



PRACTISING IN NSW UNDER THE UNIFORM LAW INTERSTATE PRACTITIONERS – PARTICIPATING JURISDICTIONS

This factsheet provides information for Australian legal practitioners who are entitled to hold and who hold practising certificates granted by the designated regulatory authority of a participating jurisdiction (currently New South Wales and Victoria) and who wish to practise in another participating jurisdiction.

Entitlement to practise in NSW

An Australian legal practitioner is entitled to engage in legal practice in this jurisdiction.¹ The entitlement is subject to the requirements of the Uniform Law, the Uniform Rules and any conditions on the practitioner's Australian practising certificate.

An **Australian legal practitioner** is a person:

- who is admitted to the Australian legal profession in this jurisdiction or any other jurisdiction; and
- holds a current Australian practising certificate which has been granted under the Uniform Law as applied in a participating jurisdiction or granted by a non-participating jurisdiction which entitles the holder to engage in legal practice.

Professional Indemnity Insurance

An Australian legal practitioner who engages in legal practice in NSW must hold or be covered by an approved professional indemnity insurance policy for this jurisdiction which covers legal practice in this jurisdiction². An approved insurance policy for a participating jurisdiction is a professional indemnity insurance policy which is issued or provided by an insurer or other provider approved under applicable legislation of the jurisdiction or if there is no such approved insurer or other provider, in accordance with section 210 of the Legal Profession Uniform Law (NSW).

There are a number of exemptions from the requirement to hold professional indemnity insurance in this jurisdiction. The exemptions are listed at section 215 of the Uniform Law and include a situation where the home jurisdiction of the practitioner is another jurisdiction and the practitioner holds professional indemnity insurance in that other jurisdiction which covers legal practice in this jurisdiction. The form to seek an exemption can be obtained from the Law Society's Registry department.

The Uniform General Rules also contain a number of exemptions at Rule 82. Corporate legal practitioners and government legal practitioners are exempt from the requirement to hold or be covered by an approved insurance policy in respect of their functions as such lawyers.³

Notification of principal place of practice

Where a lawyer moves the permanent office in or through which he or she engages in legal practice, from another jurisdiction to New South Wales, there is a notification requirement to the Law Society of New South Wales. The time frame for this notification is within 14 days of the move.

Schedule 3 Uniform Law

Schedule 3 of the Uniform Law contains provisions regarding interstate practice. These provisions apply to practitioners who hold practising certificates issued by **non-participating jurisdictions**.

Further information on the entitlement of non-participant legal practitioners to practice in this jurisdiction can be obtained from the factsheet entitled **Practising in NSW under the Uniform Law-Interstate Practitioners – Non-Participating Jurisdictions**.

Further information

For further assistance or information please contact:

Professional Standards Department
The Law Society of New South Wales

Call: (02) 9926 0115

Email: regulatory.compliance@lawsociety.com.au

¹ The Legal Profession Uniform Law (NSW) s 43 (1)

² See note 1 above, s211

³ Legal Profession Uniform General Rules 2015 r82