



NEW SOUTH WALES
BAR ASSOCIATION

ABN 18526 414 014

APPLICATION FOR AN AUSTRALIAN PRACTISING CERTIFICATE - 2019/20

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* part 3.3. The information requested on this form will be used to process your application. The information will also be used to maintain the register of holders of New South Wales practising certificates (see clause 60 of the *Legal Profession Uniform Law Application Regulation 2015*) (the LPULAR) and the Australian Legal Profession Register. The registers include the name of the legal practitioner, relevant practice details and details of the practising certificate. The registers are 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.
See clause 61 *Legal Profession Uniform Law Application Regulation 2015*.

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

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MOBILE: _____ (not for Publication unless it is your practice phone)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

AUSTRALIAN BUSINESS NUMBER: _____

CLERK'S NAME: _____

RESIDENTIAL ADDRESS (not for publication unless it is also your practice address):

STREET: _____

SUBURB: _____

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

PHONE: _____

E-MAIL (NOT FOR PUBLICATION): _____

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.

Membership of the Australian Bar Association

The holder of an Australian Practising Certificate who is also a member of the New South Wales Bar Association is automatically entitled to membership of the Australian Bar Association (ABA) and your practice details will be provided to the ABA for inclusion in its 'find a barrister' directory. You can however opt out from membership of the ABA. Should you wish to do so please indicate clearly below:

I **DO NOT** wish to be a member of the Australian Bar Association.

If you did not opt out of membership of the ABA, 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 NSW 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
- Practising as a barrister in another state or territory
- Practising as a solicitor or solicitor and barrister in another state or territory
- Government Lawyer (please specify) _____
- 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 certified 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 in Australia or overseas 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 more than one Australian practising certificate, please list, in chronological order, the dates held and details of the issuing authority.

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/statement of status (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 provide details

2.13 Have you made an application for a practising certificate to any other regulatory authority that has not yet been determined?

YES NO If YES, please provide details.

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

YES NO If YES, please provide details. If you hold an Australian practising certificate, please provide confirmation of the date on which you surrendered this practicing certificate.

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

YES NO NOT APPLICABLE If YES, please provide details.

2.16 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) & (5)]

YES NO

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

Your practising certificate will only 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.

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

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

2.19 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 notice of a creditor’s petition or experienced any of the events set out in 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 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?**

The payment of an infringement or penalty notice is not a conviction.

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 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 previously disclosed or referred to in this application. Please indicate by ticking the appropriate box which of the following statements applies to you:

Please tick only ONE box below

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.

OR

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*.

Time frame for determination of your application

Your application for a practising certificate will be determined by the Bar Council **within 90 days** from the date the complete application is received, failing which there is a deemed refusal of the application (see section 464(3) of the *Legal Profession Uniform Law 2015* and rule 111 of the *Legal Profession Uniform General Rules 2015*).

Further information may be sought

The Bar Council may also seek further relevant information from you (see rule 12(3) of the *Legal Profession Uniform General Rules 2015*). Your co-operation in providing any further information sought will assist in the timely determination of your application.

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)*, the *Legal Profession Uniform Law Application Act 2014* and the regulations and rules made under those Acts.

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 NSW Bar Association may disclose information to the Office of the Legal Services Commissioner (NSW), the Legal Services Council and the Commissioner for Uniform Legal Services Regulation, and other regulatory authorities in Australia and overseas pursuant to 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.

The Association is committed to upholding the Australian Privacy Principles (APP's) under the *Privacy Act* and will not use or otherwise manage your personal information contrary to the APP's except with your consent or as otherwise required by law.

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

Note that by submitting this completed application you consent to the making of enquiries and the exchange of information with regulatory authorities concerning all matters disclosed in this application.

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.

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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 MasterCard Visa Card Amex

Card Number: _____

Expiry Date: ____ / ____ Cardholder's Name: _____

Signature _____

Please note: If wish to concurrently apply for the NSW Bar Association Membership, include the membership application fee (as outlined in the schedule) in this section.

LODGING YOUR APPLICATION

A completed application form and payment of the applicable fee must be received before your application will be accepted. Before a practicing certificate can be issued you must hold professional indemnity insurance.

Checklist

Please note that the following documents must be received by the NSW Bar Association with this completed form before your application can be accepted:

- Completed application form and any additional details attached.
- 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.
- Your Australian Business Number (*for barristers based in Australia only (as applicable)*).
- A certified copy of your **certificate of admission** in New South Wales or if not admitted in NSW, a certified copy of your certificate of admission from another Australian jurisdiction. Please note that any practising certificate you currently hold 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 Australia or overseas.
- The fee for your practising certificate (see page 11).

LEGAL PROFESSION UNIFORM GENERAL RULES 2015

13 Consideration of application for grant or renewal of Australian practising certificate

(1) For the purposes of section 45 of the Uniform Law, in considering whether an applicant is or is not a fit and proper person to hold an Australian practising certificate, the designated local regulatory authority may have regard to any of the following matters:

- (a) whether the applicant is currently of good fame and character,
- (b) whether the applicant is, or has been:
 - (i) an insolvent under administration, or
 - (ii) a director or principal of an incorporated legal practice while the legal practice is or was insolvent, or
 - (iii) a director of a company while the company is or was insolvent,
- (c) whether the applicant has been convicted or found guilty of an offence in Australia or a foreign country, and if so:
 - (i) the nature of the offence, and
 - (ii) how long ago the offence was committed, and
 - (iii) the applicant's age when the offence was committed,
- (d) whether the applicant has engaged in legal practice in Australia:
 - (i) when not permitted to do so under a law or previous law of a State or Territory, or
 - (ii) if admitted, in contravention of a condition to which the admission was subject, or
 - (iii) if holding an Australian practising certificate, in contravention of a condition to which the certificate was subject or while the certificate was suspended,
- (e) whether the applicant has engaged in legal practice in a foreign country:
 - (i) when not permitted to do so by or under a law of that country, or
 - (ii) if permitted to do so, in contravention of a condition to which the permission was subject,
- (f) whether the applicant:
 - (i) is currently subject to an unresolved complaint, investigation, charge or order under an Australian law relating to the legal profession or under a corresponding foreign law, or
 - (ii) has been the subject of disciplinary action, however expressed, under an Australian law relating to the legal profession, or under a corresponding foreign law, that involved a finding adverse to the applicant,
- (g) whether the applicant:
 - (i) is the subject of current disciplinary action, however expressed, in another profession or occupation in Australia or a foreign country, or
 - (ii) has been the subject of disciplinary action, however expressed, in another profession or occupation in Australia or a foreign country that involved a finding adverse to the applicant,
- (h) whether the applicant's name has been removed from:
 - (i) a roll of Australian lawyers, however described or expressed, in any jurisdiction, or
 - (ii) a foreign roll of practitioners,
- (i) whether the applicant's right to engage in legal practice has been suspended or cancelled in Australia or a foreign country,
- (j) whether the applicant has contravened, in Australia or a foreign country, a law about trust money or trust accounts,
- (k) whether, under an Australian law relating to the legal profession or a law of the Commonwealth, a supervisor, manager or receiver, however described, is, or has been, appointed in relation to any legal practice engaged in by the applicant,

- (l) whether the applicant is, or has been, subject to an order under an Australian law relating to the legal profession or a law of the Commonwealth, disqualifying the applicant from:
 - (i) being employed by, or a partner of, an Australian legal practitioner, or
 - (ii) managing a corporation,
- (m) whether the applicant is currently unable to carry out satisfactorily the inherent requirements of practice as an Australian legal practitioner,
- (n) whether the applicant has provided incorrect or misleading information in relation to any application for an Australian practising certificate under an Australian law relating to the legal profession,
- (o) whether the applicant has contravened a condition of a previous Australian practising certificate under an Australian law relating to the legal profession,
- (p) whether the applicant has contravened an Australian law relating to the legal profession,
- (q) whether the applicant has contravened:
 - (i) an order of a court or tribunal made in any proceedings, or
 - (ii) (without limitation) an order of a designated local regulatory authority or other person or body under legislation of any jurisdiction so far as the legislation relates to the control or discipline of any Australian lawyers or to the practice of law,
- (r) whether the applicant has failed at any time to pay a required contribution or levy to the fidelity fund of a jurisdiction,
- (s) whether the applicant has failed to comply with a requirement under an Australian law relating to the legal profession in relation to professional indemnity insurance,
- (t) whether the applicant has failed to pay any costs or expenses for which the applicant was liable under an Australian law relating to the legal profession,
- (u) any other matter that is related to a matter referred to in another provision of this rule.



READY RECKONER CHART

SCHEDULE OF FEES EFFECTIVE 1 JULY 2019

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	\$6,512.00	\$881.00
**Regional	\$4,556.00	\$617.00
*Government lawyer	\$1,538.00	\$208.00
Junior (before 30/6/14) 5 + years		
Sydney	\$2,430.00	\$329.00
**Regional	\$1,698.00	\$230.00
*Government lawyer	\$962.00	\$130.00
Junior (1/7/14 – 30/6/17) 2nd-5th year		
Sydney	\$845.00	\$114.00
**Regional	\$621.00	\$84.00
*Government lawyer	\$845.00	\$114.00
Junior (1/7/17 – 30/6/19) 1st-2nd year		
Sydney	\$337.00	\$46.00
**Regional	\$280.00	\$38.00
* Government lawyer	\$337.00	\$46.00
Readers (undertaking Reading Program - initial application only)		
Sydney	\$264.00	\$36.00
**Regional	\$246.00	\$33.00
Full-time Academic	Regional fees as above	

* **Government lawyer includes Crown Prosecutor, Trial Advocate, 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