



# Application for declaration of early assessment of suitability for a compliance certificate

(Form 4)

Use this form if, before you apply for admission to the Australian legal profession, you seek a declaration from the Board that a specific matter or matters you wish to disclose will not adversely affect the Board's assessment of whether you are a fit and proper person to be admitted. Such a declaration may be made under section 21 of the [Legal Profession Uniform Law \(NSW\)](#).

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 as to whether 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 wish not to pursue such studies while there is a risk that something in his/her past may ultimately prevent him/her from being admitted to the Australian legal profession in the future.

If you are unsure that applying for a declaration of early assessment of suitability is necessary in your case, or if you need any further guidance, please contact the Office of the Board.

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

Any matters which are not disclosed in this application (including matters which take place after the application is made) may nevertheless adversely affect the Board's assessment of your suitability for admission. To assist you in determining what matters should be disclosed at the time of admission, you must read the Disclosure Guidelines for Applicants for Admission to the Legal Profession at [www.lpab.justice.nsw.gov.au](http://www.lpab.justice.nsw.gov.au)

The determination of this application can take between 4 to 6 months.

If your application is unsuccessful, you have the right to appeal under section 27 of the [Legal Profession Uniform Law \(NSW\)](#).

## Please read the instructions in this form carefully

The instructions will help you complete the form correctly.

Your application may be delayed if you do not follow the instructions or do not provide enough information.

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.

## Attach all the required documentation

The form contains general guidance about which documents you should attach to your application, in various circumstances.

Please provide:

- **one original application** with original or certified copies of all supporting documents
- **two certified copies of the whole application** so that the Board can provide one copy to the Law Society Council and one copy to the Bar Council.

Please ensure you attach all the relevant documentation. If the form specifies that the document must be original, then only an original will be accepted.

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

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### **Sign your statutory declaration in front of an authorised witness**

You must sign your statutory declaration in the presence of an impartial, authorised witness.

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

### **Send us your form with your fee payment**

The application fee is notified on the Board's website, in the Table of Fees at [www.lpab.justice.nsw.gov.au](http://www.lpab.justice.nsw.gov.au)

Payment may be made by credit card (Mastercard or Visa only), bank cheque, solicitor firm cheque\*, money order, or cash/EFTPOS (cash/EFTPOS hand delivery only).

A credit card payment form is available at [www.lpab.justice.nsw.gov.au](http://www.lpab.justice.nsw.gov.au)

Send your completed form, statutory declaration, relevant documentation and payment of the fee, to the Legal Profession Admission Board at either:

**Post** GPO Box 3980, Sydney NSW 2001

**DX** DX 602 SYDNEY

**Hand delivery only** Level 4, 37 Bligh Street, Sydney NSW 2000

\* Personal cheques not accepted.



# Application for declaration of early assessment of suitability for a compliance certificate

Legal Profession Admission Board

(Form 4)

## PART A: Personal details

Q.1 Your name

Title (*Mr/Mrs/Ms etc*)

Given names

Surname

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 names in the spaces below and **attach** any 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 Contacts

Address

Email

Home

Work

Mobile

Title	<input type="text"/>	Given names	<input type="text"/>
		Surname	<input type="text"/>

## **PART B: Disclosure statement**

You must attach a disclosure statement which details the matter(s) you wish to disclose, in the form of a separate, signed and witnessed, original statutory declaration. A template for a NSW statutory declaration may be downloaded from [www.lpab.justice.nsw.gov.au](http://www.lpab.justice.nsw.gov.au)

Your disclosure statement should set out the full details of the circumstances you are disclosing. It should contain sufficient detail to enable the Board to understand the full extent and significance of the matters being disclosed.

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: '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
- 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 attach original or certified copies of any available documentary evidence relating to any matter you have disclosed.

If your disclosure statement is vague or lacks essential details, or you fail to attach information that is relevant to your circumstances, that will invariably result in a request to you for further information and/or evidence, and this may delay the processing of your application.



### **Warning:**

Attempts to mislead may have serious consequences.

A lack of candour or any attempt to mislead the Board may result in your application for declaration of early suitability and/or your subsequent application for admission being deferred or refused, or your name being struck off the Roll of Lawyers at any time after admission.

If any relevant development occurs subsequent to you signing your statutory declaration, you must notify the Board in writing in another statutory declaration.

Title	<input type="text"/>	Given names	<input type="text"/>
		Surname	<input type="text"/>

## PART C: Documents to attach

Part C contains general guidance about the types of documents you should consider attaching to your application, in various circumstances.

In addition to the documents mentioned below, you are encouraged to attach any other documents which you consider are relevant to your particular circumstances.

### Character references

You should consider attaching evidence of your character by providing at least two character references in the form of statutory declarations 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.<sup>2</sup>

A person making a character reference must have read your disclosure statement and must attest to having read your disclosure statement in his/her statutory declaration. The Board's website has a template for a NSW statutory declaration at [www.lpab.justice.nsw.gov.au](http://www.lpab.justice.nsw.gov.au)

### Disclosures which relate to any criminal conduct

If your disclosure relates to any criminal conduct in Australia or a foreign country, you should consider attaching a police report from each of the relevant jurisdictions (for example, in the case of any criminal conduct in Australia, you must attach an Australian National Police Certificate)<sup>3</sup>. The police report must show whether or not you have any criminal history in that country, must be an original and must have been issued directly by a police force in that country (and not by a third party service provider).

In the case of an Australian National Police Certificate, it must have been issued directly by the police force in an Australian state or territory, or by the Australian Federal Police (and not by a third party service provider). It must also:

- be dated no earlier than 6 months prior to the date your application is received, and
- include all previous names by which you have been known<sup>4</sup>, and
- be a type of certificate which includes spent convictions.

You should also consider attaching, if applicable, copies of one or more documents such as:

- the sentencing judgement or court finding that you are guilty of an offence
- the police facts sheet and/or record of interview
- relevant material presented to the court (including medical and character evidence)
- any transcript of court proceedings.

More information about National Police Checks can be found in the Guide for applicants for admission at: [www.lpab.justice.nsw.gov.au](http://www.lpab.justice.nsw.gov.au)

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1 Rule 16 Legal Profession Uniform Admission Rules 2015.

2 If you are or were a legal practitioner in a foreign jurisdiction, both your referees must also be persons who are or were legal practitioners in that jurisdiction.

3 Rule 18 Legal Profession Uniform Admission Rules 2015.

4 Some National Police Certificates do not show previous names, even if you supplied your previous names when applying for the Certificate. We recommend you keep the receipt for your Certificate application, in case we ask you for confirmation of the previous names which you supplied.

Title	<input type="text"/>	Given names	<input type="text"/>
		Surname	<input type="text"/>

### **Disclosures which relate to bankruptcy**

If your disclosure relates to bankruptcy, you should consider providing one or more documents such as:

- a certified copy of a statement from the trustee as to whether you co-operated with the trustee and made contributions
- a certified copy of any judgement, bankruptcy notice, creditor's petition, statement of affairs
- document confirming release from bankruptcy.

### **Disclosures which relate to student conduct**

If your disclosure relates to student conduct,<sup>5</sup> you should consider attaching an original student conduct report from the relevant tertiary institution and/or PLT provider. 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.

More information about student conduct reports can be found in the Guide for applicants for admission at: [www.lpab@justice.nsw.gov.au](mailto:www.lpab@justice.nsw.gov.au)

If you have completed an academic qualification in law and/or practical legal training, you should also consider attaching evidence of such completion.

### **Disclosures which relate to professional conduct**

If your disclosure relates to your professional or employment conduct, you should consider providing certified copies of any relevant official reports or findings, including evidence of any disciplinary action taken in relation to your conduct.

If you have been admitted to the legal profession previously, either in an Australian non-participating jurisdiction or a foreign jurisdiction, you should consider also attaching a statement by the relevant professional body in that jurisdiction (made within 2 months before you application is received by the Board) that you:

- are a member of the legal profession in good standing, and
- are not subject to any current or pending disciplinary matters.<sup>6</sup>

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<sup>5</sup> Rule 19 Legal Profession Uniform Admission Rules 2015.

<sup>6</sup> Rule 20 Legal Profession Uniform Admission Rules 2015.

Title  Given names   
Surname

## PART D: Checklist

Please ensure you have:

- completed all parts of the form, and
- attached a separate, **original** disclosure statement in the form of a signed and witnessed statutory declaration, and
- provided one **original** application (with **original** or **certified** copies of all supporting documents) and two **certified** copies of the whole application so that the Board can provide one copy to the Law Society Council and one copy to the Bar Council.

### Documents to be attached:

- Fee: Credit card payment form (Visa/Mastercard only); cheque\*, money order or cash (cash: in person only)
- Q.2: a certified copy of a document showing any change of name (if applicable)
- Part B: a separate **original** disclosure statement in the form of a signed and witnessed statutory declaration
- Part C: the following documents if considered relevant and applicable to your disclosure:
  - 2 **original** character references
  - original** Australian National Police Certificate
  - original** foreign police report(s)
  - certified** copies of bankruptcy documents
  - original** student conduct report(s)
  - original** evidence of completion of an academic qualification in law and/or practical legal training
  - certified** copies of official reports or findings about your professional or employment conduct
  - original** certificate(s) of good standing issued by the relevant legal professional body in an Australian non-participating jurisdiction or a foreign jurisdiction.

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