



Please read this guidance before you prepare a character reference for an applicant who is seeking admission to the legal profession.

Which form should I use?

There are four different forms for a character reference. Each contains the precise wording necessary to comply with the Uniform Admission Rules. Please use the correct one, depending on the applicant’s circumstances. You should complete:

| | | |
|---------|---|--|
| Form 3A | if the applicant has never been admitted previously | and the applicant has made a disclosure in his or her application |
| Form 3B | | and the applicant has <i>not</i> made a disclosure in his or her application |
| Form 3C | if the applicant has been admitted previously in a foreign jurisdiction | and the applicant has made a disclosure in his or her application |
| Form 3D | | and the applicant has <i>not</i> made a disclosure in his or her application |

Should I give a character reference?

People who are admitted to the legal profession may be authorised to give legal advice and engage in legal practice as solicitors and barristers. The community expects that such people are capable of upholding high standards of personal integrity and honesty.

Please consider this carefully before you decide whether or not to give a character reference for an applicant who is seeking admission to the legal profession.

If you decide to give a character reference, you will be required to sign a statutory declaration, and declare that the contents are true and correct to the best of your knowledge and belief. It is a serious criminal offence to make a false statutory declaration, and the penalties include imprisonment for up to five years.

If the applicant has made a disclosure

Applicants are required to disclose in their applications any matter which may affect the Board’s assessment of whether or not they are: i) currently of good fame and character, and ii) a fit and proper person to be admitted to the legal profession.

If the applicant has made a disclosure in his or her application, you must:

- have read that disclosure before giving your character reference; and
- attest in your statutory declaration to having read that disclosure.

Am I eligible to give a character reference?

To be eligible to give a character reference, you must:

- have known the applicant for at least two years, and
- not be related to the applicant by blood, marriage or as a domestic partner.

In addition, if the applicant is or has been a legal practitioner in a foreign jurisdiction, to be eligible to give a character reference, you must also have been associated in legal practice with the applicant in that jurisdiction.

You must not give a character reference if:

- you are aware of any relationship whatsoever by blood or marriage between you and the applicant (this includes even if the relationship by blood is very distant, or if the relationship by marriage is no longer intact, or if the marriage was between other blood relatives of you and the applicant)
- you are, or have ever previously been, in a registered domestic relationship with the applicant, or
- you are living, or have ever previously lived, as a couple with the applicant on a genuine domestic basis (irrespective of gender).

Signing your character reference

You must sign your character reference in the presence of an authorised witness. Authorised witnesses include:

- an Australian Legal Practitioner (anywhere in Australia)
- a Justice of the Peace for New South Wales (anywhere in New South Wales), or
- a Justice of the Peace for another Australian state and territory (in that other state or territory).

If you are giving a character reference from another country outside Australia, your statutory declaration must be made either:

- in an Australian Consulate before a Consular Officer pursuant to the *Statutory Declarations Act 1959* (Cth), or
- pursuant to the equivalent local law in the country in which you are located, in which case a copy of the statutory provision in that local law must be attached to your character reference.

What happens next

After we receive your signed and witnessed character reference, we may contact you to verify the information provided, and/or to confirm that you are aware of the details in any disclosure statement made by the applicant.

If you have any questions, please contact the Office of the Legal Profession Admission Board:

Phone (02) 9338 3500

Email lpab@justice.nsw.gov.au