



# LEGAL PROFESSION ADMISSION BOARD

## **Guideline – Current procedure for the making of a s.20 conditional admission application (as at 4 November 2024)**

The Legal Profession Admission Board is now considering applications for conditional admission pursuant to s.20 of the Legal Profession Uniform Law.

The Board is working on an updated application form and there are no current guidelines as to how conditional admission applications are to be assessed and what information is necessary.

In the interim, applications for conditional admission should follow this process

1. Lodge a standard 'application for admission' with the Board, accessible via the Online Admission Portal on the Board's website (current cost: \$950). This will involve all of the usual checks that are undertaken for admission purposes including a request for a 'certificate of good standing' from the jurisdiction in which a foreign applicant has practised, requests for character references, 'disclosure statements' etc.

In most cases this will also involve the applicant first having had their foreign academic and practical legal training assessed to determine what additional qualifications or training they would be required to undertake to be eligible for admission.

2. Lodge, along with the normal application, by way of letter (until new forms are developed) a request that they be admitted upon **s.20 Uniform Law** conditions and also an exemption under section 18 of the Uniform Law
3. Outline to the Board the conditions that the applicant seeks to be admitted upon. Section 20 outlines the general categories of conditions that the Board can impose.
4. Outline to the Board why the conditions are appropriate. An applicant must address their qualifications, training and experience as it relates to the proposed conditions for admission so that the Board can form an assessment as to the appropriateness of the conditions.
5. Outline why the Board should dispense with under s18 any gap in the applicant's qualifications or practical legal training required to be admitted unconditionally as a lawyer in New South Wales.

### ***Information to be provided in respect of s.20 conditional admission proposal***

The LPAB would wish to be informed as to:

- the nature and scope of the legal practice in which the foreign lawyer proposes to engage in Australia;

- any proposed employment, supervisory and professional support arrangements which the foreign lawyer has already made in Australia; and
- the nature, scope and purpose of any conditions of the following type as specified in s. 20 (1) of the Uniform Law which the foreign lawyer considers might appropriately be attached to the certificate of compliance, i.e.
  - (a) a condition limiting the period of the conditional admission (see s.20 (1)a).
  - (b) a condition requiring the foreign lawyer to complete any particular academic or practical legal training or both, within a specified period (see s. 20 (1)(b)
  - (c) a condition requiring the foreign lawyer to engage in supervised legal practice (see s. 20 (1)(c);
  - (d) a condition limiting the area of law in which the foreign lawyer may engage in legal practice (see s. 20 (1)(d).

This is noting that a primary consideration for the LPAB in considering an application for s. 20 admission is whether the proposal will go to ensure that the foreign lawyer provides legal services of an appropriate professional quality and standard to clients in Australia.

***Information to be provided in respect of s.18 request for exemption from having to satisfy the specified academic qualifications prerequisite or the specified practical legal training prerequisite or both***

Ideally the s.18 exemption request letter should to address how the applicant's 'legal skills and relevant experience' meet the Academic Areas of Knowledge (or eleven (11) Priestley subjects) listed in Schedule 1, Part 2 of the *Legal Profession Uniform Admission Rules 2015* and the 'competencies' ( skills, compulsory practice areas, optional practice areas (of which only two have to be selected) and values) listed in Part 2, Schedule 4 of the *Legal Profession Uniform Admission Rules 2015*.

**Timing of the Board's consideration of s.20 applications**

The time for the processing of the application will be the same for other 'complex' applications for admission that need to be considered at meetings of the Board, which only meets every 2 months.

Assuming the Board approves the application, the foreign lawyer would then also need to book into an admissions ceremony before the Supreme Court

**Variation or revocation of conditions imposed on admission**

It is important for prospective applicants to note that at present, the only way to vary or revoke any conditions imposed on a person's 'conditional admission', is by way of an application to the Supreme Court of NSW by way of summons.

The Supreme Court will charge, in relation to such an application for variation or revocation, at a minimum, a filing fee (approximately \$1,200), and possibly also a hearing allocation fee (approximately \$2,333) when a hearing date is set, and may charge other applicable fees, for example, if interlocutory steps are required.

This is not a problem if the person only seeks to work in Australia for a limited period or is content to work under restrictive practice conditions indefinitely, but may be an issue for others, for example a person who proposes to work subject to supervision and in a limited practice area while they are undertake any academic study or practical legal training.