



New South Wales

Legal Profession Uniform General Amendment (Miscellaneous) Rule 2019

under the

Legal Profession Uniform Law

The Legal Services Council has made the following Rule under the *Legal Profession Uniform Law*.

MEGAN PITT
Chief Executive Officer, Legal Services Council

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1 Name of Rule

This Rule is the *Legal Profession Uniform General Amendment (Miscellaneous) Rule 2019*.

2 Commencement

This Rule commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Legal Profession Uniform General Rules 2015

[1] Rule 17 Duration of Australian practising certificate

Insert “the end of” after “until” wherever occurring in rule 17(1).

[2] Rule 38 Computerised accounting systems—copies of trust records

Omit “appointed under Chapter 7” from rule 38(3)(b).

Insert instead “carrying out a function described in section 368”.

[3] Rule 54 Statements regarding receipt or holding of trust money

Insert after rule 54(1)(b)(iv)—

- (v) money of the kind referred to in section 129(2)(d)(i) and (ii) of the Uniform Law,
- (vi) written direction money.

[4] Rule 63 Withdrawal of controlled money from controlled money account

Omit rule 63(2)(b). Insert instead—

- (b) if such a principal is not available—
 - (i) a legal practitioner associate authorised by the law practice to effect, direct or give authority for this purpose, or
 - (ii) when an authorised practitioner referred to in subparagraph (i) is not available—an Australian legal practitioner who holds an Australian practising certificate authorising the receipt of trust money and who is authorised by the law practice to effect, direct or give authority for this purpose, or
 - (iii) when the authorised practitioners referred to in subparagraph (i) or (ii) are both not available—two or more associates of the law practice jointly who are authorised by the law practice to effect, direct or give authority for this purpose.

[5] Rule 64 Register of controlled money

Omit “these Rules” from rule 64(4)(h). Insert instead “rule 63(5)”.

[6] Part 4.6 Business management and control

Insert after Division 1—

Division 1A Files about matters

91E Opening and maintaining files

- (1) A law practice must open a file in respect of each matter for which the law practice receives instructions to provide legal services to a person.
- (2) The file must be opened as soon as practicable after the law practice receives the instructions.
- (3) The file must contain or have endorsed on it—
 - (a) the particulars required by rule 93(2)(a)–(d), and
 - (b) the contact details used by the law practice to contact the person to whom it is providing the legal services.

(4) Subrules (1)–(3) do not apply to a barrister.

[7] Rule 93 Register of files opened

Insert after rule 93(2)(d)—

(e) the location of any regulated property relating to the matter.

[8] Rule 93(2A)

Insert after rule 93(2)—

(2A) For the purposes of subrule (2)(e), if the regulated property is a document that is stored on a server and may be accessed from multiple locations, the location of the regulated property is to be recorded as the law practice's principal place of practice.

[9] Rule 95A

Insert after rule 95—

95A How registers are to be maintained

- (1) A register required to be maintained under this Division must be—
 - (a) in the English language, and
 - (b) legible, and
 - (c) kept in a single document or in any other manner that enables a single document to be compiled, and
 - (d) kept at the premises of the law practice at all times, and
 - (e) accessible at all times (whether in manual or electronic form) to an external intervener or an investigator carrying out a function described in section 368 of the Uniform Law, and
 - (f) kept up to date as provided by subrule (2).
- (2) An entry in a register of information that is required to be recorded in the register must be made—
 - (a) for information known to the law practice at the time a file is opened for the matter—as soon as practicable after the file is opened, or
 - (b) for information that becomes known to the law practice after the file is opened—as soon as practicable after the information becomes known.