

Protocol for Appointments to King's Counsel

A protocol for the appointment of King's Counsel in Tasmania

This protocol is to be applied in making a King's Counsel appointment in Tasmania:

1. Legal Practitioners who have been appointed as Senior Counsel in the Supreme Court of Tasmania, or who have been appointed as Senior Counsel in another Australian jurisdiction and whose principal place of practice is Tasmania, may make an application to the Attorney-General of Tasmania for appointment as King's Counsel.
2. Upon receipt of the written application of a legal practitioner who has been appointed as Senior Counsel, the Attorney-General must recommend to the Governor-in-Council that the legal practitioner be appointed as King's Counsel.
3. For practitioners who have been appointed as Senior Counsel in Tasmania, such a recommendation may only be made upon receipt of:
 - a. a written application. The application must give details of any outstanding disciplinary complaints pending disciplinary proceedings, or adverse findings or penalties in past disciplinary proceedings relating to the applicant; and
 - b. confirmation from the Supreme Court of Tasmania that the relevant legal practitioner has been appointed as, and continues to be, Senior Counsel in the State of Tasmania by the Supreme Court of Tasmania.
4. For practitioners who have been appointed as Senior Counsel in another Australian jurisdiction, such a recommendation may only be made upon receipt of:
 - a. a written application. The application must give details of any outstanding disciplinary complaints pending disciplinary proceedings, or adverse findings or penalties in past disciplinary proceedings relating to the applicant; and
 - b. confirmation from the Supreme Court of the jurisdiction in which the relevant legal practitioner was appointed as Senior Counsel, that the legal practitioner has been appointed as, and continues to be, Senior Counsel in that jurisdiction; and
 - c. evidence to satisfy the Attorney-General, in consultation with the Chief Justice of the Supreme Court of Tasmania, that the relevant practitioner's principal place of practice is in Tasmania.

5. The Attorney-General, in consultation with the Chief Justice, may request any additional documents from a legal practitioner who is applying for appointment as King's Counsel, as required.
6. It is the responsibility of the legal practitioner who is applying for appointment as King's Counsel to provide all necessary documents, including any additional materials that may be requested by the Attorney-General, in consultation with the Chief Justice.
7. The Governor may, on the recommendation of the Attorney-General, appoint a Senior Counsel as King's Counsel. The notice of any such appointment will be published in the Gazette.
8. If a Senior Counsel is appointed as a King's Counsel, they will cease to be a Senior Counsel and will hold the title of King's Counsel.

Withdrawal and Resignation of Appointment

9. The Chief Justice may, on behalf of the Supreme Court and in accordance with any relevant Rules or Practice Directions of the Court, recommend in writing to the Attorney-General that the Governor revoke the appointment of a legal practitioner as King's Counsel. Upon receiving such a recommendation, the Attorney-General will recommend to the Governor that the appointment be revoked.
10. A legal practitioner, who has been appointed to King's Counsel, may, by written notice to the Attorney-General, resign from that appointment.

Call for Expressions of Interest

11. Upon the issuance of this Protocol, the Attorney-General will invite expressions of interest for appointment as King's Counsel by writing to all legal practitioners who have been appointed as Senior Counsel by the Supreme Court of Tasmania.
12. When a new Senior Counsel is appointed by the Supreme Court of Tasmania, the Attorney-General will, by writing, advise them of their ability to apply for appointment as King's Counsel.