

GUIDE FOR APPLICANTS

ADMISSION AS AN AUSTRALIAN LAWYER IN VICTORIA

IMPORTANT: REQUIREMENT FOR POLICE REPORTS HAS CHANGED, PLEASE REFER TO THE POLICE REPORT SECTION OF THIS GUIDE BEFORE ORDERING YOUR REPORT. YOU SHOULD ORDER YOUR POLICE REPORT WHEN YOU COMMENCE YOUR ONLINE APPLICATION. YOU MUST ALLOW A MINIMUM OF 4-6 WEEKS TO RECEIVE THE REPORT

Introduction

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

Recent amendments to the *Oath and Affirmations Act 2018* enable statutory declarations and affidavits to be made using electronic signatures and witnessing to take place by audio visual link (i.e. such as Skype or Zoom) in addition to in person witnessing.

You should read this Guide in full before you start your “Application for a Compliance Certificate”.

Further information can be found on our website www.lawadmissions.vic.gov.au.

Your application will be considered in accordance with the provisions of Part 2.2 of the Legal Profession Uniform Law (the Law).

The Victorian Legal Admissions Board (the Board) provide for the operation of the Legal Profession Uniform Admission Rules 2015 (the Rules) and has delegated Section 17 of the Law to the Victorian Legal Admissions Committee (the Committee).

The Rules set out the procedural requirements for admission and specify the academic qualifications and practical legal training prerequisites.

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

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

The Committee will assess and determine an application for a compliance certificate. If satisfied of the eligibility and suitability of an applicant, the Committee may issue the Supreme Court with a compliance certificate in respect of the applicant.

Admission alone does not entitle an Australian lawyer to engage in legal practice but is a prerequisite to apply for an Australian practising certificate which entitles practise as an Australian legal practitioner. An application

for a practising certificate can be made either to the Victorian Legal Services Board and Commissioner (for a solicitor) and the Victorian Bar (for a barrister).

It is important that you do not practise law, or in any way hold yourself out to be a lawyer until you have obtained an Australian Practising Certificate. For more information and links to the online application form, see the 'Applying for a practising Certificate' page on the website www.lsbcb.vic.gov.au.

If you wish to practise in the Federal Jurisdiction you should apply to the Registry of the High Court of Australia, after obtaining a practising certificate. Forms can be obtained on the High Court of Australia website www.hcourt.gov.au.

Readmission

If you are seeking readmission, please email the Board at vlab@justice.vic.gov.au for further information.

Public notice of application

The Board must give notice of an application before issuing a compliance certificate.

Notice will be published on the website www.lawadmissions.vic.gov.au when an applicant applies and will allow sufficient time for any person to object to the issue of a compliance certificate.

Online Application

All applications for admission must be made via the online application portal.

If you are unsure of which application category you fall under please email the Board at vlab@justice.vic.gov.au for advice before proceeding.

The online application portal will assist you to:

- make application for a compliance certificate;
- save and edit your application as often as you wish;
- guide you through the requirements of the admission process;
- view the status of your application; and
- receive emails about the progress of your application

Contact details

You will be admitted as an Australian lawyer in the name that is shown on your identification. If you have changed your name and wish to be admitted in your new name, you must upload a copy of either your marriage certificate, or your change of name certificate issued by a Registry of Births, Deaths and Marriages in any Australian State or Territory

Academic studies and practical legal training completed more than 5 years ago

To apply for an assessment of your academic or practical legal training qualifications completed more than five years ago, you should set out the circumstances surrounding the delay in applying for admission. You should provide details and evidence of further law related study and/or experience and attach a transcript of your academic records and an up-to-date curriculum vitae. You may make application through the online portal.

Concurrent study

If your practical legal training course is not integrated with your academic qualification in law, you should not commence practical legal training until after you complete your academic qualifications.

However, Clause 4 of Schedule 2 of the Rules provide for an applicant who has 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 Rules - Priestley 11 subjects) to seek prior permission of the Board to commence practical legal training. To apply for permission the Board requires proof of completion of the academic requirements (11 Priestley subjects) and confirmation that you are enrolled in no more than two academic subjects to complete your accredited academic qualification.

Some universities have introduced 30 days professional placement as part of the Bachelor of Laws or Juris Doctor. An applicant who has two subjects and 30-day professional placement outstanding can apply. An applicant must provide an estimate of the completion date of the professional placement.

An applicant who is undertaking a combined degree is still required to have no more than two subjects outstanding in total.

In the case of supervised legal training, you cannot commence training until after completing an accredited academic qualification.

Academic qualifications prerequisite

The academic qualifications prerequisite is successful completion of a tertiary academic course in Australia which:

- (i) includes the equivalent of at least 3 years' full-time study of law;
- (ii) is accredited by the Board; and
- (i) provides appropriate understanding and competence in each element of the academic areas of knowledge set out in Schedule 1 of the Rules.

A list of law courses in Victoria which have been accredited by the Board for the purpose of providing the academic qualification prerequisite can be found on the Board's website.

Details of law courses accredited in other Australian states and territories of Australia are available by contacting the relevant state or territory admitting authorities.

You must arrange for your academic transcript of successful completion of a tertiary academic law course in Australia to be sent to the Board. The transcript can be issued as follows:

- My eEquals. If using this method, while in your My eEquals portal you can share the document with vlabdocuments@justice.vic.gov.au by entering the email details and clicking the send button.
- Academic institution. Your institution can directly send your transcript by email to the Victorian Legal Admission Board to vlabdocuments@justice.vic.gov.au.

In all cases, the transcript must reveal all the requirements for the award of the qualification, and exemptions or credits.

The transcript must contain words which leave no doubt that the qualification has been completed, for example.:

- A date referred to as “date of completion” or “date of conferral” or similar.
- Wording such as “has completed the course requirements for award of the degree” or similar

Conduct Report for Academic Qualification

You must arrange for a conduct report from each academic institution where you have undertaken a Priestley subject to be emailed to vlabdocuments@justice.vic.gov.au.

The report must disclose academic and general misconduct and should not be limited to misconduct, which has been found proven as a result of formal proceedings.

Academic misconduct includes but is not limited to plagiarism, impermissible collusion, cheating and any other conduct whereby the applicant has sought to obtain an impermissible academic advantage or other breach of the educational institution’s rules. General misconduct includes but is not limited to offensive behaviour, property damage, sexual harassment, racial vilification or other breach of the rules of conduct of the educational institution.

Matters which a report should disclose include circumstances where a student has received a warning, marks have been deducted, an allegation was made, or an investigation took place, even if the student was subsequently exonerated.

You should note that your individual duty of disclosure to the Board is not limited to matters which appear on the Report.

Exemptions and credits

If you studied law at more than one tertiary institution and have been granted exemptions or credit in any areas of knowledge set out in Schedule 1 of the Rules, you must provide an academic transcript from each institution where you have studied, in addition to the institution which awarded the qualification. All transcripts are required to enable the Board to confirm that any exemptions or credits meet the current academic areas of knowledge.

If any previous exemptions or credits do not satisfy the academic areas of knowledge set out in Schedule 1 of the Rules or have not been undertaken in an accredited Australian law course, you may be required to reprise the subject to satisfy the academic requirements for admission.

English language proficiency requirements

The Board must be satisfied that any applicant for admission to the legal profession has sufficient knowledge of written and spoken English to engage in legal practice in Australia.

The “[English Language Proficiency Guidelines](#)” on our website at www.lawadmissions.vic.gov.au establish six new pathways illustrating how you can satisfy the Board of your English language proficiency.

There are two recognised tests for English language proficiency, IELTS and TOEFL iBT. All applicants for admission to the legal profession are required to have completed at least the last two years of their secondary and the entirety of their academic qualification in English, in a recognised country or otherwise undertaken one of the two recognised tests.

Applicants who choose to complete IELTS must meet minimum scores in each field of the academic module of IELTS two years immediately preceding an application of admission:

Writing	8.0	Reading	7.0
Speaking	7.5	Listening	7.0

More information about IELTS Academic Module, including information about its cost and where it may be taken, from:

IELTS Australia
GPO Box 2006
CANBERRA ACT 2601
AUSTRALIA

Email: ielts@idp.com <https://ielts.com.au/>

Applicants who choose to complete TOEFL must meet minimum scores in each field of the TOEFL iBT two years immediately preceding an application of admission:

Writing	27	Reading	24
Speaking	24	Listening	24

More information about the TOEFL iBT test, including information about its cost and where it may be taken, from:

TOEFL Customer Support Centre
1-800-919-622
Monday–Friday
9 a.m.–5 p.m., Sydney Time

Email: TOEFLSupport4Australia@ets.org

<https://www.ets.org/toefl/>

Practical legal training prerequisite

The practical legal training prerequisite 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 Rules.

Supervised legal training

Refer to the “[Guide for Supervised Legal Training](#)” on our website.

Practical legal training courses

A list of practical legal training course providers in Victoria which have been accredited by the Board for the purpose of providing the practical legal training prerequisite can be found on the Board’s website. Details of practical legal training course providers accredited in other Australian states and territories of Australia are available by contacting the relevant state or territory admitting authorities.

You must arrange for proof of completion to be sent directly to vlabdocuments@justice.vic.gov.au by the educational institution.

Conduct reports for PLT Training Course Provider

You must arrange for a conduct report from the provider where you have undertaken your practical legal training to be emailed to vlabdocuments@justice.vic.gov.au.

The report must disclose academic and general misconduct and should not be limited to misconduct, which has been found proven as a result of formal proceedings.

You should note that your individual duty of disclosure to the Board is not limited to matters which appear on the Report.

Oath or Affirmation

You will take the oath of office or make an affirmation. Please consider your response carefully as you will not be able to change it in the future. By taking the oath of office you will say "I swear by all mighty God to do so or if you are making an affirmation of office you will say "I do so declare and affirm".

Police Reports

Every applicant for admission must provide a Police Report which has been issued in Australia. The Report shows whether you have any criminal history in Australia.

You must disclose Spent convictions when applying for admission as a lawyer.

You are required to obtain a Police Report issued by Victoria Police. You should order your Report when you commence your online application, allow 4-6 weeks to receive the Report.

It must:

- (i) be dated no earlier than six months prior to the date your admission application is received; and
- (ii) include all previous names by which you have been known.

Online Police Report Application Instructions

Applicants who reside in Australia must obtain a Police Report via the Victoria Police online application only. Any other forms of police reports will not be accepted. This can be found at: <https://www.police.vic.gov.au/national-police-records-checks#apply-for-a-national-police-check> and follow the steps below.

- **Section A:** Type of check required - Select **National Name Check**
- **Section B:** Details of applicant - Ensure correct details are provided
- **Section C:** Current, postal and previous residential address/es – Ensure correct details are provided
- **Section D:** Payment provider – If your employer is paying for the police report check the **Yes** box, this section must then be completed by your employer, then go to **Section E**. If you are paying for the police report check the **No** box and go straight to **Section E**.
- **Section E:** Purpose of check - Choose in **Option 1 (Employment, Occupational Licensing, Visa or Insurance Purposes)**, then choose **Other**. In **Other** you MUST type the words "**Legal Admission**".

(If you type anything other than Legal Admission, e.g. Admission as a Lawyer, Admission to Supreme Court, Admission to VLAB etc. we **will not accept** your police report).

- **Section F:** Certification, authorisation and statement of consent and indemnity – Insert your name but do not sign or date the form.
- **Section G:** Proof of identity - You must provide a minimum of two (2) types of identification from the list with a minimum total of 100 points, including at least one type of photo ID from category A. You must complete the Proof of Identify list and details.

You are required to print the application form once it has been completed and take it to a certifier with your original proof of identity documents and a copy of your proof of identity documents. A list of persons able to certify your identity documents is listed on Page 3 of the application. You must sign and date **Section F** in the presence of the certifier. The certifier must also sign and date each copy of your proof of identity documents (100 points) and complete and sign the Certifier Use Only in Section G of the application.

- Complete the **applicant checklist** below section G.

Pay online or attach a cheque or money order with the required fee. Attach all the paperwork including payment and mail to the address listed on the application form.

Payment for police records checks can be made online <https://www.police.vic.gov.au/national-police-records-checks> or via cheque or money order payable to Victoria Police. Cheques/bank drafts must be issued by an Australian financial institution.

A scanned copy of the police check must be uploaded to the online portal.

Obligation of Full and Frank Disclosure

Full and frank disclosure must be made to the Board, irrespective of whether the findings are revealed on a Police Report. Spent convictions must be disclosed.

The Police Reports are in line with the following policy requirements:

Victoria Police release criminal history information on the basis of findings of guilt at Court and will also release details of matters currently under investigation or awaiting court hearing. Victoria Police release Police Records in accordance with any or all of the following guidelines:

- If the individual was an adult (eighteen years* or over) when last found guilty of an offence and ten years have since elapsed, subject to exceptions listed below, no details of previous offences will be released.
- If the individual was a child (under eighteen years*) when last found guilty of an offence and five years have since elapsed, subject to exceptions listed below, no details of previous offences will be released. (Note: Court Orders on care/protection applications will not be released regardless of the age of the order).
- If the last finding of guilt resulted in a non-custodial sentence or custodial sentence of 30 months or less, the ten or five year period commences from the day the individual was found guilty.

- If the last finding of guilt is an appeal or re-hearing, the ten or five year period will be calculated from the original court date.
- If the last offence qualifies to be released, then all findings of guilt will be released, including juvenile offences.
- If the record contains an offence that resulted in a custodial sentence of longer than 30 months the offence will always be released.
- If 10 years have elapsed since the last finding of guilt, then only the offence(s) that resulted in a custodial sentence of longer than 30 months will be released.
- Relevant offences where the result was 'Acquitted by reason of insanity/mental impairment' or 'Not guilty by reason of insanity/mental impairment' may be released.
- If the individual is currently under investigation or has been charged with an offence and is awaiting the final court outcome the pending matters/charges are released. It is noted on the certificate that the matter/charge cannot be regarded as a finding of guilt as either the matter is currently under investigation or the charge has not yet been determined by a court.
- Findings of guilt without conviction and findings of guilt resulting in a good behaviour bond are findings of guilt and will be released under this policy.

If you do not reside in Australia

You cannot apply for a Police Report through Victoria Police or a Nationally Coordinated Criminal Check and instead you must apply through the website of the Australian Federal Police via <https://afpnationalpolicechecks.converqa.com.au/> and select 'Commonwealth Employment/Purpose', and then '33-Immigration/Citizenship'.

Certificate of good standing

If you have been admitted in a foreign jurisdiction (outside Australia), you must arrange for an original certificate of good standing from the relevant professional body in any jurisdiction that you have been admitted

The certificate of good standing must state that you are in good standing and are not subject to any current or pending disciplinary matters.

Your certificate of good standing should show the date on which you were admitted in that jurisdiction and must be made no earlier than two months before the date your admission application is received.

The certificate must be sent directly to vlabdocuments@justice.vic.gov.au from all relevant professional bodies in any jurisdictions you have been admitted.

Foreign jurisdiction resided

If you have ever lived in a foreign jurisdiction you must list the dates and country of residence.

The Board may exercise its discretion to seek a foreign police report. You will be advised if a foreign police report is required.

Suitability

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

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

See "[Disclosure Statement](#)" on our website. To assist you in determining what matters should be disclosed you must read the "[Disclosure Guidelines for Applicants for Admission to the Legal Profession](#)" on our website.

You must exhibit documentary evidence to support the essential details of the matter/s you are disclosing. If you do not attach such evidence, we may request that you supply it to us, after you have lodged your application, and this may cause a delay in considering your application.

It is possible that a disclosure may contain several factors. In such a case, it will be necessary to consider whether these factors, individually, or together, are likely to be unfavourable to the Board's assessment of your fitness and propriety.

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

Consequences of failure to disclose

A failure to disclose a matter, or an attempt to mislead the Board in relation to a disclosure, can have serious consequences for you. If the information you have provided in your disclosure statement is found to be false, misleading, or incomplete you may be refused admission to the Australian legal profession.

If the Board has already issued a compliance certificate in respect of your admission, the compliance certificate may be revoked and if you have already been admitted, you may be struck from the Roll of Practitioners at any time after being admitted.

Capacity statement

The Board must have regard, when deciding whether to grant a compliance certificate, to whether the person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner. A mental health condition may be relevant to consideration of this question and hence may need to be disclosed to the Board.

If you wish to make a disclosure relating to capacity, you should set out the details in a separate statutory declaration.

See [Capacity Statement](#) on our website.

Character statement

You must provide two statements as to character from persons who:

- have known you for at least two years; and
- are not related to you by blood, marriage or as a domestic partner; and
- if you are or have been a legal practitioner in a foreign jurisdiction must have been associated in legal practice with you in that jurisdiction.

There are four different statements as to character in editable form which can be downloaded from www.lawadmissions.vic.gov.au.

1. Applicant never previously admitted with disclosure statement
2. Applicant never previously admitted without disclosure statement
3. Applicant previously admitted in another jurisdiction (legal practitioner) with disclosure statement
4. Applicant previously admitted in another jurisdiction (legal practitioner) without disclosure statement

During the COVID-19 pandemic, statements as to character do not need to be made by way of statutory declaration but the statement must be signed in the presence of a witness who is aged over 18 years.

The statements may be signed and witnessed electronically.

The persons making the statement as to character must have read any disclosure you are making in your admission application and must attest to that fact in their statement.

A person who supplies a statement as to character need not be aware of any capacity statement.

There is no requirement for a character referee to be a certain age or occupation. However, a referee should be aged over 21 years and understand the significance of the referee's role in declaring that the applicant is a fit and proper person to be admitted to the Australian legal profession.

Identification

To be eligible to apply for admission in Victoria, we must confirm your identity.

The following list is for all applicants who are citizens or permanent residents of Australia

Two forms of ID must come from **List A** and include a photo, name and address as stated on your application. Your name and address on the prescribed identification list must match that on your application for a compliance certificate.

LIST A

- Australian Passport (valid for ID purposes for up to two years post expiry as long as a new passport has not been issued)
- Foreign Passport that has an Australian Issued Visa (two separate documents counted as one form of ID)
- Immicard
- Australian Driver's Licence

If you cannot provide two forms of ID from **List A**, then other must come from **List A** and one from **List B**.

LIST B

- Australian Birth Certificate
- Australian Birth Extract
- Australian Change of Name Certificate
- Australian Citizenship Certificate
- Australian Marriage Certificate

In the event that you are unable to provide any identification from **List A** then you must provide one from **List B AND** two from **List C**.

In the event that you are unable to provide any identification from **List B** then you must provide one from **List A AND** two from **List C**.

LIST C

- Australian Medicare Card
- Working with Children's Check
- Department of Veteran Affairs Card
- Centrelink Pensioner Concession Card
- Centrelink Health Care Card
- Tertiary Education Photo ID
- Proof of Age Card (Government issued)
- Australian Tax Office Assessment
- Australian Senior's Card
- Australian Electoral Roll Registration

The following list is for all applicants who are holders of a temporary Australian visa

Temporary visa holders must provide their foreign passport and Australian Government issued visa.

In addition, two forms of ID from the following list is acceptable, one must include the name and address as stated on your application: Your name and address on the prescribed identification list must match that on your application for a compliance certificate.

- Birth Certificate
- Change of Name Certificate
- Marriage Certificate
- Government issued Identity Card
- Driver's Licence
- Australian Bank or financial institution card, statement or passbook
- Australian Child's birth certificate with your name as a parent or guardian.
- Australian Mortgage papers for an Australian property in your name. These need to be legally drawn.
- Australian Tenancy agreement or lease, a current formal agreement or lease in your name and showing your address.
- Australian Motor vehicle registration with your name, address and proof of payment.
- Australian Rates notice, paid and issued in your name with your address that is less than 12 months old.

The following list is for all applicants who have never resided in Australia

For applicants who have never resided in Australia you must provide a foreign passport.

In addition, two forms of ID from the following list is acceptable, one must include a photo, name and address as stated on your application: Your name and address on the prescribed identification list must match that on your application for a compliance certificate.

- Birth Certificate
- Change of Name Certificate
- Citizenship Papers
- Marriage Certificate
- Government issued Visa
- Government issued Identity Card
- Driver's Licence

Scanned copies of your identification must be uploaded to the online portal.

For applicants who cannot provide the combinations as listed above, please contact the Board.

Lodging your application

Statutory Declaration

When you have completed your application, you can print your **“Application for Compliance Certificate” statutory declaration**, and have it signed in front of an authorised witness.

A scanned copy of the application for Compliance Certificate Statutory declaration must be uploaded to the online portal.

Payment of fees

When all documents have been uploaded and your application is approved you will receive an email requesting payment of fees.

All payments of fees are to be made online, please refer to our website for the current fee.

If you require assistance with online payment or are unable to use the online feature, please email the Board on vlab@justice.vic.gov.au.

Admission

The Supreme Court of Victoria has indefinitely adjourned all in-person applications for admission to the Australian legal profession in light of COVID-19. A new process has been developed to allow admissions to occur ‘on the papers’ by order of the Chief Justice.

A copy of your compliance certificate and instructions regarding the requirement of an affidavit for the Supreme Court, will be emailed within 3 days of the issue of your compliance certificate.

You will be advised as soon as possible when your admission takes place.

Contact Us

Victorian Legal Admissions Board

Phone: (03) 9604 2451

Email: ylab@justice.vic.gov.au

Web: lawadmissions.vic.gov.au

Address: Ground Floor, 451 Little Bourke Street, Melbourne Victoria 3000

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