Guide for Applicants for admission as a lawyer in NSW

in accordance with the Legal Profession Uniform Admission Rules 2015

COVID-19 Pandemic Special Edition

This edition includes temporary changes which apply only during the COVID-19 pandemic

Version 3.1
Issued 26 June 2020
1. Introduction .................................................................................. 4
   Using this Guide.................................................................................. 4
   About admission .................................................................................. 4
   Overview of the application process .......................................................... 5
   Relevant legislation .................................................................................. 6

2. Using the online Admission Portal.................................................. 7
   Mobile phones and JavaScript ........................................................................ 7
   Signing up for a profile ................................................................................ 8
   Registering your application ......................................................................... 8
   Saving your draft application ......................................................................... 8
   Verifying your identity ................................................................................... 9
   Paying the admission fee .............................................................................. 9
   Lodging your documentary evidence ........................................................... 9
   Keeping copies of your documentation ....................................................... 10
   Booking the admission ceremony of your choice ......................................... 12
   Admission ceremonies during the COVID-19 pandemic ................................ 12
   Deadlines for lodging applications ............................................................... 12
   Public notice of your admission application ................................................ 13
   Notifying you of the outcome of your application ........................................ 13

3. Personal details and identity ......................................................... 14
   Ensure your name is consistent in your documentation .............................. 14
   Double check your contact details ............................................................... 14

4. Academic qualifications prerequisite .............................................. 15
   Evidence of completion of Australian law course ....................................... 15
   AHEG Statement cannot be accepted ......................................................... 16
   Accredited law courses .............................................................................. 16
   Studies completed more than 5 years ago ................................................... 16
   Law courses completed in a foreign jurisdiction .......................................... 17

5. Assessment of academic studies .................................................... 18
   Applying for an assessment ......................................................................... 18
   Undertaking any required further academic study ....................................... 19
   Applying for admission after assessment ..................................................... 20

6. Practical legal training (PLT) prerequisite ....................................... 21
   Evidence of completion of PLT .................................................................... 21
   Accredited PLT providers ........................................................................... 22
   Supervised legal training ............................................................................. 22
   Admitted in a foreign jurisdiction ................................................................ 22
7. **Assessment of practical legal training** .......................... 24
   - Applying for an assessment ............................................. 24
   - Undertaking any required further PLT .............................. 25

8. **English language proficiency requirements** .................. 26
   - Applying for a special exemption during the COVID-19 pandemic ......................................................... 26
   - Consideration of an application for special exemption .................................................................................. 27
   - International English Language Testing System (IELTS) ............................................................................. 27

9. **Fitness and propriety to be admitted** ........................... 28
   - National Police History Check ........................................ 28
   - Police reports from foreign jurisdictions (outside Australia) ................................................................. 30
   - Good behaviour bonds .................................................... 30
   - Driving record .................................................................. 31
   - Centrelink Overpayments and Debts ................................ 32
   - Student conduct ............................................................... 32
   - Disclosures ........................................................................ 34
   - Your duty of disclosure .................................................... 35
   - Consequences of failure to disclose ................................ 35
   - Character references ......................................................... 36
   - Certificate of good standing ............................................. 37
   - Early assessment of suitability ......................................... 38

10. **Conditional admission of foreign lawyers** ................... 40
    - Before applying .............................................................. 40
    - Applying for conditional admission .................................. 40
    - Determining an application for conditional admission ................................................................. 41
    - Examples of common conditions ..................................... 42
    - Refusal of conditional admission ...................................... 42
    - Important implications of section 20 conditions .................. 42
    - Variation or revocation of conditions (after admission) ................................................................. 43

11. **Outcomes of admission applications** ............................ 45
    - Deferred .......................................................................... 45
    - Refused but the applicant may consider re-applying ............................................................................. 45
    - Refused outright .............................................................. 45
    - Deferred pending refusal outright ..................................... 46
    - Approved .......................................................................... 46
    - Approved with conditions ............................................. 46
12. Appeals against a refusal ................................................................. 47
13. Admission ceremonies during the COVID-19 pandemic ........ 48
   - Ceremony dates and times ................................................................. 48
   - Booking the admission date of your choice ........................................ 48
   - Changing your choice of ceremony .................................................... 49
   - Cancellation of ceremony bookings ................................................... 49
   - Obtaining your Certificate of Admission ............................................. 49
14. Admission ceremonies in normal circumstances .................. 50
   - Moving your admission ........................................................................ 50
   - Accessibility .......................................................................................... 50
   - Location of ceremonies .......................................................................... 50
   - Security .................................................................................................. 51
   - Transport and parking (Law Courts Building) ....................................... 51
   - Attendance (Law Courts Building) ......................................................... 51
   - Attendance (Newcastle Court Complex) ................................................ 51
   - Guests .................................................................................................. 51
   - Photography or filming .......................................................................... 52
   - Ceremony .............................................................................................. 52
   - Signing the Supreme Court Roll ............................................................ 52
15. After admission ............................................................................. 53
   - Practising Certificate ............................................................................ 53
   - Immigration and Skills Assessments .................................................... 53
   - Certificate of Current Admission ........................................................ 53
   - Replacement Certificate of Admission .................................................. 54

Appendix 1 – Definition of ‘Significant Disclosure’ ....................... 55
   Appendix 1(a) - Evidence typically required for a ‘Significant Disclosure’ 56
Appendix 2 – Identity Documents ..................................................... 57
   - Commencement documents (must provide one of the following) ........ 57
   - Primary documents (must provide one of the following) ..................... 58
   - Secondary documents (must provide one of the following) .................. 58
   - Change of name .................................................................................... 59
16. Contact us ...................................................................................... 60
17. Give us your feedback .................................................................... 60
18. Document history ........................................................................... 60
1. Introduction

Using this Guide

This version includes temporary changes which apply only during the COVID-19 pandemic.

We recommend that you read this Guide in full, before you start your application for admission as a lawyer. The Guide will help you understand the requirements of an application and avoid delay in your admission.

Please ensure you are reading the latest version of this Guide, as updates may be issued at any time. The latest version can be found on the website www.lpab.justice.nsw.gov.au under ‘Admission as a lawyer’.

About admission

The Supreme Court of New South Wales may admit a person to the Australian legal profession as an Australian lawyer if the person:

- is aged 18 years or over; and
- is not already admitted to the Australian legal profession; and
- has attained the specified academic qualifications prerequisite, and
- has satisfactorily completed the specified practical legal training prerequisite, and
- is a fit and proper person to be admitted to the Australian legal profession, and
- takes an oath of office, or makes an affirmation of office, in the form required by the Supreme Court.¹

A person who proposes to be admitted in New South Wales may apply to the Legal Profession Admission Board (the Board) for a compliance certificate. Throughout this Guide, this is referred to as an ‘application for admission’.

The role of the Board is to assess and determine such applications. If satisfied of the eligibility and suitability of an applicant, the Board may issue the Supreme Court with a compliance certificate in respect of the applicant. The successful applicant is then required to attend an admission ceremony at the Supreme Court and take the oath/affirmation of office. During the COVID-19 pandemic, the Court may dispense with the requirement to attend an admission ceremony. Applicants should book a ceremony in the usual way, and await instructions for taking the oath/affirmation of office without the need to attend the Court in person.

Admission does not of itself entitle a person to engage in legal practice, but is a prerequisite for being able to apply for an Australian practising certificate, which entitles the holder to engage in legal practice. An application for a practising certificate in New South Wales must be made either to the Law Society of NSW (to practise as a solicitor) or the NSW Bar Association (to practise as a barrister).

¹ Sections 16(1) and 17(1) of the Legal Profession Uniform Law (NSW).
Overview of the application process

To apply for admission as a lawyer in New South Wales, you need to:

1) sign up to use the online Admission Portal
2) register your application, by completing the online admission application form
3) print your Admission Checklist, sign the Application Summary, scan them along with your documentary evidence, and email the scan to the Office of the LPAB
4) forward by post the originals of selected items of your documentary evidence, if requested to do so by the Office of the LPAB.

If approved, you must also take an Oath of Office (or make an Affirmation of Office), and sign the Supreme Court Roll.

Generally speaking, the documentary evidence you will be required to lodge includes:

- **original evidence** of your academic qualification in law\(^2\)
- **original evidence** of your completion of practical legal training\(^3\)
- a statement disclosing any matter which may affect the Board’s assessment of whether you are a fit and proper person to be admitted to the Australian legal profession (with supporting evidence)
- two character references which were signed before an adult witness.

There may be other requirements for documentary evidence which apply to your particular circumstances, so please read this Guide in full before commencing your application.

You must also:

- provide your signed consent to the LPAB arranging a compulsory National Police History Check of any police history information about you in Australia
- provide your signed consent to the LPAB obtaining student conduct reports about you directly from any tertiary institution or practical legal training provider which you have attended
- sign the statutory declaration on your printed Application Summary, in the presence of an authorised witness
  - during the COVID-19 pandemic, a statutory declaration in NSW may be made before a wider range of witnesses, and may be witnessed by audio visual link (in accordance with strict requirements for such witnessing)\(^4\)
- pay the prescribed application fee.

---

\(^2\) In some cases, you must have your academic qualification assessed by the LPAB prior to applying for admission. For more information, see Section 5 of this Guide.

\(^3\) In some cases, you must have your practical legal training assessed by the LPAB prior to applying for admission. For more information, see Section 7 of this Guide.

\(^4\) See Schedule 1 of the Electronic Transactions Regulation 2017 (NSW). Note Schedule 1 will expire on 26 September 2020, unless that date is changed by further regulation or resolution of Parliament.
Relevant legislation

Part 2.2 of the Legal Profession Uniform Law (NSW) 2015 provides for admission to the Australian legal profession.

The Legal Profession Uniform Admission Rules 2015 provide the procedural requirements for admission and specify the academic qualifications and practical legal training prerequisites. They also provide for the assessment of: i) academic qualifications completed in a foreign jurisdiction and ii) practical legal training completed by a person admitted in a foreign jurisdiction.

The NSW Admission Board Rules 2015 provide for the operation of the LPAB. They also provide for the assessment of: i) stale Australian academic qualifications or practical legal training and ii) incomplete academic study undertaken in Australia and/or a foreign jurisdiction.
2. Using the online Admission Portal

You can use the online Admission Portal if you:

- have never previously been admitted as a lawyer anywhere (including anywhere in Australia or overseas), or
- have been previously admitted as a lawyer anywhere, except for Australia or New Zealand.

The online Admission Portal enables you to:

- register your application for admission as a lawyer
- save and edit your draft application as often as you wish, prior to submitting it
- be guided about all the requirements of the admission process, including the documentary evidence you are required to lodge with the Office of the LPAB
- avoid obtaining an Australian National Police Certificate yourself (as we will arrange a compulsory police history check, on your behalf)
- view the status of your submitted application
- print a summary of your application as many times as you wish
- receive regular updates to your email address about the progress of your application
- book the admission ceremony date and time of your choice.

However, you cannot use the online Admission Portal if you:

- have ever been removed from the Roll of Lawyers in New South Wales and are seeking re-admission\(^5\)
- are admitted as a lawyer in New Zealand.\(^6\)

### Mobile phones and JavaScript

You should only use the online Admission Portal with an updated web browser and JavaScript enabled.

We recommend that you do not attempt to complete the online admission application form using a mobile phone. Depending on your device, some questions may not display correctly, leading to the risk that you will register an incomplete application form.

---

\(^5\) To apply for re-admission, download Form 12 from www.lpab.justice.nsw.gov.au, complete it on paper and send it by post to the Office of the LPAB. Electronic versions of Form 12 cannot be accepted.

\(^6\) If you are admitted as a lawyer in New Zealand, you will need to lodge an application directly with the Supreme Court of NSW, pursuant to the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth. The Practice Direction and forms can be found on the Supreme Court’s website at www.supremecourt.justice.nsw.gov.au.
Signing up for a profile

You need to sign up to use the online Admission Portal. The Admission Portal is at:

www.admissionlpab.justice.nsw.gov.au

To sign up, enter a valid email address and password. You will receive a validation link by email, asking you to confirm your email address.

You can change your email address at any time after you have confirmed your address. However, it is a condition of your use of the Admission Portal that you do not sign up more than once (ie that you do not create more than one profile or user identity).

After confirming your email address, you need to enter your full name, to complete your profile. You must enter your name exactly as it is shown on your identity documents, because we use that name to verify your identity and check for any criminal history.

For reasons of data integrity, you cannot change your name in the Admission Portal during the application process. If you enter an incorrect name when you sign up, please contact the Office of the LPAB in order to correct the name on your admission application. Do not create another profile.

Registering your application

After completing your profile, you need to register your application by selecting ‘Online Application’ in the top menu bar of the Admission Portal. The online form will ask you to enter details from various documents.

We recommend you have the following documents with you, before you start the online form:

- your identity documents (if you have at least two identity documents which were issued by a government agency in Australia)
- your transcript of academic record which shows completion of your qualification in law
- your PLT certificate or letter of completion, unless the LPAB has exempted you from PLT (Practical Legal Training).

Although you may be required to lodge other documents with the Office of the LPAB, you can still complete the online admission application form without having those other documents in your possession at the time you fill in the form.

The online form will create a personalised Admission Checklist for you, which lists every document that you will need to lodge with the Office of the LPAB, according to your particular circumstances.

Saving your draft application

You may choose to save your online application form as a draft at any time, and return to finish it later. Your answers will also be automatically saved whenever you complete each page of the application form.
Verifying your identity

If you have identity documents which were issued by a government agency in Australia, you will have the option of verifying your identity through a quick and easy online process which is part of the online admission application form.

This process will reduce the number and type of paper identity documents you will need to lodge with us. For this reason, we recommend that you rely on identity documents issued by a government agency in Australia (if you have them). Please see Appendix 2 for a complete list of document requirements.

If you do not have sufficient identity documents issued by a government agency in Australia, or if the online identity verification process is not successful in your case, you may still register an online admission application form. However, you will have to lodge certified copies of your paper identity documents, to match the requirements in Appendix 2. You may also be required to attend the Office of the LPAB in person or supply additional documents to complete the identity verification process.

Paying the admission fee

The online admission application enables you to pay the admission fee online by card (Visa and Mastercard only) using a Westpac secure payment gateway.

Effective from 1 July 2020:

• a surcharge for credit card transactions is no longer applied, and
• cash payments are no longer accepted by the LPAB.

During the COVID-19 pandemic, we are also not accepting cheque or money order payments.

If you did not pay the admission fee online at the time of submitting your completed online admission application, you can subsequently pay the fee online with a card by visiting the ‘Fees’ page on the LPAB website.

If you are unable to make a payment with a card, you can email us to request the LPAB’s bank details, in order to pay the admission fee by direct deposit.

Lodging your documentary evidence

After you have submitted the online admission application form, you need to:

• print your personalised Admission Checklist and gather all the required documentary evidence
• print your Application Summary, and sign the:
  o statutory declaration\(^7\) in the presence of an authorised witness\(^8\)

\(^7\) During the COVID-19 pandemic, a statutory declaration in NSW may be made before a wider range of witnesses, and may be witnessed by audio visual link, in accordance with strict requirements for such witnessing as set out in Schedule 1 of the Electronic Transactions Regulation 2017 (NSW). Note Schedule 1 will expire on 26 September 2020, unless that date is changed by further regulation or resolution of Parliament.

\(^8\) The witness must be independent and impartial. If the witness is related to you by blood, marriage or as a domestic partner, your statutory declaration may be rejected.
scan all of the above material into a single PDF digital file with:
  o the Admission Checklist and Application Summary at the beginning
  o all documentary evidence in the order set out in the Admission Checklist

email the PDF to lpab@justice.nsw.gov.au

Do not email the PDF if any documentary evidence is missing, and do not email multiple separate PDFs. All documentary evidence must be included in a single PDF file.

If you need clarification about any of the required documentary evidence which is listed on your personalised Admission Checklist, please contact the Office of the LPAB.

After you email your PDF, the Office of the LPAB will:
  o check your application, and advise you if anything is not in order
  o notify you if we require you to post the original of any documentary evidence to the Office of the LPAB.

Once your PDF is confirmed as complete and in order, we will record your application as having been received.

However, if we have required you to post the original of any documentary evidence, your application cannot be approved, until after we have received and assessed the requested originals.

**Keeping copies of your documentation**

You must keep, for at least 12 months after your admission as a lawyer, the hard copy originals of:

  o your Application Summary including your signed:
    o statutory declaration in the presence of an authorised witness
    o consent to a National Police History Check in Australia
    o consent to a check of your student conduct

  o your documentary evidence including:
    o your character references
    o if you made any disclosure, any separate statutory declaration that you made about the disclosure
    o any evidence you lodged about any disclosure you made
    o any other hard copy original material which you included in your PDF (or otherwise provided to the Office of the LPAB), and which you were not required to post to the Office.

---

9 For further information about National Police History Checks, see Section 9 of this Guide.

10 For further information about checks of your student conduct, see Section 9 of this Guide.
The Office of the LPAB may request the originals at any time during the 12 months after your admission as a lawyer.

In addition, when you apply for a practising certificate, the Law Society of NSW will require a copy of your disclosure statement (if you made one) and the associated documentary evidence which you supplied to the Board.

By law the LPAB is required to retain your original academic transcripts and other original documents you supply, such as any Certificate of Good Standing or foreign police history.
Booking the admission ceremony of your choice

After we record your application as received and complete, we will send you an email to advise that you can now go into the Admission Portal and book into an admission ceremony.

You will have the choice of any ceremony time and date, as long as there is available seating and the ceremony date falls at least 4 weeks after we have recorded your application as received and complete.

If you have a particular date in mind you are encouraged to book a ceremony as soon as possible, because spaces are limited and can fill quickly.

Ceremony dates are listed in the ‘Events and deadlines’ calendar on our website at www.lpab.justice.nsw.gov.au.

Bookings for admission ceremonies close at midnight on the Thursday of the week prior to the ceremony (ie 7 full calendar days before the date of the ceremony).

Admission ceremonies during the COVID-19 pandemic

During the COVID-19 pandemic, approved applicants will continued to be admitted in accordance with the dates of their ceremony bookings, even if the Supreme Court dispenses with the requirement to attend an admission ceremony.

In that case, the Office of the LPAB will email those applicants who have a booking for the affected ceremony, and provide instructions for taking the oath/affirmation of office without attending the Court in person.

Deadlines for lodging applications

If you have a particular admission ceremony in mind, you should lodge your application by the application deadline prior to that ceremony, as listed in the ‘Events and deadlines’ calendar on our website at www.lpab.justice.nsw.gov.au.

However deadlines are different for complex applications. A complex application is one in which the applicant is:

- making a significant disclosure (see Appendix 1)
- applying for conditional admission (see Section 10), and/or
- seeking the Board’s dispensation from a requirement of the Uniform Admission Rules.

A complex application can only be determined at a Board meeting. The deadlines for lodging an application in order to be considered at the next Board meeting are listed in the ‘Events and deadlines’ calendar on our website at www.lpab.justice.nsw.gov.au.
Public notice of your admission application

Before issuing a compliance certificate in respect of your admission, the LPAB must give notice of your application on its website, and afford the opportunity for any person to object to the issue of the compliance certificate.11

Public notice of your admission will be published on the LPAB’s website for 14 calendar days. The notice will be published usually within one working day of our receipt of all your hard copy documentary evidence.

If an objection is received, the LPAB will, at its next available meeting, first consider whether or not the objection may affect your eligibility or suitability for admission. If the LPAB does consider the objection may affect your eligibility or suitability, the LPAB will defer consideration of your application until a later meeting.

The Executive Officer will then write to advise you of the deferral, provide a copy of the objection(s), and allow a period of a minimum of 3 weeks for you to respond to the objection(s).

The LPAB will then, at a subsequent meeting, consider the objection(s) and your response, and may either approve, refuse or further defer the admission application.

Notifying you of the outcome of your application

We will notify you by email as soon as your application is approved. If you have not already booked your admission ceremony, you will be prompted to go into the online Admission Portal and book into an admission ceremony. If you have already booked a ceremony, we will also send you a separate email to confirm the date and time, and remind you about ceremony arrangements.

If your application has been deferred or refused by the LPAB, we will notify you by letter (with a copy sent to your email address) as soon as possible after the relevant scheduled meeting of the LPAB.

For further information about outcomes of admission applications, please see Section 12 of this Guide.

---

11 Section 19(8) of the Legal Profession Uniform Law (NSW) and Rule 12(2) of the Legal Profession Uniform Admission Rules 2015.
3. Personal details and identity

Ensure your name is consistent in your documentation

You will be admitted as a lawyer in the name shown on your current valid and verifiable identity documents.

Please ensure that your name is consistent throughout your documentary evidence and especially on:

- your academic transcript, and
- your practical legal training (PLT) transcript or certificate.

If your name is not consistent on all the above documentation, processing of your application may be delayed, as you may be required to produce further evidence to explain any discrepancy.

You will be required to enter all names that you have been known by including your name before marriage (maiden name) and/or alias names. For example Lucianne Jones commonly uses the name Lucy when introducing herself in the community. She would need to add Lucy Jones.

If you have changed your name since completing your academic qualification or PLT, you will be required to provide copies of:

- your official marriage certificate (issued by a government authority), or
- your change of name certificate issued by a Registry of Births, Deaths and Marriages in an Australian state or territory.

Double check your contact details

The online Admission Portal will send you emails at key stages, to keep you updated about the progress of your application, and to explain the next steps you need to take.

Please double check, and notify us of any subsequent changes to:

- your email address and telephone numbers, because incorrect details may delay processing of your application, and
- your postal address, because during the COVID-19 pandemic we may need to post your Certificate of Admission to you.
4. Academic qualifications prerequisite

The academic qualifications prerequisite (for the issue of a compliance certificate for admission as a lawyer) is successful completion of a tertiary academic course in Australia which:

a) includes the equivalent of at least 3 years' full-time study of law, and
b) is accredited by the Board, and
c) provides appropriate understanding and competence in each element of the academic areas of knowledge set out in Schedule 1 of the Legal Profession Uniform Admission Rules 2015.

Evidence of completion of Australian law course

If you completed an accredited law course in Australia, you must provide evidence in the form of your academic transcript. Your academic transcript may be provided either:

- in digital form, or
- as a hard copy original.

If you wish to provide your academic transcript in digital form:

- you should handwrite a note to that effect on your Admission Checklist
- the digital transcript must be either:
  - shared with the LPAB via a digital token or web link that has been generated by the My eQuals digital credentials platform, or
  - emailed by the issuing institution directly to lpab@justice.nsw.gov.au in PDF file format
    - the sender’s email must be an address that we can verify as being an official address of the institution’s student administration
    - we will not accept a PDF transcript which you email to us, even if you are forwarding an email that you have received directly from your institution.

If you wish to provide your academic transcript as a hard copy original, you should:

- include a scanned copy in the single PDF digital file that you must email to us with your Admission Checklist and documentary evidence
- retain the original until we ask you to post it to us, along with any other originals of your documentary evidence we may require you to provide
- ensure you provide all pages of the original transcript.

---

Your academic transcript must contain wording which leaves no doubt that you have completed all the requirements for the award of the qualification, for example:

- a date referred to as the ‘date of completion’ or ‘date of conferral’ or similar, or
- wording such as ‘has completed the course requirements for award of the degree’ or similar.

If your academic transcript does not contain wording to that effect, you should contact the institution and arrange for a fresh original to be issued which does contain the appropriate wording. In the absence of such wording, the LPAB cannot, for the purposes of admission, rely on other methods of determining whether or not the requirements of the course have been completed (such as by analysing the credit points or subjects listed in an academic transcript).

If you studied law at more than one tertiary institution, you must provide an academic transcript from each institution where you studied academic areas of knowledge listed in Schedule 1 of the Legal Profession Uniform Admission Rules, and not only from the institution which awarded the qualification. All transcripts are required, to enable the LPAB to confirm that any exemptions or credits for previous studies were appropriately granted.

If you completed the Board’s Diploma in Law Course, you do not need to attach an academic transcript to your documentary evidence. Instead you only need to enter your student number when prompted by the online admission application form.

**AHEG Statement cannot be accepted**

You must provide an academic transcript, and not an Australian Higher Education Graduation Statement (AHEGS).13 These are different documents although they do contain some of the same information. The transcript is the official record of your study and contains security information to prevent copying.

**Accredited law courses**

A list of law courses in NSW which have been accredited by the LPAB for the purpose of providing the academic qualification prerequisite can be found on the website at www.lpab.justice.nsw.gov.au.

Any other law course that is recognised by another Australian jurisdiction (as satisfying the academic requirements for admission and requiring a student successfully to complete the academic qualifications prerequisite) is also deemed to be accredited. Details of law courses accredited in other Australian states and territories of Australia are available by contacting the relevant state or territory admitting authorities.

**Studies completed more than 5 years ago**

If you completed an accredited Australian law course more than 5 years before applying for admission in NSW, you must have your qualification assessed by the LPAB’s Academic Exemptions Sub-Committee.14

---

13 Board decision on 7 February 2012.
14 Rule 5(2) of the Legal Profession Uniform Admission Rules 2015. The requirement to have your qualification assessed applies even if you have subsequently been admitted or practised outside Australia.
‘More than 5 years before applying for admission’ means:

if the final year of your enrolment in your law course was more than 5 years before the date you apply for admission.

For more information, refer to Section 5 ‘Assessment of academic studies’ in this Guide.

**Law courses completed in a foreign jurisdiction**

If you completed the academic requirements for admission in a foreign jurisdiction (outside Australia) at any time, you must have your qualification assessed by the Board’s Academic Exemptions Sub-Committee.

You need to obtain this assessment, and satisfy any further academic requirements, before you make your application for admission as a lawyer.

For more information, refer to Section 5 ‘Assessment of academic studies’ in this Guide.

---

15 This does not apply if you are admitted as a lawyer in New Zealand. Instead you will need to lodge an application directly with the Supreme Court of NSW, pursuant to the Trans-Tasman Mutual Recognition Act 1997 of the Commonwealth. The Practice Direction and forms can be found on the Supreme Court’s website at www.supremecourt.justice.nsw.gov.au.
5. Assessment of academic studies

Your academic studies must be assessed, before you apply for admission, if you:

- completed the academic requirements for admission in a foreign jurisdiction (outside Australia) at any time, or
- completed an accredited Australian law course more than 5 years before applying for admission in NSW, or
- have undertaken some tertiary academic studies in law, either in Australia or in a foreign jurisdiction, but have not completed the requirements for the award of a qualification.

Applying for an assessment

To apply for an assessment of your academic studies, you need to:

- complete Form 16 (available at www.lpab.justice.nsw.gov.au)
- compile:
  - evidence of your studies in the form of original academic transcript(s), and
  - details of any experience in practising the law
- scan all of the above material into a single PDF digital file and email the PDF to lpab@justice.nsw.gov.au
- pay the prescribed fee online:
  - via the online form at www.lpab.justice.nsw.gov.au under the menu item ‘Forms and Fees’, and then ‘Fees’.

Do not email the PDF if any evidence or details are missing, and do not email multiple separate PDFs. All documentary evidence must be included in a single PDF file.

After you email your PDF, the Office of the LPAB will:

- check your application, and advise you if anything is not in order
- notify you if we require you to post the originals of your academic transcripts (or any other documentary evidence) to the Office of the LPAB
  - in some cases, we may be able to verify your transcripts directly with selected institutions outside Australia, but we reserve absolute discretion to decide whether or not it would be feasible and efficient for us to attempt to do so, in any particular case
  - in all other cases, you must post the originals to us.

If you are required to post the originals of your academic transcripts to us, your Form 16 application cannot be determined, until after we have received and assessed all the requested originals.
Having considered your qualification and any experience in practising the law, the LPAB's Academic Exemptions Sub-Committee will determine what additional study you need to complete, if any, in order to meet the academic requirements for admission in New South Wales.

Determinations are made with reference to the ‘Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession’ which is available at www.lpab.justice.nsw.gov.au.

Please allow 6 to 8 weeks, from the time that you email your PDF, for the receipt of the determination.

**Undertaking any required further academic study**

If you are required to undertake further academic study, you may complete that academic study at any Australian tertiary institution which offers a law course that is accredited for the purpose of admission.

Should you wish to undertake the further academic study in the Board’s Diploma in Law course, information about registering and enrolling in the Board’s course is at www.lpab.justice.nsw.gov.au. The registration application form (Form 1) is available under ‘Forms and Fees’.

Generally, registration applications for the Board’s course need to be lodged by 1 March for the Winter semester which starts in May, and by 1 September for the Summer semester which starts in November. These deadlines may be extended in some circumstances, so please contact us if you are unable to meet the registration deadline.

**Prospective assessment**

The compulsory ‘academic areas of knowledge’ (as listed in Schedule 1 of the Legal Profession Uniform Admission Rules 2015) are taught in subjects with names which may vary from institution to institution. At some institutions, an academic area of knowledge may require completion of more than one subject. For this reason, you must take care to ensure you enrol in the correct subjects.

If you wish, before enrolling you may apply to the Board for a prospective assessment of your proposed study. The purpose of a prospective assessment is to ensure that your proposed study will provide you with the academic qualifications prerequisite for admission. You can apply for a prospective assessment using Form 16 which is available at www.lpab.justice.nsw.gov.au, and selecting option vii in Question 4. A fee applies for a prospective assessment.

After completing the required study, you should provide the LPAB with an original academic transcript showing successful completion. The LPAB will then issue you with a letter confirming that you have met the academic qualifications prerequisite for admission.

There is no need for a prospective assessment, if you are undertaking your further academic study in the Board’s Diploma in Law course.
Final assessment

If you do not obtain a prospective assessment and do not undertake your further academic study in the Board’s course, you will need to obtain a final assessment of the further academic study you have completed, prior to applying for admission. You can apply for a final assessment using Form 16 which is available at www.lpab.justice.nsw.gov.au, and selecting option vi in Question 4. The prescribed fee for a Form 16 assessment applies to a final assessment.

If you have successfully completed the required further study, the LPAB will issue you with a letter confirming that you have met the academic qualifications prerequisite for admission.

Applying for admission after assessment

When applying for admission, you will need to include a copy of all of the abovementioned LPAB’s assessment letters about your academic qualifications, along with your other documentary evidence.
6. Practical legal training (PLT) prerequisite

The practical legal training prerequisite (for the issue of a compliance certificate for admission as a lawyer) is:

- the acquisition and demonstration of appropriate understanding and competence in each element of the skills, values and practice areas set out in Schedule 2 of the Legal Profession Uniform Admission Rules 2015.\(^{16}\)

In New South Wales, this requirement may be satisfied by successfully completing a practical legal training (PLT) course conducted by a provider accredited by the LPAB.

Evidence of completion of PLT

If you completed an accredited PLT course in Australia, you must provide evidence in the form of a Certificate of Completion (or official letter of completion) which:

- was issued by an accredited PLT provider, and
- states that you have completed all the requirements of your PLT, or words to similar effect.\(^{17}\)

Your Certificate of Completion (or official letter of completion) may be provided either in digital form, or as a hard copy original.

If you wish to provide your PLT certificate/letter in digital form:

- you should handwrite a note to that effect on your Admission Checklist
- the digital certificate/letter must be either:
  - shared with the LPAB via a digital token or web link that has been generated by the My eQuals digital credentials platform, or
  - emailed by the issuing PLT provider directly to lpab@justice.nsw.gov.au in PDF file format
    - the sender’s email must be an address that we can verify as being an official address of the PLT provider’s student administration
    - we will not accept a PDF transcript which you email to us, even if you are forwarding an email that you have received directly from your PLT provider.

If you wish to provide your PLT certificate/letter as a hard copy original, you should:

- include a scanned copy in the single PDF digital file that you must email to us with your Admission Checklist and documentary evidence
- retain the original until we ask you to post it to us, along with any other originals of your documentary evidence we may require you to provide
- scan only your Certificate of Completion, not your transcript or testamur.

---

\(^{16}\) Rule 6(1) of the Legal Profession Uniform Admission Rules 2015.

\(^{17}\) Rule 15(1)(b) of the Legal Profession Uniform Admission Rules 2015.
It is no longer necessary to provide additional certification (previously referred to as a ‘Dean’s Certificate’) that completion of the PLT course results in the attainment of certain competencies.

**Accredited PLT providers**

A list of PLT providers in NSW which have been accredited by the LPAB for the purpose of providing the practical legal training prerequisite can be found at www.lpab.justice.nsw.gov.au.18

Any other PLT provider that is recognised by another Australian jurisdiction (as satisfying the practical legal training requirements for admission and requiring a student successfully to complete the PLT prerequisite) is also deemed to be accredited. Details of PLT providers accredited in other Australian states and territories of Australia are available by contacting the relevant state or territory admitting authorities.

**Supervised legal training**

The LPAB has determined that, until further notice, supervised legal training may not be undertaken in New South Wales for the purpose of satisfying the practical legal training prerequisite in Rule 6 of the Legal Profession Uniform Admission Rules 2015.

**Admitted in a foreign jurisdiction**

If you have completed the practical legal training requirements for admission and been admitted in a foreign jurisdiction (outside Australia),19 you will need to apply to the LPAB’s Practical Training Exemptions Sub-Committee for an assessment of your training and experience against the practical legal training prerequisite.20

You need to obtain this assessment before you apply for admission as a lawyer.

For more information, refer to Section 7 ‘Assessment of practical legal training’ in this Guide.

**PLT completed more than 5 years ago**

If you completed the PLT more than 5 years before applying for admission, you will need to apply to have your qualification assessed by the LPAB’s Practical Training Exemptions Sub-Committee against the current practical legal training prerequisite.21

‘More than 5 years before applying for admission’ means:

if the final year of your enrolment in practical legal training was more than 5 years before the date you apply for admission.

For more information, refer to Section 7 ‘Assessment of practical legal training’ in this Guide.

---

18 Rule 7(5) of the Legal Profession Uniform Admission Rules 2015.
19 This does not apply if you are admitted as a lawyer in New Zealand. Instead you will need to lodge an application directly with the Supreme Court of NSW, pursuant to the Trans-Tasman Mutual Recognition Act 1997 of the Commonwealth. The Practice Direction and forms can be found on the Supreme Court’s website at www.supremecourt.justice.nsw.gov.au.
20 Rule 11(2) of the Legal Profession Uniform Admission Rules 2015.
21 Rule 6(4) of the Legal Profession Uniform Admission Rules 2015.
NSW Government employee service

You may be granted exemption from some or all PLT if you:

- are at least 30 years of age, and
- have completed either:
  - 7 years service as a New South Wales government, or government related, employee performing legal services, or
  - 15 years service in courts administration in New South Wales.  

For information about applying for an assessment of your eligibility, refer to Section 7 ‘Assessment of practical legal training’ in this Guide.

Early commencement of PLT

If your PLT course is not integrated with your academic qualification in law, you must not commence PLT until after you have completed your academic qualification.

However, you may commence PLT before you complete your academic qualification if you:

- have no more than two academic subjects to complete, neither of which is one of the academic areas of knowledge set out in Schedule 1 of the Legal Profession Uniform Admission Rules 2015, and
- are currently enrolled in the relevant academic subject(s) while you are undertaking the PLT, and
- applied for and received prior permission from the LPAB to commence PLT early.

To apply for prior permission from the LPAB to commence PLT early, you need to:

- complete the application form (available at www.lpab.justice.nsw.gov.au under the menu item ‘Forms and Fees’, and then ‘Other Forms’)
- include a statement giving reasons your application should be approved, and detailing your capacity to undertake concurrent academic and PLT studies
- attach a letter from the Dean of the Law School which verifies:
  - your completion of the academic areas of knowledge set out in Schedule 1 of the Legal Profession Uniform Admission Rules 2015, and
  - your current enrolment in the last two subjects of the qualification, neither of which is one of the academic areas of knowledge set out in Schedule 1 of the Legal Profession Uniform Admission Rules 2015, and
- scan all of the above material into a single PDF digital file and email the PDF to lpab@justice.nsw.gov.au
- pay the prescribed fee online:
  - via the online form at www.lpab.justice.nsw.gov.au under the menu item ‘Forms and Fees’, and then ‘Fees’.

---

22 Rule 98(2)(c) of the NSW Admission Board Rules 2015.
23 Rule 6(3) & Clause 4, Schedule 2 of the Legal Profession Uniform Admission Rules 2015.
7. Assessment of practical legal training

Your practical legal training may be assessed against the PLT prerequisite for the purposes of admission if you:

- completed practical legal training requirements for admission in a jurisdiction outside Australia or New Zealand and are admitted in a jurisdiction outside Australia or New Zealand, or
- completed a course of practical legal training within Australia that already is, or will be, more than five years old as at the date you apply for admission, or
- attained the age of 30 years and have completed either seven years service as a New South Wales government or government related employee performing legal services, or 15 years service in courts administration in New South Wales.

Applying for an assessment

To apply for an assessment of your practical legal training, you need to:

- complete Form 17 (available at www.lpab.justice.nsw.gov.au)
- indicate the exemptions you are seeking from the skills and practice areas listed in Schedule 2 of the Legal Profession Uniform Admission Rules 2015
- compile evidence of:
  - your practical legal training, and
  - any experience in practising the law which is relevant to the exemptions you are seeking (or other non-practising experience which may be relevant)
    - when describing your experience, please limit your description to no more than 2 pages per exemption you are seeking
- scan all of the above material into a single PDF digital file and email the PDF to lpab@justice.nsw.gov.au
- pay the prescribed fee online:
  - via the online form at www.lpab.justice.nsw.gov.au under the menu item ‘Forms and Fees’, and then ‘Fees’.

Do not email the PDF if any evidence or details are missing, and do not email multiple separate PDFs. All documentary evidence must be included in a single PDF file.

After you email your PDF, the Office of the LPAB will:

- check your application, and advise you if anything is not in order
- notify you if we require you to post the originals of your evidence to us
  - in some cases, we may be able to verify your evidence directly with selected institutions outside Australia, but we reserve absolute discretion to decide whether or not it would be feasible and efficient for us to attempt to do so, in any particular case
  - in all other cases, you must post the originals to us.
If you are required to post the originals of your academic transcripts to us, your Form 17 application cannot be determined, until after we have received and assessed all the requested originals.

Having considered your practical legal training and any experience, the LPAB’s Practical Training Exemptions Sub-Committee will determine what additional practical legal training understanding and competence, if any, you must acquire in order to meet the PLT requirements for admission.

Determinations are made with reference to the ‘Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession’ which is available at www.lpab.justice.nsw.gov.au.

**Undertaking any required further PLT**

If you are required to undertake further PLT, you may complete that PLT with any PLT provider which is accredited in NSW (see www.lpab.justice.nsw.gov.au), or with any other PLT provider that is recognised by another Australian jurisdiction (as satisfying the practical legal training requirements for admission and requiring a student successfully to complete the PLT prerequisite).

When you apply for admission after you have completed your further PLT, you will need to include a copy of the LPAB’s assessment letter with your hard copy documentary evidence.
8. English language proficiency requirements

When determining whether or not a person is a fit and proper person to be admitted to the Australian legal profession, the LPAB is required to have regard to:

‘…whether the person has a sufficient knowledge of written and spoken English to engage in legal practice in this jurisdiction.’24

The LPAB may be satisfied as to an applicant’s English language proficiency in three ways:

1. the applicant has undertaken the International English Language Testing System (IELTS) Academic test, and has attained or exceeded the specified minimum scores in any single instance of undertaking the test within the previous two years, or

2. the applicant has been granted a standard exemption from the IELTS test, on the basis of evidence that he or she undertook an academic qualification in law in a specified country, while living in that country for the entire duration of those studies, or

3. the applicant has undertaken the IELTS test, within the previous two years, not met the minimum scores over one or more attempts but is not far off and can demonstrate proficiency in other ways, and successfully applies for a special exemption.

For more information about:

• how the LPAB may, on its own motion, grant a standard exemption from the IELTS test during its assessment of an application for admission as a lawyer, and

• how an applicant may make a separate application for a special exemption

please refer to the ‘Guidelines for exemption from obtaining the minimum IELTS test scores’ (the Guidelines) which are available at www.lpab.justice.nsw.gov.au under the menu item ‘Publications and resources’ and then ‘Policy and tabled documents’.

Applying for a special exemption during the COVID-19 pandemic

To apply for a special exemption during the COVID-19 pandemic you need to:

1. read the ‘Guidelines for special exemption from obtaining the minimum IELTS test scores’ (available on the LPAB website)
2. complete the application form, making sure to read all of the instructions first
3. print the application form and sign it in front of an authorised witness
4. gather your original documentation as specified in the application form
5. scan all of the above material into a single PDF with the application form at the beginning
6. email the PDF to lpab@justice.nsw.gov.au.

After you email the PDF, the Office of the LPAB will:

1. check your application and advise you if anything is missing or incorrect
2. notify you if we require you to post the original of any documentary evidence.

24 Rule 10(1)(l) of the Legal Profession Uniform Admission Rules 2015.
The LPAB will verify your IELTS test results directly with IELTS.

**Consideration of an application for special exemption**

The Executive Officer of the LPAB has the delegation to consider an application for a special exemption. Any exemptions granted by the Executive Officer must be consistent with the Guidelines. If an application falls outside the Guidelines, the Executive Officer may either refuse the application or refer it to the Board for determination.

**International English Language Testing System (IELTS)**

Applicants undertaking the IELTS test must take the ‘Academic’ test and not the ‘General Training’ test. Test results must be no more than two years old at the time of applying for admission. The specified minimum scores are:

<table>
<thead>
<tr>
<th>Test area</th>
<th>Minimum score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Listening</td>
<td>7.0</td>
</tr>
<tr>
<td>Reading</td>
<td>7.0</td>
</tr>
<tr>
<td>Writing</td>
<td>8.0</td>
</tr>
<tr>
<td>Speaking</td>
<td>7.5</td>
</tr>
</tbody>
</table>

IELTS has 50 test centres in Australia, and more than 1,100 globally.

Some test centres may not be operating during COVID-19 restrictions. To find out which IELTS test centres are operating, and for information including dates of tests and costs, visit www.ielts.com.au (or www.ielts.org if you are located outside Australia).
9. Fitness and propriety to be admitted

Before issuing a compliance certificate in relation to your admission, the Board must be satisfied that you are a fit and proper person to be admitted to the Australian legal profession.

The assessment of your suitability for admission will generally rely on:

- a National Police History Check in Australia
- character references
- reports on your conduct as a law student
- your answers to questions on suitability matters
- your disclosure of any relevant matters which may affect your suitability, and your honesty and candour in making such disclosure
- information about you obtained by the LPAB from Australian or foreign authorities or courts, from institutions which provided your academic qualification or practical legal training, or through further enquiries with third parties to which you have consented.

Please read this section carefully to ensure you gather all the required documentation prior to lodging your admission application.

National Police History Check

Every applicant for admission as a lawyer must be subject to a National Police History Check in Australia.

How we check your National Police History

After we receive your signed consent to the National Police History Check, the LPAB will send a check request to the Australian Criminal Intelligence Commission (ACIC), the national information-sharing service for Australia’s police, law enforcement and national security agencies.

This process will save you time and money, because you do not need to obtain an original National Police History Certificate yourself. Processing of your admission application by the LPAB will continue, while we await the response from ACIC.

You may still choose to obtain a National Police History Certificate yourself, if you wish. For example, if you have a criminal record but are not sure of the details, you may wish to confirm the details by obtaining your own copy of your National Police History Certificate, before you make your disclosure statement to the LPAB.

If you do not consent to the National Police History Check, the LPAB will not be able to commence processing your application for admission as a lawyer. Please contact the LPAB if you require further information.
What information about you we send to ACIC

To enable a National Police History Check, we will send the following details about you to ACIC:

- your surname and given name(s)
- all names under which you are or have been known
- your date and place of birth
- your gender (as shown on your identity documents)
- your residential address(es) for the past five (5) years
- your drivers licence number and state
- that the purpose of the National Police History Check is for admission to the Australian legal profession as an Australia lawyer.

ACIC will use this information to undertake a check of your National Police History within Australia. This information may also be used by police, law enforcement and national security agencies for general law enforcement purposes.

Disclosure of your Police History Information

ACIC and police agencies will access their records to obtain and disclose Police History Information (PHI) that relates to you. PHI may include outstanding charges, warrant information and criminal convictions/findings/pleas of guilt recorded against you.

PHI is disclosed according to applicable laws of the relevant jurisdiction and in accordance with the relevant jurisdiction’s information release policies. Applicable laws include but are not limited to spent convictions legislation.

A 'spent conviction' involves a minor offence which, after a specified crime-free period, may no longer need to be disclosed in certain circumstances. However Clause 6 of the Criminal Records Regulation 2014 (NSW) excludes an application for admission as a lawyer from the consequences of a conviction being spent. This means that spent convictions must be disclosed when applying for admission as a lawyer, and that the LPAB receives and considers information about spent convictions in determining an admission application.

How we notify you about the result

After we receive the response from ACIC, we will notify you by email of the result of your National Police History Check. The result will be either 'Disclosable Court Outcomes' or 'No Disclosable Court Outcomes'.

If, after receiving the result, you wish to dispute the accuracy of your National Police History Check, or wish to obtain a copy of the details of any disclosable court outcomes, please contact the LPAB in the first instance.
How we use your National Police History

The LPAB is required by law to consider the results of your National Police History Check, before determining whether or not you are a fit and proper person to be admitted to the Australian legal profession.

The LPAB is also authorised by law to disclose information about you which we obtained in the process of assessing your application for admission (including the results of your National Police History Check) to the following relevant organisations within Australia:

- admitting authorities in other Australian states and territories
- organisations which regulate the legal profession, including in NSW as well as in other Australian states and territories and the Commonwealth, for example:
  - the Law Society of NSW
  - the NSW Bar Association
  - the NSW Legal Services Commissioner.

We may disclose information about you to a relevant organisation in Australia under the following circumstances (without limitation):

- if you apply for admission in another Australian state or territory
- if you apply for a practising certificate
- if a complaint is made about you to an organisation which regulates the legal profession.

We will not disclose the results of your National Police History Check to any person or organisation outside Australia, without obtaining your prior consent to that disclosure.

Police reports from foreign jurisdictions (outside Australia)

Applicants are no longer required to supply any foreign police reports, when they apply through the online Admission Portal.\(^{25}\) If the LPAB requires a foreign police report in your particular case, we will notify you after assessing your application.

If you are disclosing to the LPAB that you have a criminal conviction in a foreign country, you may wish to anticipate that the relevant foreign police report is likely to be required.

If a foreign police report is required from you, it must have been issued directly by a government authority of the relevant foreign country, and not by a third party service provider.

Good behaviour bonds

Where an applicant is currently subject to a good behaviour bond, the LPAB will generally refuse to issue a compliance certificate but will notify the applicant that he or she may consider re-applying for admission after:

- the expiry of the period of the bond, and

---

\(^{25}\) Rule 18 of the Legal Profession Uniform Admission Rules 2015 (as varied under Rule 27 by Board decision on 5 July 2016).
• the receipt of confirmation that the applicant has not been subject to any further charges or proceedings.

When re-applying, the applicant will need to register a fresh application through the online Admission Portal. The Office of the LPAB will retain the applicant’s academic transcript and PLT certificate, so those documents will not need to be lodged again. Other documentary evidence will be valid only for limited periods. When notifying the applicant of the refusal, the Office of the LPAB will explain which documents will need to be lodged again, based on various possible timings of a fresh application.

The applicant will also be required to pay the full application fee again at the time of the fresh application, or a reduced fee if the Board has advised that the applicant may re-apply within 6 months of the lodgment date of his or her original application. This is because, after the passage of 6 months, background checks such as a National Police History Check must be undertaken again.

In exceptional circumstances, the Board may depart from its usual practice of refusing to issue a compliance certificate where an applicant remains subject to a bond. If you are planning to apply for admission while subject to a bond and consider there are exceptional circumstances in your case, you are encouraged to discuss the matter with the LPAB’s Legal Officer prior to lodging your application.

**Driving record**

We recommend that you obtain your online driving record (from the relevant jurisdictions) if:

• you have committed a significant number of driving infringements or offences (for example, more than 5 in any 3-year period), and/or

• you are making a disclosure in relation to any driving infringements or offences, and you cannot recall the details accurately.

Although you are not required to include your online driving record in the PDF of your documentary evidence, we recommend you do so if you have committed more than 5 driving infringements or offences in any 3-year period.

If you do not include your online driving record with your documentary evidence:

• you should still disclose any driving infringements or offences in accordance with the ‘Disclosure Guidelines for Applicants for Admission to the Legal Profession’, and

• we may still request that you supply your online driving record to us, after you have lodged your admission application. We may do this following an assessment of your application or for the purposes of a random audit.

Please note that, even if you do include your online driving record with your documentary evidence, you must still address those matters in your disclosure statement, in your own words. You should at the very least state the number of each type of matter, the period of time over which you incurred those matters and whether there is any penalty outstanding, for example:

• 2 fines for exceeding speed limit over 20kmh (2008-2012), paid

---

26 Section 19(2) of the Legal Profession Uniform Law (NSW).
• 1 fine for using mobile phone while driving (2015), currently under payment plan
• 6 parking fines (2007-2015), paid
• 1 licence suspension for fine default (2012).

For any fine you received **within two years** of your admission application, you should provide documentary evidence demonstrating that you have fulfilled, or are fulfilling, any monetary penalty. This may include a payment receipt or a statement from the relevant authority, or documents evidencing a payment plan.

**Centrelink Overpayments and Debts**

If you have ever been overpaid by Centrelink, you must disclose:

• the total dollar value of the overpayment, and
• the cause(s) of the overpayment.

You should also provide, in the PDF of your Admission Checklist and documentary evidence:

• copies of documentation from Centrelink which evidences the details of your disclosure
• copies of evidence of:
  o your repayment of the debt in full, or
  o your entry into, and compliance with, a payment plan.

**Student conduct**

You must provide relevant official reports *if you have ever been the subject of disciplinary action* in relation to your student conduct by:

• any tertiary academic institution at which you obtained the academic qualification upon which you rely for the purposes of admission, and/or
• any practical legal training provider you attended.27

The report(s) must:

• be a type of report that reveals whether or not you were the subject of any disciplinary action, howsoever described, taken by the relevant institution or provider, and
• reveal the outcome of any such disciplinary action, and
• be prepared within 6 months before your admission application is received.

‘Disciplinary action’ includes, but is not limited to, any adverse finding against you which results in:

• a warning or reprimand
• a reduction in marks, or the award of zero marks

---

27 Rule 19 of the Legal Profession Uniform Admission Rules 2015 (as varied under Rule 27 by Board decision on 23 June 2015).
• failing the subject in question, or exclusion from the course, or
• any other penalty.

‘Student conduct’ includes both academic conduct as well as general conduct (ie your personal behaviour).

You do not have to provide a student conduct report if you have never been the subject of disciplinary action in relation to your student conduct.

If you wish to provide your student conduct report in digital form:

• you should handwrite a note to that effect on your Admission Checklist
• the digital report must be emailed directly to the LPAB by the issuing institution
  o this means you need to ask your institution to email the report directly to us at lpab@justice.nsw.gov.au
  o the sender’s email must be an address we can verify as being an official address of the institution’s student administration
• we will not accept a digital report which you email to us, even if you are forwarding an email that you have received directly from your institution.

If you wish to provide your student conduct report as a hard copy original, you should:

• include a scanned copy in the single PDF digital file that you must email to us with your Admission Checklist and documentary evidence
• retain the original until we ask you to post it to us, along with any other originals of your documentary evidence we may require you to provide
• ensure you provide all pages of the original student conduct report.

If you are unable to obtain a student conduct report

If you have been the subject of disciplinary action but you are unable to obtain the relevant student conduct reports, you should write to the Executive Officer of the LPAB at the earliest opportunity, with evidence of your efforts to obtain them. Given that delays can occur if you are not able to provide the required reports, you should not make plans to attend an admission ceremony on any particular date.

Any applicant may be subject to a random audit

The LPAB conducts random audits in relation to the student conduct of admission applicants, and will obtain reports directly from institutions or providers in relation to a random selection of applicants. Your application may be selected for a random check, regardless of whether or not you have disclosed that you were subject to disciplinary action in relation to your student conduct.

We seek your signed consent to enable the LPAB to directly obtain your student conduct reports from any relevant institution or provider, as a condition of the processing of your application. If the LPAB obtains your reports directly, it will meet the cost itself.
Disclosures

You must disclose to the Board the details of any matters which:

- might be relevant to the Board’s consideration of whether or not you are a fit and proper person to be admitted to the Australian legal profession, and/or
- a reasonable applicant would consider that the Board might regard as not being favourable to you when considering whether or not you are a fit and proper person to be admitted to the Australian legal profession.

To assist you in determining what matters should be disclosed, you must read the ‘Disclosure Guidelines for Applicants for Admission to the Legal Profession’ at www.lpab.justice.nsw.gov.au.

If you have anything to disclose, you must provide a statement about your disclosure. You may either:

- type your statement in the space provided in the online admission application form (maximum of 3,000 characters), or
- provide your disclosure statement in a separate statutory declaration\(^{28}\) in which case you must:
  - include the signed and witnessed declaration within the single PDF of all your documentary evidence, along with your Admission Checklist, and
  - retain the original until at least 12 months after you have been admitted as a lawyer. This is because we may ask you to post the original to us, at any time during that period.

In either case, your disclosure statement should set out the full details of the circumstances you are disclosing. It should also contain sufficient detail to enable the LPAB to understand the full extent and significance of the matters being disclosed.

Disclosure statements which are vague or lack essential details will invariably result in a request to you for further information and/or evidence, and this may delay the processing of your application. For example, if you are disclosing a past criminal offence, you should include in your disclosure statement (as a minimum):

- the date on which the offence was committed
- the full legal name of the offence with which you were charged (rather than a generic description)
  - for example: ‘driving with middle range prescribed concentration of alcohol’, and not simply ‘drink driving’
- the date on which the matter was heard by a court
- the name (jurisdiction) of the court and its sitting location
- the outcome (such as whether or not you were convicted, or received a dismissal or discharge without conviction)
- the sentence imposed

---

\(^{28}\) A template for a NSW statutory declaration may be downloaded from www.lpab.justice.nsw.gov.au.
• whether or not you have completed/served any sentence imposed and paid any fines, penalties or court costs imposed
• your explanation of the circumstances of the offence, and
• what steps you have taken since the offence to address the underlying cause of your offending and to re-establish your good fame and character in the community.

You must provide copies of any available documentary evidence relating to any matter you have disclosed.

If you do not provide such evidence because it is not available, we may request that you make further efforts to obtain it (or a suitable substitute). This is likely to be the case where the matter(s) you have disclosed may have a significant bearing on the assessment of your suitability for admission to the Australian legal profession.

**Your duty of disclosure**

You have a duty to make a full and complete disclosure in relation to any matter which a reasonable applicant would consider that the LPAB might regard as not being favourable to you, when considering whether you are:

• currently of good fame and character, and
• a fit and proper person to be admitted to the Australian legal profession.29

This includes any matter which may reflect negatively on your honesty, respect for the law, or your ability to meet professional standards.

You also have an ongoing obligation of disclosure to the LPAB whilst your application is in progress and up to your admission ceremony. If any relevant matter occurs subsequent to you signing your application, you must notify the LPAB in writing in a statutory declaration.

If, before your admission or after being admitted, you become aware that you did not make a full and complete disclosure in relation to any relevant matter, you should write to the Executive Officer of the LPAB at the earliest opportunity to make a 'post-admission disclosure', by way of a statutory declaration. Your further disclosure will then be placed before the LPAB to determine what, if any, action should be taken in relation to the disclosure.

**Consequences of failure to disclose**

A failure to disclose a matter, or an attempt to mislead the LPAB in relation to a disclosure, can have catastrophic consequences for you.

If the information you have provided in your disclosure statement is found to be false, misleading, or incomplete in a material particular:

• you may be refused admission to the Australian legal profession, or
• if the LPAB has already issued a compliance certificate in respect of your admission, the compliance certificate may be revoked, and

---

29 Rule 17(1) and (2) of the Legal Profession Uniform Admission Rules 2015.
• if you have already been admitted, you may be struck from the Roll of Lawyers (at any
time after being admitted).

Even if you state that you have nothing to disclose, you will be making that statement by way
of statutory declaration, when you sign your admission application form.

It is a serious criminal offence to make a false statutory declaration. The penalties include
imprisonment for up to five years.

Character references

When you lodge your hard copy documentary evidence, you must include two references as
to your character30, made by persons who:

• have known you for at least two years (unless the LPAB determines some other
  period), and
• are not related to you by blood, marriage, or as a domestic partner, and
• (if you are or have ever been a legal practitioner in a foreign jurisdiction) have been
  associated in legal practice with you in that jurisdiction.31

There are four different forms for a character reference (Form 3A, 3B, 3C or 3D) which may be
downloaded from www.lpab.justice.nsw.gov.au. Each contains the precise wording that is
necessary to comply with the Uniform Admission Rules, depending on your circumstances ie:

• whether or not you have been admitted previously, and
• whether or not you are making a disclosure in your application.

During the COVID-19 pandemic, character references do not need to be made by way of
statutory declaration. However referees must sign their references in the presence of a
witness who is aged over 18 years.

Please read the ‘Guidance for character referees’ at www.lpab.justice.nsw.gov.au, and ensure
that a copy is given to both your referees, along with the correct form.

If you are making a disclosure in your admission application, your character referees must:

• have read your disclosure statement,32 and
• attest in their references to having read your disclosure statement.

We may contact your referees to verify the information they have provided, and/or to confirm
that they are aware of the details in any disclosure statement you have made.

There is no requirement for a character referee to be a certain age. However we recommend
a referee be at least 21 years of age and understand the significance of the referee’s role.

30 Rule 16 of the Legal Profession Uniform Admission Rules 2015.
31 This means that, if you are or have ever been a legal practitioner in a foreign jurisdiction, both your referees must also be
  persons who are or were legal practitioners in that jurisdiction. If you are unable to meet this requirement, please contact the
  Office of the Board. In limited circumstances the Executive Officer may be able to grant dispensation from the requirement,
  and instead accept one or more alternative character references.
32 However, under Rule 17(4) you may make any disclosure relating to your physical or mental capacity in a separate statutory
declaration which does not have to be read by your character referees.
Certificate of good standing

If you have been admitted in a foreign jurisdiction (outside Australia), you must provide a statement from the relevant professional body in that jurisdiction that you:

- are a member of the legal profession in good standing, and
- are not subject to any current or pending disciplinary matters.

This statement (known as a ‘Certificate of Good Standing’) should show the date on which you were admitted in that jurisdiction and must be made no earlier than 2 months before the date your documentary evidence is received.

You may provide a Certificate of Good Standing to the Office of the LPAB either:

- in digital form, or
- as a hard copy original.

If you wish to provide a Certificate of Good Standing in digital form:

- you should handwrite a note to that effect on your Admission Checklist
- the digital Certificate must be emailed directly to us by the issuing professional body
  - this means you need to ask the issuing professional body to email the transcript directly to us at lpab@justice.nsw.gov.au
  - the sender’s email must be an address we can verify as being an official address of the issuing professional body
- we will not accept a digital Certificate which you email to us, even if you are forwarding an email that you have received directly from your institution.

If you wish to provide a Certificate of Good Standing as a hard copy original, you should:

- include a scanned copy in the single PDF digital file that you must email to us with your Admission Checklist and documentary evidence
- retain the original in case we ask you to post it to us, along with any other originals of your documentary evidence we may require you to provide
  - in some cases, we may be able to verify a scan of your Certificate directly with selected institutions outside Australia, but we reserve absolute discretion to decide whether or not it would be feasible and efficient for us to attempt to do so, in any particular case
  - in all other cases, you must post the original to us.

If you are required to post the original of a Certificate of Good Standing to us, your admission application cannot be determined, until after we have received and assessed the original.
Early assessment of suitability

Before you apply for admission, you may seek a declaration from the LPAB that a specific matter or matters you wish to disclose will not adversely affect the LPAB’s assessment of your suitability to be admitted.33

An application for such a declaration:

- is usually made a number of years before the person intends to apply for admission
- may be appropriate for a person who is doubtful that he/she would be considered suitable for admission, on the basis of some aspect of his/her past conduct, and
- may be particularly relevant to a person who is considering legal studies, or the continuation of legal studies. He/she may not wish to pursue such studies while there is a risk that something in his/her past may ultimately prevent him/her being admitted as a lawyer in the future.

If the LPAB makes a declaration in relation to any or all of the matters disclosed, the declaration will be binding on the LPAB unless the applicant failed to make a full and fair disclosure of all relevant matters.

Any matters which were not disclosed in the application (including matters which took place after the application or declaration was made) may nevertheless adversely affect the LPAB’s assessment of the person’s suitability for admission.

To apply for a declaration, you need to:

- complete Form 434 and make a statutory declaration35
- compile:
  - a disclosure statement referred to in Rule 17, as if you were applying for a compliance certificate for the purposes of admission, and include a statement setting out the grounds on which you consider the Board should make the declaration
  - evidence of your qualifications, character references, police reports, student conduct reports, and/or Certificate of Good Standing, as may be relevant to your application
  - copies of any other documents which may be relevant, and particularly those which support the facts as set out in your disclosure statement
- scan all of the above material into a single PDF digital file, with your Form 4 at the beginning, and email the PDF to lpab@justice.nsw.gov.au
- pay the prescribed fee online:
  - via the online form at www.lpab.justice.nsw.gov.au under the menu item ‘Forms and Fees’, and then ‘Fees’.

33 Section 21 of the Legal Profession Uniform Law (NSW).
34 Form 4 can be downloaded from the website www.lpab.justice.nsw.gov.au.
35 During the COVID-19 pandemic, a statutory declaration in NSW may be made before a wider range of witnesses, and may be witnessed by audio visual link, in accordance with strict requirements for such witnessing as set out in Schedule 1 of the Electronic Transactions Regulation 2017 (NSW). Note Schedule 1 will expire on 26 September 2020, unless that date is changed by further regulation or resolution of Parliament.
Do not email the PDF if any documentary evidence is missing, and do not email multiple separate PDFs. All documentary evidence must be included in a single PDF file.

After you email your PDF to us, the Office of the LPAB will:

- check your application, and advise you if anything is not in order
- once all is in order, instruct you to post to us:
  - one complete printed copy of your application and all its attachments, and
  - the originals of any items of your documentary evidence which we may require.

The printed copies are required by the Law Society of NSW and the NSW Bar Association, which provide advice to the LPAB about all such applications.

For further information, please contact the Office of the LPAB.
10. Conditional admission of foreign lawyers

Section 20 of the *Legal Profession Uniform Law (NSW)* (Uniform Law) provides for the LPAB to recommend in a compliance certificate in respect of a foreign lawyer that the foreign lawyer be admitted subject to conditions of one or more of the following kinds:

a) a condition limiting the period of the foreign lawyer’s admission

b) a condition requiring the foreign lawyer to undertake particular academic or practical legal training or both

c) a condition requiring the foreign lawyer to engage in supervised legal practice

d) a condition limiting the area of law in which the foreign lawyer may engage in legal practice

e) a condition otherwise restricting the foreign lawyer’s practising entitlements.

A ‘foreign lawyer’ means an individual who is properly registered or authorised to engage in legal practice in a foreign country by the foreign registration authority for the country. The Board has interpreted this to mean that a foreign lawyer must hold a practising certificate in the foreign lawyer’s home jurisdiction.

Before applying

To be eligible for conditional admission, an applicant must hold a current practising certificate (or equivalent evidence) from the foreign registration authority in the country where the foreign lawyer is admitted. Unless the applicant is able to provide a current practising certificate, an application for conditional admission cannot be accepted by the Office of the Board.

Foreign lawyers who propose to apply for conditional admission must first apply for assessment of their qualifications using Form 16 and Form 17. Further information about applying for assessment is in Sections 5 and 7 of this Guide.

However, a foreign lawyer who proposes to apply for conditional admission for a limited period, in order to act in relation to one or more particular matters, is not required to first apply for an assessment of their qualifications. Instead such an applicant must attach evidence of those qualifications and a current practising certificate to their application for admission.

Applying for conditional admission

A foreign lawyer must apply for conditional admission as part of an online admission application using the Admission Portal. When lodging their documentary evidence, the foreign lawyer *must* also include a separate statement with information about:

(i) the nature and scope of the foreign lawyer’s skills, experience, employment and responsibilities in legal practice

(ii) the nature and scope of the legal practice in which the foreign lawyer proposes to engage in Australia, and

(iii) any proposed employment, supervisory and professional support arrangements which the foreign lawyer has already made in Australia.

The foreign lawyer *may* also attach to their documentary evidence a statement which:
(iv) sets out the nature, scope and purpose of any conditions of the kinds set out in section 20 of the Uniform Law which the foreign lawyer considers might appropriately be attached to the certificate of compliance

(v) explains how any conditions proposed by the foreign lawyer will assist the foreign lawyer’s practice in Australia and why the conditions may be appropriate in the circumstances.

If you are considering applying for conditional admission, you are welcome to contact the Office of the LPAB to discuss your particular circumstances with the Executive Officer, before you lodge your application.

Determining an application for conditional admission

Under procedures agreed between the admitting authorities of jurisdictions which are participating in the Legal Profession Uniform Law framework:

a) the LPAB is not required to recommend any condition proposed by the foreign lawyer

b) the LPAB may recommend one or more other conditions of the type referred to in section 20(1) of the Uniform Law if the LPAB considers that such conditions:
   i. may assist the foreign lawyer to adjust to practising law effectively and efficiently in Australia
   ii. may help to ensure that the foreign lawyer provides legal services of an appropriate professional quality and standard to clients in Australia, or
   iii. are appropriate for any other reason

c) before deciding to recommend any conditions, the LPAB will refer the foreign lawyer’s application and any conditions proposed by the LPAB to the admitting authority in each other participating jurisdiction and to the practice regulator in NSW for comment

d) after considering any comments, the LPAB may issue a compliance certificate with respect to such a foreign lawyer, subject to such conditions recommended by the LPAB, if the LPAB is satisfied that the foreign lawyer is also a fit and proper person to be admitted to the Australian legal profession

e) when assessing an application for a compliance certificate subject to conditions under section 20, the LPAB will, among other matters, have regard to whether the foreign lawyer:
   i. has satisfied any requirement of the LPAB relating to the foreign lawyer’s knowledge of written and spoken English made pursuant to rule 10(2) of the Legal Profession Uniform Law Admission Rules 2015
   ii. after the LPAB has assessed the applicant’s qualifications, has not been directed by the LPAB to undertake further studies in more than six academic areas of knowledge set out in Schedule 1 of the Legal Profession Uniform Law Admission Rules 2015, and
   iii. has been in legal practice in a foreign jurisdiction for a minimum of seven years (including any training contract), and if that period of practice was not recent and consistent, has otherwise since maintained an adequate connection with legal practice.

These procedures do not alter in any way an applicant’s obligation to comply in all respects with the requirements of the Legal Profession Uniform Admission Rules 2015.
Examples of common conditions

Where the Board has recommended to the Supreme Court that a foreign lawyer be admitted subject to conditions, the most common conditions to date have been that:

- the applicant may only engage in practice as a corporate legal practitioner, and/or
- the applicant may only engage in practice as a government legal practitioner.

The definitions of ‘corporate legal practitioner’ and ‘government legal practitioner’ are found in section 6 of the Uniform Law.

In cases where the above conditions have been recommended, the Board has also generally recommended that:

- the applicant may not engage in legal practice as a volunteer at a community legal service, or otherwise on a pro bono basis, and
- if the applicant has, to the satisfaction of the LPAB completed further studies in, and passed the prescribed assessment for the areas of knowledge of (insert academic areas of knowledge), in a law course accredited under rule 7(1)(a) of the Uniform Admission Rules 2015 in NSW or Victoria, the applicant may thereafter continue to practise in such capacity and in such areas as the relevant practice regulator may determine.

Refusal of conditional admission

Examples of common reasons for the Board refusing to recommend to the Supreme Court that a foreign lawyer be admitted subject to conditions include that:

- the applicant has no employment, supervisory or professional support arrangements in place in Australia, or
- the conditions proposed by the applicant would not adequately protect consumers of legal services and the administration of justice, in the absence of the applicant having met the academic prerequisite for admission, or
- it would be impractical for the applicant to avoid practice that pertains to the academic areas of knowledge in which the applicant has not completed studies.

An applicant who is refused conditional admission will usually be able to apply separately for unconditional admission, after meeting the academic and/or PLT prerequisites.

Important implications of section 20 conditions

It is important for intending applicants to understand that, once admitted subject to conditions pursuant to section 20:

- the existence of such conditions will be noted on any practising certificate issued by a local regulatory authority (such as the Law Society of NSW or the NSW Bar Association), by way of a statement that an ‘Admission Condition (Statutory Condition)’ has been imposed (or wording to similar effect)
• it will be a statutory condition of the practising certificate that the practitioner must not contravene any such condition (including any condition as varied and still in force)

• section 20 conditions are different to the conditions that local regulatory authorities may impose upon a lawyer in their roles of issuing practising certificates pursuant to Part 3.3, Division 3 of the Uniform Law

• neither the LPAB, nor the Law Society of NSW, nor the NSW Bar Association (nor any equivalent body in another Australian state or territory) has any power to vary or revoke a section 20 condition.

Once a foreign lawyer has been admitted subject to conditions pursuant to section 20 of the Uniform Law, those conditions may only be varied or revoked by way of an application to the Supreme Court of NSW pursuant to sub-section 20(3).

**Variation or revocation of conditions (after admission)**

As noted above, after a foreign lawyer has been admitted subject to section 20 conditions, those conditions may only be varied or revoked by way of an application to the Supreme Court of NSW.

The Supreme Court will charge, in relation to such an application for variation or revocation:

- a filing fee (currently $1,143), and
- a hearing allocation fee (currently $2,280) when a hearing date is set, and
- may charge other applicable fees, for example, if interlocutory steps are required.

If an applicant applies to the Court for variation or revocation on the basis that a condition imposed has been fulfilled, and such fulfilment is a matter within the knowledge of the LPAB (for example, that the lawyer has completed the areas of study directed by the LPAB), the LPAB will usually be prepared to assist by providing a letter of recommendation to the Court that the condition be varied or revoked, as appropriate.

The following steps are recommended for an application for variation or revocation pursuant to section 20(3) of the Uniform Law:

1) prior to lodging the application, the applicant should first inform the Board of their intention to make such application to the Supreme Court and discuss with the Board what assistance, if any, the Board may be able to provide by way of a letter of recommendation

2) the applicant must then make an application to the Supreme Court by filing, in the Common Law Division of the Court, a Summons in accordance with Uniform Civil Procedure Rules 2005 (UCPR) Form 4A/4B, along with a supporting Affidavit (UCPR Form 40)
   - the Summons should name the LPAB as defendant, as the LPAB will be affected by any orders that are made by the Court
   - the supporting Affidavit should annex, by way of evidence, any letter of recommendation provide by the Board, along with any other relevant information

3) once filed, the Summons must be served upon the LPAB
the LPAB will then put on notice any other body (for example, the Law Society of NSW or NSW Bar Association) which may be impacted by the variation or revocation of a condition, so that they may have the opportunity to raise any relevant matter for the Court's consideration.

- it will then be up to the LPAB to either oppose the application or to file a submitting appearance.

4) the applicant will need to appear before the Court upon any interim proceeding or hearing of any Summons by the Court (as the Court will not, for example, deal with such an application in chambers or on the papers).

5) if the Court varies or revokes a section 20 condition, the LPAB will:

- amend the Supreme Court Roll accordingly and maintain a record of the order on the applicant's admission file, and
- notify the Law Society of NSW or NSW Bar Association (as appropriate) that the Roll has been so amended so that any notation about the imposition of section 20 conditions will be reflected in the next practising certificate that is issued.
11. Outcomes of admission applications

This section explains the different outcomes which are possible as a result of the assessment of your admission application.

Deferred

Where an application is ‘deferred’, it means that determination of the application has been delayed until a future time (usually specified), for the purpose of the Board obtaining additional information or undertaking further analysis.

If the additional information or analysis becomes available within 6 months of the lodgment date of the original application, the applicant will usually not need to register a fresh application through the online Admission Portal, or pay the admission fee again.

However, if received more than 6 months after the original lodgment date, the applicant will need to register a fresh application through the online Admission Portal, and may be required to pay some or all of the admission fee again. This is because, after the passage of 6 months, background checks such as a National Police History Check must be undertaken again.

Where an applicant needs to register a fresh application, the Office of the LPAB will retain the applicant’s academic transcript and PLT certificate, so those documents will not need to be lodged again. Other documentary evidence will be valid only for limited periods. When notifying the applicant of the deferral, the Office of the LPAB will explain which documents will need to be lodged again, based on various possible timings of a fresh application.

Refused but the applicant may consider re-applying

Where an application is ‘refused but the applicant may consider re-applying’, it means that the Board has refused to issue a compliance certificate, and in doing so has made its final determination of the application.

However, in recognition that a fresh application in the future may achieve a different outcome, the applicant will be advised that he or she may consider re-applying at a future time (usually specified). For example, an applicant who is currently subject to a good behaviour bond (but otherwise meets the suitability criteria), will usually be refused but the applicant will be notified that he or she may consider re-applying.

In every case the applicant will need to register a fresh application through the online Admission Portal. The Office of the LPAB will retain the applicant’s academic transcript and PLT certificate, so those documents will not need to be lodged again. Other documentary evidence will be valid only for limited periods. When notifying the applicant of the refusal, the Office of the LPAB will explain which documents will need to be lodged again, based on various possible timings of a fresh application.

The applicant will also be required to pay the full application fee again at the time of the fresh application, or a reduced fee if the Board has advised that the applicant may re-apply within 6 months of the lodgment date of his or her original application. This is because, after the passage of 6 months, background checks such as a National Police History Check must be undertaken again.
Refused outright

Where an application is ‘refused outright’, it means that the Board has refused to issue a compliance certificate, has made its final determination, and does not wish to advise the applicant that he or she may consider re-applying at a future time.

This usually means that the Board is unable to foresee when or if the applicant might meet the suitability criteria in future. It does not necessarily rule out the Board considering a fresh application in the distant future, but it does not suggest such an application. A person whose application has been refused outright, but who wishes to pursue admission, will need to lodge an appeal against the Board’s decision in the Supreme Court.

Deferred pending refusal outright

Where an application is ‘deferred pending refusal outright’, it means that the Board is considering refusing the application outright but has delayed its determination until a future time (usually the next Board meeting).

The purpose is to enable the preparation of Reasons for Decision (to be considered by the Board at its next meeting), and also to notify the applicant and invite him/her to provide any further submissions about the matters at hand.

Approved

Where an application is ‘approved’, it means the Board has approved the issue of a compliance certificate, without conditions.

In order to be admitted to the Australian legal profession, the applicant must attend an admission ceremony, take an oath or swear an affirmation, and sign the Supreme Court Roll (see Sections 13 and 14 of this Guide).

Approved with conditions

Where an application is ‘approved with conditions’ in respect of a foreign lawyer, it means the Board has recommended that issue of the compliance certificate be subject to one or more conditions, pursuant to section 20 of the Legal Profession Uniform Law (NSW).

Any such conditions will be specified in the notification letter to the applicant, and in the compliance certificate. Conditional admission is only available to foreign lawyers (ie people who are properly registered or authorised to engage in legal practice in a foreign country by the foreign registration authority for the country).

In order to be admitted to the Australian legal profession, the applicant must attend an admission ceremony, take an oath or swear an affirmation, and sign the Supreme Court Roll (see Sections 13 and 14 of this Guide).
12. Appeals against a refusal

An applicant for admission may appeal to the Supreme Court, under section 26 of the *Legal Profession Uniform Law (NSW)*, against a refusal of the LPAB to issue a compliance certificate. Should you wish to consider appealing the LPAB’s refusal to the Supreme Court, you are encouraged to seek and be guided by independent legal advice.

The timeframe for an appeal is set out in Uniform Civil Procedure Rule 50.3, which states:

1) A summons commencing an appeal must be filed:
   a) within 28 days after the material date, or
   b) if the appeal relates to the decision of a judicial officer, within such further time as the judicial officer may allow so long as the application for such further time is filed within 28 days after the material date, or
   c) within such further time as the higher court may allow.

2) An application for an extension of time under subrule (1) (c) must be included in the summons commencing the appeal.

In the case of a refusal to issue a compliance certificate, the ‘material date’ is the date of the letter advising the applicant of the LPAB’s decision.
13. Admission ceremonies during the COVID-19 pandemic

In normal circumstances, every admission applicant must personally attend the Supreme Court to take the oath/affirmation of office and sign the Supreme Court Roll.\(^\text{36}\)

During the COVID-19 pandemic, the Chief Justice may issue a direction in respect of a particular scheduled ceremony that:

- dispenses with the requirement to personally attend the Supreme Court, and
- specifies an alternative method for taking the oath/affirmation of office and signing the Supreme Court Roll.

This means that approved applicants will continued to be admitted in accordance with the dates of their ceremony bookings, even if the Chief Justice dispenses with the requirement to attend the particular admission ceremony. Accordingly, applicants should:

- book a ceremony in the usual way, via the online Admission Portal, and
- await instructions from the Office of the LPAB about the arrangements for being admitted on that particular date.

If an admission ceremony is cancelled (due to the Chief Justice dispensing with the requirement to attend), applicants who had booked for that date will have the option of either:

- postponing their admission to a later date on the ceremony calendar (without paying the usual fee for such a change), or
- completing the admission formalities remotely, in order to be admitted as a lawyer with full legal effect from the date of their ceremony booking.

The instructions for completing admission formalities remotely are subject to change, so applicants must wait for instructions from the Office of the LPAB about the arrangements that will apply in relation to their particular ceremony date.

Please note that the LPAB cannot take any responsibility for any impacts of the cancellation of an admission ceremony due to the COVID-19 pandemic.

Ceremony dates and times

Ceremony dates are listed under ‘Events and Deadlines’ on the LPAB website.

Booking the admission date of your choice

After we record your admission application as having been received, we will send you an email to advise that you can now go into the Admission Portal and book an admission date.

You will have the choice of any ceremony time and date, as long as there are available places and the admission date falls at least 4 weeks after we have received your documentary evidence.

\(^{36}\) See Part 65C, Division 1 of the Supreme Court Rules 1970.
However, we recommend that you do not book your ceremony until after your admission application has been approved if you:

- have a complex application (see Section 2 of this Guide), and/or
- require certainty about the date of your admission ceremony.

**Changing your choice of ceremony**

Please choose your ceremony carefully. If you change your mind, you will need to contact us and pay a miscellaneous application fee to change the time and/or date of your ceremony. (However that fee will not be applied if we have notified you that your ceremony has been cancelled due to the COVID-19 pandemic).

If you contact us to make a change within 7 calendar days of the date of your booked ceremony, you will also need to pay the fee for a replacement Certificate of Admission, because all certificates contain the date of the admission ceremony.

**Cancellation of ceremony bookings**

While a booking reserves a place for you at the ceremony in question, your booking will not be confirmed until your admission application has been approved.

If you book a ceremony and your admission application has not been approved by 7 calendar days prior to the date of that ceremony, your booking will be automatically cancelled, due to our lead times for ceremony preparations including the printing of certificates.

If your ceremony booking is automatically cancelled, you will receive an email notification, and you will need to re-book into another ceremony to be held on a later date.

**Obtaining your Certificate of Admission**

In normal circumstances, Certificates of Admission are issued to admittees at the conclusion of their admission ceremony. During the COVID-19 pandemic, if your admission ceremony has been cancelled and you opt to complete the admission formalities remotely, we will post your Certificate of Admission to you by ordinary mail to the postal address you gave us when you applied for admission. If your postal address has changed, please notify us as soon as possible.

You should allow time for delivery by Australia Post, and we are unable to forecast its delivery times. However, if you are applying for a practising certificate in New South Wales, you do not need your Certificate of Admission. This is because the LPAB will notify the Law Society of NSW and the NSW Bar Association of your admission as a lawyer, after you have completed the admission formalities.
14. Admission ceremonies in normal circumstances

The information is this section does not necessarily apply during the COVID-19 pandemic, but is provided for applicants who may:

- be planning to be admitted after the pandemic, or
- wish to know how an admission ceremony works, in case their own ceremony is not cancelled as a result of the pandemic.

Moving your admission

At your ceremony, it will be necessary for your admission to be ‘moved’ by a person who is:

- currently on the Supreme Court Roll in New South Wales (whether or not the person currently holds a practising certificate), or
- an Australian legal practitioner provided he or she holds a current practising certificate in New South Wales or any other Australian state or territory.

It is your responsibility to find someone to move your admission.

- Some PLT providers may be able to assist you by providing a mover.
- Please advise your mover that simple instructions for movers, including the words he/she will be required to speak, will be waiting for them on the seats allocated to movers at the ceremony.

Current members of the judiciary (ie judges and magistrates) may not move an admission.

Accessibility

If you, or any of your guests attending your admission ceremony, have any special requirements in terms of accessibility, you are encouraged to tell us about those requirements in advance:

- when you book your ceremony via the online Admission Portal, or
- at any other time, by sending an email to the Office of the LPAB at lpab@justice.nsw.gov.au.

The Banco Court in the Law Courts Building has steep seating with many stairs. Wheelchair access into the Banco Court is available via a lift platform, but requires assistance.

Location of ceremonies

Admission ceremonies in Sydney are conducted at the Law Courts Building at Queens Square (located between Macquarie Street and Phillip Street, near King Street in Sydney).

Admission ceremonies in Newcastle are conducted at the Newcastle Court Complex at 343 Hunter Street, Newcastle (corner of Hunter and Burwood Streets).
Security

For your security and safety, perimeter security screening is in operation and screening is a requirement for everyone entering the court building. Refusal to comply may result in denial of entry to the building. If you have medical concerns about the screening process, please talk to one of the security staff on duty.

Security guards are trained to conduct searches in a manner that protects your privacy and dignity. Further information about court security in the Law Courts Building is on the Supreme Court’s website at www.supremecourt.justice.nsw.gov.au.

Transport and parking (Law Courts Building)

The closest railway stations to the Law Courts Building are St James and Martin Place. There are a number of parking stations, such as the Domain Parking station, MLC Centre and Sydney Hospital. The LPAB does not have any arrangements with parking stations.

Attendance (Law Courts Building)

You will need to arrive at the Law Courts Building at least 40 minutes prior to your ceremony. This is to allow you to clear the security area at the ground floor and make your way to the Banco Court on Level 13. Please remember that there are a large number of people attending the same ceremony along with their guests and movers. This can cause delays in getting through security and accessing a lift.

The Banco Court will be open 30 minutes before the ceremony and you will need to be seated well in advance of your ceremony time. The LPAB’s Executive Officer or nominee conducting the ceremony will advise you on the process to be followed and what you will need to do during the ceremony.

You should expect to be at the Law Courts Building for around 90 minutes which includes the pre-ceremony instructions, the ceremony itself and your signing of the Supreme Court Roll.

Attendance (Newcastle Court Complex)

You will need to arrive at the Newcastle Court Complex at least 30 minutes prior to your ceremony.

The Court will be open 30 minutes before the ceremony and you will need to be seated well in advance of your ceremony time. The LPAB’s Executive Officer or nominee conducting the ceremony will advise you on the process to be followed and what you will need to do during the ceremony.

You should expect to be at the Newcastle Court Complex for around 90 minutes which includes the pre-ceremony instructions, the ceremony itself and your signing of the Supreme Court Roll.

Guests

You may bring up to 3 guests, in addition to your mover. (If you bring more than 3 guests, the additional guests may be unable to be seated, or even permitted into the courtroom, due to seating and space restrictions).
Children are welcome at the ceremony, however, they will need to remain with your guests at all times.

**Photography or filming**

No photography or filming is allowed in court rooms or court buildings. However, photography is allowed in the area where you sign the Supreme Court Roll and collect your Certificate of Admission.

**Ceremony**

The ceremony is in 3 parts:

1. **Moving of Admissions**

   The Executive Officer will call the name of each applicant in turn. As his/her name is called, the applicant will stand, as does his/her mover. The mover will formally ask that the applicant's admission be granted. The Chief Justice will assent and the applicant and mover should then bow and sit down.

2. **Oath or Affirmation of Office**

   The Executive Officer will call applicants to come and stand before the bench and take an Oath of Office or make an Affirmation of Office in small groups. The Oath will be read, and the applicants before the bench will then be asked to say together either 'So help me God' or 'I do'.

3. **Chief Justice’s Speech**

   The Chief Justice will make a speech. A copy of the speech will be available on the Supreme Court website.

**Signing the Supreme Court Roll**

Following the ceremony, applicants and their guests should proceed to the foyer on the ground floor where applicants will sign the ceremonial Supreme Court Roll and collect their complimentary Certificates of Admission. Once you have signed the Roll you are a lawyer. Photography is allowed at this time.
15. After admission

Practising Certificate

Before you can commence practice as a solicitor or barrister, you will need to apply for a practising certificate. You will need to arrange this through either the Law Society of NSW or the NSW Bar Association.

Immigration and Skills Assessments

In order to obtain a ‘Skilled Migration Letter’ from the LPAB, a person will need to have had their qualifications assessed in accordance with the Board's Rules and the ‘Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission’, and been admitted as a lawyer in NSW. To apply for a Skilled Migration Letter after you have been admitted as a lawyer you should:

- complete the miscellaneous certificate/letter application form available from the Board’s website
- email the application form to lpab@justice.nsw.gov.au
- pay the prescribed fee online:
  - via the online form at www.lpab.justice.nsw.gov.au under the menu item ‘Forms and Fees’, and then ‘Fees’.

If you are applying for a sub class 485 Visa you can apply for a provisional skills assessment. To lodge this application you should contact the Office of the Board for more information.

Certificate of Current Admission

A Certificate of Current Admission is issued under the LPAB’s seal and confirms that a person:

- has been entered into the NSW Roll of Lawyers, and
- remains on that Roll, as at the date of the Certificate.

Such a Certificate may be required when seeking admission in different jurisdictions or for the issue of practising certificates in other Australian states and territories.

If you require a Certificate of Current Admission you will need to:

- complete the application form available on the LPAB’s website, and
- email the application form to lpab@justice.nsw.gov.au
- pay the prescribed fee online:
  - via the online form at www.lpab.justice.nsw.gov.au under the menu item ‘Forms and Fees’, and then ‘Fees’.

The Certificate of Current Admission cannot be used as a substitute for a Certificate of Good Standing. To obtain a Certificate of Good Standing, you need to contact the Law Society of NSW or the NSW Bar Association.
Replacement Certificate of Admission

A copy of an original Certificate of Admission can only be issued if the original has been lost or destroyed. If a Certificate has been lost or destroyed, a statutory declaration setting out the reasons surrounding the loss must be lodged together with any application.

If you change your name and wish to have a replacement certificate issued, you will need to return the original Certificate to the Office of the LPAB.

If you require a replacement Certificate of Admission you will need to:

- email the application form, together with a scan of your signed and witnessed statutory declaration, to lpab@justice.nsw.gov.au
- pay the prescribed fee online:
  - via the online form at www.lpab.justice.nsw.gov.au under the menu item ‘Forms and Fees’, and then ‘Fees’ (using the drop-down list under ‘Admission as a Lawyer’).
Appendix 1 – Definition of ‘Significant Disclosure’

A ‘significant disclosure’ includes but is not limited to a disclosure with any one or more of the following circumstances:

- any conviction for any criminal offence at any time in the past, including any spent conviction
  - with the exception of a) convictions for driving with a prescribed concentration of alcohol within the novice, special, low or mid ranges (provided there is no more than one such conviction within any 5-year period during the past 15 years); and b) convictions for minor traffic offences (provided there are no more than 5 offences for every 3 years of the applicant’s driving experience)
- any finding of guilt at any time in the past where no conviction was recorded and the offence involved dishonesty (including but not limited to stealing, larceny, embezzlement, theft, receiving, fraud, identity fraud, forgery, offences involving false and misleading statements, perjury, or perverting the course of justice), or any disclosure of such conduct even if no charge was laid
- being currently subject to a good behaviour bond
- being an undischarged bankrupt, being discharged from bankruptcy within the past 10 years, or being currently subject to a debt agreement under Part IX or a personal insolvency agreement under Part X of the Bankruptcy Act 1966 (Cth)
- overpayment of any kind of Centrelink or social security entitlements at any time for any reason, where a) the overpayment has not yet been re-paid in full, or b) the total amount of the overpayment was more than $5,000 even if re-paid in full
- being or having been a company director or officer of a company which within the past 10 years entered voluntary administration, liquidation, receivership, winding up or external administration
- being subjected to a substantial penalty for academic misconduct (including but not limited to penalties of a) exclusion from the course, b) failure of the subject in question, c) receiving zero marks in the relevant assessment, or d) any similar or higher penalty)
- past or current acute mental health injury or mental illness (including but not limited to bipolar affective/mood disorder, severe personality disorder, dementia, psychiatric disorder, or any symptoms of delusions, hallucinations, serious disorder of thought, severe disturbance of mood, or sustained or repeated irrational behaviour), or any current substance use disorder.

Please note you also have an obligation to disclose other types of matters not listed above, in accordance with the ‘Disclosure Guidelines for Applicants for Admission to the Legal Profession’. Before submitting your admission application, you must read those Disclosure Guidelines. A copy can be downloaded from www.lpab.justice.nsw.gov.au.

We also recommend that you read Section 9 of this Guide about ‘Fitness and Propriety to be Admitted’ before submitting your admission application.
Appendix 1(a) - Evidence typically required for a ‘Significant Disclosure’

Evidence typically required from applicants making a significant disclosure includes but is not limited to:

- any conviction for a criminal offence at any time in the past, including any spent conviction: a statement of police or police fact sheet
- bankruptcy: evidence confirming discharge from bankruptcy (if applicable), copy of the administrator’s report and minutes of the creditor’s meeting and evidence of whether you were ever personally bankrupt from the Australian Financial Security Authority
- overpayment of any kind of Centrelink or social security entitlements at any time for any reason: documentary evidence from Centrelink showing repayment of the debt (if applicable)
- traffic infringements: an online driving record from Services NSW (or equivalent body)
- academic misconduct: a student conduct report from the relevant tertiary institution stating the name of the subject concerned and the penalty imposed
- mental health injury or mental illness: a letter from the applicant’s treating medical practitioner about whether they believe the applicant is currently able to satisfactorily carry out the inherent requirements of practice as an Australian legal practitioner.
Appendix 2 – Identity Documents

If you did not complete the online identity verification process, you will have to provide copies of three (3) identity documents:

- **one commencement document** to confirm your birth in Australia or arrival in Australia, and
- **one primary and one secondary document** to show the use of your identity in the community.

Your identity documents must provide, in one or more documents:

- evidence of your full name
- evidence of your date of birth, and
- a photograph of you.

At least one of commencement and primary documents must include a photograph of you. If none of your commencement and primary documents include a photograph, you must submit a passport-style photograph certified by a person listed in Schedule 2 of the Statutory Declarations Regulations 1993 (Cth).

If you only partially verified your identity online, you will need to provide a copy of one (1) secondary document.

To provide these documents to us during the COVID-19 pandemic:

- you should include a scanned copy of them, along with your Admission Checklist and other documentary evidence, in a single PDF digital file that you email to us
- we will then notify you, if we require you to post certified copies of your identity documents to the Office of the LPAB.

The Office of the LPAB may also request to view the originals at any time during the 12 months after your admission as a lawyer.

If you are not able to provide the documentation listed below please contact the Office of the LPAB by email to lpab@justice.nsw.gov.au for additional information.

If your identity is not established to the satisfaction of the LPAB you may also be required to:

- provide additional documentation, and/or
- attend the Office of the LPAB in person, to complete the identity verification process when the Office re-opens after the current pandemic restrictions are lifted.

**Commencement documents (must provide one of the following)**

- (a) full Australian birth certificate (not an extract or birth card)
- (b) current Australian passport (not expired)
- (c) Australian Visa current at time of entry to Australia as resident or tourist
(d) ImmiCard issued by the Department of Immigration and Border Protection that enables the cardholder to prove their visa and/or migration status and enroll in services

(e) certificate of identity issued by the Department of Foreign Affairs and Trade to refugees and non-Australian citizens for entry to Australia

(f) document of identity issued by the Department of Foreign Affairs and Trade to Australian citizens or persons who possess the nationality of a Commonwealth country, for travel purposes

(g) certificate of evidence of resident status.

**Primary documents (must provide one of the following)**

(a) current Australian driver licence, learner permit or provisional licence issued by a state or territory, showing signature and/or photo and the same name as claimed

(b) Australian marriage certificate issued by a state or territory (church or celebrant-issued certificates are not accepted)

(c) current passport issued by a country other than Australia with a valid entry stamp or visa

(d) current proof of age or photo identity card issued by an Australian government agency in your name with photo and signature

(e) current shooter or firearm licence showing signature and photo (not minor or junior permit or licence)

(f) for persons aged under 18 with no other Primary Use in Community Documents, a current student identification card with photo or signature.

**Secondary documents (must provide one of the following)**

(a) certificate of identity issued by the Department of Foreign Affairs and Trade

(b) document of identity issued by the Department of Foreign Affairs and Trade

(c) convention travel document secondary (United Nations) issued by the Department of Foreign Affairs and Trade

(d) foreign government issued documents (for example driver licence)

(e) Medicare card

(f) enrolment with the Australian Electoral Commission

(g) security guard or crowd control photo licence

(h) evidence of right to a government benefit (Centrelink or Veterans Affairs)

(i) consular photo identity card issued by the Department of Foreign Affairs and Trade

(j) photo identity card issued to an officer by a police force

(k) photo identity card issued by the Australian Defence Force
(l) photo identity card issued by the Australian Government or a state or territory government

(m) Aviation Security Identification Card

(n) Maritime Security Identification card

(o) credit reference check;

(p) Australian tertiary student photo identity document

(q) Australian secondary student photo identity document

(r) bank card

(s) credit card.

**Change of name**

If you provide identity documents using a former name, you must provide evidence of your name change. This means providing a change of name certificate issued by the Australian Registry of Births, Deaths and Marriages or an Australian marriage certificate issued by a state or territory, in addition to your other identity documents. Church or celebrant-issued certificates are not accepted.
16. Contact us

Legal Profession Admission Board of New South Wales

Phone: (02) 9338 3500
Email: lpab@justice.nsw.gov.au
Web: www.lpab.justice.nsw.gov.au
Post: GPO Box 3980, Sydney NSW 2001
Street: Level 4, 37 Bligh Street, Sydney NSW 2000, Australia

(NB: During the COVID-19 pandemic, the LPAB office at 37 Bligh Street may not be accessible to the public. Please check the LPAB website for the latest information, before planning your visit).

17. Give us your feedback

We value feedback from applicants about the admission process, and about our client services generally. If you have a complaint, a compliment or a suggestion, you can either:

- send an email to lpab@justice.nsw.gov.au, or
- use the ‘Your Feedback’ symbols on the home page of the LPAB’s website.

18. Document history

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.0</td>
<td>23 April 2020</td>
<td>Revised to reflect changes to application procedures and admission ceremonies due to the COVID-19 pandemic.</td>
</tr>
<tr>
<td>3.1</td>
<td>26 June 2020</td>
<td>Revised to reflect the acceptance of My eQuals digital credentials, the elimination of cash payments and the card payment surcharge, as well as updated information about IELTS testing and special exemptions.</td>
</tr>
</tbody>
</table>