

SUPERVISED LEGAL PRACTICE GUIDELINES



This is an application for the removal of condition 2 (the statutory condition to engage in supervised legal practice) from an Australian practising certificate.

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)*).

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.

The supervised legal practice can be completed by:

- (a) one period of supervised legal practice, worked on a full-time basis, that is equal to the required period worked out on a full-time basis, or
- (b) one period of supervised legal practice, worked on a part-time basis, that is equivalent to the required period worked out on a full-time basis,
- (c) two or more periods of supervised legal practice, worked on either or both of those bases, that together are equal or equivalent to the required period (s.49(2) *Legal Profession Uniform Law (NSW)* and Rule 14 *Legal Profession Uniform General Rules 2015*).

Please Note:

- public holidays during a relevant period are to be included as days of supervised legal practice, whether or not you engaged in legal practice on those days, and
- normal periods of leave taken during a relevant period are to be included as periods of supervised legal practice.

Supervised legal practice means legal practice by a person who is an Australian legal practitioner;

- (a) as an employee of, or other person working under supervision in, a law practice, where-
 - (i) at least one legal practitioner associate of the law practice is an authorised principal; and
 - (ii) the person engages in legal practice under the supervision of an authorised principal referred to in subparagraph (i); or
- (b) as a principal of a law practice (other than a community legal service), where the person engages in legal practice under the supervision of an authorised principal of the law practice; or
- (c) as a corporate legal practitioner or government legal practitioner, where the person engages in legal practice under the supervision of a person who holds, or is eligible to hold but is exempted from holding, an Australian practising certificate authorising the holder to supervise legal practice by others; or

- (d) in a capacity or in circumstances specified in the Uniform Rules for the purposes of this definition;

Rule 7 of the *Legal Profession Uniform General Rules 2015* provides that for the purposes of paragraph (d) of the definition of supervised legal practice in section 6 (1) of the Uniform Law, supervised legal practice in the case of an Australian legal practitioner who is an employee of a law practice (or who, though not an employee of the law practice, is working under supervision in a law practice) includes supervision by an employee of the law practice who holds an Australian practising certificate authorising the holder to supervise legal practice by others.

A practitioner may make an application to amend their practising certificate if they have completed the required period of supervised practice.

Note: If you are a government or corporate legal practitioner and wish to claim an exempt period of practice towards the statutory period of supervised legal practice, in accordance with Clause 22 of the *Legal Profession Uniform Law Application Regulation 2015 [NSW]*, please contact the Law Society Registry on (02) 9926 0172.

HOW TO MAKE YOUR APPLICATION

- Complete the Statutory Declaration in these Guidelines
- Attach a letter to the Statutory Declaration from your supervisor/s confirming the period/s of supervision
- Please ensure that any annexures from supervisors do not post-date the statutory declaration.

The Society recommends that you submit your application as soon as your period of supervised legal practice is completed, even if you intend to continue to practise as an employee, in order to avoid problems in obtaining certification from the appropriate supervisor at a later date.

APPLICATION PROCESS

STANDARD APPLICATIONS

If your application satisfies the statutory criteria, your application will be considered as 'standard' and should be approved within 10 working days.

NON-STANDARD APPLICATIONS

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:

- reductions in the period of supervised legal practice
- consideration of periods of overseas practice
- the supervisor is not qualified, available or willing to provide confirmation of supervision
- Professional Standards Department considerations.

The Committee meets on a monthly basis. You may submit a covering letter with the Statutory Declaration, if necessary, outlining the circumstances.

APPLICATION FORM



To be completed by Australian legal practitioners who have completed the required period of supervised legal practice 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

THIS STATUTORY DECLARATION IS MADE IN NSW PURSUANT THE *OATHS ACT 1900*. IF BEING DECLARED IN ANOTHER AUSTRALIAN STATE OR TERRITORY, PLEASE AMEND TO REFERENCE THE RELEVANT LEGISLATION IT IS BEING DECLARED PURSUANT TO.

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 have completed 24 months of supervised legal practice in accordance with section 49 of the *Legal Profession Uniform Law (NSW)*
- Articles of clerkship or otherwise to qualify for admission and have completed 18 months of supervised legal practice in accordance with section 49 of the *Legal Profession Uniform Law (NSW)*

4. I have engaged in supervised legal practice as follows:

Employer/Firm:		
From:	To:	Supervisor:
Employer/Firm:		
From:	To:	Supervisor:
Employer/Firm:		
From:	To:	Supervisor:

5. The period/s of supervised legal practice was undertaken (select one only):

- On a full time basis
- On a part time basis, or included a period that was part time (please specify part time hours below)

6. The supervisor/s named above held an Australian practising certificate, authorising the holder to supervise legal practice by others, at all times during the period of supervision and annexed to this Statutory Declaration is a letter signed by the supervisor/s verifying the contents of this Statutory Declaration.

This section continues on next page

2. STATUTORY DECLARATION (CONTINUED)

and 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

PLEASE ENSURE THAT ANY ANNEXURES FROM SUPERVISORS DO NOT POST-DATE THIS STATUTORY DECLARATION.

Name of applicant:

1. The above named Australian legal practitioner completed a period of supervised legal practice under my supervision:

From (DD/MM/YYYY): / / To (DD/MM/YYYY): / /

2. The employment was (select one only):

On a full time basis

On a part time basis, or included a period that was part time (please specify part time hours below)

3. I was the holder of an Australian practising certificate, that authorised the holder to supervise legal practice by others, at all times during the period of supervision.

Supervisor's signature:

Dated (DD/MM/YYYY):

/ /

Full name:

Practice name/employer:

5. 2019 LICENSING COMMITTEE TIMETABLE

ONLY NON STANDARD APPLICATIONS ARE REFERRED TO THE LICENSING COMMITTEE

LODGEMENT DATES	MEETING DATES
7 January	21 January
11 February	25 February
11 March	25 March
15 April	29 April
13 May	27 May
11 June (Tuesday)	24 June
15 July	29 July
12 August	26 August
9 September	23 September
14 October	28 October
11 November	25 November
2 December	16 December

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 a 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