



LEGAL PROFESSION ADMISSION BOARD

Ms Cora Groenewegen
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Legal Services Council – Admissions Committee
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SYDNEY NSW 2000

Ref: Executive Assistant
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Contact:
Phone:

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22 January 2020

Dear Ms Groenewegen

Legal Profession Uniform Admission Rules 2015 (NSW) – removal of the word ‘fame’

I refer to your letter to the heads of the Designated Local Regulatory Authorities dated 28 November 2019 that circulates the Legal Services Council Admissions Committee’s (Admissions Committee) proposal to amend the *Legal Profession Uniform Admission Rules 2015* (Admission Rules) to remove the word ‘fame’.

I note that, in inviting any comments or suggestions regarding the proposed changes, you have requested that any feedback be sent to you on or before Friday 14 February 2020.

I write to inform you that the NSW Legal Profession Admission Board (the Board) agrees with and endorses the Admissions Committee’s proposed amendments to the Admission Rules.

In doing so I confirm that the Board agrees with the comments of Basten and Meagher JJA in *Council of the Law Society of New South Wales v Parente* [2019] NSWCA 33 that (after referring to the use of the ‘older terminology’ of ‘good fame and character’ as used in the last century, in so far as an applicant for admission to the profession has been required to demonstrate that he or she is “of good fame and character”) (at [12]):

“...The only benefit in the reference to “fame”, which was used in the sense of “reputation”, was that it drew attention to one purpose of the disciplinary powers, which was (and is) to maintain public confidence in the integrity and honesty of the profession. Questions of reputation remain relevant in that respect.”

The Board also notes that the identified purpose of “maintaining public confidence in the integrity and honesty of the profession” is now proposed to

be directly incorporated into the matters which the Board must have regard in determining whether someone is a fit and proper person to be admitted to the Australian Legal Profession for the purpose of s. 17 (2) (b) of the *Legal Profession Uniform Law (NSW) No 16a (Uniform Law)* ('prerequisites for compliance certificates'). This is insofar as a new rule 10 (1) (m) of the Admission Rules ('Determining whether someone is a fit and proper person') is now proposed to be introduced so as to require the Board to consider:

"whether the person's admission in this jurisdiction would undermine public confidence in the integrity and honesty of the legal profession"

Insofar as the proposed amendments remove an archaic term but maintain the intended purpose of that term, the Board endorses the proposed amendments.

The Board requests that, if the proposed amendments are ultimately approved by the Standing Committee, the commencement of any amending Rule not take place until a minimum of three months after the approval date (by way of publication on the NSW legislation website) to allow the necessary amendments to forms, guides and IT systems to be made by the Board, and for such forms to be approved by the Board.

Yours sincerely

Chris Banks
Executive Officer