

# GUIDELINES FOR GOVERNMENT AND CORPORATE LAWYERS CLAIMING AN EXEMPTION FROM SUPERVISED LEGAL PRACTICE UNDER UNIFORM LAW TRANSITIONAL ARRANGEMENTS



**THIS IS AN APPLICATION TO CLAIM AN EXEMPT PERIOD OF PRACTICE TOWARDS SATISFACTION OF THE STATUTORY PERIOD OF SUPERVISED LEGAL PRACTICE AND FOR THE REMOVAL OF CONDITION 2 (THE STATUTORY CONDITION TO ENGAGE IN SUPERVISED LEGAL PRACTICE) FROM AN AUSTRALIAN PRACTISING CERTIFICATE UNDER CLAUSE 22 OF THE LEGAL PROFESSION UNIFORM LAW APPLICATION REGULATION 2015 [NSW].**

Applications for practising certificates in New South Wales are made in accordance with *legal profession legislation* (as defined in the *Legal Profession Uniform Law Application Act 2014*).

## CAN YOU CLAIM AN EXEMPTION?

### Background

Section 49(1) of the *Legal Profession Uniform Law (NSW)* provides that it is a statutory condition of an Australian practising certificate granted in New South Wales that the holder must, in New South Wales, engage in supervised legal practice only, until the holder has completed;

- (a) if the holder completed practical legal training principally under the supervision of an Australian lawyer to qualify for admission to the Australian legal profession—a period or periods equivalent to 18 months of supervised legal practice; or
- (b) if the holder completed other practical legal training to qualify for admission to the Australian legal profession—a period or periods equivalent to 2 years of supervised legal practice.

If you completed a practical legal training course to qualify for admission, the required period of supervised legal practice is a period or periods equivalent to 2 years supervised legal practice. If you completed a form of practical legal training to qualify for admission other than a practical legal training course (eg Articles), you are required to undertake 18 months of supervised legal practice.

## TRANSITIONAL ARRANGEMENTS WITH RESPECT TO REQUIREMENTS FOR SUPERVISED LEGAL PRACTICE

Clause 22 of the *Legal Profession Uniform Law Application Regulation 2015 [NSW]* applies to government and corporate lawyers only and provides:

- (1) For the purposes of this clause, an exempt period of practice is a period of legal practice in which a government or corporate lawyer has engaged before 1 July 2015 or while exempt under this Part from holding an Australian practising certificate (whether or not the person held an Australian practising certificate during that period).
- (2) An exempt period of practice of a person is to be subtracted from the period of supervised legal practice required by the statutory condition imposed by section 49 of the Uniform Law on an Australian practising certificate granted to the person, and that section is modified accordingly.

A practitioner may make an application to remove condition 2 from his or her practising certificate if he or she has completed an exempt period of practice which is equal to or greater than the required period of supervised legal practice set out above.

## HOW TO MAKE YOUR APPLICATION

- (1) Complete the Statutory Declaration in these Guidelines; and
- (2) Attach a letter(s) to the Statutory Declaration from your supervisor(s)/employer(s) confirming the period/s of practice.

## APPLICATION PROCESS

### Standard applications under Clause 22

If your application satisfies the statutory criteria, your application will be considered as 'standard' and should be approved within 7 working days.

### Non-Standard applications under Clause 22

If your application does not satisfy the statutory criteria or there are other issues affecting the application, it will be referred to the Society's Licensing Committee for consideration. Non-standard applications include, but are not limited to:

- (a) reductions in the period of supervised legal practice
- (b) consideration of periods of overseas practice
- (c) the supervisor(s)/employer(s) is not available or willing to provide confirmation
- (d) Professional Standards Department considerations.

The Licensing Committee meets on a monthly basis. You may submit a covering letter with the Statutory Declaration, if necessary, outlining the circumstances and addressing any additional material you wish the Licensing Committee to take into account when considering your application.

## 2018 LICENSING COMMITTEE TIMETABLE

LODGEMENT DATES	MEETING DATES
15 January	29 January
12 February	26 February
12 March	26 March
16 April	30 April
14 May	28 May
12 June (Tuesday)	25 June
9 July	23 July
13 August	27 August
10 September	24 September
8 October	22 October
5 November	19 November
3 December	17 December

# APPLICATION FORM



- To be completed by Australian legal practitioners who have engaged in legal practice as a government or corporate lawyer, as defined in the legal profession legislation and are entitled to remove condition 2 from their practising certificate.

## 1. APPLICANT DETAILS

Surname:	First name:
Other names:	Law Society number:

## 2. STATUTORY DECLARATION

*OATHS ACT 1900, NSW, EIGHTH SCHEDULE*

I  of,

do solemnly and sincerely declare that:

1. I am an Australian legal practitioner.

2. My first Australian practising certificate was granted on (DD/MM/YYYY):   /   /

3. I have completed (select one only):

A course in practical legal training to qualify for admission and am required to complete 24 months of supervised legal practice

Other practical legal training (eg Articles) to qualify for admission and am required to complete 18 months of supervised legal practice

4. I am satisfied that during the exempt period of practice claimed in this application, I was a corporate lawyer as defined in s.45A (2) of the *Legal Profession Uniform Law Application Act 2014* which I note is as follows:

**corporate lawyer** means a person who engages in legal practice only:

(a) as an employee who provides legal services in the capacity of an in-house lawyer for his or her employer or a related entity, and

(b) if he or she:

(i) so acts in the ordinary course of his or her employment, and

(ii) receives no fee, gain or reward for so acting other than his or her ordinary remuneration as an employee,

but does not include a government lawyer:

I am satisfied that during the exempt period of practice claimed in this application, I was a government lawyer as defined in clause 17 of the *Legal Profession Uniform Law Application Regulation 2015 [NSW]* which I note is as follows:

**government lawyer** means a government lawyer with official functions in New South Wales, in the Commonwealth or in any other jurisdiction.

## 2. STATUTORY DECLARATION (CONTINUED)

5. During the exempt period of practice claimed, I held the following roles:

Employer and position held by applicant:		
From:	To:	Supervisor's name and position held by supervisor:
Employer and position held by applicant:		
From:	To:	Supervisor's name and position held by supervisor:
Employer and position held by applicant:		
From:	To:	Supervisor's name and position held by supervisor:

6. The period/s of legal practice referred to in this application were undertaken (select one only):

On a full time basis

On a part time basis, or included a period that was part time

(Note: If your role comprised legal and non-legal practice, only those periods of legal practice may be included)

Part time hours:
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7. The nature of the legal practice I engaged in, consisted as follows: (please specify in the box below the nature of the legal practice undertaken for each role or attach a copy of your up-to-date curriculum vitae detailing your practice as a lawyer)

## 2. STATUTORY DECLARATION (CONTINUED)

8. Annexed to my statutory declaration is a letter signed by my supervisor(s)/employer(s) verifying the contents of my Statutory Declaration. (Note: each letter annexed should be signed by your supervisor(s)/employer(s) or, in the alternative, someone who can certify the legal practice engaged in by you during your exempt period).

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at  in New South Wales,

Signed:

Dated (DD/MM/YYYY):  /  /

Before Me:

Witness signature:

Dated (DD/MM/YYYY):  /  /

## 3. WITNESS DETAILS

Witness's full name:

### CERTIFICATE UNDER SECTION 34(1)(C) OATHS ACT 1900

I, the above-named authorised witness, a

Insert qualification to be an authorised witness eg, Solicitor, Justice of the Peace [Print J.P. registration number, if applicable], other – please specify:

certify the following matters concerning the making of this Statutory Declaration by the person who made it (please tick the appropriate boxes):

I saw the face of the person

**OR**

I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering.

**AND**

I have known the person for at least 12 months

**OR**

I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was:

Describe identification document relied on:

Signed:

Dated (DD/MM/YYYY):  /  /

#### 4. ANNEXURE TO STATUTORY DECLARATION - LETTER FROM SUPERVISOR/EMPLOYER/OTHER PERSON

Name of applicant:

1. I was the supervisor/employer of the above named applicant

**OR**

I am otherwise cognisant of the legal practice engaged in by the above named applicant because

Please specify:

From (DD/MM/YYYY):   /   /

To (DD/MM/YYYY):   /   /

2. I confirm that the details set out by the above named applicant in this application are true and correct.

Signed:

Dated (DD/MM/YYYY):   /   /

Full name, job title and employer during the period referred to above:

#### 5. LODGEMENT OF APPLICATION FORM

Please return completed form to:  
**LAW SOCIETY REGISTRY**  
 170 Phillip Street, Sydney NSW 2000  
 or DX 362 Sydney

Please direct any queries to the Registry on:  
 Email: [registry@lawsociety.com.au](mailto:registry@lawsociety.com.au)  
 Telephone: +61 2 9926 0156  
 Fax: +61 2 9926 0257