

NOTICE OF CHARGE WITH A SERIOUS OFFENCE OR A TAX OFFENCE



This is a notice by the holder of a practising certificate that the holder has been charged with a serious offence or a tax offence as required by section 51 of the Legal Profession Uniform Law (NSW). This notice must be furnished to the Council of the Law Society within 7 days.

TO THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES
170 PHILLIP STREET SYDNEY NSW 2000

Practitioner details:

I of

hereby give notice of charge as follows:

Details of charge:

Date of charge (DD/MM/YYYY):

/ /

Nature of charge:

Please advise date and place of next court listing and attach copy of court attendance notice and police factsheet (if available):

Attach additional page if necessary.

Attach additional page if necessary.

Signed:

Dated (DD/MM/YYYY):

/ /

Failure by a practitioner to provide a written notice may lead to refusal to grant, cancellation or suspension of a practising certificate. Please contact the Professional Standards Department on (02) 9926 0390 for assistance.

EXPLANATORY NOTES

Section 51 of the *Legal Profession Uniform Law (NSW)* provides:

51 Statutory condition-to notify certain events

- (1) It is a statutory condition of an Australian practising certificate granted in this jurisdiction that the holder must notify the designated local regulatory authority in writing within 7 days that-
- (a) the holder has been charged with or convicted of a serious offence, a tax offence or an offence specified in the Uniform Rules for the purposes of this section; or
 - (b) a bankruptcy-related event has occurred in relation to the holder; or
 - (c) the holder has become the subject of disciplinary proceedings as a lawyer in a foreign country.
- (2) The Uniform Rules may specify circumstances in which a notice need not be given under subsection (1).
- (3) Subsection (1) does not apply to an offence to which section 86 applies.

GENERAL NOTES

Section 51 of the *Legal Profession Uniform Law (NSW)* requires you to notify the Council of the Law Society within 7 days of being charged with a serious offence, whether or not that offence is or may be dealt with summarily.

The term “**serious offence**” is defined in section 6 of the *Legal Profession Uniform Law (NSW)* and means:

- (a) an indictable offence against a law of the Commonwealth, a State or a Territory (whether or not the offence is or may be dealt with summarily); or
- (b) an offence against a law of a foreign country that would be an indictable offence against a law of the Commonwealth, a State or a Territory if committed in Australia (whether or not the offence could be dealt with summarily if committed in Australia);

Section 51 also requires you to notify the Council of the Law Society within 7 days of being charged with a tax offence.

The term “**tax offence**” is defined in section 6 of the *Legal Profession Uniform Law (NSW)* and means any offence under the *Taxation Administration Act 1953* of the Commonwealth.

If you are subsequently convicted of the offence, section 86 of the *Legal Profession Uniform Law (NSW)* applies and further disclosure is required. Forms to make this further disclosure are available on the Law Society website.

The term “**conviction**” is defined in section 6 of the *Legal Profession Uniform Law (NSW)* and includes a finding of guilt, or the acceptance of a guilty plea by the court, whether or not a conviction is recorded.