



LEGAL PROFESSION ADMISSION BOARD

NSW Legal Profession Admission Board

Guideline on assessing s 20 conditional admission applications

(updated 28 July 2025)

Preliminary

1. This guideline is issued by the Legal Profession Admission Board and is intended to guide applicants seeking conditional admission under s 20 of the Legal Profession Uniform Law (**Uniform Law**), along with the Board itself and its delegates in determining such applications. It should be read together with the Legal Services Council's two guidelines on conditional admission of foreign lawyers and on s 18 exemptions.
2. The Board may only issue a compliance certificate for the purpose of admission if it is satisfied that an applicant:
 - a. has satisfied the specified academic qualifications prerequisite and the specified practical legal training (**PLT**) prerequisite; or
 - b. is exempted from having to meet these prerequisites under s 18 of the Uniform Law (s 19(3)(a) Uniform Law).
3. The Board must also be satisfied an applicant is a fit and proper person to be admitted to the Australian legal profession (s 19(3)(b) of the Uniform Law). This will involve a separate assessment by the Board in respect of prescribed matters (see rr 10 and 17 of the Legal Profession Uniform Admission Rules 2015 (**UAR**)) that the Board must also consider when considering the application for admission generally, such as:
 - whether the person has sufficient knowledge of written and spoken English to engage in legal practice (see the Board's [English language requirements](#) on the Board's website);
 - whether they are able satisfactorily to carry out the inherent requirements of practice of an Australian legal practitioner (e.g. in terms of their physical or mental health);
 - any disclosure made by the applicant of any matter that a reasonable person would consider might be regarded by the Board as not favourable to its assessment of whether or not the person is currently of good fame and character and a fit and proper person to be admitted to the Australian legal profession.
4. A foreign qualified or trained applicant for admission will usually not satisfy the specified Australian academic and PLT prerequisites for admission (see s 17(1) of the Uniform Law and r 5 of the UAR). They therefore will require a s 18

exemption if they are to be granted a compliance certificate. Under s 18(1), the Board may exempt a person from satisfying the specified academic qualifications prerequisite or the specified PLT prerequisite, or both, if the Board is satisfied that the person has sufficient legal skills or relevant experience so as to render the person eligible for admission.

5. As explained in the LSC guideline on conditional admission of foreign lawyers, the Board may also exempt a foreign lawyer under s 18 on the basis that it will also recommend in a compliance certificate that they be admitted subject to one or more conditions specified under s 20(1) of the Uniform Law, where those conditions may include the completion of particular academic study or PLT. The conditions may include a time limit on completion of such requirements. Thus, immediate conditional admission may be permitted pursuant to s 20 where a s. 18 exemption is also granted to overcome any relevant gaps in the academic qualifications or PLT of an applicant.
6. A foreign qualified applicant who seeks to be admitted immediately upon conditions pursuant to s 20 of the Uniform Law will therefore always require an assessment of both:
 - a. the appropriateness of them being admitted on s 20 conditions (and if so, what conditions – if any – should be imposed); and
 - b. whether they have sufficient legal skills or relevant experience so as to render them eligible for admission such as to warrant being granted a s 18 exemption from the academic and PLT prerequisites (with or without a condition requiring completion of particular academic study or PLT).

Basis of conditional admission

7. A foreign lawyer seeking conditional admission under s 20, and a correlative exemption under s 18, will be expected to show due cause why they should be immediately admitted as an Australian lawyer even though they have not attained the specified academic qualifications or satisfactorily completed the specified PLT. Applicants should not expect a recommendation for immediate conditional admission readily to be given, as opposed to being required to undertake any further necessary study or training prior to being admitted.
8. Relevant considerations in relation to a s 20 application may include, for example:
 - a. whether the applicant seeks admission for a particular period of time and, if so, the length of that period;
 - b. the nature of the applicants' qualifications and experience;
 - c. whether the applicant has previously obtained a direction under UAR r 11 and, if so, the degree to which they have completed any further directed study or training;

- d. the nature of the practice proposed (e.g. whether the applicant is only to be engaged in a limited role for a specific purpose);
 - e. any reasons said to warrant conditional admission in the particular circumstances of the application (e.g. whether the applicant has particular expertise of importance to some particular matter);
 - f. whether the application is supported by one or more references addressing the legal skills and experience of the applicant.
9. In general, the Board will expect a conditionally admitted lawyer to be supervised in their practice in Australia, and for a condition to be included to that effect. Similarly, a conditionally admitted lawyer will not, ordinarily, be authorised to supervise legal practice by others in the sense contemplated by s 47(6) of the Uniform Law. If an applicant for conditional admission seeks a departure from this general approach, this should be explicitly referred to in their application and an explanation of the particular circumstances which justify such a departure should be provided.
10. An applicant is responsible for drafting the proposed conditions on which they seek to be admitted. The Board is not bound to accept those proposed conditions.
11. The following are some sample conditions that the Board may consider:
- a. That by [specified date] or such later date or dates as may be permitted by the Board in writing, the lawyer must:
 - i. acquire academic qualifications in the following Prescribed Areas of Knowledge identified in Sch 1 Pt 2 of the Legal Profession Uniform Admission Rules 2015 (NSW) through a course of study approved, in writing, by the Board:
 - [List all further academic or PLT study the applicant has been directed to undertake by any assessment made pursuant to UAR r 11]; and
 - ii. provide evidence to the Board of their compliance with this condition.

(Where more than three subjects are involved, staggered completion dates will be expected.)
 - b. That until such time as the Board confirms, in writing, compliance with any condition requiring the lawyer to undertake further academic study or practical training, the area of law in which the lawyer may engage in legal practice is limited to [the particular area of law in which they have demonstrated that they possess the relevant academic and practical skills, training and experience].
 - c. That until such time as the Board confirms, in writing, satisfaction of compliance with any condition requiring the lawyer to undertake further

academic study or practical training, they cannot appear in any Court or Tribunal in their capacity as an Australian legal practitioner.

- d. That the lawyer's admission is limited to acting in the [matter of X v Y, including any appeals, mediations, conciliations, arbitrations, and ancillary actions arising out of those proceedings] / [transaction described as XYZ, including resolution of any dispute arising out of that transaction].
 - e. That:
 - i. the lawyer's admission is limited to the period ending [specified date] or such later date or dates as may be permitted by the Board in writing; and
 - ii. the area of law in which the lawyer may engage in legal practice is limited to [the particular area of law in which they propose to work during a secondment or short-term appointment *and* have demonstrated that they possess the relevant academic and practical skills, training and experience].
 - f. That prior to providing legal services to any client, the lawyer must notify the prospective client, in writing, of all conditions attaching to their admission.
12. The Board will not in general recommend conditional admission nor grant a s 18 exemption if the applicant has not satisfied the academic requirement relating to Federal and State Constitutional Law. The Board considers that to be the foundation of any lawyer's understanding of the Australian legal system. The Board may make exceptions, for example if the applicant is involved in a discrete and urgent matter of limited duration.
 13. The Board will not in general recommend conditional admission nor grant a s 18 exemption unless it is satisfied that the applicant has the relevant practical skills in the relevant practice area in which they are proposing to practice.

The process for making and determining applications

14. Foreign qualified and/or trained applicants for unconditional or conditional admission are first required to undergo an assessment of their academic and PLT qualifications pursuant to UAR r 11. The assessment will determine what (if any) further academic or PLT study the applicant should undertake. Such an assessment is undertaken in the first instance by the Academic Exemptions Sub-Committee or the Practical Training Exemptions Sub-Committee of the Legal Qualifications Committee of the Board (**LQC**).
15. For applications for conditional admission, as noted, the Board must be satisfied that the applicant has sufficient legal skills or relevant experience to render them eligible for admission before granting an exemption under s 18. Similarly, a decision to recommend a conditional admission under s 20 must take account of the nature and limits of the applicant's legal skills and

experience. In that context, any prior direction given under UAR r 11 in a Uniform Law State – and whatever progress the applicant has made in complying with the direction – will be important when considering applications under ss 18 and 20. If an assessment has not previously been made under r 11, then the Board will need to undertake such an assessment.

16. An applicant for conditional admission under s 20 will be taken also to be seeking an exemption under s 18 for any academic or PLT prerequisites which they are assessed under the r 11 process as needing to satisfy in order to obtain unconditional admission. No further application under s 18 is needed.
17. The Board and its delegates have a discretion to waive the need for an assessment, taking account of matters such as those listed at [8] above. All applicants for conditional admission will be required to provide the original transcript or confirmation of completion of their foreign academic and PLT qualifications.
18. Depending on the type of conditional admission sought, applications may be considered by the Board, one of its committees, or one of its officers. A conditional admission is a “complex” application, and applicants should heed the published deadlines for the submission of complex applications to the Board.

General

19. Any condition proposed by an applicant should be carefully considered and drafted prior to the initial application made to the Board.
20. Where the Board or its delegate specifies conditions, it is incumbent on the applicant carefully to check that those conditions are suitable. An applicant may apply to the Board for a variation or may withdraw their application for admission prior to their admission to the Court.
21. An applicant has a right to appeal to the Supreme Court under s 26(3) of the Uniform Law in respect of any conditions recommended by the Board and under s 26(1) against the refusal of a compliance certificate.
22. Once admitted, conditions imposed can only be varied or revoked by the Supreme Court, although the Board may make recommendations to the Court about doing so: s 20(3), Uniform Law. Any such application should be made to the Supreme Court directly.
23. A conditional admission in New South Wales will entitle an applicant to practise in this State (assuming that all relevant conditions are complied with and a practising certificate is obtained). The Board will not generally impose a condition that practice should be restricted to New South Wales. However, applicants who wish to practise outside of New South Wales must make their own enquiries about their entitlement to do so in each relevant jurisdiction. For registration to practice in federal courts, applicants need separately to register in the High Court of Australia.