. Law Society of England & Wales)

.....

What are your **educational qualifications**? *(Eg. LL.B, LL.M)*

Name of Qualification	Name of Institution	Year completed
.....	.....	….....
.....	.....	….....
.....	.....	….....

What are your **professional** qualifications?

Date and place of admission:

....

Current Practising Certificate details:

Issued by .....

Conditions .....

Valid to .....

Are there any special conditions imposed in Australia or a foreign country as a restriction on the practice of law by you or any undertaking given by you restricting your practice of law?

☐ Yes ☐ No

If 'Yes', please provide details on a separate sheet of paper and attach it to this application.

EVIDENCE REQUIRED:

The following supporting document/s must be attached to your application:

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;
- verifies your registration(s) by the authority to practise law in the foreign country concerned, and the date(s) of registration;
- 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, has had or is likely to have had an adverse effect on your professional standing within the legal profession of that place.

Please note that all evidence must be in English or a translation in English provided

PROFESSIONAL INDEMNITY INSURANCE

An Australian-registered foreign lawyer must, at all times while practising foreign law in this jurisdiction, comply with one of the following (refer s. 196(1)):

Please tick the box that is applicable to your situation (tick and complete ONE section only):

☐ 1 I hold professional indemnity insurance that conforms with the requirements for professional indemnity insurance applicable for Australian legal practitioners in any jurisdiction [s. 196(1)(a)]. *A copy of the policy showing the amount of coverage must be ATTACHED to this application form. If the policy is not in English, a translation in English must be provided.* ➲ GO TO PAGE 5

OR

☐ 2 I hold professional indemnity insurance that covers the practice of foreign law in this jurisdiction and complies with the relevant requirements of a foreign law or foreign registration authority. I understand that if the insurance is for less than $2 million (inclusive of defence costs), I must provide a disclosure statement to each client disclosing the level of cover [s. 196(1)(b)]. *A copy of the policy showing the amount of coverage must be ATTACHED to this application form. If the policy is not in English, a translation in English must be provided.* ➲ GO TO PAGE 5

OR

☐ 3 I do not hold professional indemnity insurance that complies with either 1) or 2) above and give the following undertaking in respect of providing a disclosure statement to clients [s. 196(1)(c)]:

Only to be completed if you ticked Option 3:

UNDERTAKING
I am the applicant named on page 1 of this form and I undertake to provide a written disclosure statement to each client that retains me as a foreign lawyer stating that I do not have complying professional indemnity insurance. I further undertake that the disclosure statement will be made before or as soon as practicable after, I am retained in the matter. I understand that a disclosure statement is not valid unless it is given in accordance with, and otherwise complies with, any applicable requirements of the regulations.*

* *A disclosure statement provided to a person before the foreign lawyer is retained in a matter is taken to be provided to the person as a client for the purposes of s. 196(1)(c).*

Signed……..…… (the Applicant) Dated……

➲ GO TO PAGE 5

DECLARATION(S)

I state that I am registered to engage in legal practice by the foreign registration authority/authorities as shown on this form and that

(i) I am not an Australian legal practitioner;

(ii) 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 or an Australian lawyer;

(iii) ***PLEASE DELETE EITHER a) or b)***

a) I have not been convicted of an offence in Australia or a foreign country; **OR**

b) I have been convicted of an offence in Australia or a foreign country as follows:

- the nature of the offence……..
- the date of the offence……..…
- the country of the conviction…….
- my age when the offence was committed …….

(iv) My registration is not cancelled or currently suspended in any place as a result of any disciplinary action in Australia or a foreign country;

(v) I am not otherwise personally prohibited from carrying on the practice of law in any place or bound by any undertaking not to carry on the practice of law in any place and I am not subject to any special conditions in carrying on any practice of law as a result of criminal, civil or disciplinary proceedings in Australia or a foreign country;

(vi) I give consent to the making of inquiries of, and the exchange of information with, any foreign registration authorities that The Law Society of New South Wales (being the domestic registration authority) considers appropriate regarding my activities in engaging in legal practice in the places concerned or otherwise regarding matters relevant to this application; and

(vii) I declare that the contents of this application and the details contained on this form are true and correct**.**

Signature .....…….....…….. **Dated** .....……..

NOTIFICATION OF OFFENCES AND 'SHOW CAUSE' EVENTS

The following matters should be disclosed on a separate sheet of paper and attached to this form.

- Any matters that may affect the domestic registration authority's consideration of the application for the grant of registration and (if declaration (iii)(b) above is relevant), particulars of any offences for which the applicant has been convicted in Australia or a foreign country

- any 'show cause events'. A show cause event basically relates to any bankruptcy or taxation matters that may affect the application. Please refer to Part 2.7 Division 7 of the Act

Please refer to Part 2.7 of the Legal Profession Act 2004 to determine if you are required to provide a notification of an offence or show cause event with this application. Please contact the Professional Standards Department on 9926 0390 if you require further assistance.

PRIVACY STATEMENT

The Law Society of New South Wales (Law Society) deals with information privacy in accordance with the *Privacy Act 1988 (Cth)*. This is a condensed version of our Privacy Policy. To access a complete copy visit our website at www.lawsociety.com.au.

COLLECTION - The Law Society collects personal information for the purposes of fulfilling its functions and responsibilities under, and to facilitate compliance with, the *Legal Profession Act 2004 (NSW)* and associated regulations, to administer member services and to provide other services for legal practitioners and the public.

CONSEQUENCES OF NOT PROVIDING INFORMATION - Failure to provide information, or providing incomplete or misleading information, may prevent us from processing your application or request.

USE AND DISCLOSURE - The Law Society will use and disclose personal information only for the purposes for which it is collected or in accordance with the Privacy Act, including:

- providing legal practitioners with information relevant to the legal profession;
- maintaining membership records;
- providing information on services and benefits available to Members;
- conducting research relevant to Members, legal practitioners or the provision of legal services;
- providing information to subsidiaries of the Law Society, the College of Law, our professional advisors and contractors, and professional indemnity insurers and practising certificate funders;
- allowing commercial use of mailing list information in a controlled manner by entities proposing mail-outs relevant to legal practitioners;
- providing information to organisations which regulate or represent the legal profession, such as the Office of the Legal Services Commissioner, the Law Council of Australia, Regional Law Societies and overseas regulators; and
- providing information as authorised or required by law.

The Law Society may publish a list of legal practitioners to whom it has issued current Practising Certificates. Whether a legal practitioner is a Member of the Law Society is a matter of public record.

ACCESS - You have the right to request access to any personal information held by the Law Society which relates to you, unless the Law Society is permitted by law to withhold that information. Any requests for access to your personal information should be made in writing to the Law Society General Counsel at The Law Society of New South Wales, 170 Phillip Street, Sydney, NSW, 2000.

CHECKLIST FOR APPLICANTS

☐ Form completed and signed

☐ Payment

☐ Evidence of educational and professional qualifications attached

☐ Evidence of professional indemnity insurance attached OR undertaking on page 4 completed.

APPLICATION AND ENQUIRIES TO:

POST	EMAIL	FAX	PHONE
Law Society Registry 170 Phillip Street Sydney NSW 2000 or DX 362 Sydney	registry@lawsociety.com.au	(02) 9926 0257 *From overseas:* *+61 2 9926 0257*	(02) 9926 0156 *From overseas:* *+61 2 9926 0156*