



The New South Wales Bar Association

ABN 18526 414 014

APPLICATION FOR PRACTISING CERTIFICATE

Before completing this form you should familiarise yourself with the relevant provisions of the *Legal Profession Act 2004* and *Legal Profession Regulation 2005*. The information requested on this form will be used to process your application for a Practising Certificate and maintain the register of holders of New South Wales practising certificates required by s106 of the Legal Profession Act and clause 20 of the Regulation. The legislation requires the register to include the name of the legal practitioner, the contact details of the office of the practitioner (street address, postal address and DX) and the conditions imposed on the practising certificate (some exceptions). The register is available for inspection by members of the public.

Clause 21 of the Regulation provides that a practitioner must 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

FAMILY NAME: _____

GIVEN NAMES: _____

PREVIOUS FAMILY NAME (if applicable): _____

PREFERRED FORM OF ADDRESS: _____

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

DATE OF BIRTH: _____ **GENDER:** _____

CHAMBERS / BUSINESS ADDRESS: _____

Please note that a post office box is not a practice address.

DX: _____

AUSTRALIAN BUSINESS NUMBER: _____

CLERK'S NAME: _____

CHAMBERS PH: _____ **FAX:** _____

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

MOBILE: _____ (Not for Publication)

E-MAIL: _____

The Bar Association regularly sends e-mails to members of the Bar and the Bar Association. Material sent by e-mail to the Bar includes updates on continuing professional development seminars, practising certificate and professional indemnity insurance information, and information on the legal profession legislation. Members of the Association also receive *Bar Brief*, and information on judicial appointments and retirements 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 []

RESIDENTIAL ADDRESS (not for publication‡): _____

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

PHONE: _____

‡The Regulation requires that details of your residential address and phone number be provided. This information will be used only in exceptional circumstances by the Bar Council and the Bar Association staff. **It will not be made generally available unless it is also your practice address.**

PART TWO - PROFESSIONAL DETAILS

2.1 Please give details of your tertiary academic qualifications:

(a) Academic qualifications in law

Qualification	Name of Institution	Year Awarded
---------------	---------------------	--------------

_____	_____	_____
_____	_____	_____

(b) Other academic qualifications

Qualification	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:

**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 admitted as a Barrister/Solicitor/Legal Practitioner/Lawyer in NSW: _____

2.7 If you are not admitted in NSW, please provide details of your first admission in another other Australian jurisdiction, including the date and category eg, Barrister, Solicitor, Legal Practitioner, or Lawyer.

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 other jurisdiction subject to any conditions?

YES NO If YES, please provide details.

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

YES NO If YES please attach details

2.11 Have you previously held any practising certificate in another Australian state or territory?

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 authority that has issued you with a practising certificate in any Australian jurisdiction.

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 If NSW will not be your principal place of practice during the currency of the practising certificate applied for, please advise which State/Territory will be your principal place of practice and the basis upon which you are eligible for a NSW practising certificate [note *Legal Profession Act 2004 s45(2)-(5)*]

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

Your NSW practising certificate will be issued as of that date, if all documentation is in order and the Bar Council has determined to grant the practising certificate by that date. If you are registered for the Bar Practice Course then the practising certificate will be issued on the first day of the Course. 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

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 - DISCLOSURE OF OFFENCES AND BANKRUPTCY MATTERS

The *Legal Profession Act 2004* requires disclosure of show cause events (serious offences, tax offences and certain bankruptcy matters). You should consider s66 of the Act, along with the definitions in s4 and s11.

In addition, the *Legal Profession Regulation 2005* requires disclosure of any offence other than an excluded offence (see clauses 4 and 11).

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 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 other than an excluded offence?

YES NO If YES, you must advise the details of the offence, including the date of the offence and any penalty imposed.

3.3 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 (b) or (c) of the definition of 'show cause event' in s4 of the Legal Profession Act?

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.

3.4 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.

PART FOUR – FITNESS AND PROPRIETY

4.1 Are you aware of any facts or circumstances which might affect your fitness to become or remain a legal practitioner, including non compliance with any obligation under any applicable taxation or revenue legislation?

YES NO If YES, please attach a written statement disclosing the matters.

4.2 Have you been charged with a serious offence as defined in s4 of the *Legal Profession Act 2004*?

YES NO If YES, please attach a written statement setting out details of the charge.

4.3 Have you had, or is there currently, any complaint lodged against you as a legal practitioner, in any jurisdiction?

YES NO If YES, attach details, including outcome if known.

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 Act 2004* and the *Legal Profession Regulation 2005*. For example, s106 of the Act requires the Association to keep a register of holders of local practising certificates, which must be available for inspection at its office. The Association may also publish information included in the register.

Each year, the Association provides the Attorney General and Law Society with details of every barrister who holds a New South Wales practising certificate for inclusion in the *Law Almanac* and *Law Society Diary*. The Association also provides your practice contact details to members of the public on request (including information you have provided regarding your practice areas, other languages spoken and other jurisdictions where you have been admitted).

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

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.

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

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 A NSW BARRISTER'S 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 practise year. Please note that the minimum level of cover for NSW barristers' is \$1 million. **Please note that only those professional indemnity insurance policies approved by the New South Wales Attorney General pursuant to s403 of the *Legal Profession Act 2004* are acceptable.** For details as to which policies have been approved, please refer to the Association's website www.nswbar.asn.au. Your policy must be valid from the date you wish to commence practice until 30 June next, or;
- If you are a Crown Prosecutor, Public Defender or Parliamentary Counsel, a signed undertaking in respect of professional indemnity insurance (provided by the Association).
- Your Australian Business Number (*for barristers based in Australia only*).
- A copy of your **certificate of admission** as a barrister, solicitor, legal practitioner or lawyer 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.
- The appropriate fee for your practising certificate (see page 8).

Applications for a practising certificate *cannot be processed* until ALL of the above documents have been received by the Certification Officer and payment of the appropriate fee has cleared

SCHEDULE OF PRACTISING CERTIFICATE FEES EFFECTIVE 1 JULY 2010

Fees for practising certificates are approved each year by the Attorney General

Commonwealth Treasury has determined that practising certificate fees are exempt from GST.

Seniority	Practising Certificate
Silk	
Sydney	\$5,823.00
**Regional	\$4,074.00
*Statutory Office Holder	\$1,375.00
Junior (before 30/6/05) 5 + years	
Sydney	\$2,172.00
*Regional	\$1,518.00
*Statutory Office Holder	\$835.00
Junior (1/7/05 – 30/6/08) 2-5 years	
Sydney	\$812.00
**Regional	\$566.00
*Statutory Office Holder	\$812.00
Junior (1/7/08 – 30/6/10) 1-2 years	
Sydney	\$252.00
**Regional	\$189.00
*Statutory Office Holder	\$252.00
Readers (undertaking Reading Program - initial application only)	
Sydney	\$173.00
**Regional	\$152.00
Academic (employed full-time in the law faculty of a tertiary institution)	\$566.00

* Statutory Office Holder includes Crown Prosecutor, Public Defender or Parliamentary Counsel (including Director of Public Prosecutions; Solicitor General and Crown Advocate) in the State of New South Wales.

**Regional fees apply to barristers based more than a 10 km radius from the Supreme Court or barristers based interstate or overseas deemed eligible to hold a NSW practising certificate fee.

The practicing certificate fee includes a component by way of a capitation fee to the Law Council of Australia and the Australian Bar Association.

DATE OF SENIORITY

Please note that Bar Council has resolved as follows, in relation to seniority:

- A. *The seniority of a barrister who practised at the Bar of New South Wales on or before 30 June 1988, or held a practising certificate on or before 30 June 1992 is the date of his or her most recent admission to the Bar of New South Wales and, in the case of admission upon the same day, then according to the order in which admissions are ordered by the court.*
- B. *The seniority of a barrister who does not come under category 'A' is the commencement date of the first barrister's practising certificate issued to him or her, unless there has been a period of absence from the Bar for more than two years. Where there has been a period of absence from the Bar of more than two years, unless special exemption is granted by the Executive Director in consultation with the Executive*, the seniority of the barrister is the date of the first practising certificate issued to him or her after his or her return to the Bar.*
- C. *The seniority of Queen's Counsel/Senior Counsel is determined in accordance with the terms of the Queen's Commission or the statement issued by the President of The New South Wales Bar Association announcing the appointments of Senior Counsel. All Queen's Counsel/Senior Counsel shall be deemed to be senior to all other barristers except law officers.*

* If special exemption is granted and the barrister retains their original seniority date, the applicable practising certificate fee (and membership fee) is to be determined by that earlier date.