

Media release

For immediate release

Government lawyers engaging in legal practice in NSW, need practising certificates from 1 July 2018

7 April 2018

In NSW, the three-year transitional period under the Uniform Law (UL) for those who were not admitted and commenced work as a government lawyer after 1 July 2015 is coming to an end on 30 June 2018. Therefore these government lawyers working in NSW have until 30 June 2018 to gain admission and obtain a practising certificate (PC) if they intend to continue to *engage in legal practice*.

A government lawyer is defined in the Uniform Law as “an officer or employee of a government authority, or a holder of a statutory office”, who engages in legal practice.

Exemptions

A government lawyer engaged in purely policy work does not require a PC as this work is excluded from the definition of “engage in legal practice” (section 6 UL).

The Uniform Rules also exempt persons acting in an official capacity undertaking certain work (UGR 10). Some examples are:

- the drawing of instruments (but not parliamentary/ legislative counsel and legislative drafters);
- appearing in court or tribunal as authorised by jurisdictional or Commonwealth law;
- preparing wills or related services or work related or involving the administration of trusts, estates of living and deceased persons, or affairs of living persons.

In Victoria, this arrangement has applied to government lawyers since 1 October 2015. For more information, see the Government Lawyers information sheet on the Legal Services Council website: www.legalservicescouncil.org.au/Documents/information-res/government-lawyers.pdf