

# Legal Profession Admission Board

## Applications under s.26 of the Legal Profession Act 2004

### BASIC INFORMATION

An application under s.26 allows an applicant to disclose certain matters to the Board and to ask the Board to make a declaration

*“that matters disclosed by the person will not, without more, adversely affect an assessment by the Board as to whether the person is a fit and proper person to be admitted.”*

An application under s.26 is made by a person who, because of some event(s) in their life, may appear to be of doubtful suitability for admission. The person may be considering legal studies, or the continuation of legal studies; they may not wish to undertake such studies while there is a risk that something they have done or something which has happened to them may prevent their admission as a lawyer.

It is important for applicants to note that, even if the Board makes the declaration they seek, admission can still be refused on grounds of suitability if:

- a) a relevant matter was not disclosed in the s.26 application; or
- b) an event occurring after the s.26 application was made makes it questionable that the person is a fit and proper person to be admitted.

If either of these two circumstances occurs, all matters affecting suitability, including the matters disclosed in the s.26 application, are considered together when an application for admission is considered.

### THE FORM OF YOUR S.26 APPLICATION

You must complete Form 4 of the Legal Profession Admission Rules 2005 (copy attached).

In a statutory declaration and appendices to it, you must provide:

- full details of the facts and circumstances surrounding the matters which are the subject of the s.26 application;
- copies of any relevant documents not specifically referred to below;
- a statement as to what the applicant has learnt from the event(s) referred to in the declaration;
- an argument attempting to show that the disclosed matters should not, without more, adversely affect the Board’s assessment of whether you are a fit and proper person to be admitted as a Lawyer.

If the matters which you disclose include a Court finding that you are guilty of an offence, you must provide:

- a statutory declaration containing: precise details of the charge and the offence, full details of your compliance with any Court orders, and full details of any restitution made, if applicable.
- any documents recording the conviction or the finding of guilt, the fact sheet and/or record of interview, material presented to the court (including medical and character evidence) and any transcript of court proceedings.

If the matters which you disclose include bankruptcy, you must provide:

- a statutory declaration containing: full details of the facts and circumstances that led to the bankruptcy and information as to the current status of the bankruptcy;
- a statement from the trustee as to whether the applicant co-operated with the trustee and made contributions;
- copies of all relevant documents such as any judgment, bankruptcy notice, creditor's petition and statement of affairs.

## **LODGING THE APPLICATION**

Your application and cheque for \$300 (make cheque payable to Legal Profession Admission Board) must be sent to Legal Profession Admission Board, GPO Box 3980, Sydney 2001.

A copy of the application, including all documentation, must be served on each of the Bar Association and the Law Society:

- The NSW Bar Association, Selborne Chambers, 174 Phillip Street Sydney 2000; and
- The Law Society of New South Wales, 170 Phillip Street Sydney 2000.

Telephone enquiries may be made to (02) 9338 3510. Applications usually take a minimum of several months to process and in some cases between 5 to 6 months. In order to avoid unnecessary delays, it is strongly recommended that you contact the Executive Officer of the Legal Profession Admission Board on the number above, prior to submitting your application.

**FORM NO. 4**

**IN THE MATTER OF THE APPLICATION OF**

.....  
(Full name)

**AND IN THE MATTER OF S.26 OF THE LEGAL PROFESSION ACT 2004**

**TO: The Executive Officer, Legal Profession Admission Board.**

**I, .....**  
(Full name)

**of .....**  
(Private address, including postcode)

and

.....  
(official or business address, including postcode)

hereby apply pursuant to S.26 of the *Legal Profession Act, 2004* for a declaration that the matters set out in the Schedule hereto will not, without more, adversely affect an assessment by the Board of my good fame and character.

I file herewith statutory declaration(s) in support of my application.

I provide in a statutory declaration details of any criminal charge made against me and any findings against me by a Court, including details of the specific Section and Act under which I was charged.

I understand that it is necessary to serve a copy of this application on both the New South Wales Bar Association and The Law Society of New South Wales within seven days of filing this application.

.....  
(signature of applicant and date)

**NOTE: If the matter referred to in the Schedule refers to a charge heard before a Court, the Board normally expects to be provided with a full copy of the depositions or transcript of that hearing.**