

RPA News

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News update for all practitioners from the Victorian Legal Services Board + Commissioner

No. 23

Issued November 2015

Uniform Law allows cuts to red tape for Victorian lawyers practising overseas

With the commencement of the Legal Profession Uniform Law, the Victorian Legal Services Board has been able to simplify the steps for lawyers to follow if they wish to practice in an overseas jurisdiction while holding a Victorian practising certificate.

Practising certificate type

From October 2015 lawyers who want to work overseas are no longer required to set themselves up as a sole practice, nor to hold a principal practising certificate. Instead, lawyers will be able to work overseas on one of five practising certificate types (principal, employee, corporate, government, or volunteer), as provided for in s.47 of the Uniform Law. For most, this will mean there is no need to change practising certificate types at all. Lawyers should also remember their obligations to satisfy the requirements of the local regulators.

Notifying the Board

The Board now only expects to be notified when lawyers elect to move overseas when a practising certificate is current. When overseas and renewing a license, lawyers will simply be able to select a new 'practising overseas' option on our online licensing tool, [LSB Online](#).

Upon resuming practise in Victoria, s.46 of the Uniform Law requires lawyers to notify the Board of their new principal place of practise. There are no further notification requirements.

Professional Indemnity Insurance changes

Additionally, s.211 of the Uniform Law only requires lawyers to hold professional indemnity insurance when engaging in legal practice 'in this jurisdiction'. It is therefore no longer necessary for lawyers practising overseas to apply for insurance exemptions.

Only when lawyers intend to continue advising Victorian clients, or intend to practise in Victoria from their overseas base will they be required to be exempted from or covered by an approved insurance policy, under s.215 of the Uniform Law.

Other conditions

Lawyers with a supervised legal practice condition on their practising certificate are no longer required to comply with this condition when practising overseas, however any legal practice undertaken can be used as a basis for a request for an exemption.

Other statutory conditions, such as continuing professional development and notification of 'show cause' events, still remain in place.

These new arrangements will make it easier for practitioners moving overseas to continue to practice on their Victorian practising certificate with minimal change to their registration.

Michael McGarvie

CEO & Commissioner

Contact Us

Phone: (03) 9679 8001

Email: RPAAlerts@lsb.vic.gov.au