THE LAW SOCIETY OF NEW SOUTH WALES

ACN 000 000 699 ABN 98 696 304 966

Legal Profession Act 2004

Application for a Practising Certificate & Membership of The Law Society of New South Wales

To be completed by an Australian lawyer who does not hold a current NSW practising certificate.

Applications for practising certificates in New South Wales are made in accordance with Part 2.4 of the *Legal Profession Act 2004*.

PRIVACY STATEMENT **– concerning the information provided on this form is on page 12.**

THIS IS AN APPLICATION FOR A NEW SOUTH WALES PRACTISING CERTIFICATE AS A SOLICITOR AND BARRISTER BY:

_____

[Print your full name in block letters]

FOR THE YEAR ENDING 30 JUNE _____

[insert year]

This application is accompanied by the following payment:

[Please refer to the Scale of Fees]

Practising Certificate Fee	……
Legal Practitioners Fidelity Fund Contribution	……
Membership Fee	……
TOTAL	……

Payment is being made as follows:

☐ **EFTPOS** - payments made in person at the Law Society only.

☐ **Cheque/money order** - made payable to 'The Law Society of NSW' and stapled to this page. Please do NOT fax or email this form if paying by cheque/money order.

☐ **Credit card** - details on page 12 of this form to be completed.

OFFICE USE ONLY	*Date Received*
Condition/CSC	*LSID*
Issue Date	*Practice No*
File No	*Receipt No*

MEMBERSHIP OF YOUR PROFESSIONAL ASSOCIATION

It is important for solicitors to be members of the Law Society if the profession is to remain united – lobbying government and the community with a representative and authoritative voice. By paying the membership fee, you will also be able to access a range of exclusive products and services that add real value to your membership of the Society. These include:

- The Law Society Journal
- The Law Society's website (full access)
- Entitlement to join the Limitation of Liability scheme (conditions apply)
- Practice advice and support (including by telephone)
- Discounted CLE
- Participation in policy, representation and Law Society Committees
- Voting rights
- Discounts and preferential access to more than 20 lifestyle and business products and services detailed at www.lawsociety.com.au/memberconnexions.

Membership is optional. Any information that you provide on this form, or have previously provided to the Society, will be utilised to effect and administer your membership of the Society. The information will be used in accordance with The Law Society's Privacy Statement shown on this form.

PRACTISING CERTIFICATE TYPES AND CONDITIONS

The practising certificate issued by the Society will reflect the conditions to which you are subject and the style of practice you choose for the year. The certificate types and conditions are:

Any holder of a practising certificate granted by the Council of the Law Society of New South Wales is entitled to engage in legal practice in New South Wales as a volunteer providing pro bono legal services through a law practice or under an arrangement approved by the Council of the Law Society.

Principal	The holder is entitled to engage in legal practice on his or her own account and may engage in legal practice for: • a law practice; and/or • a corporation or a non-lawyer entity; and /or • the New South Wales or Commonwealth government or a prescribed corporation. The holder may not engage in legal practice as a sole practitioner (in the case of a law practice constituted by the practitioner) if the holder's practising certificate is subject to Condition 2.
Non-Principal	The holder is entitled to engage in legal practice as a solicitor in the course of employment by: • a law practice; and/or • a corporation or a non-lawyer entity; and /or • the New South Wales or Commonwealth government or a prescribed corporation.
Corporate & Non Lawyer Entity	The holder is entitled to engage in legal practice as a solicitor in the course of employment by: • a corporation (other than an incorporated legal practice) or a non-lawyer entity; and /or • the New South Wales or Commonwealth government or a prescribed corporation.
Government	The holder is entitled to engage in legal practice as a solicitor in the course of employment by: • the New South Wales or Commonwealth government or a prescribed corporation.

CONDITIONS

1. Mandatory Continuing Legal Education (Continuing Professional Development)
This condition requires the holder to complete mandatory continuing legal education in accordance with the requirements of the Legal Profession Act 2004 and the Legal Profession Regulation 2005.

2. Supervised Legal Practice (Statutory Condition)
The holder must engage in supervised legal practice only, until the holder has completed the period of supervised legal practice required under the Legal Profession Act 2004.

3. Practice Management Course
This condition requires the holder to complete a Practice Management Course before being eligible to be a principal of a law practice or a solicitor on the record for a corporation or government.

4. Special Condition
This condition requires the holder to comply with any special condition imposed by the Council of the Law Society or under the provisions of the Legal Profession Act 2004.

UNDERTAKINGS
U. Undertaking - The holder is required to comply with an undertaking given to the Law Society.

NOTE **– Certificates that are subject to Condition 2 (the statutory period of supervised legal practice) are 'RESTRICTED' and certificates that are NOT subject to Condition 2 are 'UNRESTRICTED' (refer Legal Profession Act 2004).**

SECTION A – PRACTITIONER'S DETAILS

TO BE COMPLETED BY ALL APPLICANTS

Please use block letters

Surname	
Given Names	
Preferred first name *[if any]*	
Title *[eg Mr/Mrs/Ms/Miss/Dr]*	
Sex	
Date of Birth	
Place of Birth *[City or Town]*	
Country of Birth	
Are you an Australian Aborigine or Torres Strait Islander?	
Decorations *[eg. AO, OBE]*	
Former Name *[if you have changed your name since your date of admission]* Date of change of name	
Date of original Admission in Australia	
State/Territory of original Admission *(eg NSW, Vic, Tas)*	
Residential Address	
Postal Address *[if you do not wish your mail to be sent to your firm address]*	
Personal Telephone No	

AREAS OF PRACTICE

Circle up to 4 main areas of practice, if known

ADMINISTRATIVE LAW (1)
ADVOCACY (21)
BANKING/FINANCE (2)
CIVIL LITIGATION (22)
COMMERCIAL LAW (3)
CONVEYANCING/REAL PROPERTY(5)
CORPORATE LAW (23)
CRIMINAL LAW (6)
DEBTS/INSOLVENCY (7)
EMPLOYMENT/INDUSTRIAL LAW (8)
ENVIRONMENTAL LAW (9)
FAMILY LAW (10)
IMMIGRATION LAW (11)
INFORMATION TECHNOLOGY/TELE -COMMUNICATIONS (12)
INTELLECTUAL PROPERTY (13)
LITIGATION – GENERAL(14)
PERSONAL INJURY (15)
PLANNING/LOCAL GOVT (16)
SMALL BUSINESS (17)
TAXATION (18)
TRADE PRACTICES LAW (19)
WILLS & ESTATES (20)
OTHER (99)

SECTION B - PRACTISING DETAILS

TO BE COMPLETED BY ALL APPLICANTS

What state or territory of Australia will be your **principal place of practice**?	
Practice name/Employer	
Street Address of the principal office in NSW*	
DX No and Location**	
Postal Address	
Business Telephone No	
Business Fax No	
Personalised work email address for Law Society communications (eg regulatory notices and 'Monday Briefs')	
Work email address for publication on 'Find a Lawyer' at www.lawsociety.com.au	
If you are employed at a **branch office** of your practice/employer, please provide the address of the branch and telephone number	Phone no

Please note: If you are associated with more than one practice/employer please record details of the other practice/employer on a separate sheet and attach it to this application.

** Please provide the addresses of any other offices of the practice/employer and attach it separately to this form - cl 11(1)(d) Legal Profession Regulation 2005.*
*** If there is no DX box, please provide the name of a Sydney agent in this section (if there is a Sydney agent) - cl 11(1)(i) Legal Profession Regulation 2005.*

EMPLOYMENT STATUS

Please tick the box appropriate to your status:

Private practice

- ☐ Sole practitioner
- ☐ Partner
- ☐ Supervised Partner
- ☐ Employee

Government

- ☐ Solicitor on the Record
- ☐ Employee

Corporation/Non-Lawyer Entity

- ☐ Solicitor on the Record
- ☐ Employee

Incorporated Legal Practice

- ☐ Legal Practitioner Director
- ☐ Employee

Community Legal Centre

- ☐ Solicitor on the Record
- ☐ Employee

Other

- ☐ Not currently employed as a solicitor and barrister

Date of commencement in above status? _____ (dd/mm/yyyy)

TO BE COMPLETED BY ALL APPLICANTS

1. Are you an **undischarged bankrupt**? ☐ Yes ☐ No

   If 'Yes', you will need to complete a 'Bankruptcy Undertaking' which is available at www.lawsociety.com.au/forms or from the Law Society Registry.

2. Are you a legal practitioner director, employee or officer of an **incorporated legal practice** ('ILP') authorised by Part 2.6 Division 2 of the Legal Profession Act 2004?

   ☐ Yes ☐ No

   If you answered 'Yes', please advise:

   • The name of the incorporated legal practice _____

   • The Australian Company No of the ILP _____

   • The name(s) of the directors

   _____ _____

   ***Legal Practitioner Directors** – if a financial report and director's report is required to be prepared under s. 292 of the Corporations Act 2001, copies of the most recent reports lodged with ASIC are required to accompany this application (cl 11(1)(m) Legal Profession Regulation 2005)*

3. Are you a partner in a **multi-disciplinary partnership** ('MDP') authorised by Part 2.6 Division 3 of the Legal Profession Act 2004?

   ☐ Yes ☐ No

   If you answered 'Yes', please advise:

   • The name of the MDP? _____

   • The date of commencement of the MDP? _____

   • The name of the partner(s) that are NOT legal practitioners and their occupations

   Name:_____Occupation:_____

4. **Notification of Offences and 'Show Cause' Events**

An application by a legal practitioner must contain or be accompanied by the following information:

- the nature of any OFFENCE if the applicant has been convicted of an offence (other than an excluded offence)—. *More information about offences is contained at cl 11(2) Legal Profession Regulation 2005 and 'excluded offences' are defined at cl 4 of the Regulation. 'Offence' includes a tax offence.*

- details of any 'SHOW CAUSE' EVENT if it has NOT previously been disclosed to the Council. Show cause events relate to bankruptcy, tax offences and serious offences. *More information about show cause events is contained at Part 2.4 Division 7 of the Legal Profession Act 2004.*

- details of any PRE-ADMISSION EVENT that has happened in relation to the applicant if it has NOT previously been disclosed to the Council. *More information about show cause events is contained at ss 4, 42 and Part 2.4 Division 7 of the Legal Profession Act 2004.*

Please refer to Part 2.4 of the Legal Profession Act 2004 to determine if you are required to provide a notification of an offence or show cause event with this application. Suitable forms are available at www.lawsociety.com.au/forms or contact the Professional Standards Department on 9926 0390 for assistance.

5. **Are you required to make a notification pursuant to Part 2.4 Legal Profession Act 2004/Legal Profession Regulation 2005?**

   ☐ Yes ☐ No

6. **Have you ever held a solicitor's practising certificate in New South Wales?**

   ☐ **Yes** - Go to **Section C** on **Page 6**

   ☐ **No** - Go to **Section D** on **Page 9**

SECTION C

To be completed by applicants who have previously held a solicitor's practising certificate in New South Wales.

(If you have never held a solicitor's practising certificate in NSW, please complete Section D)

1. Year that you last held a practising certificate in NSW? _____

Please note the following:

If it is **less than five years** since you last held a practising certificate:

- You will be eligible to be granted the equivalent practising certificate to the last practising certificate that you held provided no other issues arise affecting your application.

If it is **five years or more** since you last held a practising certificate:

- You will be eligible to be granted a practising certificate that will that will allow you to work as an employee. If you wish to apply for any other type of certificate, you are required to make a submission to the Licensing Committee. The Licensing Committee meeting dates are published at www.lawsociety.com.au/forms. Your submission should detail the type of certificate you wish to apply for, the manner in which you intend to practise, your qualifications and experience, including details of employment since you last held a practising certificate. Please contact the Law Society Registry on 02 9926 0241 or registry@lawsociety.com.au if you require any further information.

QUALIFICATIONS

2. Please provide details below of any academic qualifications obtained since your first qualification in law:

Name of any further qualifications in law *[eg LL. M]*	**Institution where qualification was obtained**	**Year that qualification was completed**

3. Do you read, speak and understand any **foreign languages**? ☐ Yes ☐ No

If 'Yes' please name language(s) _____

PLEASE NOTE – if you are working in private practice, this information will appear on your 'Find a Lawyer' listing on the Law Society website. Please tick this box if you do NOT want the information to appear ☐

4. Did you comply with the **Mandatory Continuing Legal Education (MCLE)** Rules for the last year that you held a practising certificate?

☐ Yes ☐ No

5. Have you received, held or disbursed any **trust or controlled money** since you last held a practising certificate or in the 12 month period prior to making this application?

☐ Yes ☐ No

• If you answered 'Yes', please list the **name of the law practice(s)** where you held trust/controlled money

_____

_____

• Have you lodged all **External Examiners Reports** with the Law Society for any law practices where you have previously held trust or controlled monies?

☐ Yes ☐ No

ADMISSION/PRACTISING OUTSIDE NSW

6. Have you been admitted or practised in any other jurisdiction since your last application for a NSW solicitor's practising certificate?

☐ Yes ☐ No

If 'Yes':

- please state the name of the jurisdiction(s) _____
- provide a recent **Certificate of Fitness and Good Standing** (no more than 28 days old) from the appropriate regulator and/or body issuing practising certificates in each jurisdiction where you have been admitted or practised.
- provide the **details of your other admission(s)** below:

Jurisdiction *[state, territory or country]*	Date of Admission	Title *[eg solicitor, barrister]*

7. Do you hold a **current practising certificate** in another jurisdiction as at the date of this application?

☐ Yes ☐ No

If 'Yes', please state the name of the jurisdiction _____

Please note that if you currently hold a certificate in an AUSTRALIAN jurisdiction, you will need to surrender that certificate before this certificate can be granted. It is a statutory condition that the holder of a local practising certificate must not hold another local practising certificate, or an interstate practising certificate, during the currency of the first-mentioned local practising certificate (s.41(4) *Legal Profession Act 2004*).

The Council may require you to furnish such further information as it considers relevant to its determination of the application within such time as it specifies.

DECLARATION

I declare that the contents of this application are true and correct. I wish to apply for a NSW practising certificate and have my name entered in the Register of local practising certificates in New South Wales. I declare that I am not aware of any finding, conduct or event which would disentitle me, without disclosure, to be admitted to the Local Roll of Lawyers or effect my fitness to hold a practising certificate (other than that which is disclosed herewith or previously disclosed). I acknowledge that payment of the Membership Fee indicates that I also wish to become a Solicitor Member of The Law Society of New South Wales.

Signed_____ Dated _____

If you wish to apply for an Identification Card please go to Page 11
and complete Section E

SECTION D

To be completed by applicants who have NEVER held a solicitor's practising certificate in New South Wales

[eg new admittees, persons admitted in other Australian jurisdictions, barristers)

Please note the following:

- You are eligible to apply for a certificate that will entitle you to work as an employee and that is subject to conditions 1, 2 and 3 (see page 2 of this form for an explanation of the conditions) provided no other issues arise affecting your application.

- If you hold a CURRENT practising certificate in another State or Territory of Australia, you are entitled to apply for the equivalent practising certificate in NSW provided no other issues arise affecting your application. Please note that if you hold a certificate in another AUSTRALIAN jurisdiction, you will need to surrender that certificate before this certificate can be granted. It is a statutory condition that you must only hold one local practising certificate (s.41(4) *Legal Profession Act 2004*).

- NEW ZEALAND APPLICANTS: If you hold a CURRENT practising certificate in New Zealand, you are eligible to be apply for the equivalent practising certificate in NSW (pursuant to the principles of Mutual Recognition) provided no other issues arise affecting your application.

- If you wish to apply for any other type of certificate, you are required to make a submission to the Licensing Committee detailing the request and the reasons. Generally, applications are only considered where the applicant has equivalent qualifications and substantial and recent experience in another jurisdiction. The Licensing Committee meeting dates are published at www.lawsociety.com.au/forms.

- Please contact the Law Society Registry on 02 9926 0241 or registry@lawsociety.com.au if you require any further information.

QUALIFICATIONS

1. Please provide details below of your academic qualifications:

Qualification	Institution where qualification was obtained	Country	Year that qualification was completed
Name of your first qualification in law: …….. *[Please use initials only eg LL. B]*			
Name of any further qualifications in law: …… *[eg LL.M]*			
Name of any other qualifications other than in law: …… *[eg MBA]*			

2. Do you read, speak and understand any **foreign languages**? ☐ Yes ☐ No

   If 'Yes' please name language(s) _____

PLEASE NOTE – if you are working in private practice, this information will appear on your 'Find a Lawyer' listing on the Law Society website. Please tick this box if you do NOT want the information to appear ☐

PRACTICAL LEGAL TRAINING

3. Please tick the appropriate box concerning your practical legal training and complete the details required:

☐ College of Law

☐ Other Practical Legal Training Course in Australia

Location _____

☐ Articles Location _____

Duration _____

☐ Exemption from Practical Legal Training

4. If you have been exempted from Practical Legal Training, was it on the basis that you have been employed in the courts administration in New South Wales or as a NSW government (or NSW government-related) employee performing legal services?

☐ Yes ☐ No

ADMISSION DETAILS

5. a) Have you been **admitted in any other jurisdiction**? ☐ Yes ☐ No

b) Were you registered in NSW pursuant to the **Mutual Recognition Act 1992** or the **Trans-Tasman Mutual Recognition Act 1997**?

☐ Yes ☐ No

If 'Yes' Where is your home jurisdiction?_____

What is your date of admission in that jurisdiction?_____

If 'Yes' to either question above:

- provide a **Certificate of Fitness and Good Standing** (no more than 28 days old) from each jurisdiction where you are admitted. The Certificate can be obtained from the appropriate regulator and/or body issuing practising certificates in the jurisdiction.
- provide the **details of your other admission(s)** below:

Jurisdiction *[state, territory or country]*	**Date of admission**	**Title** *[eg solicitor, barrister]*

SECTION D continued

6. Do you hold a **current practising certificate** in another jurisdiction as at the date of this application?

☐ Yes ☐ No

If 'Yes', please state the name of the jurisdiction _____

Please note that if you hold a certificate in another AUSTRALIAN jurisdiction, you will need to surrender that certificate before this certificate can be granted. It is a statutory condition that the holder of a local practising certificate must not hold another local practising certificate, or an interstate practising certificate, during the currency of the first-mentioned local practising certificate (s.41(4) *Legal Profession Act 2004*).

The Council may require you to furnish such further information as it considers relevant to its determination of the application within such time as it specifies.

DECLARATION

I declare that the contents of this application are true and correct. I wish to apply for a NSW practising certificate and have my name entered in the Register of local practising certificates in New South Wales. I declare that I am not aware of any finding, conduct or event which would disentitle me, without disclosure, to be admitted to the Local Roll of Lawyers or effect my fitness to hold a practising certificate (other than that which is disclosed herewith or previously disclosed). I acknowledge that payment of the Membership Fee indicates that I also wish to become a Solicitor Member of The Law Society of New South Wales.

Signed_____ Dated _____

If you wish to apply for an Identification Card please complete Section E below.

SECTION E - OPTIONAL IDENTIFICATION CARD

The Law Society offers an optional identification card to the holders of current NSW practising certificates.

Do you want a Solicitor Identification Card?

☐ **Yes –** please complete the section below ☐ **No**

Please complete the following section if you would like to be issued with an identification card

FULL NAME _____

PRACTICE/EMPLOYER _____

The card may be issued with or without a photograph. You must include a photograph if you need the card as identification when attending the courts or prisons.

- If you want a photograph on your card, please attach a photograph in the box.
- Please print your name on the back of the photo in case it becomes detached from this form.
- Photos must be less than 12 months old

OPTIONAL PAYMENT BY CREDIT CARD

This section should ONLY be completed if you wish to pay for your practising certificate by credit card.

Please debit the following credit card with the amount of $.....

☐ American Express ☐ Mastercard ☐ Visa

Card Number _____ Expiry date _____

Cardholder's name _____

Signature _____

A copy of this form should be retained for your records.

Please send the form and direct any enquiries to the Law Society Registry:

POST	EMAIL	FAX	PHONE
Law Society Registry 170 Phillip Street Sydney NSW 2000 or DX 362 Sydney	registry@lawsociety.com.au	(02) 9926 0257 *From overseas:* *+61 2 9926 0257*	(02) 9926 0156 *From overseas:* *+61 2 9926 0156*

MANDATORY CONTINUING LEGAL EDUCATION (MCLE/CPD) INFORMATION

Completion of annual continuing legal education is mandatory for all holders of NSW practising certificates. Please refer to the MCLE requirements at www.lawsociety.com.au/mcle as soon as possible in order to determine your requirements. You must keep your own record of the activities that you complete. Each year practitioners must include at least one MCLE/CPD unit year in each of:

1) Ethics and Professional Responsibility,
2) Practice Management and Business skills and
3) Professional Skills.

Once every 3 years, you must complete at least one unit relating to the management of the practice of law that deals predominantly with the principles of equal employment opportunity, the law relating to discrimination and harassment, occupational health and safety law and employment law.

PRIVACY STATEMENT

The Law Society of New South Wales (Law Society) deals with information privacy in accordance with the *Privacy Act 1988 (Cth)*. This is a condensed version of our Privacy Policy. To access a complete copy visit our website at www.lawsociety.com.au.

COLLECTION - The Law Society collects personal information for the purposes of fulfilling its functions and responsibilities under, and to facilitate compliance with, the *Legal Profession Act 2004 (NSW)* and associated regulations, to administer member services and to provide other services for legal practitioners and the public.

CONSEQUENCES OF NOT PROVIDING INFORMATION - Failure to provide information, or providing incomplete or misleading information, may prevent us from processing your application or request.

USE AND DISCLOSURE - The Law Society will use and disclose personal information only for the purposes for which it is collected or in accordance with the Privacy Act, including:

- providing legal practitioners with information relevant to the legal profession;
- maintaining membership records;
- providing information on services and benefits available to Members;
- conducting research relevant to Members, legal practitioners or the provision of legal services;
- providing information to subsidiaries of the Law Society, the College of Law, our professional advisors and contractors, and professional indemnity insurers and practising certificate funders;
- allowing commercial use of mailing list information in a controlled manner by entities proposing mail-outs relevant to legal practitioners;
- providing information to organisations which regulate or represent the legal profession, such as the Office of the Legal Services Commissioner, the Law Council of Australia, Regional Law Societies and overseas regulators; and
- providing information as authorised or required by law.

The Law Society may publish a list of legal practitioners to whom it has issued current Practising Certificates. Whether a legal practitioner is a Member of the Law Society is a matter of public record.

ACCESS - You have the right to request access to any personal information held by the Law Society which relates to you, unless the Law Society is permitted by law to withhold that information. Any requests for access to your personal information should be made in writing to the Law Society General Counsel at The Law Society of New South Wales, 170 Phillip Street, Sydney, NSW, 2000.