

NOTICE OF CONVICTION FOR SUMMARY OFFENCE



THE LAW SOCIETY
OF NEW SOUTH WALES

This is a notice of a conviction for a summary 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 of the conviction.

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

Practitioner details:

I	Full name:	
of,	Address:	
	Contact number:	Email address:

hereby give notice of a conviction for a summary offence as required by Rule 15 of the *Legal Profession Uniform General Rules 2015*.

Details of conviction:

Date of conviction (DD/MM/YYYY):

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>
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Nature of offence:

Attach additional page if necessary.

Sentence (if applicable):

Attach additional page if necessary.

Please specify the facts and circumstances surrounding the conviction including a copy of the court attendance notice and police factsheet (if available).

Attach additional page if necessary.

Signed:	Dated (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"/>

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.

Rule 15 of the *Legal Profession Uniform General Rules 2015* provides:

15 Statutory condition—notification of certain offences

- (1) This rule specifies offences for the purposes of section 51 of the Uniform Law, as referred to in section 51 (1) (a) of that Law. Convictions for these offences are required to be notified to the designated local regulatory authority within 7 days.
- (2) Summary offences are prescribed for those purposes, but only in relation to the requirement to notify a conviction.
- (3) However, subrule (2) does not apply to the following summary offences arising under transport or traffic legislation:
 - (a) offences relating to the parking of vehicles; or
 - (b) offences relating to the driving or operation of vehicles, unless the offence concerned is a notifiable summary offence under subrule (4).

- (4) A **notifiable summary offence** is any of the following summary offences under transport or traffic legislation for which the offender is convicted:
 - (a) an offence where the court has sentenced the offender to a term of imprisonment;
 - (b) an offence that has a maximum penalty of imprisonment of 6 months or more;
 - (c) an offence where the court has ordered licence disqualification on conviction;
 - (d) an offence, involving driving or operating a vehicle under the influence of alcohol or any other drug, under:
 - (i) the Road Transport Act 2013 of New South Wales; or
 - (ii) the Road Safety Act 1986 of Victoria (excluding section 49 (1) (c), (ca), (d) and (e)).
- (5) In this rule, **summary offence** means an offence against a law of the Commonwealth, a State or a Territory, other than a serious offence or a tax offence.

Note 1

The terms “serious offence” and “tax offence” are respectively defined in section 6 of the Uniform Law. Charges and convictions for those offences are separately required to be notified under section 51 (1) (a) of that Law.

Note 2

Subrule (4) (d) excludes an offence under section 49 (1) (c), (ca), (d) or (e) of the Road Safety Act 1986 of Victoria. Such an offence may nevertheless be a notifiable summary offence if it is covered by subrule (4) (a), (b) or (c).

GENERAL NOTES

Rule 15(2) of the *Legal Profession Uniform General Rules 2015* prescribes all summary offences for the purpose of section 51 the *Legal Profession Uniform Law (NSW)*.

There are a limited number of summary offences that are excluded from the general rule (see Rule 15(3)). Offences that are not excluded by Rule 15(3) are specified in Rule 15(4).

Section 51 of the *Legal Profession Uniform Law (NSW)* requires you to notify the Council of the Law Society within 7 days of your conviction.

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.