**THE NSW BAR INDIGENOUS LAW STUDENTS’ CLERKSHIP APPLICATION PROCESS**

**FEBRUARY / MARCH 2019 PROGRAM**

Overview

The NSW Bar is offering a unique opportunity to see a side of the legal profession that is normally hidden. The Bar is offering up to four paid clerkship positions to Indigenous law students. The program operates like a vacation clerkship at solicitor firms. The Bar’s program places emphasis on the tasks undertaken by barristers and judges. This work experience opportunity will be of interest to students with an interest in considering a career in

law. You do not have to have decided that you want to be a barrister.

The 2019 Program - What is involved?

The clerkship will take place on mutually agreed dates in February and March 2019, depending on university timetables.

The clerkship involves 3 consecutive weeks with rotations as follows:

* one week at the NSW Bar;
* one week at the Federal Court of Australia and/or the Federal Circuit Court of Australia; and
* one week at the Supreme Court of NSW and/or the District Court of NSW.

While at the Bar, you will be placed with a barrister. You will attend client conferences or Court as appropriate. You may be asked to do some research tasks. The main focus will be on providing you with an opportunity to observe a barrister working and to ask any questions you might have. The barrister will talk to you about the tasks that he or she is undertaking at that time.

While you are at the Courts, you will be based in a Judge’s chambers and the Registry. You will attend Court with the Judge, and discuss the cases that he or she is hearing, and be exposed to the operations of the Court’s Registry.

On completion of the clerkship, you will be:

1. asked to complete a questionnaire reviewing your experiences and observations throughout the clerkship; and
2. provided with a letter for your records setting out details of the completed clerkship.

Eligibility

Applicants who are Aboriginal and/or Torres Strait Islander and have successfully completed at least the first year of a law degree at a recognised Australian University are eligible to apply for the clerkship. Students in their penultimate and final year are encouraged to apply.

The NSW Bar Association uses the definition of Aboriginal people and Torres Strait Islanders as adopted by the High Court in the Tasmanian Dams Case (*Commonwealth v Tasmania* (1983) 158 CLR 1) which is a three- part test:

(i) a person must be of Aboriginal or Torres Strait Island descent,

(ii) who identifies as an Aboriginal person or a Torres Strait Islander, and

(iii) who is accepted by the relevant community as an Aboriginal person or a Torres

Strait Islander.

Enrolment process

Participants are to submit the enrolment form attached in **Schedule 1** to:

Ting Lim

Senior Policy Lawyer

New South Wales Bar Association

Selborne Chambers

B/174 Phillip Street, Sydney 2000

P: 02 9229 1739

E: [tlim@nswbar.asn.au](mailto:tlim@nswbar.asn.au)

By submitting the attached form, the applicant:

* agrees that he or she meets the eligibility criteria set out above;
* agrees to be bound by the provisions of this application and selection procedure; and
* agrees to commit their time to the full three weeks of the clerkship program.

If you are selected to participate in the clerkship program, we may take photographs and report your participation in publications such as the annual reports, journal articles and online mediums such as social media and the Association’s webpage. If you do not consent to this please advise the Association at the commencement of your clerkship.

Enrolment deadline

The closing date for receipt of participating vacation clerks’ forms for the 2019 summer clerkship position is 5pm on Friday 23 November 2018.

Purpose of the Enrolment Forms

In order to best tailor the content of the program to the participating vacation clerks, and in the hope of continuing the program in future years, the NSW Bar Indigenous Clerkship Committee (“the Committee”) would like to know a bit about each participant, including:

* Academic results in their legal studies at the time of enrolment;
* Stage reached by each participant in his or her study;
* Interest in pursuing a career in law (including possibly at the Bar);
* Involvement in or contribution to the wider community;
* Previous legal experience; and
* Leadership qualities and overall personal characteristics of each participant.

Notification of confirmation of enrolment

Upon the Committee confirming the enrolment of each participating vacation clerk, in November 2018 the Committee shall notify each participant by email or letter enclosing a copy of a Letter of Employment (to be signed and returned to the NSW Bar by the applicant within 7 days).

Terms of Employment

Each vacation clerk participant will be employed on the following basis:

1. **NSW Bar**

The employer shall be the NSW Bar Association and the vacation clerk will report to and follow all such lawful directions of such person appointed by the NSW Bar Association to supervise the vacation clerk as set out in the Letter of Employment.

The period of employment shall be the time specified in the Letter of Employment and the hours of employment will be from 9.00am to 5.00pm each weekday, with an unpaid lunch

break between 1.00 – 2.00 pm.

1. **Remuneration**

The vacation clerk will be remunerated at the same rate applicable to the position as a casual employee at a Level 3 classification as prescribed by the Clerks - Private Sector Award 2010. This is presently $29.10 per hour and, multiplied by 35 hours/week totals

$1,018.50 gross per week.

The vacation clerk will be remunerated on a fortnightly basis by way of direct credit to the

vacation clerk’s bank account as arranged between the NSW Bar Association and the clerk upon confirmation of completion of each week of clerkship.

1. **Confidentiality**

The vacation clerk undertakes and agrees to keep confidential all such information derived

by him or her in the course of undertaking his or her duties as a vacation clerk.

1. **Mentors**

Each vacation clerk will be assigned a mentor, being barristers who are members of the

NSW Bar’s Indigenous Clerkship Committee, or Judges, where the vacation clerkship occurs at the Supreme, District Court of NSW or Federal Court of Australia

1. **Appointment binding**

By signing the Letter of Employment the vacation clerk agrees to:

(a) the terms and conditions set out in the Letter of Employment;

(b) continue to abide by this enrolment procedure; and

(c) abide by the rules of the NSW Bar so far as those rules can apply to a vacation clerk.

Letter of Employment

Each vacation clerk is required to sign the Letter of Employment set out at Schedule 2 before commencing the vacation clerkship offered to him or her.

Information

Any enquiries about this application procedure and selection criteria or the vacation clerkship generally may be made to:

Lisa-Claire Hutchinson or Lester Fernandez, members of the NSW Bar Indigenous Clerkship Committee

[LCH@forbeschambers.com.au](mailto:LCH@forbeschambers.com.au) or 0402 226 639

[lester.fernandez@forbeschambers.com.au](mailto:lester.fernandez@forbeschambers.com.au) or 02 9390 7777

**THE NSW BAR INDIGENOUS Law Students CLERKSHIP PROGRAM 2019**

SCHEDULE 1 - ENROLMENT FORM

**Submission due by no later than 5pm on** Friday, 23 November 2018**.**

Please send completed and signed forms to:

Ting Lim

NSW Bar Association

Selborne Chambers   
B / 174 Phillip Street   
Sydney NSW 2000

**or by email** to tlim@nswbar.asn.au

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| PERSONAL DETAILS | | |
| NAME: |  | |
| ADDRESS: |  | |
| TEL: |  | |
| EMAIL: |  | |
| ACADEMIC DETAILS | | |
| UNIVERSITY: |  | |
| DEGREE: |  | |
| YEARS OF STUDY |  | |
| LAW SUBJECTS COMPLETED: | |  |
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| INDIGENOUS BACKGROUND: |
| The NSW Bar Association uses the definition of Aboriginal people and Torres Strait Islanders as adopted by the High Court in the Tasmanian Dams Case (*Commonwealth v Tasmania* (1983) 158 CLR 1) which is a three- part test:  (i) a person must be of Aboriginal or Torres Strait Island descent,  (ii) who identifies as an Aboriginal person or a Torres Strait Islander, and  (iii) who is accepted by the relevant community as an Aboriginal person or a Torres  Strait Islander.  Any Indigenous person who wants to apply for a clerkship must supply either:   * a certificate of Aboriginality, if they hold one, or * a letter of support from an Elder in their community (a sample letter is set out in *Attachment A*) |
| Certificate or letter attached  |
| Please tell us a bit about your background as an Aboriginal and/or Torres Strait Islander (ie. Your First Nation, if you know it; where your traditional country is; family history; your mob) |
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| INTEREST IN PRACTICING LAW |
| Please let us know why you think you might be interested in practising law |
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| AREAS OF LAW INTERESTED IN: |
| What areas/subjects of law interest you and why? |
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| REFEREES: | |
| You may, if you wish, nominate a referee or referees (no more than two), who you feel are able to support your application | |
| REFEREE NO. 1  NAME: |  |
| POSITION: |  |
| CONTACT DETAILS: |  |
| TEL: |  |
| EMAIL: |  |
| REFEREE NO. 2  NAME: |  |
| POSITION: |  |
| CONTACT DETAILS: |  |
| TEL: |  |
| EMAIL: |  |

|  |  |
| --- | --- |
| NAME OF APPLICANT: | |
| SIGNATURE: | |
| DATE: |  |

**THE NSW BAR INDIGENOUS Law Students CLERKSHIP PROGRAM 2019**

SCHEDULE 2 - SAMPLE LETTER OF EMPLOYMENT

Dear

Re Vacation Clerkship Program 2019

1. **Offer of Clerkship position**

The NSW Bar Association is pleased to offer you the position of Vacation Clerk, commencing on a date to be agreed in February or March 2019 for a period of three weeks. Your clerkship will involve time at the NSW Bar, the Federal Court of Australia and the Supreme Court of New South Wales and/or the District Court of NSW.

Set out below are the terms upon which the position is offered to you.

1. **Remuneration**

The vacation clerk will be remunerated at the same rate applicable to the position as a casual employee at a Level 3 classification as prescribed by the Clerks - Private Sector Award 2010. This is presently $29.10 per hour and, multiplied by 35 hours/week totals $1,018.50 gross per

week.

The vacation clerk will be remunerated on a fortnightly basis by way of direct debit to the vacation clerk’s bank account as arranged between the NSW Bar Association and the Clerk upon confirmation of completion of each week of clerkship,

1. **Hours of work**

The hours of work will be 9.00am to 5pm each weekday for the period of clerkship referred to

above, with an unpaid lunch break between 1:00 and 2:00pm.

You may choose to perform reasonable overtime (which may require an early start, reduced break during the day or extra time after 5:00pm weeknights). Your salary presumes the working of some overtime and there will be no additional payment for work performed

overtime.

1. **Confidentiality**

As you are likely to be aware, as lawyers, we are required to keep all information derived by us in the course of undertaking our duties as lawyers, strictly confidential. This obligation will extend to you and must be strictly observed. Additionally you must treat our personal matters in the strictest confidence. A failure to do so may result in the summary dismissal of your

employment.

1. **Award**

All other terms and conditions are those set out in the Clerks – Private Sector Award 2010. If

you request a copy, we shall arrange for a copy to be provided to you.

1. **Supervisor & Mentors**

You will be formally supervised in your employment by Ting Lim, at the NSW Bar. On the first day of your clerkship you should come to the Chambers of Lester Fernandez on Level 11, Forbes Chambers, 11/185 Elizabeth St, Sydney at 8:45am.

Each vacation clerk will have assigned to him or her appropriate mentors for each phase of the clerkship. The mentors will be a barrister while you are at the NSW Bar, and a Judge

and his or her associates while you are at the Federal Court,the Supreme Court and the District Court.

1. **Illness**

If you are ill, as soon as possible you must contact Lester Fernandez or Lisa-Claire Hutchinson to let them know. If your illness occurs while you are on placement at the court, you must also contact the Associate to the judge in chambers where you have been placed to let them know too.

If you are unable to attend due to illness, you will generally be expected to make up the time at a later date.

1. **Acceptance of Employment**

If the above terms are acceptable we ask that you sign and date the attached copy and return

it to us within 7 days. You should keep the original for your records.

By signing this letter, you agree to:

1. the terms and conditions set out in the Letter of Employment;
2. continue to abide by the Application Procedure and the Selection Criteria; and
3. abide by the rules of the NSW Bar so far as such rules can apply to a vacation clerk. The Uniform Law and Rules and Barristers’ Practice Rules and Regulations that members of the NSW Bar are subject to are available on the Bar’s website, at <https://www.nswbar.asn.au/coming-to-the-bar/uniform-law>.

If you have any questions, please contact:

Lisa-Claire Hutchinson or Lester Fernandez, members of the NSW Bar Indigenous Clerkship Committee

[LCH@forbeschambers.com.au](mailto:LCH@forbeschambers.com.au) or 0402 226 639

[lester.fernandez@forbeschambers.com.au](mailto:lester.fernandez@forbeschambers.com.au) or 02 9390 7777

1. Acceptance

I agree to accept the position of employment on the terms and conditions in this letter.

Signed:

Date: