

Government Lawyers and the Uniform Law

This fact sheet identifies the key points for government lawyers under the Legal Profession Uniform Law.

Requirement to hold a practising certificate?

Under the Uniform Law Scheme, Western Australian government lawyers will be required to hold a practising certificate (**PC**). A government lawyer is defined as a person who engages in legal practice only:

- as a contract legislative drafter as defined in the *Legal Profession Uniform Law Application Act 2022 (Application Act)*, if prescribed in local regulations; or
- as an officer or employee of a government authority; or
- as the holder of a statutory office of the Commonwealth or of a jurisdiction; or
- in another category specified in the Uniform Rules.

Legal practice with a government lawyer practising certificate

A person who's PC has a condition that only authorises practice as a government legal practitioner may only engage in legal practice as a 'government lawyer' and:

- as a volunteer at a community legal service (**CLS**), or otherwise on a pro bono basis; and
- until the PC is renewed, as a corporate legal practitioner.

This will assist lawyers to move between corporate and government legal practice without having to immediately vary their PC.

Government lawyers holding PCs will be bound by the Uniform Law Scheme and Uniform Rules, including Legal Practice Rules, Legal Profession Conduct Rules and Continuing Professional Development Rules.

Government lawyers will not need to make contributions to the fidelity fund and it is expected that local regulations will exempt them from the requirement to have professional indemnity insurance (unless it is required to cover legal practice as a corporate legal practitioner, volunteer legal work at a CLS or other pro bono work).



QUICK FACTS

Uniform Law Scheme creates a common legal services market across NSW, Victoria and Western Australia.

The Application Act is unique to Western Australia.

Government lawyers on 1 July 2022 will be deemed to have a practising certificate for six months, or until renewed.

Government lawyers will need to apply for, and in most cases, pay for a practising certificate before the deemed one expires

CPD points accrued under the *Legal Profession Act 2008* arrangements will carry over after 1 July 2022.

Government lawyers will not need PII for their government work, but will require it for any work done outside their government roles.

Supervised Legal Practice

Government lawyers granted a PC under the Uniform Law Scheme will be required to engage in a period of supervised legal practice. There will; however, be some transitional allowances for government lawyers to minimise the practical impact of the new requirement for them to hold a PC. The Board has identified all government lawyers who may meet the criteria to be exempted from the statutory condition to undertake a period of supervised legal practice.

Pro-bono Work

A person may engage in legal practice as a volunteer at a CLS or otherwise on a pro bono basis on any 'type' of PC, subject to any conditions. If a government lawyer does legal work outside of their role as a government lawyer they must be covered by an approved professional indemnity insurance policy.

Transitional Arrangements

Transitional arrangements in the Application Act provide that on 1 July 2022, lawyers that fall within the scope of government legal practice will be deemed to have a PC appropriate for their work classification. That certificate will be valid for six months or until a new one is issued. An application for a practicing certificate will need to be made before the deemed one expires.

CPD points accrued prior to commencement day of the Uniform Law will be carried over for the remainder of the CPD year.