New Zealand Law Society
Te Kāhui Ture o Aotearoa

Certificate of Character application

Application process

1. **New Zealand Law Society Te Kāhui Ture o Aotearoa (Law Society) branch receives original signed application**

   Valid for three months

2. **Branch sends acknowledgement of receipt to applicant and fee payment details**

3. **Payment received**

4. **Branch receives references sent in by referees**

5. **Branch checks application**

   Applicant contacted if further information (e.g. further references) is required

6. **Branch lodges request for Criminal Conviction History with Ministry of Justice**

7. **Branch sends request for disciplinary history to tertiary institutions and professional course provider**

8. **Branch advertises name of applicant to the profession/public**

9. **Branch reviews application**

   Once all references and all other information is received by the branch

10. **Application approved**

    If there any issues that require further consideration, your application may be referred to the professional standards team.

11. **If approved, Certificate of Character is issued to the applicant**

Next steps

12. **Applicant files application for admission to the High Court**

    Refer to *lawsociety.org.nz/starting-as-a-lawyer/joining-the-legal-profession/admission*

13. **Once admitted, applicant may apply for a practising certificate**

    Submit application and sealed order for admission to the Law Society at *registry@lawsociety.org.nz* or Registry, New Zealand Law Society, PO Box 5041, Wellington, 6140

Application information

If you have any questions about this form or your application, please contact the relevant Law Society branch office (see contact details on page 14).

This form is to be completed by an applicant seeking admission as a barrister and solicitor of the High Court of New Zealand pursuant to Part 3 of the Lawyers and Conveyancers Act 2006 (LCA).

Please ensure you provide as much relevant information as possible. An incomplete application may not be considered until all required information and documents have been received. If in doubt seek further information and/or advice from your Law Society branch. However, please note the Law Society cannot provide legal advice to applicants, nor review your application in advance to ascertain the likelihood of approval.

If additional space is needed to answer a question, please use a separate sheet and attach to this form.

Certified copies

Please ensure the wording below is used for certifying documents (preferably with a name stamp):

"I certify this to be a true copy of the original, which I have sighted, and the photo represents a true likeness of [name of the person presenting the document to me for certification]."

Privacy and Information Handling Policy

The personal information collected and held by the Law Society will be used to process and assess your application, and for purposes connected with the Law Society's regulatory or representative functions, or both.

Further information about how the Law Society handles information including personal information is set out in the Law Society's Information Handling Policy, which can be viewed at *lawsociety.org.nz/privacy*. This Policy also contains information about your right to access and seek correction of your personal information. Please read the Policy before completing this form. If you have any queries about the Information Handling Policy, please email our Privacy Officer at *privacy@lawsociety.org.nz*.

Time frame

You should allow eight weeks for this process to be completed. Please note this time span does not include the period (usually four weeks) required by the High Court to complete its process. Please refer to the admission dates on our website for application deadlines: *lawsociety.org.nz/starting-as-a-lawyer*

If any issues arise that require further consideration, the branch may refer your application to National Office for review. It may also subsequently be referred to a Practice Approval Committee (PAC) for consideration and an interview may be required. If this is the case, you will be advised of the process. Please note that it may take longer to process your application.

The process may also be delayed if you have not provided all the information needed to assess your application.

Checklist

Necessary items:

- ☐ $297.85 application fee. Instructions regarding payment will be sent to you following receipt of application.
- ☐ Original certified copy of your NZ/Overseas passport or NZ driver licence. Please note correct wording to be used (see above). Passports must be signed. Both sides of driver license necessary to show expiry date.
- ☐ References (these must be supplied by your referees directly to the Law Society branch office)

Where applicable:

- ☐ Original certified copy of any name change document
- ☐ Copy of notice from the official assignee and a discharge of bankruptcy
- ☐ Overseas conviction check
- ☐ Supplementary information in relation to fit and proper person declaration
- ☐ Current certificate(s) of fitness/good standing from overseas regulatory body/ies
- ☐ Self-addressed A4 courier bag for delivery of your Certificate of Character (not required if you intend to collect)

Application documents

All documents relevant to your application, including this application form, certified copies of documents, certificates of fitness/good standing and references, must be dated no earlier than three months from the date on which a Certificate of Character is issued.

Once the Law Society is satisfied that you are a fit and proper person to be admitted as a barrister and solicitor of the High Court of New Zealand you will be issued with a Certificate of Character. **Certificates of Character expire three months from date of issue.** If your Certificate of Character expires before the date of your admission at the High Court, you will need to apply for a new Certificate of Character which may include further payment of the fee.

Proof of identity

Your name as entered on this form should be supported by relevant identification and will appear on any certificates issued by the Law Society.

You are required to provide an original certified copy of one of the following:

- **New Zealand or Overseas Passport** - the passport must be current and signed. An original certified copy of the identification page of your passport must be provided.
- **New Zealand Driver Licence** - the driver licence must be current and cannot be a temporary (paper) licence. Both sides of an original certified copy of your driver licence must be provided if the expiry date is on the reverse side.

These forms of identification meet the identification requirements for the Request for Criminal Conviction History – Third Party application to the Ministry of Justice. You are therefore not required to provide any further proof of identity documents for the process of that application.

If there has been a name change through marriage, civil union or deed poll you are required to provide an original certified copy of the relevant name change document (for example, marriage certificate).

The use of any other name/s (for example, an unofficial English name) must also be explained by submitting a Statutory Declaration confirming the name/s used, how long you have used the name/s, and for what reason.

1 Personal details

Title (optional)

◯ Miss ◯ Ms ◯ Mrs ◯ Mr ◯ Mx Please specify your own if you wish

First name

Preferred first name

Middle name(s)

Last name

Previous name(s) (if any)

Date of birth (dd/mm/yyyy)

Gender (optional)

◯ Woman ◯ Man ◯ Non-binary Please specify your own if you wish

Preferred pronouns (optional)

◯ She/her ◯ He/him ◯ They/them Please specify your own if you wish

1 Personal details continued

Ethnicity (optional)

Select as many as applicable to you.

- ☐ New Zealand European
- ☐ Māori
- ☐ Samoan
- ☐ Fijian
- ☐ Tongan
- ☐ Tokelauan
- ☐ Cook Island Māori
- ☐ Niuean
- ☐ Other Pacific Peoples
- ☐ Middle Eastern
- ☐ Chinese
- ☐ Southeast Asian
- ☐ Indian
- ☐ Other Asian
- ☐ Latin American
- ☐ African
- ☐ Other European
- ☐ Other Ethnicity
- ☐ Not disclosed

2 Time in New Zealand

These questions may be relevant to the number of references that you need to provide.

Have you lived in New Zealand continuously for the past five years? ◯ Yes ◯ No

If no, please specify which country/s you have resided in and for how long (only necessary for periods over 12 months)

3 Contact information

Please provide your preferred address for correspondence, and at least one email address and phone number.

Preferred address for correspondence ◯ Home ◯ Work

Home address

Home phone

Mobile

Personal email address

Work address

DX (if applicable)

Work phone

Work email address

4 Admission details

Intended date of Admission (dd/mm/yyyy)

Intended place of Admission in New Zealand

5 Tertiary qualifications

Please record the details of all tertiary qualifications and any bachelor degrees/certificates/diplomas commenced but not completed. If you attended more than one tertiary institution (including overseas universities), please note these below. The Law Society will be making inquiries from tertiary institutions concerning matters of character.

Tertiary Institution (state country if outside of NZ)

Student ID number

Qualification obtained/commenced

Date awarded/completed (mm/yyyy)

If not completed, specify date withdrawn (mm/yyyy)

☐ **Tick if still studying for qualification**

Tertiary Institution (state country if outside of NZ)

Student ID number

Qualification obtained/commenced

Date awarded/completed (mm/yyyy)

If not completed, specify date withdrawn (mm/yyyy)

☐ **Tick if still studying for qualification**

Tertiary Institution (state country if outside of NZ)

Student ID number

Qualification obtained/commenced

Date awarded/completed (mm/yyyy)

If not completed, specify date withdrawn (mm/yyyy)

☐ **Tick if still studying for qualification**

6 Professional legal studies

Please record the details of the professional legal studies course you have completed or are completing. The Law Society will be making inquiries from your professional training provider concerning matters of character.

Course provider ◯ IPLS ◯ College of Law **Date of completion** (dd/mm/yyyy)

7 Employment and academic history

Please list in chronological order your employment, any voluntary work and academic history, including a brief explanation for any gaps of more than one month. For example, travel, parental leave and/or unemployment.

Dates (mm/yyyy) **Position held and employer/academic institution** (or travel/parental leave etc)

to

Dates **Position held and employer/academic institution**

to

Dates **Position held and employer/academic institution**

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Dates **Position held and employer/academic institution**

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7 Employment and academic history continued

Dates

to

Position held and employer/academic institution

Dates

to

Position held and employer/academic institution

References

Before issuing a Certificate of Character, the Law Society must be satisfied that you are a fit and proper person. When making this assessment, the Law Society may take into account any matters it considers relevant, including whether you are of good character. To assist the Law Society with making this assessment, it requests that you arrange for three references to be provided to the Law Society. One reference should be an employer reference. Two references should be general character references.

Further references may be requested once the Law Society has reviewed your application.

Reference requirements

Each reference must be completed by a different person and be on the prescribed form. Only reference forms completed by the referee within the past three months will be considered.

The Law Society will not accept references posted or emailed directly by you. Your referee must send the original reference to the Law Society, although it will accept PDF versions in the following circumstances:

- The reference is supplied by a lawyer (holding a current practising certificate) and emailed directly to the Law Society from the lawyer.
- The reference is from a non-lawyer and emailed directly to the Law Society from a verifiable email address. For example, a government or recognised non-government organisation, such as *[department].govt.nz*, *[publiccompany].co.nz*, or *[charity].org.nz*.

In some cases, the Law Society may request the original be provided.

Please note if a referee named in your application does not provide a reference, the Law Society will follow up with them to ask why they did not provide a reference.

Employer reference

An employer reference must be provided by someone who has worked with you and provided managerial oversight of your work. Work in this context includes work you have undertaken in a volunteer capacity (for example, for a Community Law Centre or a charity).

If you are currently employed, please provide a reference from your current employer.

If you are not currently employed, but have been employed in the previous 24 months, please provide an employer reference from your most recent previous employer.

If you have not been employed in the previous 24 months, you do not need to provide an employer reference. However, you will need to provide three general character references (please see below).

General character references

Your general character references should come from people who:

- have known you personally for at least five years; and
- know you well and can speak about your character and personal qualities.

Your general character referees could be:

- lawyers (holding a current practising certificate); or
- people who must be registered for their occupation for example, teachers, doctors, nurses, and other health professionals, social workers, legal executives, real estate agents and engineers; or
- Kaumātua; or
- members of New Zealand Police; or
- serving members of the armed forces; or
- ministers of religion.

If you are unable to obtain references from one of the above, it will not adversely affect your application. You should contact your local Law Society branch to discuss alternatives.

Certain people cannot give a general character reference for you:

- Members of your family (including in-laws);
- The spouse or partner of someone who has provided a reference.

Can a reference be withdrawn?

Once a reference report has been provided to the Law Society in support of your application, only the referee can withdraw the reference. You cannot withdraw the reference yourself.

8 References

1

Employer referee's name

Phone number

Email

2

General referee's name

Phone number

Email

3

General referee's name

Phone number

Email

4

General referee's name

Phone number

Email

Fit and proper person

Before issuing a Certificate of Character, the Law Society must be satisfied that you are a fit and proper person for admission as a barrister and solicitor of the High Court of New Zealand.

A positive answer to any of the questions in section 9 will not automatically result in a declined application. Each case will be considered individually on its merits.

The Law Society encourages you to be open and candid with your referees and disclose to them any 'fit and proper' matters declared in section 9 so that your referees can comment on the 'fit and proper person' questions asked of them in the reference form.

The Law Society and its branches will keep details given in this section confidential, subject to the disclosures outlined in this application form and/or as otherwise authorised by you.

Please note your rights under the Criminal Records (Clean Slate) Act 2004 before providing details of any criminal record.

Health conditions

Pursuant to s 55(1)(l) of the LCA all applicants are asked to declare mental or physical health conditions that may affect their ability to perform the functions required for the practice of the law. For relevant considerations that the Law Society considers when assessing whether a health condition may affect a person's ability to perform the functions required for the practice of law, please refer to the **Guidelines for Applicant's declaring health conditions** on our website.

In general, it is unlikely that a physical condition would render you unable to perform the functions required for the practice of law.

Minor mental health matters and one-off episodes of illness need not be declared, nor mild anxiety during exam time.

A one-off episode of depression which was mild and related to a specific matter such as, for example, the end of a close relationship or a bereavement, does not need to be declared.

It is expected that you would declare a persistent or recurrent condition.

Please provide the following information regarding any condition you have declared:

- nature of the condition, and whether it is short term or ongoing;
- frequency and duration of episodes when it could impact on your ability to practise;
- general details of treatment received (particularly if this is ongoing);
- details of how you manage the condition and what support systems you have in place;
- if applicable, progress made toward recovery, and expected time-frame for full recovery; and
- a medical certificate and/or report from your health professional (eg GP, psychologist, psychiatrist) that confirms any condition being declared and includes comments on your fitness to practice law in light of this condition.

If you are unsure as to what you should be disclosing, then please check with your local Law Society branch. Any discussions with the branch will be of a confidential nature.

9 Fit and proper person

If you do answer 'yes' to any of the questions in this section, please:

- Provide detailed information on a separate sheet regarding each such matter.
- Include supporting documents if applicable. For example, court sentencing notes, police summaries, correspondence with the relevant regulatory body etc.

For further information required, please refer to the fit and proper person questions for each case.

A **Have you ever been declared bankrupt, had an assignment for the benefit of creditors, been a person subject to a no assets procedure, or been a director of a company that has been put into receivership or liquidation in New Zealand or in any other country?**

◯ Yes ◯ No

If you have answered 'yes' to this question, please provide a copy of the relevant official documents such as the decision of adjudication, discharge of bankruptcy (if applicable), receivers' or liquidators' report(s), etc., together with detailed information regarding the circumstances of the matter.

B **Do you have any current or pending charges in New Zealand or overseas?**

◯ Yes ◯ No

If you have answered 'yes' to this question, please provide detailed information on the nature of the charge(s), the status of the matter and the likely time-frame for the matter to be concluded.

C **Have you ever been convicted of any crime or offence in New Zealand or overseas other than one concealed by the Criminal Records (Clean Slate) Act 2004?**

◯ Yes ◯ No

Please note your rights under the Criminal Records (Clean Slate) Act 2004 before providing details of any criminal record. The Law Society cannot provide you with advice as to whether a particular conviction is covered by this Act. Where you are in doubt you should seek independent legal advice. If you have a conviction that is not covered by the Criminal Records (Clean Slate) Act 2004 please provide the police summary of facts/caption sheet and any court sentencing notes or decision (if available) for each conviction.

9 Fit and proper person continued

D **Are you the subject of current disciplinary action in another profession or occupation in New Zealand or a foreign country, or have you been the subject of disciplinary action of that kind that has involved a finding of guilt, however expressed?**

◯ Yes ◯ No

E **Have you ever been subject to disciplinary action by a tertiary educational institution?**

◯ Yes ◯ No

If you answer 'yes' to either question d or e, please provide detailed information of the nature of the action or proceedings and the outcome. The Law Society will be making inquiries of relevant bodies including tertiary education institutions. This includes any matters that resulted in a warning, reduction of marks or resit/resubmit. **Please note:** any academic misconduct or disciplinary matter that arose while you were at University or while undertaking professional legal training must be disclosed on this form. This includes any instance where your mark may have been reduced or disallowed.

F **Are you subject to any unresolved complaint under a corresponding foreign law, or a current investigation, charge, or order by any regulatory or disciplinary body for persons engaging in legal practice under a corresponding foreign law?**

◯ Yes ◯ No

G **Have you ever engaged in legal practice (in the reserved areas of law) in New Zealand when not entitled to do so under the LCA or a corresponding law?**

◯ Yes ◯ No

Reserved areas of work as defined in s 6 of the LCA.

H **Have you ever practised law in a foreign country when not permitted by or under the law of that country to do so; or if permitted to do so, in contravention of a condition of the permission?**

◯ Yes ◯ No

I **Has your name ever been removed from a foreign roll, and not been restored?**

◯ Yes ◯ No

J **Has your right of practice as a lawyer ever been cancelled or suspended in a foreign country?**

◯ Yes ◯ No

K **Have you ever contravened, in New Zealand or a foreign country, a law about trust money or a trust account?**

◯ Yes ◯ No

L **Are you subject to an order under the LCA or a corresponding law disqualifying you from being employed by a lawyer or an incorporated law firm?**

◯ Yes ◯ No

9 Fit and proper person continued

M

Do you currently have a mental or physical health condition that may affect your ability to perform the functions required for the practice of the law, or have you ever suffered from a condition of that kind that may recur?

◯ Yes ◯ No

N

Are there any other matters which the New Zealand Law Society should be aware of in considering your application?

◯ Yes ◯ No

If you have answered "yes" to this question, please provide details on a separate sheet of paper and enclose with this form. You may also contact the Law Society for further guidance if you wish.

10 Request for criminal conviction history

As part of your application the Law Society requires a Criminal Conviction History (CCH) from the Ministry of Justice. The Law Society will lodge a request directly with the Ministry who will email you a link for you to complete your details and authorise the request. Once completed the Ministry will send the CCH directly to the Law Society.

If you have lived in a country other than New Zealand continuously for more than 12 months since you turned 18, you will need to arrange for an equivalent report to be sent directly to the Law Society from that country. As overseas conviction checks can take time you are advised to contact the relevant overseas authority and arrange for a report to be sent directly to the Law Society as soon as possible. Please note that your application is unable to be processed until the Law Society has received this report.

Have you lived in a country other than New Zealand continuously for more than 12 months since the age of 18 (other than on a University exchange organised through a NZ University)?

◯ Yes ◯ No

If yes, you will need to arrange for a criminal conviction history report from each country to be sent directly to the Law Society.

Please list the countries you have lived in

11 Other jurisdictions

This section is not relevant to you unless you have been admitted and practised in another jurisdiction.

Please record details of admission and practising certificates held in any other jurisdiction. Please arrange for a **current certificate of fitness/good standing** (no more than three months old) from the appropriate regulatory body/authority in each jurisdiction where you have practised or have been admitted to be sent directly to the relevant branch of the Law Society.

Jurisdiction

Title

◯ Barrister ◯ Barrister and solicitor

Date of admission (dd/mm/yyyy)

Current practising certificate

◯ Yes ◯ No

Jurisdiction

Title

◯ Barrister ◯ Barrister and solicitor

Date of admission (dd/mm/yyyy)

Current practising certificate

◯ Yes ◯ No

12 Other professions

This section is not relevant to you unless you have have previously applied to become registered in, or have been registered in another profession.

Please record details of any other profession that you have applied to become registered in, or have been registered in. Please include details of where and when you were registered, or applied to be registered, and provide an original certificate of fitness/good standing from the applicable regulator. You may be asked to provide further information.

13 Authority to inquire, confirmation and consent to publish name

- I authorise the Law Society to seek information about my character from the organisations where I completed my tertiary qualifications or if not completed, where I commenced my tertiary study, and the professional training provider where I completed or am completing my Professional Legal Studies course. I authorise the officers of each such organisation to disclose anything they consider relevant to my fitness for admission.
- I authorise the Law Society to make independent enquiries and obtain from any person or entity, any information about me that the Law Society considers necessary to assess this application, and I authorise any such person or entity to disclose this information to the Law Society.
- I confirm that each referee named in this application has authorised me to disclose their name and contact details to the Law Society.
- I authorise the Law Society to initiate a Criminal Conviction History check with the Ministry of Justice.
- I consent to the publication of my name to the law profession as an applicant for admission and the placing of my name on the Law Society's website for the same purpose.
- I confirm I have read and understood the *Information Handling Policy*.

Applicant signature

Date (dd/mm/yyyy)

14 Declaration

The information you have given in the application form is covered by the declaration. The declaration is not valid unless signed and witnessed by an enrolled barrister and solicitor of the High Court or a Justice of Peace. If you are signing the declaration outside of New Zealand, it must be made in accordance with s 11 of the Oaths and Declarations Act 1957.

I (your full legal name)

(your occupation)

of (your full residential address)

solemnly and sincerely declare that I have read and understood this application form, that the contents of this completed application form are true and correct, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signed (applicant)

Declared at (place)

On this date (dd/mm/yyyy)

Before me (e.g. Justice of the Peace, Solicitor of the High Court of New Zealand)

Signed (witness)

Stamp

15 Certificate and documentation retrieval

Please provide an appropriately sized self addressed pre-paid A4 courier bag with your application to enable the safe return of your original documents. Alternatively, check with your branch to see if you can collect your certificate.

◯ Courier enclosed ◯ I intend to pick up

16 Payment, receipt and admission

The fee is NZ $297.85 including GST.

Once your application has been received you will be emailed instructions on how to log in to registry to download your invoice and how to make payment.

Please refer to your invoice for our bank account details.

If you wish to pay by credit or debit card, you can pay online when accessing your invoice.

Payment by credit or debit card will incur a card payment surcharge.

Please note that your application cannot be processed until payment has been received.

Receipt and admission

The Law Society will provide a receipt when the Certificate of Character is issued. The receipt should be attached to your affidavit in support to be filed in the High Court for admission. Please note that this receipt is separate from the Court filing fee, which must also be paid to the High Court. More information on the admission process is available at *lawsociety.org.nz/starting-as-a-lawyer*

How would you prefer to pay for your application?

◯ Direct credit / internet banking ◯ Credit card ◯ Debit card

Sending your application

Please provide the original of this form and any supporting documents to the relevant Law Society branch office. Return via post to the PO Box or courier/deliver to physical address:

Auckland
- 09 304 1000
- *aucklandregistry@lawsociety.org.nz*
- Level 12, 51 Shortland Street, Auckland 1010
- PO Box 4417, Auckland 1140

Waikato Bay of Plenty
- 03 218 8778
- *southland@lawsociety.org.nz*
- Ground Floor, 17 Grantham Street, Hamilton 3204
- PO Box 821, Invercargill 9840

Gisborne
- 07 838 0264
- *gisborne@lawsociety.org.nz*
- Ground Floor, 17 Grantham Street, Hamilton 3204
- PO Box 180, Hamilton 3240

Hawke's Bay
- 09 304 1000
- *hawkesbay@lawsociety.org.nz*
- Level 12, 51 Shortland Street, Auckland 1010
- PO Box 4417, Auckland 1010

Taranaki
- 06 769 5429
- *taranaki@lawsociety.org.nz*
- 53 Dawson Street, New Plymouth 4340
- PO Box 150, New Plymouth 4340

Whanganui
- 0800 22 30 30
- *wellingtonregistry@lawsociety.org.nz*
- Level 4, 17 Whitmore Street, Wellington 6011
- PO Box 5041, Wellington 6140

Manawatu
- 0800 22 30 30
- *wellingtonregistry@lawsociety.org.nz*
- Level 4, 17 Whitmore Street, Wellington 6011
- PO Box 5041, Wellington 6140

Wellington
- 0800 22 30 30
- *wellingtonregistry@lawsociety.org.nz*
- Level 4, 17 Whitmore Street, Wellington 6011
- PO Box 5041, Wellington 6140

Marlborough
- 0800 22 30 30
- *wellingtonregistry@lawsociety.org.nz*
- Level 4, 17 Whitmore Street, Wellington 6011
- PO Box 5041, Wellington 6140

Nelson
- 0800 22 30 30
- *wellingtonregistry@lawsociety.org.nz*
- Level 4, 17 Whitmore Street, Wellington 6011
- PO Box 5041, Wellington 6140

Canterbury Westland
- 03 366 9184
- *canterburywestland@lawsociety.org.nz*
- Level 1, 307 Durham Street, Christchurch 8013
- PO Box 565, Christchurch 8140

Otago
- 03 477 0596
- *otago@lawsociety.org.nz*
- ASB House, Unit 3, Level 2, 248 Cumberland Street, Dunedin 9016
- Private Bag 1901, Dunedin 9054

Southland
- 03 218 8778
- *southland@lawsociety.org.nz*
- c/o Invercargill Courthouse, 35 Don Street, Invercargill 9810
- PO Box 821, Invercargill 9840