

# PRACTISING CERTIFICATE AND QUEENSLAND LAW SOCIETY MEMBERSHIP RENEWAL

FOR 2011/12

## Guide to completing your forms

This guide will help you to complete your Practising Certificate and membership renewal forms.

### The importance of renewal

All legal practitioners, other than those fully employed as a government legal officer, are required by Section 24 of the *Legal Profession Act 2007* to hold a current Practising Certificate.

The renewals application process opens on 3 May 2011, allowing the month of May for you to apply and pay for your 2011/12 Practising Certificate. Payment must be made on or before 31 May 2011 in accordance with Rule 17 of the *Queensland Law Society Administration Rule 2005*.

Please note: if your completed renewal forms and full payment of fees are not received by the Society by 30 June 2011 and you continue to practise without a current Practising Certificate, you will be in breach of the *Legal Profession Act 2007*. The seriousness of this breach has been reinforced by the Attorney-General's Department. Together with your Practising Certificate renewal is your opportunity to renew your Queensland Law Society membership. Your membership is a valuable asset - with the benefit you receive far outweighing the cost of your annual membership fee. Your membership gives you access to a range of products, services and resources. For a full list of these membership benefits and privileges visit [qls.com.au/membership.html](http://qls.com.au/membership.html).

### How to renew online

We recommend you read this guide before starting your online application and use it as a reference tool during the process.

Go to [qls.com.au/renewal](http://qls.com.au/renewal), login with your username and password and follow the prompts.

Our online form has been designed to make completing and submitting your renewal applications easy. You can save your application and logout at any point. To resume your application, simply login again.

Alternatively, you may complete a paper version of your Practising Certificate and membership renewal forms – these will be mailed out to you by the Society in early May.

### Submitting your completed forms

You must submit your completed forms and fees to the Society on or before **31 May 2011**.

If you are applying for finance for the payment of your fees, please make sure that your application for finance is sent to the finance provider as soon as possible to allow enough time for the application to be processed and your fees to be paid to the Society by the due date.

All cheques can be made payable to Queensland Law Society Inc and sent to:

The Secretary  
GPO Box 1785  
Brisbane QLD 4001

### Enquiries

Kerry Davis, Manager, Records and Information Services Department. 07 3842 5883. [k.davis@qls.com.au](mailto:k.davis@qls.com.au)

## Practising Certificate renewal

<b>PART A</b>	<b>PRACTITIONER PROFILE</b>
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Under r18A, *Queensland Law Society Administration Rule 2005*, you are responsible for informing the Secretary of the Queensland Law Society in writing about any change in your details. Alternatively, you may prefer to amend your details in My Profile on the Society's website.

Your profile details, which appear on your form, have been pre-populated from the Society's records at the time of renewal. Please amend any information that is incorrect.

Refer to the privacy statement included on the form for information about the collection of your personal details.

### **Name and surname**

If you have changed your name or your surname, you must provide certified documented evidence (ie. Change of Name Certificate or Marriage Certificate) with your application.

*Online applications:* complete and submit your renewal application online, then scan and email supporting documents to [k.davis@qls.com.au](mailto:k.davis@qls.com.au) or post to GPO Box 1785, Brisbane Qld 4001.

### **Practising Certificate**

If you intend to upgrade your Practising Certificate to a Principal Practising Certificate, please complete and submit Queensland Law Society form 1A (LPA), available at [qls.com.au](http://qls.com.au). You should also adjust your fees in *Part D*.

Upgrading your Practising Certificate will be subject to the Society checking supervision requirements, Practice Management Course requirements and professional indemnity insurance requirements.

*Online applications:* complete and submit your renewal application online, then scan and email completed Queensland Law Society form 1A (LPA) to [k.davis@qls.com.au](mailto:k.davis@qls.com.au) or post to GPO Box 1785, Brisbane Qld 4001.

Your Practising Certificate will be issued electronically in PDF. If you would also like to receive a hard copy version of your certificate please check the box on *Part D* of your form.

### **Months of supervised practice**

The term *months of supervised practice* refers to the amount of time you are required to be employed in supervised practice before this restriction can be removed – refer to s56 of the *Legal Profession Act 2007*. When you have accumulated the required amount of time for supervised practice, you should send a statutory declaration stating that you have completed this, including the name/s of the supervising practitioners and the period of supervised practice with each practitioner.

If you are in a position to supply this declaration, you should submit it to the Society so that an unrestricted Practising Certificate can be issued to you. A precedent declaration is available at [qls.com.au](http://qls.com.au) > Your Legal Career > Become a Solicitor > Practising Certificates > Application Forms and Fees.

*Online applications:* complete and submit your renewal application online, then scan and email your declaration to [k.davis@qls.com.au](mailto:k.davis@qls.com.au) or post to GPO Box 1785, Brisbane Qld 4001.

## PART B

## DECLARATION FOR A PRACTISING CERTIFICATE

You must complete each question in *Part B* if you are applying for a Practising Certificate. A Practising Certificate cannot be issued until this section has been correctly completed.

### Disclosure requirements

All references to statutory provisions, unless otherwise specified, are from the *Legal Profession Act 2007*.

#### 1. Suitability and other matters

Section 51(4)(b) provides that the Society must not grant a Practising Certificate unless it is satisfied that the applicant 'is a fit and proper person to hold a Practising Certificate'. This is to be determined by reference to s46 (Suitability to hold local Practising Certificate) which allows the Society to take into account, among other considerations, any of the 'suitability matters' listed in s9. Subject to previous disclosure, it is only necessary to disclose any suitability matters within the last 12 months.

#### 2. Show cause events

Further, under s69(1), the Society may refuse to grant a Practising Certificate if the applicant is required by s67 or s68 to give to the Society a written statement relating to a 'show cause event', as defined in Schedule 2, and has failed to do so or, if the statement has been given, the Society does not consider the applicant to be a fit and proper person to hold a Practising Certificate. Subject to previous disclosure, it is only necessary to disclose any show cause events within the last 12 months.

#### 3. Professional indemnity insurance

All solicitors practising in Queensland (other than government legal officers) must be covered by professional indemnity insurance held by the law practice or corporation, in accordance with the *Queensland Law Society Indemnity Rule 2005*. Law practices are covered by professional indemnity insurance issued by Lexon Insurance Pte Ltd.

If a solicitor leaves a law practice and intends to commence practice on his or her own or in partnership in a new law practice, they must ensure that the new law practice is covered by professional indemnity insurance issued by Lexon Insurance Pte Ltd.

#### 4. Government legal officer or corporate solicitor

If you are a government legal officer or corporate solicitor and wish to undertake free legal work for a corporation as specified in s6 of the *Legal Profession Regulation 2007*, and/or a pro bono project approved by the National Pro Bono Resource Centre, you must indicate this intention on your renewal form so you can be issued with an annexure to your Practising Certificate stating that you will be entitled to do so.

#### 5. Australian Aboriginal Person and/or Torres Strait Islander

Please indicate if you are or are not an Australian Aboriginal Person and/or a Torres Strait Islander. This information may be provided to the Law Council of Australia to identify the number of Indigenous practitioners in Queensland for research purposes only. It is not mandatory to complete this question.

## CPD requirements

If you wish to renew your Practising Certificate, you must comply with the CPD requirements by completing the necessary CPD points. The following table indicates the points necessary to renew your Practising Certificate

If you:

held a current Practising Certificate as at 1 April 2010 and renewed it at 1 July 2010	<b>10 points *</b>
applied for grant of a Practising Certificate from 1 May 2010 and renewed it at 1 July 2010	<b>9 points *</b>
applied for grant of a Practising Certificate from 1 June 2010 and renewed it at 1 July 2010	<b>8 points *</b>
applied for grant of a Practising Certificate from 1 July 2010	<b>7 points *</b>
applied for grant of a Practising Certificate from 1 August 2010	<b>6 points *</b>
applied for grant of a Practising Certificate from 1 September 2010	<b>5 points *</b>
applied for grant of a Practising Certificate from 1 October 2010	<b>4 points *</b>
applied for grant of a Practising Certificate from 1 November 2010	<b>3 core area points</b>
applied for grant of a Practising Certificate from 1 December 2010	<b>2 core area points</b>
applied for grant of a Practising Certificate from 1 January 2011	<b>1 core area point</b>
applied for grant of a Practising Certificate from 1 February 2011	<b>0 points</b>

*\* must include three compulsory core area units.*

There are many activities that earn points for you, including attending seminars or conferences, publishing articles in legal journals, post-graduate study and completion of programs such as the Practice Management Course and Specialist Accreditation.

You must have completed the compulsory units of practical legal ethics, practice management and business skills, and professional skills by 31 March 2011, unless otherwise specified in the table above.

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A record of your CPD activities will need to be submitted together with supporting documentation, should you be subject to an audit. You do not need to submit this record with your Practising Certificate renewal application.

Failure to meet your CPD obligations can result in regulatory action being taken against you.

For further information regarding CPD, visit [qls.com.au](http://qls.com.au) or call the CPD Administrator on 07 3842 5888.

### **CPD information for accredited specialists**

If you are an accredited specialist renewing your Practising Certificate and Specialist Accreditation Certificate, you are required to complete 15 CPD points. The 15 points must include a minimum of ten CPD points of an advanced/specialist level in your area of speciality and a minimum of a further five CPD points – of which three must be gained in the compulsory core areas of practical legal ethics, practice management and business skills, and professional skills.

If you have been accredited for three years or less, you are required to submit a re-accreditation report with your application. A blank re-accreditation report can be found on [qls.com.au](http://qls.com.au) > Professional Development > Specialist Accreditation > Maintaining your Accreditation.

Online applications: complete and submit your renewal application online, then scan and email your re-accreditation report [k.davis@qls.com.au](mailto:k.davis@qls.com.au) or post to GPO Box 1785 Brisbane QLD 4001.

If you have been accredited for more than three years, you will need to maintain a record of your CPD activities and be prepared to submit this together with supporting documentation, should you be subject to an audit. You do not need to submit this record with your Practising Certificate renewal application.

If you do not intend to renew your Specialist Accreditation, adjust your fees in *Part D*. You will need to have complied with the mandatory CPD requirements, outlined above, to renew your Practising Certificate.

For further information about Specialist Accreditation CPD points, visit [qls.com.au](http://qls.com.au) or contact the Accreditation Specialist at [specaccred@qls.com.au](mailto:specaccred@qls.com.au) or call 07 3842 5888.

## Queensland Law Society membership renewal

<b>PART C</b>	<b>2011/12 MEMBERSHIP RENEWAL APPLICATION</b>
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Every member of the Queensland Law Society will automatically receive a member card with a signature strip and a barcode; as well as a Member Privileges booklet outlining the many benefits of membership.

A fee of \$16.50 (includes GST) will be charged if a new card is requested after the initial card has been issued. As a full member of Queensland Law Society you are entitled, and encouraged, to use the following postnominals:

- member – MQLS
- complimentary member – CMQLS.

Renewing your full membership of the Society requires you to hold a current Practising Certificate. If you are not renewing your Practising Certificate and wish to retain membership, you automatically become an associate member of the Queensland Law Society. Associate members have access to some similar services provided by the Society, however, associate members cannot nominate, vote for or be appointed as Council members.

If you wish to have full membership, Council may grant any lawyer who does not hold a Practising Certificate, full membership of the Society. You should make application to the Secretary in writing and if your application is successful, you will be invoiced for the full membership fee.

To switch from full membership to associate membership:

- make any amendments in *Parts A* and *C* to show current member status as associate
- adjust the fees payable in *Part D* where applicable and pay the appropriate fee (\$220)
- complete *Part E*.

<b>SECTION D</b>	<b>FEES PAYABLE</b>
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The fees set out in the renewal booklet are calculated on the basis of your present status. If you do not intend to renew your Practising Certificate and/or membership, or your status has changed, please adjust the fee schedule.

A fee schedule can be found at [qls.com.au](http://qls.com.au) > Your Legal Career > Become a Solicitor > Practising Certificates > Application Forms and Fees.

### Queensland Law Society Limitation of Liability Scheme

The Queensland Law Society Limitation of Liability Scheme applies to full members of the Society who hold a current Practising Certificate and who have the benefit of insurance policy/policies under which the amount payable, in respect of occupational liability, is not less than the maximum amount of liability applicable to that person at the relevant time.

The Scheme also applies to persons who were covered by the Scheme for civil liability arising from acts, errors or omissions occurring during the period in which they were covered and to other persons by virtue of sections 20, 21 or 21A of the *Professional Standards Act 2004* (Qld).

By paying the fee set out for Queensland Law Society Limitation of Liability in *Part D* you will be covered by the Scheme.

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The Scheme provides for liability caps as follows:

- A cap of \$1.5million for participating members who were at the relevant time in a law practice consisting of up to and including 20 principals and where the law practice generates total annual fee income for the financial year at the relevant time of up to and including \$10million.
- A cap of \$10million for:
  - Participating members who were at the relevant time in a law practice consisting of greater than 20 principals; or
  - Participating members who were at the relevant time in a law practice where the law practice generates total annual fee income for the financial year at the relevant time greater than \$10million; or
- At a higher cap, either in all cases or in any specified class or case, subject to approval from the Queensland Law Society.

Members are encouraged to read the Scheme Guidance (available from [qls.com.au](http://qls.com.au)) and discuss with colleagues before deciding whether to join, renew or exempt themselves from membership of the scheme. If you wish to amend your Scheme status, please adjust you fees in *Part D*.

**Please note:**

- The scheme is optional and members may exempt themselves, or alternatively seek a cap at a higher level (providing they have professional indemnity insurance up to the desired cap level).
- For a law practice to be protected under the scheme, all solicitors within the practice need to be members of both the Scheme, and of the Queensland Law Society.
- The Scheme does not apply to personal injury work, and currently only applies to individuals, not incorporated legal practices as corporate entities.
- While the Scheme acts to protect members against negligence claims, it does this through capping liability, is not an insurance scheme, and does not affect professional indemnity insurance levies or the requirement to obtain professional indemnity insurance.
- The Scheme is only available to Queensland Law Society members.
- Scheme members are required to comply with the Scheme disclosure obligations, as outlined in the Scheme Guidance document (available from [qls.com.au](http://qls.com.au)).

For more information about the Queensland Law Society Limitation of Liability Scheme visit [qls.com.au](http://qls.com.au) > Membership > Commercial Privileges > Limitation of Liability Scheme or call our Manager, Practice Support on 07 3842 5888.

### **Electronic version of your Practising Certificate**

Your Practising Certificate will be issued electronically in PDF. If you would also like to receive a hard copy version of your certificate please check the box on *Part D* of your form.

### **Payment**

You may make your payment by:

- cheque made payable to Queensland Law Society Inc
- the finance option (as outlined below)
- BPAY®
- credit card
- cash, if paid at Queensland Law Society reception.

**Fees must be paid in full by 31 May 2011.** If your completed forms and full payment of fees are not received at the Queensland Law Society by this date, you will be required to pay a penalty levy. The levy for late payment is \$100 if the application is received between 1 June to 16 June or \$150 if received between 17 June to 30 June pursuant to r19(4) of the *Queensland Law Society Administration Rule 2005*.

### Finance for payment of fees

If you are applying for finance for the payment of your fees, please include the name of the financier. Finance applications will be assessed by the finance provider, and if approved, funds will be paid direct to the Society on your behalf. If the finance application is not approved, fees, levies and insurance contributions must be paid by 31 May 2011.

Send your application for finance, with a copy of your Practising Certificate and membership renewal application, directly to the finance provider.

The Society has again negotiated an option of premium funding finance for practitioners through Westpac Insurance Premium Finance. The appropriate application form is available at [qls.com.au](http://qls.com.au) > Your Legal Career > Professional Indemnity Insurance > Renewal Finance. The completed application should be returned to Westpac. The Society will receive a payment from Westpac to assist with administration expenses.

### Tax invoices

The Practising Certificate renewal form is a tax invoice for GST purposes when you make payment. Please keep a copy of these forms for your own GST records. The Society does not issue receipts for payment for renewal of practising certificates.

## PART E

## NON-RENEWAL NOTICE

If you do not intend to renew your Practising Certificate and/or your membership of the Queensland Law Society, please complete *Part E*.

If you subsequently decide to renew your Practising Certificate and/or membership, please contact the Records and Information Services Department for application forms or you may download and print the forms from [qls.com.au](http://qls.com.au) > Your Legal Career > Become a Solicitor > Practising Certificates > Application Forms and Fees.

## PART F

## SPECIAL INTEREST QUESTIONNAIRE

To enable the Queensland Law Society to keep you up-to-date with information important to you, please complete *Part F*. By indicating the areas of law that interest you, the Society will endeavour to send you relevant information to support your daily working needs.

## Privacy statement

Queensland Law Society ("the Society") is authorised to collect your personal information under the Legal Profession (Society) Rules 2007 and the *Legal Profession Act 2007* for the purpose of carrying out the Society's statutory obligations and duties.

In addition, the Society intends to use the personal information you have provided in this form for a number of other purposes including:

- (a) Updating and maintaining your membership records including publishing any of the business details in any of the Society's publications;
- (b) Providing you with important information about the Society and its services (such as educational and professional development programs), matters affecting your membership;
- (c) Providing you with information, promotional materials and incentives included as part of your Member Benefits (and on occasion providing that information to third parties in order to distribute those materials to you);
- (d) Conducting research to identify the ongoing needs of members;
- (e) Providing the business details to members of the public through the Society's website search functions or through referrals;
- (f) Providing the business details to the Law Council of Australia in order for them to send you electronic monthly newsletters and Presidential messages.

In accordance with the *Electronic Transactions (Queensland) Act 2001*, the Society may provide notices, such as membership renewals and notices for Council Elections, to you by electronic communication. By completing this application, your consent to this form of contact is taken to be given.

The Society may also use third party software and other online program suppliers to administer and deliver services and communications to members such as newsletters and weekly updates by email. Some third party suppliers or their products and services are located overseas. Business details you choose to provide on this application may be transferred and stored overseas to administer such services and communications to you. By completing this application, you agree to this transfer.

If you do not wish your details to be used for any one or more of the above purposes, you should advise the Records and Information Services Department of the Society, GPO Box 1785, Brisbane, Qld, 4001 in writing. Further details about the Society's Privacy Statement, Plan and Code of Practice and the collection of personal information may be found on the Society's website, [qls.com.au](http://qls.com.au).