

THE LAW SOCIETY OF NEW SOUTH WALES PROFESSIONAL STANDARDS SCHEME (22 NOV 2018 - 21 NOV 2019)

APPLICATION FOR PARTICIPATION OR EXEMPTION

IMPORTANT NOTICE: Under professional standards legislation¹, as a Solicitor Member of the Law Society you are required to apply for an exemption if you do not wish to participate in the Scheme.

As a result, this form must be returned to the Law Society with either PART A (Participation) or PART B (Exemption) completed.

LAW PRACTICE DETAILS

Name of Law Practice:

Law Practice ID:

Business Address

Scheme Co-ordinator (must be a Solicitor Member and principal of the Law Practice)

Scheme Co-ordinator name:

1. Professional Standards Act 1994 (NSW)

PART A - APPLICATION FOR SCHEME PARTICIPATION

Annual Fees Payable

\$105.00 (GST inclusive) per Solicitor Member in the Law Practice.

\$50.00 for an Incorporated Legal Practice (ILP) Member.

| | |
|----------|---|
| A | Solicitor Member Fee (\$105.00 x number of Solicitor Members/Life Members in the Law Practice)* |
| B | Incorporated Legal Practice Member Fee (\$50.00)** |
| C | Total amount payable |

*The total Solicitor Member Fee payable is calculated by multiplying \$105.00 by the total number of Solicitor Members/Life Members in the Law Practice.

** Provided all Solicitor Members in an Incorporated Legal Practice (where applicable) are participating in the Scheme, the Incorporated Legal Practice entity can also participate in the Scheme. The Society does not charge a fee for ILP membership. The Professional Standards Council fee for ILP participation in the Scheme, however, is \$50.00.

Note: The Schedule to this Application lists those legal practitioners in the Law Practice who are recorded with the Law Society as Solicitor Members or Life Members. The ILP entity will also be listed where it is a Member of the Law Society.

Payment Method

Cheque (made payable to The Law Society of New South Wales and attached to this order form)

Credit card (please debit my credit card) Mastercard Visa AMEX

Card number: / / / Expiry date: /

Cardholder's name:

Cardholder's signature:

PART A - APPLICATION FOR SCHEME PARTICIPATION (CONTINUED)

Limitation Amount

You must select either Class 1 or 2 as the primary Limitation Amount appropriate for the Law Practice by ticking the appropriate Class below. In addition, your Law Practice may choose to apply for a Discretionary Higher Maximum Amount by completing an Application for Discretionary Higher Cap and selecting the appropriate option below. **An Application for Discretionary Higher Cap form must accompany this form if selecting the Discretionary Higher Maximum Amount.**

(Available from www.lawsociety.com.au/scheme).

| Class | Description | Monetary Ceiling (Maximum amount of liability) | Class Selected (tick appropriate class) |
|---------------------------------------|---|--|---|
| 1 | Participating Members who were at the Relevant Time in a Law Practice consisting of up to and including 20 Principals and where the Law Practice generates total annual fee income for the financial year at the Relevant Time up to and including \$10m. | \$1.5 million | <input type="radio"/> |
| 2 | (a) Participating Members who were at the Relevant Time in a Law Practice consisting of more than 20 Principals; or (b) Participating Members who were at the Relevant Time in a Law Practice where the Law Practice generates total annual fee income for the financial year at the Relevant Time greater than \$10m. | \$10 million (NB: Certificate of top up PII cover must be provided.) | <input type="radio"/> |
| Discretionary Higher Monetary Ceiling | Participating Members who apply for a discretionary higher maximum amount of liability, and which higher amount is authorised by the Law Society. (See Note 5 in the "Checklist"). | Discretionary Higher Maximum Amount (NB: Certificate of top up PII cover must be provided.) | <input type="radio"/> |

Declaration

- With the authority of and on behalf of the Law Practice and the legal practitioners listed in the attached Schedule, I apply for participation of the Law Practice and those legal practitioners in The Law Society of New South Wales Professional Standards Scheme.
- I declare that the contents of this application for participation in The Law Society of New South Wales Professional Standards Scheme are true and correct.
- All documents of the Law Practice comply with the notification of liability requirements of section 33 of the *Professional Standards Act 1994* and clause 9 of the *Professional Standards Regulation 2014*. (See Note A below)
- I further declare that the Law Practice has sufficient business assets to cover any claim made up to the amount of the excess applicable to the Law Practice's professional indemnity insurance (PII).
- I have read and accept the terms of the Privacy Policy of The Law Society of New South Wales.

Undertaking

As the duly authorised principal, I undertake that I will:

- Immediately advise the Scheme Manager of the Law Society when a PII notification or claim approaches the Law Practice's applicable monetary ceiling under the Scheme and will provide such further information as requested by the Council of the Law Society;
- Submit an Additional Scheme Participants Form for any legal practitioner who joins the Law Practice after this application has been submitted; and
- Provide a copy of the top up PII policy, if requested by the Law Society.

Authorisation and Acknowledgement

- As the duly authorised principal, and on behalf of the Law Practice and the legal practitioners listed in the attached Schedule, I apply for participation in The Law Society of New South Wales Professional Standards Scheme in the appropriate Class.
- I acknowledge that effective coverage under the Scheme is subject to all documents provided with this application complying with the Scheme and continuous compliance with the legislative requirements applicable to the Scheme.

Name: (must be a Solicitor Member and principal of the Law Practice)

Signed:

Dated (DD/MM/YYYY):

 / /

Note:

- If you have not previously provided a sample of your letterhead or email footer to the Law Society or if your letterhead or email footer have changed since last provided, please provide a sample of your current letterhead/ email footer with this Application.
- Upon payment, a tax receipt will be forwarded to you as confirmation of your Scheme participation.
- Please retain a copy of this form with the tax receipt for your records.



THE LAW SOCIETY
OF NEW SOUTH WALES



PART B - APPLICATION FOR EXEMPTION

With the authority of and on behalf of the Law Practice and the legal practitioners listed in the attached Schedule, I apply for exemption of the Law Practice and those legal practitioners from participation in The Law Society of New South Wales Professional Standards Scheme.

Name:

Signed:

Dated (DD/MM/YYYY):

/ /

CHECKLIST

If you are applying for participation in the Scheme:

1. Complete Part A of the form on pages 1-2.
2. Complete "Payment" section and, if paying by cheque, make payable to "The Law Society of NSW".
3. If applicable, attach a sample of current letterhead as an example of your Law Practice's method of disclosure of limitation of liability. The disclosure statement, "Liability limited by a scheme approved under Professional Standards Legislation" is prescribed and must be printed in a size not less than the face measurement of Times New Roman typeface in 8 point.
4. If selecting a Limitation Amount above \$1.5 million provide a copy of top-up insurance certificate and policy document.
5. If selecting the Discretionary Higher Monetary Ceiling Class also complete the Application for Discretionary Higher Cap form (available from www.lawsociety.com.au/scheme) and provide a copy of the top-up insurance certificate and policy document for the level nominated. The Discretionary Higher Cap will apply from the date of notification to the Law Practice by the Law Society of its authorisation of that discretionary higher maximum amount of liability.
6. For a Law Practice to gain the full benefit of the Scheme and the limitation of liability, all legal practitioners within the Law Practice will need to be a

- Member of the Law Society. Ensure each legal practitioner on the application form has a notification SM indicating that he/she is a current Solicitor Member of the Law Society or LM if a Life Member. If SM or LM are not noted next to the legal practitioner's name on the application form, then it will be necessary for your Law Practice to ensure the legal practitioner is a Member of the Law Society for the Scheme to apply to that practitioner.
7. Incorporated Legal Practice (ILP) entities must also become Law Society Members in order to participate in the Scheme. The Law Society does not charge a membership fee for ILP Law Society membership. An ILP Law Society Membership form can be obtained by contacting the Scheme Administration team on (02) 9926 0189 or by email to scheme@lawsociety.com.au.
8. On payment, a tax receipt is issued to confirm your participation in the Scheme. This should be retained for your records.

If you are applying for exemption from participation in the Scheme:

1. Complete Part B of the form on this page.
2. If previously a Scheme Participant, you must ensure that the disclosure of your limitation of liability statement is immediately removed from your Law Practice's documentation.

TO COMPLETE THIS APPLICATION

Please save this form to your computer, complete it and then email to scheme@lawsociety.com.au. Alternatively you can complete the form by hand, scan and email to scheme@lawsociety.com.au.



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

