

Legal Profession Uniform Admission Rules 2015

Removal of the word 'fame'

Key

Proposed deletions are struck through and highlighted in yellow, e.g. ~~whether..~~

Proposed amendments are written in red text

10 Determining whether someone is a fit and proper person

- (1) For the purposes of section 17 (2) (b) of the Uniform Law, the following matters are specified as matters to which the Board must have regard:
- (a) any statutory declaration as to the person's character, referred to in rule 16,
 - (b) any disclosure statement made by the person under rule 17,
 - (c) any police report provided under rule 18,
 - (d) any student conduct report provided under rule 19,
 - (e) any certificate of good standing provided under rule 20,
 - (f) ~~whether the person is currently of good fame and character,~~
whether the person has demonstrated satisfactorily the ethical and professional standards appropriate for an Australian lawyer,
 - (g) whether the person is or has been a bankrupt or subject to an arrangement under Part 10 of the Bankruptcy Act or has been an officer of a corporation that has been wound up in insolvency or under external administration,
 - (h) whether the person has 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) the person's age when the offence was committed,
 - (i) whether the person has been the subject of any disciplinary action, howsoever expressed, in any profession or occupation in Australia or in a foreign country,
 - (j) whether the person has been the subject of disciplinary action, howsoever expressed, in any profession or occupation that involved a finding adverse to the person,

- (k) whether the person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner,
 - (l) whether the person has a sufficient knowledge of written and spoken English to engage in legal practice in this jurisdiction,
 - (m) whether the person's admission in this jurisdiction would undermine public confidence in the integrity and honesty of the legal profession.
- (2) The Board may require a person to:
- (a) take an examination, and
 - (b) obtain a result in that examination,
- specified by the Board for the purposes of subrule (1) (l).

14 Application for readmission

- (1) An application for a compliance certificate by a person whose name has previously been removed from the Supreme Court roll must, in addition to meeting the requirements of rule 12, set out:
- (a) the circumstances which led to the applicant's name being removed from the Supreme Court roll,
 - (b) the applicant's views about those circumstances and the decision to remove the applicant's name from that roll,
 - (c) ~~events which tend to re-establish the applicant's good fame and character,~~
events that tend to establish that the applicant's readmission would not undermine public confidence in the integrity and honesty of the legal profession,
 - (c1) events since the applicant's name was removed from that roll that tend to establish the applicant has demonstrated satisfactorily the ethical and professional standards appropriate for an Australian lawyer,
 - (d) the applicant's law-related experience since the applicant's name was removed from that roll,
 - (e) any other matters that the applicant considers relevant to the application.
- (2) The Board must provide a copy of any application made under subrule (1) to the designated local regulatory authority responsible for issuing practising certificates in this jurisdiction.
- (3) If the Board issues a compliance certificate to a person referred to in subrule (1), it may provide a written report to the Supreme Court setting out the nature of the application and the Board's reasons for issuing the certificate.

16 Evidence of character

- (1) Except for an application referred to in subrule (2), an application for a compliance certificate must include 2 statutory declarations as to the applicant's character made by persons who are not related to the applicant by blood, marriage or as a domestic partner.
- (2) An application for a compliance certificate by any person who is or has been a legal practitioner in a foreign jurisdiction must include 2 statutory declarations as to the applicant's character made by persons with whom the applicant has been associated in legal practice in that jurisdiction.
- (3) Unless the Board determines some other period, a person making a statutory declaration under this rule must have known the applicant for a period of at least 2 years.
- (4) A person making a statutory declaration under this rule must:
 - (a) have read any disclosure made by the applicant under rule 17 (1), and
 - (b) attest to that fact in the statutory declaration.
- (5) Subrule (4) does not apply to any disclosure made under rule 17 (4).
- (6) The Board may require an applicant to provide any other evidence determined by the Board about the applicant's ~~fame and~~ character, before determining whether the applicant satisfies the requirements of section 17 (1) (c) of the Uniform Law.

17 Disclosure statement

- (1) An application for a compliance certificate must include a statutory declaration by the applicant disclosing any matter to which a reasonable applicant would consider that the Board might regard as not being favourable to the applicant when considering whether the applicant is currently **of good fame and character** ~~and~~ a fit and proper person to be admitted to the Australian legal profession.
- (2) It is the duty of every applicant to make a full and complete disclosure of every matter referred to in subrule (1).
- (3) Any application including a statutory declaration under subrule (1) must also include original or certified copies of any available documentary evidence relating to any matter disclosed.
- (4) A person may make any disclosure relating to that person's physical or mental capacity in a separate statutory declaration from that referred to in subrule (1).
- (5) The Boards may jointly determine Disclosure Guidelines for applicants for admission relating to matters to be disclosed under this rule.
- (6) If Disclosure Guidelines have been determined under subrule (5), any statutory declaration made under subrule (1) or (4) must include a statement that the applicant has read and understood those Disclosure Guidelines.
- (7) If Disclosure Guidelines have been determined under subrule (5), an applicant who does not make a statutory declaration under subrule (1) or (4) must include the following statement in any application for a compliance certificate: I have read and understood the Disclosure Guidelines for applicants for admission. I further state that I am ~~and always have been of good fame and character~~ **a fit and proper person to be admitted to the Australian legal profession**. I am not aware of any matter or circumstance that might affect my suitability to be admitted as an Australian lawyer and an officer of the Court.