Legal Profession Admission Board

Application for readmission as a lawyer

after removal from the Supreme Court roll in NSW
Instructions (Form 12)

GPO Box 3980 Sydney NSW 2001
Telephone: 02 9338 3500 | Email: lpab@justice.nsw.gov.au
Website: www.lpab.justice.nsw.gov.au

Use this form if you have ever been removed from the Supreme Court roll of New South Wales (NSW) and are seeking readmission as an Australian lawyer.

If you were admitted and subsequently removed from the Supreme Court roll in an Australian state or territory other than NSW, please apply for readmission in that state or territory.

This application is made under Rule 14 of the Legal Profession Uniform Admission Rules 2015 (NSW). Readmission is a matter for the inherent jurisdiction of the Supreme Court of NSW.

An application for readmission can take between 6 to 12 months to finalise, because the Board will also consult the Law Society Council and Bar Council about your application.

If the Board issues a compliance certificate to the Supreme Court in relation to your readmission it may provide a written report to the Court setting out the nature of the application and the Board's reasons for issuing the certificate.

If your application is unsuccessful, you have the right to appeal under section 26 of the *Legal Profession Uniform Law* (NSW).

Depending on the length of time since your removal from the roll and/or your original qualification in law, the Board may require you to have your qualifications and training assessed and to undertake further study or practical legal training, before you are readmitted to the Australian legal profession.

For more information about the assessment of stale qualifications please refer to the *Guide for Applicants for Admission* as a lawyer at www.lpab.justice.nsw.gov.au

Please read the instructions in this form carefully

The instructions will help you complete the form correctly.

Please ensure you complete every question on every page of the form.

Your application may be delayed if you have not followed the instructions or not completed every question.

You can fill in the form electronically, and then print it out to sign. Or you can print the form, and fill it in by handwriting. An application for readmission cannot be made via the online admission portal.

Attach all the required documentation

The form will indicate which documents you are required to attach to your application, according to your own particular circumstances.

Please ensure you attach all the required documentation. Your application cannot be processed if any of your required documentation is missing.

If the form specifies that the document must be original, then only an original will be accepted.

The checklist at Part K of the form will help you check that you have attached all the required and relevant documentation.

Please ensure that, when compiling your application, it complies with the format described below.

Sign your form in front of an authorised witness

You must sign the declaration and consent at the end of this form, at Part J, as well as a separate statutory declaration at Part B and Part H (if applicable), in the presence of an authorised witness.

Authorised witnesses include a Justice of the Peace or an Australian legal practitioner.

Compile your application in the required format

Your application must be unbound and single sided. Do not use dividers or tabs, but rather number the attachments clearly on the top of the page. Please include a list of all attachments.

Please provide:

- one original application (with original or certified copies of all supporting documents).

Send us your form with your fee payment

The fee for readmission includes the admission application fee as well as a surcharge for the assessment of submissions associated with a readmission application. The admission fee and surcharge for readmission are notified in the Table of Fees on the Board's website at www.lpab.justice.nsw.gov.au

Payment may be made by credit card (Mastercard or Visa only) via the online payment portal at www.lpab.justice.nsw.gov.au; bank cheque, solicitor firm cheque* or money order.

A credit card payment form is available at www.lpab.justice.nsw.gov.au

Send your completed form, together with your required documentation and your payment of the admission fee and readmission surcharge, to the Legal Profession Admission Board at either:

Post: GPO Box 3980, Sydney NSW 2001
Hand delivery: Level 4, 37 Bligh Street, Sydney NSW 2000 (By appointment only)

* Personal cheques not accepted.

Legal Profession Admission Board

Application for readmission as a lawyer

after removal from the Supreme Court roll in NSW
(Form R12)

GPO Box 3980 Sydney NSW 2001
Telephone: 02 9338 3500 | Email: lpab@justice.nsw.gov.au
Website: www.lpab.justice.nsw.gov.au

PART A: Personal details

Q.1 Your name

Title: | First name: | Middle name:

Gender: | Last name:

Q.2 Have you changed your name or had any previous names by which you have been known?

☐ **No** ▶ Go to Q.3 below

☐ **Yes** ▶ Please list your previous name in the spaces below and attach one or more of the following to show a link between your names

- marriage certificate issued by an Australian Registry of Births Deaths and Marriages (or if you were married in another country, a marriage certificate from that country)
- change of name certificate issued by an Australian Registry of Births Deaths and Marriages
- birth certificate issued by an Australian Registry of Births Deaths and Marriages, showing your name at birth and your new name
- divorce document
- deed poll registered by the relevant authority
- completed instrument evidencing change of name form which has been registered in Land & Property Information (NSW) or an Australian Land Titles Office.

Your identity document(s) and change of name document(s) should show a clear link between your names.

Warning:
If you alter your name or use an additional or other name with the intention to act fraudulently or with an intention to deceive or in any other way which contravenes the law you may be subject to criminal proceedings.

Q.3 Date of birth

(dd/mm/yyyy)

Q.4 Personal contact details

Address:

Suburb: | Postcode:

Email:

Home: | Work: | Mobile:

Q.5 Date you were admitted in NSW

(dd/mm/yyyy)

Were you admitted as a Solicitor, Barrister, Legal Practitioner or Lawyer?

Q.6 i) Date you were removed from the Supreme Court roll of NSW

(dd/mm/yyyy)

Your removal was pursuant to what type of order (i.e. which Court or Tribunal)?

What was the order no.?

ii) You must attach a copy of the court order, if available.

Q.7 Have you been admitted in any other jurisdiction (outside NSW)?

☐ **No** ▶ Go to Part B below

☐ **Yes** ▶ Please list the jurisdictions below. You must attach a certificate of good standing for each of those jurisdictions

PART B: Statement about removal from the roll, made by NSW statutory declaration

You must attach a statement about your removal from the roll, in a separate, signed and witnessed, original statutory declaration (your 'removal statement').

A template for a NSW statutory declaration may be downloaded from www.lpab.justice.nsw.gov.au

You should include in your removal statement (as a minimum):

- the circumstances which lead to your name being removed from the Supreme Court roll of NSW
- your views about those circumstances and the decision to remove your name from the roll
- events which tend to re-establish your good fame and character
- your law-related experience since your name was removed from the roll and
- any other matters that you consider relevant to the application.

You must attach original or certified copies of any documentary evidence relating to your removal.

Warning:

Attempts to mislead may have serious consequences.

A lack of candour or any attempt to mislead the Board may result in your application being delayed or refused. If any relevant development occurs subsequent to you signing your statutory declaration, you must notify the Board in writing in another statutory declaration.

PART C: Academic qualifications

Q.8 Did you obtain your academic qualification in law in Australia?

☐ **No** ▶ You must attach an original official transcript of academic record which shows you have completed the requirements of the degree from the overseas institution ▶ then Go to Q.9.

☐ **Yes** ▶ Please enter the details of your qualification below

Name of educational institution

Name of degree/or qualification

Year completed

Please attach evidence of your qualification

The type of evidence you are required to attach depends on where you obtained your qualification.
Tick one box only, and attach the required evidence.

☐ **i. Board's Diploma in Law course**
(You do not need to attach evidence, but please enter your student-at-law number here)

☐ **ii. An accredited educational institution in Australia**
(You must attach an original official transcript of academic record which shows you have completed the requirements for the degree. Please note the Board does not accept Australian Higher Education Graduation Statements (AHEGS).

Note:
If you are unable to provide any original documentation, due to the length of time that has elapsed since you were admitted, please mention this in your disclosure statement made at Part H below. Please provide all other available evidence instead.

PART D: Practical legal training

Q.9 Please indicate how you met the practical legal training requirements when you first applied for admission

(Tick one box only, and attach the required evidence)

☐ **i. I completed a course of practical legal training by a provider accredited by the Board**

You must attach an original transcript, certificate or letter from the course provider, which shows you completed the requirements of the course. Please also enter the details of the course here:

Name of practical training provider	
Name of course	
Year completed	

☐ **ii. I was at least 30 years of age and completed either 1) 7 years service as a NSW government employee performing legal services or 2) 15 years service in NSW courts administration and was exempted by the Board from some or all practical training.**

You must attach:

1) a copy of the Board's letter granting exemption, and
2) evidence that you have completed approved coursework and examinations in any competencies from which you have not been exempted.

☐ **iii. An institution outside Australia**

You must attach an original official transcript which shows you have completed the requirements of your practical legal training from the overseas institution)

If you had your overseas practical legal training qualifications assessed in Form 17, you must attach a copy of the Board's letter of assessment and evidence of completion of any approved coursework and examinations that you were required to undertake.

☐ **iv. Other (for example, you may have completed your articles, in which case please include any available documentary evidence and the name of your supervisor)**

Note:

If you are unable to provide an original transcript, certificate or letter from the course provider, which shows you completed the requirements of the practical legal training course, due to the length of time that has elapsed since you were admitted, please mention this in your disclosure statement at Part H below.

Please provide all other available evidence instead. You may also have to seek the Board's dispensation in regards to the requirement to provide original documentation.

As such please provide details in your statutory declaration of your efforts to obtain these original documents, supported by documentary evidence of those efforts.

PART E: Any criminal history

Q.10 Attach an original Australian National Police Certificate

You must attach to your application an original Australian National Police Certificate.

Your National Police Certificate must:

- be dated no earlier than 6 months prior to the date your application is received
- include all previous names by which you have been known, and
- be a type of certificate that includes spent convictions.

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, even spent convictions must be disclosed when applying for admission as a lawyer, pursuant to clause 6 of the *Criminal Records Regulation 2014* (NSW).

If you reside in NSW and you are currently in Australia, you can apply online for a National Police Check through the NSW Police Force website www.police.nsw.gov.au by using the online form. In the online application form, you should request a 'Name and Date of Birth Check'. When the online form prompts you to enter the purpose of the check, you should select 'Other', and then type in the text 'Admission as lawyer'.

If you reside in Australia but not in NSW, you should apply for a National Police Check through the local police force of the state or territory in which you currently reside. When applying, you should request a 'Name and Date of Birth Check' (or the local equivalent) and ensure that the type of check you request is one which will disclose any spent convictions on your record.

If you are not physically located in Australia, you cannot apply online for a National Police Check through any state or territory police force. Instead you must apply through the website of the Australian Federal Police (AFP) at www.afp.gov.au by using the online form. For more information about National Police Checks see the *Guide for Applicants* at: www.lpab.justice.nsw.gov.au

PART F: Student conduct

Q.11 Have you ever been the subject of any disciplinary action by the tertiary institution(s) at which you obtained your academic qualification in law that you rely on for admission or any practical legal training provider, in relation to your student conduct?

☐ **Yes** ▶ You must attach an original student conduct report from each institution or provider which subjected you to any disciplinary action in relation to your student conduct.

The report(s) must be dated no earlier than 6 months prior to the date your application is received.[1] For more information about obtaining student conduct reports, see the Guide for Applicants at: www.lpab.justice.nsw.gov.au

☐ **No** ▶ Go to Q.12

Warning: Random audits are conducted

The Legal Profession Admission Board will obtain student conduct 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.

Your signed consent to the Board obtaining your student conduct reports directly from any relevant institution or provider is required as a condition of the processing of your application. If the Board obtains your reports directly, the Board will meet the cost itself.

Q.12 Please complete and sign the consent below

I, the undersigned, consent to the Legal Profession Admission Board obtaining student conduct reports about me directly from any tertiary institution or practical legal training provider which I have attended at any time in the past.

Title: First name: Middle name:

Last name:

Date of birth *(dd/mm/yyyy)*

Institution Student No.: PLT Provider Student No.:

Signature *(a digital signature is acceptable)* Date *(dd/mm/yyyy)*

[1] If a student conduct report is not available in your case, due to the length of time that has elapsed since you completed your academic qualification or practical legal training, you must ensure that your disclosure statement at Part H explains this. Please include whether or not you were the subject of any disciplinary action, howsoever described, taken by the relevant institution or provider. Please also include the outcome of the disciplinary action.

PART G: Suitability for readmission

Note:

Please tick either 'Yes' or 'No' in relation to every question.

Your application will be delayed if you have not answered every question, or if any of your answers is not clear.

Warning: You must answer truthfully and completely

Part J of this form requires you to make a statutory declaration that all the information you have provided in your application is true and complete to the best of your knowledge. This includes your answers in Part G below. It is a serious criminal offence to make a false statutory declaration. The penalties include imprisonment for up to five years.

Q13 Have you ever been found guilty of an offence in Australia or in a foreign country? ☐ Yes ☐ No

You must answer 'Yes' even if:

- the offence was dismissed without conviction under section 10 of the *Crimes (Sentencing Procedure) Act 1999* (NSW) or an equivalent provision in the relevant jurisdiction, or
- the conviction has become 'spent'. Clause 6 of the *Criminal Records Regulation 2014* (NSW) requires that spent convictions must be disclosed in an application for admission as a lawyer.

Q.14 Have you ever previously applied for, been admitted or refused admission as a lawyer in any jurisdiction in Australia or in a foreign country? ☐ Yes ☐ No

Q.15 Apart from the jurisdiction(s) listed in your answer on Page 2, have you ever previously applied for or been refused admission as a lawyer in any jurisdiction in Australia or in a foreign country? ☐ Yes ☐ No

Q.16 Has your name ever been removed from a local roll, an interstate roll or a foreign roll? ☐ Yes ☐ No

Q.17 Have you ever practised law in Australia or a foreign country when not permitted by or under a law of that country to do so or in contravention of any condition of permission to practise? ☐ Yes ☐ No

Q.18 Have you ever been subject to an order disqualifying you from being employed by a legal practitioner or from managing an incorporated legal practice? ☐ Yes ☐ No

This includes but is not limited to any order under:

- the *Legal Profession Uniform Law* (NSW)
- the *Legal Profession Uniform Law Application Act 2014*
- a corresponding previous Act, and/or
- a corresponding law of the Commonwealth, of any other jurisdiction in Australia or of a foreign country.

Q.19 Are you or have you ever been the subject of an investigation, a charge, an order or a complaint, whether finalised or still unresolved, under legislation which regulates the legal profession? ☐ Yes ☐ No

This includes but is not limited to:

- the *Legal Profession Uniform Law* (NSW)
- the *Legal Profession Uniform Law Application Act 2014*
- a corresponding previous Act, and/or
- a corresponding law of the Commonwealth, of any other jurisdiction in Australia or of a foreign country.

Q.20 Have you ever contravened a law about trust money or trust accounts in Australia or in a foreign country? ☐ Yes ☐ No

Q.21 Have you ever been a bankrupt or subject to an arrangement under Part 10 of the *Bankruptcy Act 1966* (Cth) or an equivalent provision in the relevant jurisdiction? ☐ Yes ☐ No

Q.22 Have you ever been an officer of a corporation that has been wound up in insolvency or under external administration? ☐ Yes ☐ No

Q.23 Have you ever been the subject of any disciplinary action, howsoever expressed, in any profession or occupation in Australia or in a foreign country? ☐ Yes ☐ No

Q.24 Have you ever been the subject of any disciplinary action, howsoever expressed, by a tertiary education institution in Australia or in a foreign country? ☐ Yes ☐ No

This includes disciplinary action:

- by any tertiary institution in which you have enrolled or from which you have obtained any academic qualification, and
- in any field of study, and not only in relation to the study of law.

Q.25 Are you aware of any matter or circumstance that might affect your capacity to satisfactorily carry out the inherent requirements of practice as an Australian legal practitioner? ☐ Yes ☐ No

Q.26 Are you aware of any matter or circumstance that might affect your good fame and character or your suitability to be admitted as a lawyer? ☐ Yes ☐ No

PART H: Disclosure statement

Note:

In addition to your removal statement at Part B, if you have anything to disclose in accordance with the *Disclosure guidelines for applicants for admission*, you must:

- provide a disclosure statement in the space below, setting out the full details of the circumstances of the matter(s) you are disclosing, and
- attach any available documentary evidence (originals or certified copies).

If the space below is not sufficient, you must provide your disclosure statement in a separate, original statutory declaration. A template for a NSW statutory declaration may be downloaded from: www.lpab.justice.nsw.gov.au

If you do not have anything to disclose, you should cross out the space below.

PART I: Character references

Note:

You must attach to your application two original character references. You can if you wish, submit more than two original character references.

Each character reference must be made by persons who:

- have known you for at least two years (unless the Board 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.

Your character referees must have read your removal statement and must attest to having read your removal statement and any disclosure statement in their reference.

Forms 3A-3D found on the Board's website do not apply to readmission applicants. However you are responsible for ensuring that your character referees complete their character reference in the format of a separate NSW statutory declaration, which complies with the requirements of a character reference as set out in the Legal Profession Uniform Admission Rules 2015. Guidance for character referees and a template for a NSW statutory declaration can be found on the Board's website at www.lpab.justice.nsw.gov.au

PART J: Declaration and consent

Statutory Declaration – *Oaths Act 1900* (NSW) Eighth Schedule

You must sign this declaration and consent in the presence of an authorised witness. Authorised witnesses include:

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

You can find a Justice of the Peace in NSW by searching the online public register of JPs.

I, _____ _____

(Given names of applicant) *(Surname of applicant)*

do solemnly and sincerely declare that:

a. my answers to all questions on this form are true and complete

b. I have read and understood the Disclosure Guidelines for applicants for admission

c. I consent to the Legal Profession Admission Board making further enquiries about me, obtaining documents/ certificates directly from third persons under the Uniform Admission Rules and providing information in this form to other admitting authorities

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900* (NSW).

Declared at *(place)* _____ On *(date)* _____ *(dd/mm/yyyy)*

Signature *(applicant)* _____

(a digital signature is acceptable)

in the presence of an authorised witness, who states:

I, _____ _____

(name of authorised witness) *(type of authorised witness and registration no.)*

certify the following matters concerning the making of this statutory declaration by the person who made it:
*(*please cross out any text that does not apply)*

1. *I saw the face of the person **OR** *I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, **AND**

2. *I have known the person for at least 12 months **OR** *I have confirmed the person's identity using an identification document and the document I relied on was:

   Describe the identification document relied on: _____

Signature *(authorised witness)* _____ On *(date)* _____ *(dd/mm/yyyy)*

a digital signature is acceptable)

Note regarding making statutory declarations outside Australia:

Where a declaration is made in a foreign country, it must be made either:

- pursuant to the equivalent local law, or
- in an Australian Consulate before a Consular Officer pursuant to the *Statutory Declarations Act 1959* (Cth)

If you make the declaration pursuant to the equivalent local law, the statutory provision to which the declaration was made must be included.

PART K: Checklist

Please ensure you have:

- completed all parts of the form,
- signed the consent in Part F
- signed the declaration and consent in Part J in front of an authorised witness
- included your name on the top of each page in the space provided (if you have handwritten the form).
- attached a separate removal statement in a signed and witnessed statutory declaration, and
- attached a disclosure statement in a signed and witnessed statutory declaration, if applicable.

Documents to be attached:

- ☐ Admission fee and readmission surcharge: Credit card payment form (Visa/Mastercard only) via the online payment portal at www.lpab.justice.nsw.gov.au; cheque* or money order
- ☐ **Q.2:** Original document showing change of name (if applicable)
- ☐ **Q.6ii:** Copy of order of removal by a Court or Tribunal
- ☐ **Part B:** A separate original disclosure statement regarding readmission by statutory declaration (your removal statement)
- ☐ **Q.8:** Original transcript of academic record showing completion of degree
- ☐ **Q.9:** Original transcript, certificate or letter of completion of practical legal training course
- ☐ **Q.10:** Original Australian National Police Certificate
- ☐ **Q.11:** Original student conduct report(s) (if you answered 'Yes')
- ☐ **Part H:** Original disclosure statement by statutory declaration (if space provided on the form is insufficient for your disclosure)

* Bank cheques or solicitor firm cheques only, personal cheques not accepted