

2018/19 APPLICATION FOR GRANT OF AN AUSTRALIAN PRACTISING CERTIFICATE AS A SOLICITOR AND MEMBERSHIP OF THE LAW SOCIETY OF NEW SOUTH WALES



THE LAW SOCIETY
OF NEW SOUTH WALES

THIS IS AN APPLICATION FOR THE GRANT OF AN AUSTRALIAN PRACTISING CERTIFICATE AS A SOLICITOR BY THE DESIGNATED LOCAL REGULATORY AUTHORITY IN NEW SOUTH WALES FOR THE 2018/19 PRACTISING YEAR.

- To be completed by an Australian lawyer who does not hold a current New South Wales solicitor's practising certificate.
- Applications for practising certificates in New South Wales are made in accordance with *legal profession legislation* (as defined in the *Legal Profession Uniform Law Application Act 2014*).
- Please ensure that you read the explanatory notes on page 7 before completing this application.
- Please ensure that you read the personal information collection notice on page 8 before completing this application.
- All questions are mandatory except where indicated otherwise.

1. APPLICANT DETAILS:

Surname:	First name:
Other names:	Preferred first name (if any):
Former names:	Title: Mr Mrs Ms Miss Dr <input type="text" value="Other:"/>
Post nominals:	Gender: Male Female
Place of birth:	Date of birth (DD/MM/YYYY): <input type="text" value="DD"/> <input type="text" value="MM"/> <input type="text" value="YYYY"/>
Personal email address:	Country of birth:
	Personal mobile number:

Do you identify as an Australian Aboriginal or Torres Strait Islander (this question is optional): Yes No

2. ADMISSION DETAILS (NOTE A):

Lawyer/admission number:	State or Territory of admission:
Date of admission (DD/MM/YYYY): <input type="text" value="DD"/> <input type="text" value="MM"/> <input type="text" value="YYYY"/>	

Have you had any condition imposed on your admission to the Australian legal profession? Yes (please provide details below) No

 If you were not admitted to the Supreme Court of New South Wales, you must attach evidence as specified in Note A.

3. ELIGIBILITY TO APPLY FOR A PRACTISING CERTIFICATE (NOTE B)

I reasonably expect my principal place of practice to be: New South Wales Other Australian jurisdiction Outside of Australia

If not New South Wales, please provide details:

 Attach additional page if necessary.

4. PRACTICE DETAILS – PRINCIPAL PLACE OF PRACTICE (NOTE C)

Name of law practice/employer:		
Street number and name:		
Suburb:	State:	
Country:	Postcode:	DX:
Telephone:	Fax:	
Mobile:	Email address:	
Publication email address (if different):		

Position held (select one only):

Sole practitioner

Supervising legal practitioner
at a community legal service

Government legal practitioner

Partner

Employee of a law practice

Not currently employed as solicitor

ILP Principal

Corporate legal practitioner

5. ADDRESS DETAILS (NOTE D)**RESIDENTIAL ADDRESS:**

Street number and name:		
Suburb:	State:	
Country:	Postcode:	

ADDRESS FOR SERVICE (MUST BE A PHYSICAL ADDRESS):

Do you you agree for this 'Address for Service' to display on an online register?

Yes

No

Name:			
Street number and name:			
Suburb:	State:		
Country:	Postcode:		

PREFERRED POSTAL ADDRESS:

Principal place of practice	Residential address	Address for service	Other (please specify below)
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Street number and name:		
Suburb:	State:	
Country:	Postcode:	

6. OTHER PLACES OF PRACTICE (NOTE E)

Are you engaged in legal practice with more than one entity? Yes (please complete additional practice details below) No

Name of law practice/employer:

Street number and name:

Suburb:

State:

Country:

Postcode:

DX:

Telephone:

Fax:

Mobile:

Email address:

Publication email address (if different):

Position held (select one only):

Sole practitioner

ILP Principal

Employee of a law practice

Government legal practitioner

Partner

Supervising legal practitioner
at a community legal service

Corporate legal practitioner



Attach additional page if necessary.

7. FOREIGN LANGUAGES (NOTE F)

(this question is optional)

Do you speak a foreign language? Yes (please specify below) No

8. PRACTISING CERTIFICATE TYPE (NOTE G)

I am applying for a practising certificate as a (select one only):

Principal of a law practice

Corporate legal practitioner

Employee of a law practice

Government legal practitioner

9. FIT AND PROPER PERSON (NOTE H)

Is there any matter referred to in Note H which is applicable to you and which you have not previously disclosed in writing to The Law Society?

Yes (please provide a statement as required in Note H of all matters not previously disclosed in writing to The Law Society)

No

10. SHOW CAUSE EVENTS (NOTE I)

Is there any matter referred to in Note I which is applicable to you and which you have not previously disclosed in writing to The Law Society?

Yes (please complete and submit a 'Notice of Show Cause Event' form as indicated in Note I)

No

11. CURRENT OR PREVIOUSLY HELD AUSTRALIAN PRACTISING CERTIFICATE (NOTE J)

You must provide an answer to each of the following questions:

- Have you ever held a solicitor's practising certificate in New South Wales? Yes (please provide details below) No
- Have you ever held a solicitor's practising certificate in an Australian jurisdiction other than New South Wales? Yes (please provide details below) No
- Do you hold a current practising certificate in another Australian jurisdiction as at the date of this application? Yes (please provide details below) No

 Attach additional page if necessary.

12. DECLARATION

I declare that the contents of this application are true and correct. I wish to apply for an Australian 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 affect my fitness to hold a practising certificate, other than that which is disclosed above, or previously disclosed. I acknowledge that payment of the Membership Fee indicates that I also wish to be a Solicitor Member of The Law Society of New South Wales for the 2018/19 year.

Signed:

Dated (DD/MM/YYYY): / /

13. SCHEDULE OF FEES AND PAYMENT

2018/19 SCHEDULE OF FEES:

Practising Certificate Category	Practising Certificate Fee	Fidelity Fund Contribution	Membership Fee	Total Fee
Law Practice Principal or Employee	\$390	\$70	\$429	\$889
Corporate/Government	\$390	\$0	\$429	\$819

AMOUNT OWING:

Practising Certificate Fee: \$.

Fidelity Fund Contribution: \$.

Membership Fee \$.

Total: \$.

Please note that the Practising Certificate Fee and Fidelity Fund Contribution do not attract GST.

The Membership Fee includes \$39 GST (net \$390 when practising within Australia)..

PAYMENT DETAILS:

Cheque/money order (made payable to The Law Society of New South Wales and attached to application form)

EFTPOS (payment to be made in person at the Law Society)

Credit card:

Amount to be charged: \$. Card type: Amex Mastercard Visa

Card number: Expiry date: /

Cardholder's name:

Cardholder's signature:

14. LODGEMENT OF APPLICATION FORM

Please return completed form by either:

Email: registry@lawsociety.com.au

Fax: +61 2 9926 0257

Post: **LAW SOCIETY REGISTRY**
170 Phillip Street, Sydney NSW 2000
or DX 362 Sydney

Please direct any queries to the Registry on:

Email: registry@lawsociety.com.au

Telephone: +61 2 9926 0156

Fax: +61 2 9926 0257

OFFICE USE ONLY:

Date received:

Issue date:

LSID:

Practice number:

Receipt number:

File number:

Conditions:

SOLICITOR MEMBERSHIP BENEFITS OF THE LAW SOCIETY OF NEW SOUTH WALES

As the largest and most influential membership organisation for solicitors in Australia, The Law Society of New South Wales provides strong leadership and effective representation for the profession and the support you need to be a successful legal practitioner.

We've set out some of the key benefits members enjoy.

THE BEST ONGOING EDUCATION

- Free Premium subscription to LawInform with 30% discount on a wide range of online podcasts and face to face CPD seminars, including your very own CPD tracker
- Exclusive member discount on our Practice Management Course, with a member saving of \$450
- Opportunity to join the prestigious Specialist Accreditation peer assessment scheme, enabling practitioners expertise to be recognised in their area of practice

CAREER ADVANCEMENT AND NETWORKING

- The opportunity to be a mentor or mentee through our range of mentoring programs
- Access to your peers and the profession's leading minds through our member exclusive networking and educational events
- Discounts on a wide range of Law Society events including the Annual Innovation Conference and Award Dinner, with a member saving of over \$600
- A range of Committee resources and events in specific areas of practice
- The Future of Law and Innovation in the Profession Report's initiatives, resources and events

RESOURCES AND RESEARCH

- Annual subscription to the award winning LSJ magazine, valued at \$295, as well as full access to archives
- Our Monday Briefs eNewsletter as well as segment specific eNewsletters discussing the skills and topics that matter to you

- Complimentary online and physical access to the Law Society library
- Access to precedents and forms that have been developed by leading practitioners
- A range of discounts at the Law Society e-shop

PRACTICE AND PERSONAL SUPPORT

- Discounts and benefits with over 20 organisations through our Member Connexions and Practice Connexions programs
- Full and exclusive access to online resources dedicated to all segments of the profession to support your practice
- Access to all our facilities at 170 Phillip Street, including the Law Society dining room and our complimentary Visiting Solicitors Rooms as well as discounted mediation rooms
- Complimentary help with ethical and legal matters through our confidential advice lines and professional mandatory CPD seminars
- Member-only access to The Law Society of New South Wales Professional Standards Scheme, which allows members in private practice to limit their occupational liability
- Exclusive access to counselling and support services, including Lifeline for Lawyers, LawCare, the Lawyers Assistance Program and online resources

A VOICE ON PUBLIC POLICY

- The chance to be a leader in your field through the Law Society's 21 expert Policy and Practice Committees including having an impact on state and federal legislation
- The opportunity to participate in community schemes such as the Pro Bono Scheme and Mock Law Programs
- Access to NSW Young Lawyers' committees and resources

For a comprehensive guide to what membership of The Law Society can provide, visit lawsociety.com.au/membership

GENERAL NOTES

APPLICATION & PRACTICE NOTES

- An application that fails to provide mandatory information (including payment), or provides incomplete or misleading information, will be treated as an incomplete application.
- An incomplete application will be treated as 'not received' for the purposes of the *legal profession legislation*, and will be returned to the applicant. It will then be up to the applicant to decide whether or not to proceed with the application.
- If the applicant wishes to proceed, the applicant will need to resubmit their application by completing the missing/incomplete information in their original application and redeclaring the same application. Until the requisite information is provided, the Law Society Council will not consider granting a practising certificate.
- If the applicant does not wish to proceed, the applicant may request to withdraw the application and refund the application fees.
- It is at the discretion of the Law Society Council whether to grant a practising certificate. Mere lodgement of an application form with the relevant fees does not entitle the applicant to commence practice.

- A practising certificate will not be granted unless professional indemnity insurance requirements are met. A law practice must have professional indemnity insurance cover before commencing to engage in legal practice. This insurance must be maintained at all times while engaged in legal practice.
- A practising certificate will be granted with the supervised legal practice condition unless the condition is inapplicable to the practitioner or an application for the removal of the condition has been granted.

MEMBERSHIP OF THE LAW SOCIETY

- Membership of The Law Society is optional. You will still need to pay the Practising Certificate Fee and Fidelity Fund Contribution (where applicable) in order to be granted a practising certificate.
- Payment of the Membership Fee will be regarded by The Society as an application to be a Solicitor Member of The Law Society. Your Membership will be administered in accordance with the Articles of Association of The Society. Please note that information you have previously provided to The Law Society will be utilised to effect and administer your membership of The Law Society.

EXPLANATORY NOTES

NOTE A: ADMISSION DETAILS

If you have been admitted or registered to practise in an Australian jurisdiction other than New South Wales, you must provide evidence of your admission and suitability in each of these jurisdictions.

If you have been admitted in another Australian jurisdiction but did not hold a practising certificate in that jurisdiction, you must provide a certified copy of your interstate admission certificate.

If you have been admitted in another Australian jurisdiction and held a practising certificate in that jurisdiction, you must provide a current Certificate of Fitness and Good Standing from the appropriate regulatory authority. A Certificate of Fitness and Good Standing is only current for 28 days from the date of issue.

If you have been admitted and registered to practise in an overseas jurisdiction, you must provide a current Certificate of Fitness and Good Standing from the appropriate regulatory authority where this is possible. A Certificate of Fitness and Good Standing is only current for 28 days from the date of issue.

NOTE B: ELIGIBILITY TO APPLY FOR A PRACTISING CERTIFICATE

Rule 12(1) of the *Legal Profession Uniform General Rules 2015* provides that an application for an Australian practising certificate must state the participating jurisdiction that the applicant reasonably intends will be the applicant's principal place of legal practice in Australia.

NOTE C: PRACTICE DETAILS – PRINCIPAL PLACE OF PRACTICE

Principal place of practice

For the purposes of reporting you will be assigned to this entity on the Law Society's records.

Change in practice details

Clause 61 of the *Legal Profession Uniform Law Application Regulation 2015* requires a local legal practitioner to notify the Law Society of any changes to particulars relating to the practitioner within 7 days after the change occurs. If you need to change your details, please notify the Law Society in writing.

NOTE D: ADDRESS DETAILS

Section 442(1)(b) of the *Legal Profession Uniform Law (NSW)* requires the Law Society's Register to include an address for service for each local legal practitioner. The address for service must be a physical street address.

Section 149(8) of the *Legal Profession Uniform Law Application Act 2014* requires the Law Society Council to make the Register publically available for inspection. The address for service will appear on this version of the Register, unless special circumstances warrant it not being publicly available.

Section 149(7) of the *Legal Profession Uniform Law Application Act 2014* provides that the Law Society Council may publish information recorded on the Register to members of the public in circumstances it considers appropriate.

NOTE E: OTHER PLACES OF PRACTICE

Legal practitioners engaging in legal practice with more than one law practice or entity are required to complete this question.

NOTE F: FOREIGN LANGUAGES

Please note that if you are practising within a law practice, this information may appear on the Law Society's website unless you advise that you do not wish for it to be disclosed.

NOTE G: PRACTISING CERTIFICATE TYPE

The practising certificate granted by the Law Society Council will reflect the conditions to which your entitlement to practise is subject. Certificate categories are:

- **Principal of a law practice** – The holder is authorised to engage in legal practice as a principal and also as an employee of a law practice, corporate legal practitioner or government legal practitioner and also as a volunteer at a community legal service, or otherwise on a pro bono basis.
- **Employee of a law practice** – The holder is authorised to engage in legal practice as an employee of a law practice, corporate legal practitioner or government legal practitioner and also as a volunteer at a community legal service, or otherwise on a pro bono basis.
- **Corporate legal practitioner** – The holder is authorised to engage in legal practice as a corporate legal practitioner or government legal practitioner and also as a volunteer at a community legal service, or otherwise on a pro bono basis.
- **Government legal practitioner** – The holder is authorised to engage in legal practice as a government legal practitioner or corporate legal practitioner and also as a volunteer at a community legal service, or otherwise on a pro bono basis.
- **Volunteer** – The holder is authorised to engage in legal practice as a volunteer at a community legal service and otherwise on a pro bono basis, only.

Notes:

- Discretionary conditions imposed by the Law Society Council may prohibit, restrict or regulate the provision of legal services by an Australian legal practitioner at community legal services or otherwise on a pro bono basis.
- Information on other conditions that may apply is available on the Law Society's website.

NOTE H: FIT AND PROPER PERSON

Applicants must address each of the matters referred to in rule 13(1) of the *Legal Profession Uniform General Rules 2015* in considering whether or not they are a fit and proper person to hold an Australian practising certificate. These Rules are available on the Law Society's website at www.lawsociety.com.au.

NOTE I: SHOW CAUSE EVENTS

Section 87 of the *Legal Profession Uniform Law (NSW)* requires that an applicant must provide to the Law Society Council a statement about any automatic show cause event and explain why, despite the show cause event, the applicant considers himself or herself to be a fit and proper person to hold a practising certificate.

An automatic show cause event is a bankruptcy-related event, a conviction for a serious offence or a tax offence. Please refer to sections 86 and 87, and the definitions in section 6, of the *Legal Profession Uniform Law (NSW)* to determine if you are required to provide a statement.

Please contact the Professional Standards Department on (02) 9926 0110 for assistance.

NOTE J: CURRENT OR PREVIOUSLY HELD AUSTRALIAN PRACTISING CERTIFICATE

Please note that if you currently hold an Australian practising certificate you will need to surrender that certificate before this certificate can be granted.

The Law Society 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.

PERSONAL INFORMATION COLLECTION NOTICE

By completing this form you are providing personal information to The Law Society of New South Wales (we, us, or our).

WHO DO WE COLLECT THE PERSONAL INFORMATION FROM?

We generally collect your personal information directly from you. However, in some cases, we may receive your personal information from a third party (for instance if we receive a complaint) and when it is relevant to our statutory responsibilities (for instance other regulators who have dealt with you).

WHAT ARE THE PURPOSES FOR WHICH WE COLLECT PERSONAL INFORMATION?

We collect your personal information to:

- fulfil our functions and responsibilities under, and facilitate compliance with, the *Legal Profession Act 2004 (NSW)*, *legal profession legislation* (as defined in the *Legal Profession Uniform Law Application Act (2014)*), the *Corporations Act 2001 (Cth)*, the *Professional Standards Act 1994 (NSW)* and associated regulations (which require and authorise us to collect certain information) including to maintain regulatory and corporate records;
- fulfil our role as your professional association including:
 - maintaining membership records
 - communicating with you to offer products, services and events and when you obtain a product or service or come to an event
 - to conduct research and provide public representation; and
- provide information to third parties as authorised or required by law.

WHAT IF WE DIDN'T COLLECT THIS PERSONAL INFORMATION?

Without your personal information we may not be able to process your application or request, perform our statutory functions or provide you with some or all of the services of the Law Society as a professional association.

WHO ARE THE TYPES OF BODIES AND PERSONS TO WHOM WE USUALLY DISCLOSE YOUR PERSONAL INFORMATION?

Your personal information may be provided to:

- entities distributing information relevant to you as a legal practitioner or member of the Law Society;
- LawCover and other professional indemnity insurers and practising certificate funders;
- our professional advisors and contractors (strictly on the basis that the information is to be used only for providing services to the Law Society and must not be disclosed);
- Australian regulators and government entities (such as the Office of the Legal Services Commissioner) and overseas regulators; and
- organisations that represent the legal profession such as the Law Council of Australia and Regional Law Societies.

DISCLOSURE OVERSEAS

If you practise in a foreign country (or apply to do so) we may send your personal information overseas in response to an inquiry from the relevant authority in that place.

YOU CAN ACCESS AND CORRECT YOUR PERSONAL INFORMATION

Our privacy policy contains information about how you may access your personal information and seek correction of such information; as well as how to complain about a breach of the Australian Privacy Principles and how we will deal with such a complaint. Our privacy policy is accessible via a link appearing at the foot of each web page at www.lawsociety.com.au.

HOW TO CONTACT US

PRIVACY OFFICER

Corporate Legal Services
The Law Society of New South Wales
170 Phillip Street, SYDNEY NSW 2000

Telephone: (02) 9926 0333
Fax: (02) 9231 5809
Email: corplegal@lawsociety.com.au

Please do not return this form to the privacy officer