

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.

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.

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.

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

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 7 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.

1. APPLICANT DETAILS

Surname:	First name:
Other names:	Law Society number:

2. STATUTORY DECLARATION

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)*

Other practical legal training (eg Articles) 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)

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2. STATUTORY DECLARATION (CONTINUED)

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.

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

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. 2015 LICENSING COMMITTEE TIMETABLE

Lodgement Dates	Meeting Dates	Lodgement Dates	Meeting Dates
5 January	19 January	6 July	20 July
2 February	16 February	3 August	17 August
2 March	16 March	7 September	21 September
7 April (Tuesday)	20 April	12 October	26 October
4 May	18 May	2 November	16 November
1 June	15 June	30 November	14 December

6. LODGEMENT OF APPLICATION FORM

Please return completed form to:

LAW SOCIETY REGISTRY
170 Phillip Street, Sydney NSW 2000
or DX 362 Sydney

Please direct any queries to the Registry on:

Email: registry@lawsociety.com.au
Telephone: +61 2 9926 0156
Fax: +61 2 9926 0257