

APPLICATION FOR ADMISSION IN THE A.C.T AS A LEGAL PRACTITIONER - AO1

A quick guide to putting your admission documents into a form likely to pass muster with the Legal Practitioners Admission Board and the Court

1. As an overarching comment, remember that you are seeking admission to the Supreme Court as a lawyer and the documents that you are preparing will be read and considered by the Legal Practitioners Admission Board and the judges of a Full Court of the Supreme Court of the ACT. Take care in drafting your documents and ensure spelling, grammar and formatting are correct. Sloppy or lazy drafting and incorrect formatting are not acceptable. Take the time to delete the printed prompts from the pro forma Originating Application. They are there as a helpful reminder and are not meant to remain in the final form of the document.

Manuscript interlineations will not be looked upon favourably, if you make a mistake, start again.

2. Take care in preparing your application and familiarise yourself with the Court Rules – don't rely solely on a pro forma that has been given to you. Locate and rely on authorised versions of the appropriate forms from the [ACT Legislation Register](#). Do not alter the font or formatting of an authorised version of the appropriate form.
3. The following suggestions are based upon **regularly** encountered errors, omissions and oversights in submitted documentation. It is a good idea to start the process well ahead of time. It may take longer

than anticipated to complete your application and gather all the supporting documentation.

You should endeavor to file your Application **before** the deadline. If there are errors on the face of your Application, the Registry may reject it and ask you to re-file.

If you are confused about what has to go into an Affidavit and what should not; what annexures look like; what documents may or may not be necessary or relevant to your application, then ask before filing. Your GDLP provider should be pleased to assist.

4. Make sure you sign the Originating Application.
5. Ensure that your Application seeks admission in your full legal name including any middle name(s). If your supporting documentation is in a different name or a truncated version of your name, or if your character referees may know you by a different name or refer to you by a different name, ensure that you fully explain that in your Affidavit. If there is a discrepancy between your full legal name and your name as it appears on the testamur of your degree, your academic record or other documents, a full explanation will be necessary. For example if you have legally changed your name by deed poll or as a result of marriage the supporting documents should form part of your explanation for the difference in names. If you wish to be admitted in a different name than the one that appears on your documents, you should annex proof of this name (i.e a copy of your passport or drivers licence etc).

6. If your qualifications are “stale” (that is, you graduated more than 5 years before the date upon which you propose to move for admission to practice) you will need to explain in your Affidavit what you have been doing in the meantime and why your legal learning or practice should be considered fresh and relevant to admission. For example, “I have been employed for the last 10 years in (a Government Department), which has involved me in regularly reading and interpreting legislation; regularly liaising with external legal advisors to the Department; attending courts and tribunals and providing instructions to solicitors and counsel on behalf of my employer”. Examples of the work you have done, without impinging on client confidentiality are helpful.

7. When you refer to an annexure to your Affidavit certifying your completion of a course of study complying with **Court Procedures Rules 2006** (ACT), Rule 3605(1)(a), refer to the Rule fully and accurately. Do not, for example, refer to Rule 3605(b) or Rule 3605(B) and do not refer to an annexed document as having been furnished in proof of the matter set out in Rule 3605(1)(a) if, in fact, the document in error refers to Rule 3607 or some other irrelevant Rule. It is your Affidavit and your responsibility to see that the statements in the body of your Affidavit align with the documents annexed.

Ensure that the Dean’s certificate from your law school references the correct Court Procedure Rule. If you are given a certificate from your law school purporting to certify that your course of study complied with the requirements of a wrong or non-existent rule of court (and this happens) it would be helpful and save time if you approached the law school; and sought a certificate referring to the correct rule.

8. If your statement or certificate of completion of GDLP or Legal Workshop does not state that you studied trust accounts and ethics as part of the course and, in fact, you did, you should include a short paragraph in your Affidavit to that effect.
9. Be aware that there is a significant difference between the Testamur of your degree and your academic transcript. Do not say you are annexing one and then annexe the other.
10. Your Originating Application should be endorsed with a date and time at which the court will be moved (or so soon thereafter as the court's business will allow). Generally, unless advised otherwise the time should be 10.00am on the admission ceremony day upon which you propose to seek admission.
11. Have a **proper** address for service in the footer of your documentation. The **Court Procedures Rules 2006** (ACT) provide a specific definition of what constitutes an 'address for service'. Generally for people acting for themselves this will be your home or business address anywhere in Australia.
12. Make sure that your character referees execute Affidavits which have a full and correct heading, according in all respects with the header of your Originating Application. Openness and candour in disclosing past conduct is essential. You should provide all relevant facts, and you will have an opportunity to give a further explanation if required.

13. Past indiscretions are not an automatic disqualification. If you are required to make disclosure of a matter which might go to the question of your fitness to be admitted as a legal practitioner, do so in straightforward, non-evasive and frank terms. Avoid the use of weasel words, self-justification or obfuscation. If you have a “skeleton in the closet” bring it out clearly for examination and adjudication by the Board. To proceed in any other way merely invites a request for further Affidavit or other material; an invariable delay and the real risk that you may be regarded as someone who has fudged the truth and who is not prepared to fully own up to past, potentially discreditable, behaviour.

14. If you have been the subject of any suggestion of academic misconduct at any time during your Tertiary studies then you should make full disclosure to the Board.

In some circumstances the Board may want to make further enquiries with the institution in question and therefore it is in your best interests to be frank and full in any disclosure.

If your Tertiary institution provides certification in relation to academic misconduct then a copy of any certificate, saying whether anything is recorded or not, should be filed with your application to the court.

15. If you have made a disclosure of any kind then the best course of action is to invite your character referees to read your Affidavit before swearing or affirming their Affidavits so that they can say clearly they have done so and that they understand the detail of your disclosure

to the Board rather than a summary you may have prepared or provided to them. Your referees should state the date your Affidavit, which they have read, was sworn or affirmed.

16. Make sure your referees make their relationship with you clear. If you have worked with them in the past, disclose that professional relationship. If you do so, ensure that the deponent does not then disclaim any relationship or affiliation with you due to a work or employment circumstance. There are two options in the pro forma Affidavit, one deals with a circumstance of no affiliation and the other deals with a circumstance of affiliation due to kinship, employment etc.
17. Seek character references from people who have known you in different capacities. If they **all** know you from one or more places of work or education, you will almost certainly be asked to produce a further Affidavit of good fame and character from someone who has known you outside of the work environment and probably for a reasonable length of time. Even if your character deponents know you from different work places you are likely to be asked to produce something from outside the work environment. Be sure to anticipate this.
18. Make sure your referees describe their places of employment properly; that is, by reference to the actual employer rather than by reference to a business name, an abbreviation, an acronym or some other shorthand. In the case of Commonwealth or other public servants, their actual place or department of employment should be stated. Student/Teacher relationships are considered professional relationships.

19. Ensure that annexures are properly annexed to Affidavits. Clearly an annexure note which says something like “This page and the following 2 pages are annexure A” is unhelpful if there are only 2 pages and even more so if there are 6 pages – the Board can’t be properly satisfied as to what you are attesting and it will appear to the Board and the court that you really haven’t taken appropriate care if there are obvious errors in your material.

20. In relation to Affidavit material, be aware that the provisions of the **Oaths and Affirmations Act 1984** (ACT) sets out the people before whom an Affidavit may be sworn or affirmed. No other witnesses are acceptable.

Please ensure that your Affidavit and any supporting Affidavit is properly witnessed. The deponent and witness must initial or sign each page if the Affidavit consists of more than one page.

If your Affidavit material contains conflicting dates either on different pages of the Affidavit or by reference to the date shown on the face of your Application in referring to supporting material, your documentation will be rejected.

Early Commencement of GDLP

21. At the moment even if you have only two Priestly Units to complete you cannot gain Board approval for early commencement of a Graduate Diploma in Legal Practice Studies without demonstrating convincing special circumstances.

The situation may be altered by statutory amendment but at the present time (2019) you should not lodge an application seeking Board approval for early commencement unless you can demonstrate and, if needs to be, substantiate special circumstances.