

2023/24 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 2023/24 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.
- You cannot make this application unless you reasonably intend New South Wales will be your principal place of practice.
- 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 pages 7 and 8 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=""/> <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:
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Date of admission (DD/MM/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 in New South Wales.

If you are practising in Australia, you cannot make an application unless you reasonably intend that NSW will be your principal place of practice during the currency of the certificate applied for (Section 44(4) LPUL)

4. COMMUNITY LEGAL SERVICE DETAILS - WHERE YOU VOLUNTEER IN NSW (NOTE C)

Name of community legal service:		
Street number and name:		
Suburb:	State: NEW SOUTH WALES	
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

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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 (including a finding, conduct or event) referred to in rule 13(1) of the *Legal Profession Uniform General Rules 2015* (Rules) which is applicable to you and which you have not previously disclosed in writing to the Law Society? (See Note H). You must still disclose such matters even if you have already disclosed them to the Legal Profession Admissions Board (or the equivalent in another jurisdiction) at the time of admission or to a body that issued you with a practising certificate in another jurisdiction.

- Yes (Please complete a statement in accordance with rule 12 of the Rules which addresses all of the matters in rule 13 relevant to you that you have not previously disclosed, including why you are a fit and proper person to hold an Australian practising certificate notwithstanding the matter disclosed).
 No

10. SHOW CAUSE EVENTS (NOTE I)

Is there any matter referred to in section 87 of the *Legal Profession Uniform Law (NSW)* which is applicable to you and which you have not previously disclosed in writing to the Law Society? (See Note I)

- 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 (NOTE K)

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 matter (including a finding, conduct or event) referred to in rule 13(1) of the *Legal Profession Uniform General Rules 2015* or any Automatic Show Cause event within the meaning of section 87 of the *Legal Profession Uniform Law (NSW)* which would affect my fitness to hold a practising certificate, other than that which is disclosed above and in respect of which I have provided a statement under rule 12, or which I have 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 2023/24 year.

Signed:

Dated (DD/MM/YYYY): / /

13. SCHEDULE OF FEES AND PAYMENT

2023/24 Schedule of Fees:

Practising Certificate Category	Practising Certificate Fee	Fidelity Fund Contribution	Membership Fee	Total Fee
Volunteer	Nil	Nil	\$440	\$440

The Membership Fee includes \$40 GST.

If you would like to be a member of The Law Society of New South Wales, please provide payment below.

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:

Email: registry@lawsociety.com.au
 Please note, we do not require you to send a hard copy by post.

Please direct any queries to the Registry on:

Email: registry@lawsociety.com.au
 Telephone: +61 2 9926 0156
 Fax: +61 2 9926 0257

SOLICITOR MEMBERSHIP BENEFITS OF THE LAW SOCIETY OF NEW SOUTH WALES

Solicitor member benefits of The Law Society of New South Wales

As Australia's largest and most influential association for solicitors, we are committed to providing strong leadership and effective representation for the legal profession. As a member, you will benefit from a rich pool of services designed to empower and support you in your practice including:

Supporting your career and wellbeing

- Access to our LawInform portal which hosts one of the largest CPD programs in Australia with face-to-face, online, and on-demand courses. 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 innovation 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 a range of wellbeing related services, including our complimentary *Staying Well in the Law* webcasts and online resources as well as the Solicitor Outreach Service (SOS) (available to NSW solicitors).

Strengthening your practice

- Connect your practice to members of the public in need of legal advice through our solicitor referral service and our Find a Lawyer tool.
- Access to a range of committee resources and events in specific areas of practice and interest.
- Utilise our CBD spaces, including a well-equipped training room, multiple function rooms, visiting solicitor rooms, purpose-designed mediation and arbitration facilities.
- Online and in-person access to the Law Society library and research services.
- Access a 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 25 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 Law Society Journal, LSJ online, plus access to the digital archive of every issue published since 1963.
- Regular email updates on legal current affairs, legislative changes, upcoming training and events and exclusive member services via Monday Briefs, Legal Updates, Ethics and Standards Quarterly, and other valuable e-Newsletters.
- Access a range of useful resources at discounted prices, including legal documents, books, leaflets, handbooks and merchandise via our online 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 April 2023.

GENERAL NOTES

Application and 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 Constitution 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 and must be current on the intended commencement date of your practising certificate.
- 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 and must be current on the intended commencement date of your practising certificate.
- 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 and must be current on the intended commencement date of your practising certificate.

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.

EXPLANATORY NOTES

Note J: Current or previously held 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.

Note K: Declaration

To maintain the integrity and standing of legal practitioners in NSW, Rule 12 of the *Legal Profession Uniform General Rules 2015* (Rules) requires practitioners

to declare if they are aware of any matter (including a finding, conduct or event) referred to in rule 13(1) of the Rules. Rule 13 includes (amongst others) matters relating to insolvency, convictions, disciplinary matters (wherever occurring), adverse findings (whether in the profession or otherwise), failure to comply with laws relating to the legal profession and various other matters. Practitioners should review Rule 13 in its entirety and provide a statement under Rule 12 that addresses each of the matters relevant to them and why they are a fit and proper person to hold a practising certificate notwithstanding the matter disclosed.

Practitioners do not have to disclose minor offences such as parking fines or minor traffic infringements (see Rule 15).

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 and hold personal information?

We collect and hold your personal information to:

- fulfil our functions under, facilitate compliance with, and carry out our responsibilities in connection 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.