



NEW SOUTH WALES
BAR ASSOCIATION

ABN 18526 414 014

**APPLICATION FOR AUSTRALIAN PRACTISING
CERTIFICATE**

Before completing this form you should familiarise yourself with the relevant provisions of the *Legal Profession Uniform Law (NSW)* chapter 3 and the *Legal Profession Uniform General Rules 2015*. The information requested on this form will be used to process your application and maintain the register of local practising certificates required the legal profession legislation. The register is available for inspection by members of the public.

A practitioner is required by legal profession legislation to notify the Council in writing of any change in the particulars disclosed in this application within 7 days after the change occurs.

PART ONE - PERSONAL AND PRACTICE DETAILS

SURNAME: _____

GIVEN NAMES: _____

PREVIOUS SURNAME (if applicable): _____

PREFERRED FORM OF ADDRESS: _____

(For mailing purposes eg. Mr John H. Smith SC / Ms J H Smith SC)

DATE OF BIRTH: ___/___/____ **GENDER:** M F

BUSINESS ADDRESS*: Chambers name and street address. Please note a PO box is not a practice address.

_____ **DX:** _____

* this address will be recorded as your address service on the register of local practising certificates

CHAMBERS PH: _____ **FAX:** _____

DIRECT PH: _____ **PH:** (for Publication) _____

MOBILE: _____ (not for Publication unless it is your practice phone)

E-MAIL: _____

AUSTRALIAN BUSINESS NUMBER: _____

CLERK'S NAME: _____

RESIDENTIAL ADDRESS (not for publication unless it is also your practice address):

STREET: _____ **CITY:** _____

STATE: _____ **P/CODE:** _____ **PHONE:** _____

Do you identify as an Aboriginal or Torres Strait Islander person?* ** **YES / NO**

*Please note this question is optional.

** An Aboriginal person or Torres Strait Islander is a person who is of Aboriginal or Torres Strait Islander descent, identifies as an Aboriginal or Torres Strait Islander person, and is accepted by an Aboriginal or Torres Strait Islander community as an Aboriginal person or Torres Strait Islander.

If YES, do you consent to your profile on the Bar Association's 'Barristers Directory' being linked to the ABA's 'Indigenous Barristers Directory'? **YES / NO**

InBrief

The Bar Association sends *InBrief*, a news and current awareness bulletin, daily to all barristers. It contains practice related information concerning practising certificates, continuing professional development, legislation, and matters of legal policy as well as details of appointments and social functions.

If you **do not** wish to receive broadcast e-mails from the Association, please indicate clearly below.

I do NOT wish to receive broadcast e-mails from the Association []

PART TWO - PROFESSIONAL DETAILS

2.1 Please give details of your tertiary academic qualifications:

(a) Academic qualifications in law

Qualification and name of institution	Year awarded
_____	_____
_____	_____

(b) Other academic qualifications

Qualification and name of institution	Year Awarded
_____	_____
_____	_____

2.2 Please list any other languages that you speak and can confidently use in place of English when acting for a client who speaks little or no English (please note this question is optional):

**2.3 Which of the following best describes your CURRENT profession?
(Please tick only one category)**

- Student
- Practising as a solicitor in New South Wales
- Crown Prosecutor
- Public Defender
- Parliamentary Counsel
- Practising as a barrister in another state or territory
- Practising as a solicitor or solicitor and barrister in another state or territory
- Other. Please specify: _____

2.4 Will practising as a barrister in NSW be your principal endeavour?

YES NO

2.5 If not, what portion of your time do you expect to spend practising as a barrister in New South Wales? Please provide details:

2.6 Date of admission by the Supreme Court of NSW: _____

2.7 If you are not admitted in NSW, please provide details of your first admission in another other Australian jurisdiction.

State/Territory: Date: Category:

A copy of your certificate of admission MUST be enclosed with this application

2.8 Please provide details of other countries in which you are eligible to practise:

2.9 Is your admission in any jurisdiction subject to any conditions?

YES NO If YES, please provide details.

2.10 Have you previously applied for or held any Australian practising certificate?

YES NO If YES please attach details

If you have held a practising certificate issued by a regulatory authority other than the NSW Bar Association please attach details and a certificate of good standing (the certificate is to be no older than 2 months) from each such authority that has issued you with a practising certificate

2.11 Have you previously held any practising certificate in a foreign country?

YES NO If YES please attach details and a certificate of good standing (the certificate is to be no older than 2 months) from each regulatory authority that has issued you with a practising certificate

2.12 Have you ever been refused a practising certificate?

YES NO If YES please attach details

2.13 Do you hold a current practising certificate issued in any jurisdiction?

YES NO If YES, please provide details.

2.14 If you hold a current practising certificate, is it subject to any conditions?

YES NO NOT APPLICABLE If YES, please provide details.

2.15 Will NSW be your principal place of practice during the currency of the practising certificate applied for? [note *Legal Profession Uniform Law (NSW) s44(4)*]

YES NO

2.16 On what date do you wish to commence to practise at the NSW Bar? _____

Your NSW practising certificate will be issued to commence on that date, if all documentation is in order and the Bar Council has determined to grant the practising certificate by that date. You should confirm whether your practising certificate has been issued before you practise. Please note that practising certificates cannot be backdated.

2.17 Have you previously undertaken pupillage or any part of the Reading Program?

YES NO If YES, please attach details and proof of completion.

2.18 Have you been appointed Queen's Counsel or Senior Counsel in another jurisdiction?

YES NO If YES, please state jurisdiction and date of appointment

PART THREE – FIT AND PROPER PERSON

The *Legal Profession Uniform Law (NSW)* requires disclosure of automatic show cause events (serious offences, tax offences and certain bankruptcy matters). You should consider s87 of the Uniform Law, along with the definitions in s6 when answering questions 3.1 and 3.2.

- 3.1 Have you ever been convicted (conviction includes a finding of guilt or the acceptance of a guilty plea, whether or not a conviction is recorded) of a serious offence or a tax offence?**
- YES NO If YES, you must provide details of the event and a statement explaining why, despite the event, you consider yourself to be a fit and proper person to hold a NSW practising certificate.
- 3.2 Have you ever become bankrupt, been served with a notice of a creditor’s petition or had happen in relation to you any of the show cause events set out in paragraphs (c) or (d) of the definition of ‘bankruptcy related event’ in s.6 of the Legal Profession Uniform Law (NSW)?**
- YES NO If YES, you must provide details of the event and a statement explaining why, despite the event, you consider yourself to be a fit and proper person to hold a NSW practising certificate.
- 3.3 Have you ever been convicted (conviction includes a finding of guilt or the acceptance of a guilty plea, whether or not a conviction is recorded) of any offence in Australia or a foreign country other than a matter disclosed in answer to Q 3.1?**
- YES NO If YES, you must advise the details of the offence, including the date of the offence and any penalty imposed.
- 3.4 Have you been charged with a serious offence as defined in s6 of the *Legal Profession Uniform Act (NSW)*?**
- YES NO If YES, please attach a written statement setting out details of the charge.
- 3.5 Have you ever disclosed any matters to any admission authority or other body responsible for issuing practising certificates in any Australian jurisdiction?**
- YES NO If YES, you must provide full details of the disclosure, including date the disclosure was made and outcome of any investigation.
- 3.6 Are you aware of any facts or circumstances which might affect your fame and character other than a matter disclosed in any answer in this application?**
- YES NO If YES, please attach a written statement disclosing the matters.
- 3.7 Have you had, or is there currently, any complaint lodged against you as a legal practitioner, in any jurisdiction in Australia or a foreign country?**
- YES NO If YES, attach details, including outcome if known.
- 3.8 Have you contravened a condition of any practising certificate you have held under an Australian law relating to legal profession?**
- YES NO If YES, attach details, including outcome if known.
- 3.9 Has your right to engage in legal practice ever been suspended or cancelled in Australia or a foreign country?**
- YES NO If YES, attach details, including outcome if known.

3.10 Have you contravened an order of a court or tribunal made in any proceedings or an order of a regulatory authority relating to the practice of law?

YES NO If YES, attach details.

3.11 Rule 13 (1) of the *Legal Profession Uniform General Rules 2015* sets out a list of matters that the Bar Council may have regard to in considering whether an applicant is or is not a fit and proper person to hold an Australian practising certificate. A copy of the rule is attached. You must address any matter raised by rule 13 (1) that has not otherwise been disclosed in this application.

- I have read Rule 13 (1) of the *Legal Profession Uniform General Rules 2015* and wish to provide information in relation to matters referred to in rule 13 (1) of the *Legal Profession Uniform General Rules 2015*. Statement attached.
- I have read Rule 13 (1) of the *Legal Profession Uniform General Rules 2015* and there is nothing further to disclose regarding matters referred to in rule 13 (1) of the *Legal Profession Uniform General Rules 2015*.

COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION

Information about you is collected, stored, used and disclosed by the New South Wales Bar Association in accordance with the *Privacy Act 1988* (Cth).

Information provided by you to the Association will be used by the Association in carrying out its functions under the *Legal Profession Uniform Law (NSW)* and the *Legal Profession Uniform Law Application Act 2014*.

Barristers’ public practice contact details are provided to other organisations for the purposes of printed and electronic publications approved from time to time by the Bar Council e.g. the *Law Almanac* and *Law Society Diary*, and the Association on request also provides practice contact details to members of the public.

The Association may also disclose information to the Legal Services Commissioner and regulatory authorities in other jurisdictions in accordance with the legal profession legislation.

Information provided by members of the Association will also be used to maintain membership records. Your practice details will, if you have agreed, appear on the Association’s ‘Find a Barrister’ webpage which allows members of the public and solicitors to search for a barrister suited to their particular need.

You can view the Association’s privacy policy on the website www.nswbar.asn.au.

STATUTORY DECLARATION

I, _____ of _____

do solemnly and sincerely declare that the information and particulars set forth in the above application for a practising certificate are true in substance and in fact and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900* (NSW)¹.

Declared this _____ day of _____ in the year _____

at _____

in the State of _____

before me

WITNESS (Delete as appropriate)
JUSTICE OF THE PEACE/NOTARY PUBLIC
SOLICITOR/BARRISTER²

APPLICANT

I,the above witness, certify that:

1. *I saw the face of the declarant/ deponent ,
 2. *I have known the person for at least 12 months, or
- *I have confirmed the person’s identity with

¹ If you are making this declaration in a place outside New South Wales, you must amend the declaration accordingly

² In NSW statutory declarations may be witnessed by a barrister.

If paying the practising certificate fee by credit card please complete this section.

A schedule of the fees is attached to this form

Name: _____ (please print full name).
Please charge \$..... to my <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa Card <input type="checkbox"/> Amex
Card Number: _____
Expiry Date: ____ / ____ Cardholder's Name: _____
Signature _____

IMPORTANT INFORMATION

LODGING YOUR APPLICATION FOR AN AUSTRALIAN PRACTISING CERTIFICATE

Please note that the following documents must be received by the Bar Association in addition to this completed form before your practising certificate can be issued:

- Copy of the certificate of currency for your professional indemnity insurance for the current practice year. Your policy must be valid from the date you wish to commence practice until 30 June next, or;
- Your Australian Business Number (*for barristers based in Australia only*).
- A copy of your **certificate of admission** in New South Wales or if not admitted in NSW, a copy of your certificate of admission from another Australian jurisdiction. Please note that a practising certificate is not a certificate of admission.
- A certificate of good standing (no older than 2 months) from each authority that has previously issued you with a practising certificate in any jurisdiction.
- The appropriate fee for your practising certificate.

<p>Applications for an Australian practising certificate <i>cannot be processed</i> until ALL of the above documents have been received by the Certification Officer and payment of the appropriate fee has cleared</p>
--



READY RECKONER CHART

SCHEDULE OF FEES EFFECTIVE 1 JULY 2015

Seniority is calculated from the most recent commencement of practise at the Bar.

Commonwealth Treasury has determined that practising certificate fees are exempt from GST. Membership fees are inclusive of 10% GST for members resident in Australia.

Seniority	Practising Certificate	Membership
Silk		
Sydney	\$6,246.00	\$687.00
**Regional	\$4,370.00	\$481.00
*Statutory Office Holder (Full time)	\$1,475.00	\$162.00
Junior (before 30/6/10) 5 + years		
Sydney	\$2,330.00	\$256.00
*Regional	\$1,629.00	\$179.00
*Statutory Office Holder (Full time)	\$896.00	\$133.00
Junior (1/7/10 – 30/6/13) 2nd-5th year		
Sydney	\$828.00	\$133.00
**Regional	\$577.00	\$133.00
*Statutory Office Holder (Full time)	\$828.00	\$133.00
Junior (1/7/13 – 30/6/15) 1st-2nd year		
Sydney	\$257.00	\$133.00
**Regional	\$193.00	\$133.00
*Statutory Office Holder (Full time)	\$257.00	\$133.00
Readers (undertaking Reading Program - initial application only)		
Sydney	\$176.00	\$133.00
**Regional	\$156.00	\$133.00
Full-time Academic	\$570.00	\$133.00

* **Statutory Office Holder includes Crown Prosecutor, Public Defender or Parliamentary Counsel (including Director of Public Prosecutions; Solicitor General and Crown Advocate)**

** Regional applies to a principal place of practice more than a 10 km radius from the Supreme Court