VLAB VICTORIAN LEGAL ADMISSIONS BOARD

GUIDE FOR NEW ZEALAND PRACTITIONERS

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

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.

The Legal Profession Uniform Admission Rules 2015 ("the Rules") provide for the admission of New Zealand practitioners under the mutual recognition legislation (Trans-Tasman Mutual Recognition Act 1997 of the Commonwealth as adopted in Victoria) ("the 1997 Act").

New Zealand practitioner means a person who is admitted, and at the time of seeking registration in Victoria under the mutual recognition legislation, is entitled or eligible to practise, as a legal practitioner in New Zealand.

Online Application

All applications for admission must be made via the online client 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

All documents uploaded to your application must be in PDF format and no more than 2GB. Only matters of suitability will be able to upload up to 65MB. There are many free apps available to download to a smart phone or tablet which will convert an image to a PDF document. Please search the App Store or Google Play for a suitable 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.

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.

Form A

Form A - Registration under Mutual Recognition Legislation
All applicants for registration under mutual recognition legislation must upload a PDF copy of a Form A with a maximum file size of 2GB.

Form B

Form B - Roll of Supreme Court
All applicants for registration under mutual recognition legislation must file a Form B affidavit.

You must arrange an appointment to appear before the Principal Registrar/Prothonotary of the Supreme Court in a State or Territory of Australia or the High Court and Supreme Court of New Zealand and produce your Form B affidavit. You must swear the oath or take the affirmation and sign the affidavit before the authorised Court representative and complete all details on the Form B affidavit.

In Victoria, applicants should email admissions@supcourt.vic.gov.au to arrange for the Form B affidavit to be witnessed

You should request the Prothonotary/Principal Registrar to witness the Form B affidavit and affix their official stamp.

The Form B - All applicants for registration under mutual recognition legislation must upload a PDF copy of a Form B with a maximum file size of 2GB.

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

NZ Police Report

You must obtain a NZ police report from the Ministry of Justice (NZ) prepared within 6 months before the date of your application.

Australian Police Report

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.

Applicants who reside in Australia must obtain a Police Report via Victoria Police only. Any other forms of police reports will not be accepted. You must disclose spent convictions when applying for admission as a lawyer 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.

You should order your Report when you commence your online application as a PDF copy of your police report, with a maximum file size of 2GB, must be uploaded to your application in the online portal.

Paper Issued Police Report

Police reports can be ordered via the Victoria Police website

Victoria Police reports can be ordered through their website and issued in paper format. Applications can be made at https://www.police.vic.gov.au/national-police-records-checks#apply-for-a-national-police-check

Follow all instructions listed on the website ensuring that in Section E: Purpose of check – you choose **Option 1 Employment or occupational licensing purposes**, then select **Legal Admission.** (If you select any other option, we **will not accept** your police report).

Please allow approximately 4-6 weeks to receive a paper issued report.

Online National Police Report

In partnership with Service Victoria, Victoria Police have launched an online national police checking service. If you meet certain criteria, your identity and ID documents will be verified electronically and you will be provided with a PDF certificate via email generally within a few days of making application.

Applications can be made at https://www.police.vic.gov.au/national-police-records-checks#apply-for-a-national-police-check

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 **Option 1 Employment or occupational licensing purposes**, select **Legal Admission.** (If you select any other option, 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.

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.

If you do not reside in Australia

You cannot apply for a National Police Check 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.converga.com.au/ and select 'Commonwealth Employment/Purpose', and then '33-Immigration/Citizenship'.

You must also obtain a police report from the country where you are currently residing. The report must be dated no earlier than six months prior to the date your admission application is received.

PDF copies of your police reports, each with a maximum file size of 2GB, must be uploaded to the online portal.

Foreign jurisdiction resided

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

If you have resided in a foreign jurisdiction, for over three months in the past 12 months, you will be required to obtain a foreign police report from that jurisdiction.

For applicants residing in Australia, International Police Reports from over 200 jurisdictions are available through Australia Post via https://international-policecheck.auspost/.

Until further notice, international checks for North Korea, Libya, Syria, Maldives, Somalia, Yemen, French Polynesia, Vanuatu and Venezuela are currently unavailable. Any applicant who requires an international police report from any of these jurisdictions must contact the jurisdiction directly and cannot undertake to seek a report via Australia Post.

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

Certificate of good standing

You must obtain a certificate from New Zealand and if you have been admitted in a foreign jurisdiction 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.

Suitability

Any applicant seeking registration is required to satisfy the Victorian Legal Admissions Board ("the Board") that he or she is "a fit and proper person" for admission to the legal profession and is currently "of good fame and character".

For the purpose of considering whether you are a fit and proper person you must disclose anything that the Board might consider relevant. To assist in determining what matters should be disclosed, you must read the Suitability Guidelines for New Zealand Practitioners.

You must make full disclosure of any relevant matters in a separate statutory declaration and 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 filed your application for registration and this may cause a delay in considering your application.

A PDF copy of your disclosure statement, with a maximum file size of 65MB, must be uploaded to the online portal. Collate your disclosure statement, exhibit certificates and exhibit documents into one file. If your document exceeds 65MB, you will need to split it into two or more subsequent documents.

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.

A PDF copy of your capacity statement, with a maximum file size of 65MB, must be uploaded to the online portal. Collate your capacity statement, exhibit certificates and exhibit documents into one file. If your document exceeds 65MB, you will need to split it into two or more subsequent documents.

Identification

To be eligible to apply for admission in Victoria, we must confirm your identity. All ID documents must be certified copies of the original document.

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

TWO FORMS of ID must be provided, and one must include a name and address. Your name and address must match that on your application for a compliance certificate.

- 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
- Australian Birth Certificate
- Australian Change of Name Certificate
- Australian Citizenship Certificate
- Australian Marriage Certificate
- Australian Medicare Card

PDF copies of your identification, each with a maximum file size of 2GB, must be uploaded to the online portal.

For applicants who cannot provide two forms of ID as listed above, please contact the Board.

For applicants who have never resided in Australia you must provide a foreign passport as proof of identification.

For applicants who are from a foreign jurisdiction and are residing in Australia, you must provide a foreign passport as proof of identification that has an Australian issued Visa (two separate documents counted as one form of ID)

In addition to any foreign issued passport, two forms of ID from the list below are acceptable, one must include the name and address as stated on your application. **In total, three forms of ID must be provided. Documents issued by a foreign authority require certification.**

- Working with Children's Check
- Centrelink Health Care Card
- Tertiary Education Photo ID
- Proof of Age Card (Government issued)
- Australian Tax Office Assessment
- Australian Electoral Roll Registration
- Birth Certificate
- Change of Name Certificate
- Marriage Certificate
- Government issued Identity Card
- Driver's Licence
- Australian Bank or financial institution statement
- 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.
- Citizenship Papers

PDF copies of your identification, each with a maximum file size of 2GB, must be uploaded to the online portal.

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

Payment of Fees

After you have finalised your application and sent your Form B, police certificate/s and identification to vlabdocuments@justice.vic.gov.au you will receive an email requesting payment of fees. You are unable to make any payment of fees prior to receiving this email.

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

If you are unable to make payment within this timeframe, please contact the Board on vlab@justice.vic.gov.au

If your application is postponed, refused or a disclosable event requires your attendance before the Board, the Board will communicate with you.

Once all the requirements are met, processed and approved, the Board will issue a compliance certificate.

Admission

If your application proceeds, the Supreme Court will make an Order for your admission, and the Prothonotory's Office will forthwith post your Order by registered mail. Admissions proceed without the necessity for applicants to appear in person in Court.

Once the application for registration has been filed with the Board and deemed to be in order, pursuant to section 25 of the Act, applicants will be able to practise under the Deeming Provisions.
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.lsbc.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.

Contact Us

Victorian Legal Admissions Board
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