

PROSPECTIVE MEMBERS' GUIDE

August 2018

This guide is to assist practitioners seeking to join the Western Australian Bar Association (WABA) and commencing practise solely as independent barristers.

Application for Membership of the WABA

Below is a link to an application form for membership of the WABA. The application must be accompanied by two letters of reference from current members of the WABA. Usually the references should be provided from WABA members who have known the applicant professionally for 5 years. The referees are also each required to sign the schedule attached to the application form.

Applications are considered by Bar Council at its monthly meeting. Bar Council considers whether the application should be referred to a General Meeting of the WABA for election as a member pursuant to Clause 5(1)(a) of the Association's Constitution. This process may occur after a candidate has actually commenced practising as a barrister at a set of chambers.

Membership of the WABA is formally approved by the members in general meeting, but where Bar Council has recommended an applicant for membership the privileges of membership are extended to the applicant pending the next general meeting.

There is no fee payable on lodgement of an application.

Membership Fees

Below are the categories of membership and current subscription fees. These amounts are reviewed by Bar Council and are subject to change from time to time. All amounts are GST exclusive.

Queens Counsel and Senior Counsel	\$1,815.00
10 years admission or over	\$1,375.00
Under 10 years admission	\$ 907.50
Interstate Queens Counsel and Senior Counsel	\$ 660.00
Interstate members (non Queens Counsel and Senior Counsel)	\$ 330.00

The annual subscription fee is invoiced in June each year.

New members starting prior to or after June are assessed at a pro rata monthly adjusted fee, with invoices issuing after election as a member.

Sets of Chambers

Attached is a list of chambers in Western Australia that provide accommodation and services appropriate to a variety of modes of practice. Information regarding the requirements for admission to chambers and the services provided by the individual sets of chambers should be obtained directly from those chambers.

Announcement to the Supreme Court of Western Australia

Clause 4 of the Constitution provides that a barrister shall announce himself or herself at the first ordinary sitting of the Full Court of the Supreme Court of Western Australia held after he or she has been elected a member of Association (if they have not already done so).

Inquiries about this process should be directed to:

Marion Spears

Ph: (08) 9421 5300

Email: marion.spears@justice.wa.gov.au

Roll of Counsel

Following election to the WABA, new members are required to sign the WABA's Roll of Counsel and insert the date upon which their announcement to the Full Court was made. Members should contact the WABA's Executive Officer, Debbie Cole (Phone: 9220 0532, Email: ExecutiveOfficer@wabar.asn.au), to arrange a suitable time to sign the Roll.

Professional Standards Scheme

The Western Australian Bar Association Scheme (**Scheme**) under the *Professional Standards Act 1997*(WA) (**Act**) applies to all members of the Association (as set out in cl. 2.1 of the Scheme) and will, subject to the provisions of the Scheme, limit the liability of members to whom the Scheme applies (**Scheme Participants**) to damages in the amount of \$2 million.

The liability limited by the Scheme includes, to the extent permitted by the Act, civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a Scheme Participant in acting in the performance of his or her occupation. The limit on liability extends only to those matters that fall directly within the scope of a Scheme Participant's professional work as a barrister and does not apply to liability for damages arising from breach of trust, fraud or dishonesty or liability expressly excluded under the Act.

Applicants are not eligible to become Scheme Participants until formal election as a member of the WABA. Detailed information about the Scheme and requirements which must be complied with by Scheme Participants and the WABA, is provided following formal election as a member of the WABA.

Professional Indemnity Insurance

Under the *Legal Practice (Professional Indemnity Insurance) Regulations 1995* (PII Regs) members must hold a policy of Professional Indemnity Insurance.

Regulation 11(1)(a) of the PII Regs provides that **barristers** who are holders of a policy of professional indemnity insurance that is approved by a resolution of the Bar Council of the WABA are exempt from the professional indemnity insurance **arrangements** administered by Law Mutual.

Regulation 3 defines "**barrister**" as including members of the WABA, and "**arrangements**" as the arrangements made under regulation 4(1) – ie by the Law Society of Western Australia through Law Mutual.

The Law Society determined the minimum level of cover for the purposes of Regulation 97(1)(a)(ii) to be **\$2 million**, for each claim inclusive of costs.

For the **2018-2019** year, Bar Council has resolved to approve professional indemnity insurance policies submitted by the following insurers/brokers:

- **AAI Limited** (Suncorp)
- **CGU Insurance Limited** (through Aon Risk Solutions Limited)
- **Allianz Australia Insurance Ltd** (through Marsh Pty Ltd)
- **Insurance Australia Limited** (through Pacific Indemnity Underwriting Solutions Pty Ltd)

Members may also take out cover through the Law Mutual Professional Indemnity Insurance arrangements.

Set out below are the contact particulars for each insurance provider:

- **AAI Limited** (Suncorp)
Ms Kylie Lansdowne
Product Specialist
Suncorp Professional Risks
GPO Box 3999
SYDNEY NSW 2001

Phone: 1300 308 950
Email: sunprorisk@suncorp.com.au
- **CGU Insurance Ltd** (through Aon Risk Solutions Limited)
Ms Lucinda Hurst
Client Executive
Aon Risk Solutions
130 George Street
PARRAMATTA NSW 2124

Phone: (02) 8623 4037
Email: lucinda.hurst@aon.com

- Allianz Australia Insurance Ltd** (through Marsh Pty Ltd)
 Ms Wendy Mancini
 Senior Account Executive
 Financial & Professional Lines - FINPRO
 Marsh Pty Ltd
 Level 6, 225 St George's Terrace
 PERTH WA 6000

Phone: (08) 9289 3828
 Email: wendy.mancini@marsh.com
- Insurance Australia Limited** (through Pacific Indemnity Underwriting Solutions Pty Ltd)
 Mr Edward Rawnsley
 Business Development Director
 Pacific Indemnity Underwriting Solutions Pty Ltd
 GPO Box 7
 BRISBANE QLD 4001
 Phone: 0432 356 554
 Email: edward.rawnsley@pacificindemnity.com.au

Practising Certificate

Under rule 5 of the *Legal Profession Rules 2009* the **standard renewal period is from 1 May to 31 May**.

If you are coming to the Bar from a government department, don't forget that you will need to get a Practising Certificate – and before you start practising as a Barrister.

You are also required to request that a "barrister's indorsement", within the meaning of Regulation 5(1) of the *Legal Profession Regulations 2009*, be imposed on your local practising certificate. You may do so by letter or email (general@lpbwa.com) to the Legal Practice Board

Bar Readers' Course

Pursuant to clause 5(1)b of the Constitution new members are required to undertake a Bar Readers' Course (BRC), subject to any exemption granted by Bar Council.

The BRC comprises four modules: ***Advocacy, Ethics and Practice, Evidence, Jurisdiction and Procedure***. The BRC is conducted once each year – seminars in the Evidence, Ethics and Practice, and Jurisdiction and Procedure modules are conducted over a 6-9 week period between early May to mid June. Each module involves 6-9 two hour seminars, commencing at 5pm each evening. The current enrolment fee for the Ethics and Practice, Evidence, and Jurisdiction and Procedure modules is **\$550** (GST inclusive) **per module**.

The Advocacy module is conducted as an intensive Essential Trial Advocacy Course (ETAC) under the auspices of the Australian Bar Association (ABA). The ETAC is designed to cater for 'junior' barristers from small bars in Australia. Organisation of the ETAC alternates

between the Western Australian Bar Association and the South Australian Bar Association (SABA).

Further information about the BRC may be found on the WABA's website - www.wabar.asn.au

Pupillage

Practitioners who wish to undertake pupillage with an experienced barrister/s, should direct inquiries to individual sets of chambers. The WABA does not coordinate pupillage nor does it maintain a register of barristers available and prepared to supervise pupils. It is a matter of contacting the various chambers in Perth to ascertain whether pupillage schemes are available and, if so, meeting to discuss the type of support available.

Website Entry

Members' details may be placed on the WABA website pending election as a member. Members will be requested to complete and return 'Member Webpage' forms to enable details to be placed on the website.

Set-up Tips

Accepting briefs

Be aware of the cab-rank rule. An important aspect of practice as an independent barrister is that services are made available without fear or favour.

Only accept briefs in areas in which you are competent. That is not to say that you can't develop into new areas, but make sure that you will be able to give a competent service before accepting a brief in a new area. You may be able to achieve that by not billing for the time you spend getting up to speed in the basics of the new area.

Do not accept briefs if your time commitments mean that you will be unable to properly handle the matter. It is usually wise to block out "chambers days" a few days before and after difficult court appearances. While some barristers are able to manage back-to-back trials with ease, most will perform better with some time in between.

Accounting

Consider whether you intend to manage and prepare your own accounts using an accounting package, or, whether you will engage an Accountant/Bookkeeper to do so.

If the former, the following are some of the more popular accounting packages:

- SILQ (software specifically designed for lawyers);
- Quicken
- MYOB ("Accounting Plus" includes a time keeping option)

ATO Requirements

It is necessary to register with the Australian Taxation Office for:

1. An ABN
2. GST; and
3. Possibly for PAYG instalments.

It is possible to register online at www.ato.gov.au

By registering for GST you will be entitled to GST tax credits on purchases relevant to your practice.

In addition to annual tax returns, you will also have to submit quarterly BAS statements.

Ethical obligations

Make sure that you are familiar with the Western Australian Barristers' Rules, which can be found on the WABA's website – www.wabar.asn.au

Written Terms of Engagement

Requirements under the *Legal Profession Act 2008* and the *Legal Profession Regulations 2009* in relation to costs disclosure must be complied with from 1 July 2009.

For the assistance of members, the Association has prepared forms to guide compliance with the requirements of the legislation, which can be found on the WABA's website – www.wabar.asn.au

Direct Briefs

Most barristers choose to accept instructions solely from other legal practitioners. However, barristers may choose to accept direct briefs from clients. If a direct brief is accepted then a number of matters must be noted.

Firstly, you must comply with the legislative requirements in relation to costs notifications and agreements. Barristers accepting instructions from other legal practitioners have limited notification requirements. The cost agreement information provided by the WABA to members do not apply to direct briefs.

Secondly, you can not receive money on account of fees without establishing a trust account and complying with the legislative requirements.

Thirdly, there may be implications for your insurance of accepting direct briefs. Make sure you notify your insurer.

Fourthly, if you accept a direct brief then any solicitor involved in the matter is not professionally liable to secure payment of your fees. You will have to recover the fees directly from the client.

Insurance

In addition to your professional indemnity insurance, you should also consider taking out income protection insurance and property insurance.

Internet access

Most chambers provide internet access to members, and an email account.

Invoicing for work done

Requirements under the *Legal Profession Act 2008* and the *Legal Profession Regulations 2009* in relation to costs disclosure must be complied with from 1 July 2009. For the assistance of members, the WABA has prepared forms to guide compliance with the requirements of the legislation, which can be found on the WABA's website – www.wabar.asn.au

IT Service Provider and Assistance

Some sets of chambers retain IT service companies to set up computer equipment and email facilities and provide ongoing assistance (on a user pays basis) to their members. If this service is not provided, consider whether you will require ongoing IT service and assistance.

Legal resources

Some sets of chambers have their own library and librarians, which members can use. Some chambers also provide internet access to legal resources such as Lexis Nexis.

You may also want to buy some hard-copy texts of your own. Before you do that, check with your chambers to see if they have bulk orders, or if you can get a discount from an on-line provider.

Notification Requirements

On or shortly prior to commencing at the Bar, ensure that you provide notification of your change of particulars to:

1. Legal Practice Board
6th Floor
111 St George's Terrace
Perth WA 6000

Telephone: (08) 6211 3600
Facsimile: (08) 9325 2743
Website: <http://www.lpbwa.org.au>

2. Law Society of Western Australia (if a member of the Society)
Level 4
160 St George's Terrace
Perth WA 6000

Telephone: (08) 9324 8600
Facsimile: (08) 9324 8699
Website: <http://www.lawsocietywa.asn.au>

Parking

Some chambers have car bays that are rented to members. However, there is usually a long waiting list.

Robes

If you do not own your own robe, they can be purchased from:

Regalia Craft Pty Ltd
240 Beaufort Street
Perth WA 6000
Telephone: (08) 9328 4194
Email: info@regaliacraft.com.au
Website: www.regaliacraft.com.au

Blashki & Son
2/36-40 New Road
Ringwood VIC 3134
Telephone: (03) 9870 7100
Email: sales@blashki.com.au
Website: www.blashki.com.au

Ludlows
530 Lonsdale Street
Melbourne VIC 3000
Telephone: (03) 9670 2000
Email: info@ludlows.com.au
Website: www.ludlows.com.au

Secretarial Assistance

Most chambers provide reception and mail services. Some allow members to hire reception staff to do typing, if the staff can fit it in around other duties. The chambers charge the member on an hourly basis.

Most chambers can accommodate your own secretary, but you are likely to be charged a rental fee for your secretary's bay.

Many barristers share secretaries. Some barristers will allow you to use their secretaries if the secretary can fit it in around other duties. The barrister will charge you, usually on a full cost recovery basis.

Set-up and Ongoing Practice Costs

Rent & Chambers Fee
Practising Certificate Fee
WABA Membership Fees (including ABA and LCA capitation fees, Professional Standards Scheme Fee)
Professional Indemnity Insurance
Bar Readers' Course Fees
Furniture & Equipment
Robes
Internet and Library Fees
IT support
Telephone/Photocopying/Postage/courier

If applicable

Income protection insurance
Contents insurance
Secretarial fees
Accountancy fees

Superannuation

You should consider your superannuation requirements.

Check List

- Application for Chambers
- Application for Membership of the WABA
- Professional Indemnity Insurance
- Practising Certificate (request Barrister's Indorsement)
- Announcement to the Supreme Court
- Sign WABA Bar Roll
- Notify the Legal Practice Board and Law Society (of new practice details)
- ATO Requirements (ie ABN/GST etc)
- Accountant/Accounting Package
- Furniture
- Equipment
- Robe

Barristers' Chambers in Western Australia

Albert Wolff Chambers

Levels 4, 5 and 7
33 Barrack Street
PERTH WA 6000
Telephone: (08) 9218 9200

Central Law Chambers

Suite163, Level 3, Equus Building
580 Hay Street
PERTH WA 6000

Equus Chambers

Suite 185, Level 6
Equus Building
580 Hay Street
PERTH WA 6000
Telephone: (08) 6189 8519

Fourth Floor Chambers

4th Floor
40 St George's Terrace
PERTH WA 6000
Telephone: (08) 9221 4050

Francis Burt Chambers

Level 25, Allendale Square
77 St George's Terrace
PERTH WA 6000
Telephone: (08) 9220 0444

John Toohey Chambers

Level 3, Council House
27-29 St George's Terrace
PERTH WA 6000
Telephone: (08) 6315 3300

Murray Chambers

E.B. Johnston House
259 Adelaide Terrace
PERTH WA 6000
Telephone: (08) 6244 5120

Perth Chambers

Level 27
44 St George's Terrace
PERTH WA 6000
Telephone: (08) 6316 4539

Quarry Chambers

Unit 169, Level 4 - Suite 2
580 Hay Street
PERTH WA 6000
Telephone: (08) 9225 6618

Quayside Chambers

Level 36, Exchange Tower
2 The Esplanade
PERTH WA 6000
Telephone: (08) 9460 5250

Sir Clifford Grant Chambers

Irwin Chambers, Level 4
16 Irwin Street
PERTH WA 6000
Telephone: (08) 9225 5801

Stone Chambers

2 Prowse Street
WEST PERTH WA 6005
Telephone: (08) 9481 2828