

2020/21 APPLICATION FOR GRANT OF AN AUSTRALIAN PRACTISING CERTIFICATE AS A VOLUNTEER SOLICITOR AND MEMBERSHIP OF THE LAW SOCIETY OF NEW SOUTH WALES



THIS IS AN APPLICATION FOR THE GRANT OF AN AUSTRALIAN PRACTISING CERTIFICATE AS A VOLUNTEER FOR THE 2020/21 PRACTISING YEAR BY THE DESIGNATED LOCAL REGULATORY AUTHORITY IN NEW SOUTH WALES UNDER S 47(1)(C) OF THE *LEGAL PROFESSION UNIFORM LAW (NSW)*.

- To be completed by an Australian lawyer who does not hold a current New South Wales solicitor's practising certificate and wishes to practise as a volunteer.
- 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: <input type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Ms <input type="radio"/> Miss <input type="radio"/> Dr <input type="text" value="Other:"/>
Post nominals:	Gender: <input type="radio"/> Male <input type="radio"/> Female
Place of birth:	Date of birth (DD/MM/YYYY): <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>
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=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/>	
Have you had any condition imposed on your admission to the Australian legal profession? <input type="radio"/> Yes (please provide details below) <input type="radio"/> 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. COMMUNITY LEGAL SERVICE DETAILS - WHERE YOU VOLUNTEER (NOTE C)

Name of community legal service:

Street number and name:

Suburb:

State:

Country:

Postcode:

DX:

Telephone:

Fax:

Mobile:

Email address:

Publication email address (if different):

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 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)

Street number and name:

Suburb:

State:

Country:

Postcode:

6. OTHER PLACES OF PRACTICE (NOTE E)

Do you intend to practise as a volunteer with more than one entity? ☐ Yes (please complete additional practice details below) ☐ No

Name of other entity:

Street number and name:

Suburb:

State:

Country:

Postcode:

DX:

Telephone:

Fax:

Mobile:

Email address:

Publication email address (if different):



Attach additional page if necessary.

7. FOREIGN LANGUAGES (NOTE F)

(this question is optional)

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

8. PRACTISING CERTIFICATE TYPE (NOTE G)

I am applying for a practising certificate as a:

☐ Volunteer

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 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

Have you ever held a practising certificate or been registered to practise in a foreign jurisdiction?

- ☐ 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 as a volunteer 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 under a volunteer practising certificate I may only engage in legal practice both as a volunteer at a community legal service and otherwise on a pro bono basis, only, as determined by The Law Society Council. 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 for the 2020/21.

Signed:

Dated (DD/MM/YYYY): / /

SOLICITOR MEMBERSHIP BENEFITS OF THE LAW SOCIETY OF NEW SOUTH WALES

SOLICITOR MEMBER BENEFITS OF THE LAW SOCIETY OF NEW SOUTH WALES

We realise these are challenging times and, given the impact of COVID-19, the Law Society has reduced membership fees for practising solicitors to \$11 per practitioner (including GST) for the 2020/21 practising year.

In a world where social distancing has become the new normal, staying connected and maintaining a sense of community for our legal profession has never been more crucial. This is one of the major and practical benefits of membership. Outlined below are some of the other key benefits members enjoy.

SUPPORTING YOUR CAREER AND WELLBEING

- Access to our award-winning LawInform portal which hosts one of the largest CPD programs in Australia. You can track your CPD progress and receive up to 30 per cent off selected courses.
- Get the latest information on how innovation is changing the profession via a number of Future of Law and Innovation in the Profession (FLIP) initiatives held throughout the year.
- The opportunity to join one of our mentoring programs as either a mentor or mentee.
- Access to NSW Young Lawyers committees and resources.
- Access to our range of wellbeing related services, including the Solicitor Outreach Service (SOS), and online resources.

STRENGTHENING YOUR PRACTICE

- Connect your practice to members of the public in need of legal advice through our solicitor referral service.
- Access to a range of committee resources and events in specific areas of practice.
- Utilise our CBD spaces, including a well-equipped training room, multiple function rooms, visiting solicitor rooms, purpose-designed mediation and arbitration facilities, and the Law Society fine dining restaurant.
- Online and in-person access to the Law Society library and research services.
- Access a wide range of precedents and forms developed by leading practitioners.

- 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.
- Become recognised as an expert in your area of practice with member-only opportunities to apply for the Specialist Accreditation program.
- Access to exclusive discounts and upgrades on business and lifestyle products and services from more than 20 organisations through our Member Benefits Program.

SERVING YOUR PROFESSION

- Complimentary help with ethical and legal matters through our confidential advice lines.
- Meet your peers and the profession's leading minds with more than 100 events each year, covering everything from thought leadership forums to gala dinners, expert panels, conferences, fundraisers and more.
- Annual subscription to the award-winning *LSJ* magazine, both print and online versions, plus access to the digital archive of every issue published since 1963 (available mid-2020).
- Regular email updates on legal current affairs, legislative changes, upcoming training and events and exclusive member services via Monday Briefs and segment-specific e-Newsletters.
- Access a range of useful resources at discounted prices, including legal documents, books, leaflets, handbooks and merchandise via our shop and e-shop.

SAFEGUARDING YOUR COMMUNITY

- Become an advocate for the profession and make a direct impact on law reform and policy development by serving on one of 18 expert policy and practice committees.
- Our Pro Bono Scheme connects firms willing to provide pro bono assistance to disadvantaged members of the community in need of legal services.
- Give back to the legal community by adding your expertise to one of our volunteer mock law or mentoring programs.

For a comprehensive guide to what membership of the Law Society can provide, including partner-specific terms and conditions, visit: lawsociety.com.au/membership. Information correct as at July 2020.

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 Law 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 Law 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 a jurisdiction other than New South Wales, you must provide evidence of your admission and suitability in each of these jurisdictions as follows:

- If you have been admitted in an Australian jurisdiction other than New South Wales 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 an Australian jurisdiction other than New South Wales 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 not been admitted in another Australian jurisdiction other than New South Wales but have held a practising certificate in another Australian 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 also been admitted and registered to practise in a foreign 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.

Principal place of practice

Section 44(4) of the *Legal Profession Uniform Law (NSW)* provides that an application cannot be made in this jurisdiction unless the applicant reasonably intends that this jurisdiction will be his or her principal place of practice during the currency of the certificate applied for.

NOTE C: PRACTICE DETAILS

For the purposes of reporting you will be assigned to your principal place of practice on the Law Society records.

In order to be granted a volunteer practising certificate it is necessary to provide details of the community legal services at which you will be volunteering as engaging in legal practice as a volunteer is only possible when covered by the professional indemnity insurance cover held by the community legal service.

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 as a volunteer with more than one entity are required to complete this question.

NOTE F: FOREIGN LANGUAGES

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 you are subject.

- 'Volunteer' means that the holder is subject to the condition that they are authorised to engage in legal practice both as a volunteer at a community legal service and otherwise on a pro bono basis, only, as determined by the Law Society Council.
- 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 and otherwise on a pro bono basis, only, including the provision of legal services by a volunteer in respect of any pro bono projects approved by the Law Society Council.
- Details of Community Legal Services in New South Wales are available on the Law Society's website. The Law Society Council has approved a volunteer engaging in pro bono practice under National Pro Bono Projects approved by the Australian Pro Bono Centre.
- 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).

By lodging this application, you confirm that you have read the Personal Information Collection Notice and that you consent to The Law Society of New South Wales' collection, use and disclosure of information in accordance with that Notice. If you have any questions regarding the Personal Information Collection Notice please contact our Privacy Officer using the contact details below, prior to lodging this application.

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), the *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 a 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.

We use the services of certain third party service providers which may have offices or other operations outside of Australia. As a result, your personal information may be disclosed to overseas recipients. All service providers that have access to personal information held by us are required to keep the information confidential and not to make use of it for any purpose other than to provide services in accordance with their engagement.

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 lawsociety.com.au/privacy-policy

HOW TO CONTACT US FOR PRIVACY RELATED ISSUES

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

See page 5 for lodgement address.