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10/330 Collins St Melbourne VIC 3000  
GPO Box 4937 Melbourne VIC 3001 DX 170 Melbourne  
t 03 9679 8000 f 03 9679 8100  
[www.lsb.vic.gov.au](http://www.lsb.vic.gov.au) ABN 82 518 945 610

Our Ref: NW  
Your Ref:

23 September 2010

Mr Tom Bathurst QC  
President  
The New South Wales Bar Association  
Selborne Chambers  
174 Phillip Street  
SYDNEY NSW 2000

Dear Mr Bathurst

## **Professional indemnity insurance for New South Wales barristers engaging in legal practice in Victoria**

As you may be aware, section 3.5.2 of the Victorian *Legal Profession Act 2004* ("the Act") requires all law practices (including barristers) to obtain professional indemnity insurance with the Legal Practitioners Liability Committee ("LPLC") before commencing legal practice in Victoria and to maintain that insurance at all times while engaged in legal practice in Victoria.

Section 3.5.7 of the Act provides that the Legal Services Board ("the Board") may, in certain circumstances, exempt law practices or classes of law practices from the requirement in section 3.5.2.

You may recall that in 2009 the Board granted a class exemption to interstate barristers for the 2009-2010 practising year from the requirement to hold professional indemnity insurance with the LPLC, subject to certain conditions.

Accordingly, at its meetings on 24 June 2010 and 31 August 2010, the Board resolved to grant a similar class exemption to interstate barristers for the 2010-2011 practising year from the requirement to hold professional indemnity insurance with the LPLC, pursuant to section 3.5.7(1) of the Act.

The exemption has been granted to any interstate legal practitioner who practises solely as a barrister and:

- (a) has an office located in their home state or territory; and
  - (b) engages in legal practice at that office; and
  - (c) has professional indemnity insurance in accordance with the requirements of the corresponding law in their home state or territory for the 2010-2011 year; and
  - (d) the insurance referred to in paragraph (c) covers the civil liability of the barrister in connection with the legal practice of the barrister in Victoria;
- and who holds the insurance referred to in paragraph (c) with one of the following providers:

# Legal Services BOARD

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State/Territory	Insurer
NSW	Suncorp, Marsh, AON/CGU, Willis
ACT	Suncorp, Marsh, AON/CGU, Willis,
NT	Suncorp
WA	RUPPL, AON/CGU, Suncorp
TAS	Suncorp
QLD	Suncorp, Marsh
SA	Law Society of South Australia (under the SA Professional Indemnity Insurance Scheme)

Accordingly, barristers who do not meet the above-outlined criteria for the class exemption (including barristers who do not hold professional indemnity insurance under one of the approved policies above), will need to obtain the relevant insurance with the LPLC or apply individually to the Board for an exemption from professional indemnity insurance requirements in Victoria.

If you have any queries or wish to discuss this matter, please contact Niloo Wijesoma of our office.

Yours faithfully



**Linda Murdoch**  
Director, Legal & Policy