

APPLICATION FOR EXEMPTION 2018/19 UNDERTAKING BY A SOLICITOR ENGAGING IN LEGAL PRACTICE AS A PRINCIPAL AT A COMMUNITY LEGAL SERVICE



THE LAW SOCIETY
OF NEW SOUTH WALES

THIS IS AN APPLICATION FOR EXEMPTION FROM THE REQUIREMENT TO HOLD OR BE COVERED BY AN APPROVED INSURANCE POLICY FOR THIS JURISDICTION IN ACCORDANCE WITH CHAPTER 4, PART 4.4 OF THE LEGAL PROFESSION UNIFORM LAW (NSW).

- This form is to be completed by a solicitor who intends to hold an Australian practising certificate authorising them to engage in legal practice as a principal of a law practice and to be engaged or employed by a community legal service as a supervising legal practitioner for the service and responsible for the provision of legal services by the community legal service.
- All questions are mandatory except where indicated otherwise.

1. UNDERTAKING

I,

undertake not to practise as a solicitor during the period 1 July 2018 to 30 June 2019 otherwise than in the course of my employment under a contract of service with, or as a volunteer at,

and only to practise as a solicitor for that community legal service and not as a solicitor for any other person who is not my employer.

In consideration of the above undertaking, I request that I be granted an exemption, pursuant to legal profession legislation, from the requirement to hold or be covered by an approved insurance policy and from contributing to the Solicitors' Mutual Indemnity Fund (SMIF).

I note that any exemption I may be granted will expire on the date on which I commence to practise as a principal otherwise than in accordance with the above undertaking, and that should this happen I must immediately complete an application for professional indemnity insurance and forward it to Lawcover together with the appropriate payment.

Signed:

Dated (DD/MM/YYYY): / /

2. LODGEMENT OF NOTICE

Please return completed form to:

Email: registry@lawsociety.com.au
 Fax: +61 2 9926 0257
 Post: **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
 Telephone: +61 2 9926 0156
 Fax: +61 2 9926 0257

GENERAL NOTES

- Solicitors completing this form should be aware that they obtain no indemnity under the Master Policy or SMIF. You may wish to consider the need for indemnity.
- This undertaking **MUST** be accompanied by evidence of professional indemnity insurance cover held by the community legal service.

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).

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 PERSONAL INFORMATION?

We collect your personal information to:

- fulfil our functions and responsibilities under, and facilitate compliance with, the *Legal Profession Act 2004 (NSW)*, *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 your 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.

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 a link appearing at the foot of each web page at www.lawsociety.com.au.

HOW TO CONTACT US

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