

SUITABILITY GUIDE FOR NEW ZEALAND PRACTITIONERS

for Admission to the Legal Profession in Australia

Introduction

This Guide is prepared for applicants seeking admission.

You must disclose to the Victorian Legal Admissions Board (the Board) details of any matters which:

- 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
- 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.

Disclosure Statement

See "[Disclosure Statement template](#)" attached.

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.

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.

Rule 13 of the *Legal Profession Uniform Admission Rules 2015* (the Rules) permits the Board to make enquiries and require any further evidence as the Board thinks fit. The longstanding practice in Victoria is that a compliance certificate must show that a person is of good fame and character and a fit and proper person. For the purpose of considering whether a person is a fit and proper person an applicant needs to disclose anything that the Admitting Authority might consider relevant. The Board's expectation is that full disclosure be made regarding the following:

- (a) Are you or have you been a bankrupt or subject to an arrangement under Part 10 of the **Bankruptcy Act 1966** of the Commonwealth or an officer of a corporation that has been wound up in insolvency or under external administration.
- (b) Have you been found guilty of an offence including a spent offence in Australia or in a foreign country, and if so –
 - (i) the nature of the offence; and
 - (ii) how long ago the offence was committed; and
 - (iii) your age when the offence was committed.
- (c) Are you currently under investigation or have you been the subject of any disciplinary action or involved in any adverse findings, howsoever expressed, in any profession or occupation in Australia or in a foreign country.
- (d) Are you currently able to satisfactorily carry out the inherent requirements of practice as an Australian legal practitioner.

I, [#Full Name as it appears in your application#] of [#Address #], [#Occupation #] make the following declaration under the [#Oaths and Affirmations Act 2018/New Zealand Oaths and Declaration Act 1957#]:

1. I am applying to the Victorian Legal Admissions Board (VLAB) for a compliance certificate pursuant to s19 of the Uniform Law to enable me to be admitted to the Australian legal profession as an Australian Lawyer.
2. I have read and understood the "Disclosure Guidelines for New Zealand Practitioners".
3. I am aware of and understand my duty of disclosure and make this statement in my knowledge thereof.
4. I wish to disclose the following matter/s which I consider the Victorian Legal Admissions Board ("the Board") might regard as not being favourable to me when considering my application for a Compliance Certificate:

[Set out relevant matters and all matters should be supported by any available supporting documents to corroborate the disclosure.]

5. I ask the Board not to regard any of these matters as rendering me not of good fame and character and not a fit and proper person to be admitted to the Australian legal profession.
6. I am not aware of any other matters or circumstances that might affect my suitability to be appointed as an Australian Lawyer and Officer of the Supreme Court of Victoria.

I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.

*Signature of deponent
making this declaration*

Declared at [#Insert Place#] in the [#Insert State#] on [#Insert Date#]

I am an authorised statutory declaration witness and I sign this document in the presence of the person making the declaration.

*Signature of authorised
Statutory declaration
witness*

on [#Insert Date#]

*Name, capacity in which
authorised person has
authority to witness
declaration, and address
(writing, typing, stamp)*

In each other's presence, you must both:

1. sign or initial any alteration to the statutory declaration
2. sign or initial each page.

If the statutory declaration refers to a separate document, you must sign a certificate attached to the document identifying it as an exhibit to the statutory declaration.