

## FOREIGN CONDITIONAL ADMISSION

### Application

A foreign lawyer who has been directed to acquire additional academic qualifications or practical legal training may apply for a compliance certificate subject to conditions set out in Section 20 of the Uniform Law.

You can learn more about how the Board will assess an application for a compliance certificate subject to conditions from the [Agreed Interim Procedures for Admitting Applicants relying on Qualifications, Skills or Experience obtained outside Australia](#).

You can apply for a compliance certificate subject to conditions by setting out the following information in a signed statement with supporting evidence attached:

- (i) the nature and scope of your skills, experience, employment and responsibilities in legal practice;
- (ii) the nature and scope of the legal practice in which you propose to engage in Australia; and
- (iii) proposed employment, supervisory and professional support arrangements which have already been made in Australia.

You should also set out the nature and scope of any conditions of the kind set out below which you consider might appropriately be attached to a certificate of compliance. You must explain how any conditions you propose will assist your practice in Australia and why the conditions may be appropriate in the circumstances.

Examples of common conditions are as follows:

- (i) the applicant may only engage in practice as a corporate legal practitioner (s6 Legal Profession Uniform Law);
- (ii) the applicant may only engage in practice as a government legal practitioner (s6 Legal Profession Uniform Law);
- (iii) the applicant may not engage in legal practice as a volunteer at a community legal services, or otherwise on a pro bono basis;
- (iv) the applicant may only engage in a limited area of law;
- (v) the applicant may only engage in supervised legal practice under the supervision of (eligible supervisor); and
- (vi) the applicant may only practice until a specified time - which may corresponds with the expiry date for the academic and/or practical legal training direction.

In addition to considering whether to issue a compliance certificate subject to conditions, the Victorian Legal Admissions Board must be satisfied that the foreign lawyer is a fit and proper person to be admitted to the legal profession; the foreign lawyer has a satisfactory knowledge of written and spoken English; the foreign lawyer is not required to study more than six academic areas of knowledge and has been in legal practice in a foreign jurisdiction for a minimum of seven years (including any training contract).

All applications must be forwarded to [overseas@justice.vic.gov.au](mailto:overseas@justice.vic.gov.au)

There is no fee to lodge an application.

You must not commence an online application through the portal until you have contacted the Board's office and obtained an assessment.

## Online Application

If the Board determines that you can be admitted, subject to conditions, you may apply for “**Foreign Conditional Admission**”. The Board will commence the online application for you and advise you how to continue the application thereafter.

## Personal 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 certified 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

## Police reports

### *National Police Certificate (issued in Australia)*

Every applicant for admission must provide an original National Police Certificate which has been issued in Australia. The National Police Certificate shows whether or not you have any criminal history in Australia.

Your Certificate must:

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

Applicants who reside in Australia must obtain a National Police Certificates from Victoria Police only. You must apply to the Victoria Police at website at [www.police.vic.gov.au](http://www.police.vic.gov.au).

Click on the “Our Services” link on the left hand side of the home page.

- (i) Click on “Police Record Checks” link on the left hand side of the page.
- (ii) Click on “Online Application Form for the National Police Certificate”.
- (iii) In Section A (Type of Check Required) click the “National Name Check” box.
- (iv) In Section E (Purpose of Check), Choose in Option 1 (Employment, Occupational Licensing, Visa or Insurance Purposes), “Other”.
- (v) In “Other” type the words “Legal Admission”.

*If you do not reside in Australia* - You cannot apply online for a National Police Check through Victoria Police. Instead you must apply through the website of the Australian Federal Police at [www.afp.gov.au](http://www.afp.gov.au) and select ‘Commonwealth Employment/Purpose’, and then ‘33-Immigration/Citizenship’.

## **Certificate of good standing**

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 the Board from all relevant professional bodies in any jurisdictions you have been admitted.

## **Foreign jurisdiction resided – Foreign Police Report**

You must list the dates and countries of residence and the Board will advise you of which foreign police reports are required.

## **Suitability**

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

- (i) might be relevant to the Board's consideration of whether or not 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 or not you are a fit and proper person to be admitted to the Australian legal profession.

You must make full disclosure of any relevant matters in a separate statutory declaration. 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 a number of 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

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

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

You must provide two statutory declarations from persons who have been associated in legal practice with you in your foreign jurisdiction. See [Foreign Character Statement](#) on our website.

## Lodging your admission application

When you have completed your admission application you can print your statutory declaration and have it signed in front of an authorised witness.

Statutory declarations and police reports must be filed in person at the Board's office. To be eligible to apply for admission in Victoria, we must confirm your identity.

An application will be accepted by mail in circumstances where you reside over 100kms from the Melbourne CBD. A certified copy of your identification must be attached to the original statutory declaration

## Identification

To be eligible to apply for admission in Victoria, we must confirm your identity. All ID documents must be originals. 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**.

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## 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

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

For applicants who have never resided in Australia, 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
- Foreign Passport
- Change of Name Certificate
- Citizenship Papers
- Marriage Certificate
- Government issued Visa
- Driver's Licence

## Payment of admission fees

All payments of admission fees are to be made online.

Payments acceptable are VISA or MasterCard only, please refer to the website for the current fee.

If you require assistance with online payment or are unable to use the online feature, please contact the Board on 03 9604 2451.

## Public notice of application

The Board must give notice of an application before issuing a compliance certificate. Notice will be published on the website and will allow sufficient time for any person to object to the issue of a compliance certificate. Notice of applicants seeking admission will be published on the Board's website fortnightly.

## Admission

In order to be admitted, attendance at a set date and time in the Supreme Court of Victoria is compulsory.

Your admission must be moved by an Australian Lawyer. It is not necessary that a current practising certificate be held. Your mover must be robed (without wig).

The following form of motion to be used by the mover is prescribed and should be strictly adhered to. It is not appropriate to vary the form of motion.

"If the Court pleases, "I appear to move that (full name) be admitted to the legal profession as an Australian Lawyer and as an Officer of this Honourable Court and I so move on the certificate and recommendation of the Admissions Board."

## *Oath of Office*

When the associate calls your name you will stand and take the oath or make an affirmation. The oath of office will be read, and you will be asked to say 'I swear by all mighty God to do so' or if making an affirmation of office you will be asked to say 'I do so declare and affirm'.

## Signing the roll

At the conclusion, the Court will rise and you will sign the Roll and the Prothonotary will hand you your sealed Order of Admission.

## Practising Certificate

Once admitted, you may apply to the Victorian Legal Services Board for a Practising Certificate. You must hold a current Practising Certificate to practise law in Australia. Details regarding your conditions will be provided to the Victorian Legal Services Board.

## Contact Us

Victorian Legal Admissions Board

Phone: (03) 9604 2451

Email: [overseas@justice.vic.gov.au](mailto:overseas@justice.vic.gov.au)

Web: [lawadmissions.vic.gov.au](http://lawadmissions.vic.gov.au)

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