

THE LAW SOCIETY OF NEW SOUTH WALES PROFESSIONAL STANDARDS SCHEME (22 NOV 2020 - 21 NOV 2021)

# APPLICATION FOR REGISTRATION OF PARTICIPATION OR EXEMPTION

**IMPORTANT NOTICE:** Solicitor Members in law practices who do not wish to participate in the Scheme must apply for an exemption. This form must be returned to the Law Society with **either PART A (Participation) or PART B (Exemption) completed.** In accordance with the Payment Card Industry Data Security Standard (PCI DSS) the Law Society is unable to accept applications containing credit card holder details via email.

## LAW PRACTICE DETAILS

Law Practice Name:

Law Practice ID:

Business Address:

### Scheme Co-ordinator (must be a principal of the law practice)

Scheme Co-ordinator name:

### Law Practice Schedule

All legal practitioners in the law practice must be Solicitor Members (SM) or Life Members (LM) of the Law Society to register their participation in the Law Society's Scheme. Legal practitioners who are non-members must become either a Solicitor Member or Life Member to be eligible to register their participation in the Law Society's Scheme.

Law Practice ID:

| LSID | Name | Employment Status | Practising Certificate Type | Law Society Member | Fee Status |
|------|------|-------------------|-----------------------------|--------------------|------------|
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## PART A - APPLICATION FOR REGISTRATION OF SCHEME PARTICIPATION

**Note:** If applying for Exemption, please continue to Part B - Application for Exemption

### Section 1 - 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 of Liability by completing an Application for Discretionary Higher Cap and selecting the appropriate option below (available from [www.lawsociety.com.au/scheme](http://www.lawsociety.com.au/scheme)).

| Class                           | Description   | Monetary Ceiling<br>(maximum amount of liability)   | Class Selected<br>(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<br>(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<br>(NB: Certificate of Currency of Top-Up PII cover must be provided.)                                     | <input type="radio"/>                      |
| <b>Discretionary Higher Cap</b> | Participating Members who apply for a discretionary higher maximum amount of liability, and which higher amount is authorised by the Law Society. (See point 5 in the Checklist on page 4).   | Discretionary Higher Maximum Amount of Liability<br>(NB: Certificate of Currency of Top-Up PII cover must be provided.) | <input type="radio"/>                      |

### Section 2 - Incorporated Legal Practices

**If your law practice is not an Incorporated Legal Practice (ILP) then this section is not applicable to you. Please go directly to section 3**

In order for the ILP entity to participate in the Scheme, it must first become an ILP Member of the Law Society. There is no fee for ILP membership of the Law Society. The Professional Standards Councils charge a \$50.00 fee for ILP entity participation which the Law Society is required to collect on their behalf.

|   |       |   |
|---|-------|---|
| Does the ILP entity wish to seek the benefit of the Scheme? | YES → | First complete an application to become an ILP Member of the Law Society. |
|   | NO →  | Tick no to the question below.  |

Does the ILP entity wish to apply for, and is eligible to register its participation in the Scheme?

Yes  No

### Section 3 - Annual Fees Payable

\$105.00 per Solicitor Member or Life Member in the law practice (inclusive of \$5.00 GST).

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

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

\*An ILP Member is eligible to register participation in the Scheme if its legal practitioners are Solicitor or Life Members of the Law Society. The Law Society does not charge a fee for ILP membership of the Law Society. The Professional Standards Councils fee for ILP participation in the Scheme, however, is \$50.00.

**Note:** The legal practitioners listed in this application's Schedule of practitioners must align with the Law Society's records before this application can be processed further.

### Payment Method

- Cheque** (made payable to The Law Society of New South Wales and attached to this application)
- Electronic funds transfer (EFT)** (account details for EFT payment will be forwarded to you provided your application can be processed)
- Credit card** (please debit my credit card)  Mastercard  Visa  AMEX

Card number:     /     /     /

CCV number:     Expiry date:   /

Cardholder's name:

Cardholder's signature:

## PART A - APPLICATION FOR REGISTRATION OF SCHEME PARTICIPATION (CONTINUED)

### Declaration, Undertaking, Authorisation and Acknowledgement

#### Declaration

1. I am a principal duly authorised for and on behalf of the law practice and the legal practitioners listed in this application's Schedule of practitioners to make this application for participation.
2. I declare that the contents of this application are true and correct.
3. All documents of the law practice comply with the notification of limitation of liability requirements of section 33 of the *Professional Standards Act 1994* and clause 9 of the *Professional Standards Regulation 2019*.
4. 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).
5. I have read and accept the terms of the Privacy Policy of The Law Society of New South Wales.

#### Undertaking

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

1. Immediately advise the Scheme Manager of the Law Society when a PII notification or claim approaches the law practice's applicable limitation cap under the Scheme and will provide such further information as requested by the Council of the Law Society;
2. Submit an Additional Scheme Participants Form for any legal practitioner who joins the law practice after this application has been submitted; and
3. Provide a copy of the Top-Up PII policy, if requested by the Law Society.

#### Authorisation and Acknowledgement

1. As a duly authorised principal, and on behalf of the law practice and the legal practitioners listed in this application's Schedule of practitioners, I apply for participation in The Law Society of New South Wales Professional Standards Scheme in the appropriate Class.
2. I acknowledge that coverage under the Scheme is subject to continuing compliance with the Scheme and the legislative requirements applicable to the Scheme.

Name: (must be a principal of the law practice):

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"/> |
|----------------------|----------------------|---|----------------------|----------------------|---|----------------------|----------------------|----------------------|----------------------|

#### Note:

- A. Please provide a sample of your current letterhead/stationery with this application.
- B. Upon payment, a tax receipt will be forwarded to you as confirmation of registration of Scheme participation.
- C. Please retain a copy of this application with the tax receipt for your records.

## PART B - APPLICATION FOR EXEMPTION

With the authority of and on behalf of the law practice and the legal practitioners listed in this application's Schedule of practitioners, 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: (must be a principal of the law practice):

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 the cheque payable to "The Law Society of NSW".
3. Please attach a sample of the law practice's current letterhead as an example of your law practice's method of disclosure of limitation of liability under the Scheme. 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 your Certificate of Currency of Top-Up Professional Indemnity Insurance (PII).
5. If selecting the Discretionary Higher Monetary Ceiling, please also complete the Application for Discretionary Higher Cap (available from [www.lawsociety.com.au/scheme](http://www.lawsociety.com.au/scheme)) and provide a copy of your Certificate of Currency of Top-Up PII. 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 seek to claim 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 that each legal practitioner listed in the Schedule of practitioners has an SM notification 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 Schedule of practitioners, 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. ILP entity participation in the Scheme is subject to becoming an ILP member of the Law Society and meeting the Scheme eligibility requirements. 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](mailto:scheme@lawsociety.com.au).
8. A tax receipt will be issued when payment has been processed. 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 you were a Scheme participant prior to making this exemption application, you must ensure that the disclosure of your limitation of liability statement is immediately removed from your law practice's documentation.

## TO SUBMIT THIS APPLICATION

Please save this form to your computer, complete it and then email to [scheme@lawsociety.com.au](mailto:scheme@lawsociety.com.au). Alternatively you can complete the form by hand, scan and email to [scheme@lawsociety.com.au](mailto: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](http://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](mailto:corplegal@lawsociety.com.au)

**Please do not return this form to the privacy officer**