

MEMORANDUM ABOUT ELIGIBILITY OF A MEMBER OF COUNCIL

Mr Douglas Humphreys purports to be a “Government Lawyer” and held himself out to falling within that category of lawyers entitled to a place on the Council in that capacity.

The *Legal Profession Uniform Law (NSW)* provides a definition of a ‘Government Legal Practitioner’ in section 47

47 Conditions—categories of practice and trust money

(1) An Australian practising certificate granted in this jurisdiction is subject to the condition, as determined by the designated local regulatory authority, that the holder is authorised to engage in legal practice—

(a) in one or more of the following categories—

(i) as a principal of a law practice;

(ii) as an employee of a law practice;

(iii) as a corporate legal practitioner;

(iv) as a government legal practitioner; or

(b) as or in the manner of a barrister only; or

(c) both as a volunteer at a community legal service and otherwise on a pro bono basis, only.

government lawyer means a person who engages in legal practice only—

(a) as an officer or employee of a government authority; or

(b) as the holder of a statutory office of the Commonwealth or of a jurisdiction; or

(c) in another category specified in the Uniform Rules;

The online record of the practising certificate issued to Mr Humphreys states that he holds the following certificate.

Practising Certificate type Principal of a law practice

Generally lawyers who practice as a “Government Lawyer” have a certificate which states:

Government Legal Practitioner (supervised), or

Government Legal Practitioner

Principal Place of practice	VRB
Class	Government
Class	Law Practice

In addition he practices as a sole practitioner.

The VRB is a tribunal created by the Australian Parliament to review decisions about Repatriation pensions (other than Service Pensions) and attendant allowance. It is independent of the Repatriation Commission and the Department of Veterans' Affairs. It is made up of members who review decisions, and staff who assist the members.

The question that immediately arises is whether Mr Humphreys "practises" law at all.

Does this pave the way for Magistrate Dunlevy to make a return ?

In the Memorandum and Articles of the NSW Law Society the various categories of members entitled to be elected to the Council as falling within a particular class are defined.

The definition of a "Government Member" states:

"**Government Member**" means a Solicitor Member who is recorded by the Society as having their principal place of practice in New South Wales with a Government Department or prescribed corporation and who is confirmed by the Secretary as required to stand for election as a Government Councillor pursuant to clause 8.3.5.

The Federal Remuneration Tribunal sets his salary as:

Principal Member, Veterans' Review Board (VRB)(Full Time) appointed for a two year term from 22 March 2017.

Salary \$319,620

He is the only full time member. The Remuneration Tribunal records that:

'Employer' means the Commonwealth and includes any person authorised to exercise powers, perform acts, grant approvals or give directions for, or on behalf of, the Commonwealth.