

Solicitor Disclosure Obligations – Checklist

By The Professional Support Unit

Understanding your disclosure obligations under the legal profession legislation is imperative to maintaining your licence to practise law. In NSW, it's a statutory condition on every solicitor's practising certificate to disclose certain events to the regulator (see s 51 of the *Legal Profession Uniform Law (NSW) (LPUL)*). The disclosure regime is an important aspect of ensuring the fitness and propriety of the legal profession.

The following checklist is designed to help solicitors navigate the disclosure framework in NSW and provide practical guidance on how to make a disclosure and who to turn to for support and guidance.

1. Review the disclosure provisions under the legal profession legislation

The following provisions are contained in the LPUL and the *Legal Profession Uniform General Rules 2015* (General Rules).

- [Section 51](#) of LPUL (statutory condition – to notify certain events)
- [Rule 15](#) of General Rules (statutory condition – notification of certain offences)
- [Section 86](#) of LPUL (automatic show cause events)
- [Section 154](#) of LPUL (reporting trust account irregularities) – all solicitors have an obligation to report trust money irregularities (or suspected irregularities) to the Law Society, regardless of the monetary value of the irregularity.
- [Rule 13](#) of General Rules (consideration of application for grant or renewal of Australian practising certificate)
- [Section 6](#) of LPUL (definitions) in relation to the following defined terms:
 - “serious offence”
 - “tax offence”
 - “bankruptcy-related event”

2. Review the Law Society of NSW's guidance material on disclosures

- The Law Society of NSW's Professional Standards Department has written an [article](#) on matters which must be disclosed and how and when disclosure must be made. Similar guidance is available on the Law Society [website](#).
- For further information about the mandatory requirement to report trust irregularities, refer to the article, '[The significance of reporting trust account irregularities](#)'.

3. Know the timeframes in which events must be notified

- You must notify the Law Society’s Professional Standards Department in writing of the following events within **seven (7) days** of their occurrence.
 - Being charged with a “serious offence” or a “tax offence”
 - The conviction of a “serious offence” or a “tax offence” or a prescribed summary offence
 - A “bankruptcy-related event”
- All trust account deficiencies or irregularities must be reported as soon as practicable to the Law Society’s Trust Accounts Department.
- Certain events do not have to be disclosed within seven days of their occurrence; however, they may need to be disclosed upon application for grant or renewal of a practising certificate.

4. Know the process for making a disclosure

- The Law Society’s [Forms Directory](#) (see under ‘Notification of Offences and Show Cause Events’) contains the appropriate forms for notification of certain events. If you are unsure about how to make a disclosure, contact the Law Society’s Professional Support Unit regulatory compliance line on **02 9926 0115** or email regulatory.compliance@lawsociety.com.au for assistance.
- Use the [s 154 Irregularity Form](#) to report trust account deficiencies or irregularities to the Trust Accounts Department.

5. Contact PCAP for guidance and support

The [Professional Conduct Advisory Panel](#) (PCAP) provides support to solicitors who are or may be subject to disciplinary proceedings including complaints, show cause events and trust accounting issues. The assistance is confidential and independent of the regulatory authorities.