Legal Profession Admission Board of New South Wales

LPAB Guideline

Directions Under Rule 11 of the Legal Profession Uniform Admission Rules

1. Undertaking Assessments Under Rule 11

1.1 The legal context

1.1.1 Section 17(1) of the Legal Profession Uniform Law (**LPUL**) provides that prerequisites for the issue of a compliance certificate – and thus for admission – are that the applicant has:

- attained the academic qualifications specified under the Legal Profession Uniform Admission Rules (**UAR**), being those identified in cl 5(1) and Sch 1 (the **academic prerequisite**); and
- satisfactorily completed the practical legal training requirements specified in the UAR, as identified in cl 6(1) and Sch 2 (the **PLT prerequisite**).

1.1.2 It is implicit in these requirements that the academic and PLT requirements must be completed in Australia at bodies accredited by the Board.

1.1.3 Section 18 of the LPUL enables the Board to exempt a person from satisfying these prerequisites, in whole or in part. Section 18 decisions are taken when the person is seeking admission, as the provision is addressed to the question of whether the person is eligible for admission.

1.1.4 Section 20 of the LPUL provides an avenue through which an applicant who is not able to satisfy the academic prerequisite (or PLT prerequisite, although this would seem to be a less likely use of the power) may nevertheless be admitted to the legal profession subject to certain identified conditions. That issue is addressed in a separate guideline issued by the Board.

1.1.5 It is r 11 of the UAR which enables a foreign lawyer to seek an assessment of their qualifications, training and experience as regards the academic and/or PLT prerequisites. That power enables the Board to give a “direction” as to whether or not the person’s academic qualifications and PLT obtained overseas are sufficient to render the person eligible for admission and, if not sufficient in whole or in part, guidance as to what additional qualifications or training the person needs to undertake. Those assessments are undertaken on behalf of the Board, in the first instance, by the Academic Exemption Sub-committee (**AESC**) and the Practical Legal Training Exemption Sub-committee (**PLTESC**). Applicants dissatisfied with an assessment may apply for reconsideration by the Legal Qualifications Committee (**LQC**).

1.1.6 In giving a direction under r 11 the decision-maker is in substance looking ahead to whether an exemption should be granted from the academic/PLT prerequisites in whole or in part pursuant to s 18 of the LPUL. In making a s 18 decision the Board is required to consider any r 11 direction previously given: UAR r 6A(2)(c). In practice, if the person complies with a direction given under r 11, including within the time specified, then unless there has been some significant change in circumstances that will in general be sufficient to satisfy the Board that the person is eligible for an exemption under s 18 for the *other* aspects of the academic or PLT prerequisites (ie beyond what the person was directed to undertake): see **LSC Guideline** on "Considering exemptions from certain prerequisites for lawyers with overseas qualifications or training" at [21].

1.1.7 As noted in the Board's Guideline on assessing s 20 conditional admission applications, an assessment under r 11 is also generally required as a precondition to any application for conditional admission. Such assessments will invariably inform any determination of whether an applicant should be conditionally admitted to the legal profession and, if so, the content of any conditions to be imposed upon their admission.

1.2 Relevant criteria

1.2.1 In this context, the core issue when considering an application for a r 11 direction is whether the applicant should in due course be granted an exemption in whole or in part from the academic and/or PLT prerequisites under s 18.

1.2.2 The test for granting an exemption under s 18(1) – and thus the core issue when considering a r 11 application – is whether the Board:

> is satisfied that the person has sufficient legal skills or relevant experience so as to render the person eligible for admission.

1.2.3 Such skills or experience "can be obtained in legal practice, in service with a government authority or in another way considered appropriate", and this can be obtained overseas or in Australia or a combination of both (s 18(2)). For the avoidance of doubt, skills can also be obtained by way of study.

1.2.4 When making an assessment under r 11, the issue can be expressed in terms of whether the person has demonstrated – by reference to their study, skills or experience – that they have (or will have when applying for admission) acquired each of the academic areas of knowledge identified in the academic prerequisite, and achieved the required competencies identified in the PLT prerequisite, so as to render them eligible for admission.

1.2.5 Furthermore, when considering s 18 exemption applications UAR r 6A spells out certain mandatory relevant considerations (noting that this does not prevent the Board having regard to other considerations), as follows:

> (2) When considering whether to grant an exemption under the Uniform Law, section 18, the Board must have regard to the following—

(a) for a foreign lawyer who has practised foreign law for a total of at least 7 years—

(i) the extent to which the legal system and regulatory framework of the relevant foreign country are substantially equivalent to the legal system and regulatory framework of this jurisdiction, and

(ii) the number of years the applicant has practised foreign law, and

(iii) the type of legal practice the applicant has engaged in, and

(iv) the nature of the applicant's previous work, including the applicant's level of responsibility,

(b) for a foreign lawyer who has not practised foreign law for a total of at least 7 years—the extent to which the foreign lawyer's—

(i) academic qualifications are substantially equivalent to the specified academic qualifications prerequisite, and

(ii) practical legal training is substantially equivalent to the specified practical legal training prerequisite,

(c) any direction given by the Board under rule 11.

(3) For subrule (2), time spent working under the supervision of a foreign lawyer to fulfil a requirement for registration or authorisation to engage in legal practice in a foreign country is taken to be time spent practising foreign law if the legal system and regulatory framework of the foreign country are substantially equivalent to the legal system and regulatory framework of this jurisdiction.

1.2.6 The rule draws a distinction based upon whether the person has worked for at least 7 years. For foreign lawyers who have practised for a longer period of time, the focus under r 6A is more directed to the similarity of the legal system in question and the nature of the applicant's practice experience (r 6A(2)(b)). This 7 year distinction is not rigid: matters relevant to one category may also be relevant to the other: LSC Guideline, [14] and [16]. The "longer the foreign lawyer has spent in practice, and the broader their experience, the less likely it is that their academic qualifications or practical legal training will be significant": ibid, [14]. Nevertheless, it is implicit in the rule that 7 years is seen as a marker of a lawyer with substantial experience.

1.2.7 Rule 6A is directed to considering exemptions for both the academic and PLT prerequisites. The 7 year distinction is likely to be of greater importance for the academic prerequisite than for PLT. As explained in the observations below, significantly less experience may be sufficient when considering the PLT competencies.

1.2.8 Pursuant to r 6A(3) time spent as a pre-admission trainee lawyer in a substantially equivalent legal system may be taken into account in considering work experience.

1.2.9 Although a r 11 direction involves looking ahead to the potential grant of a s 18 exemption, in the manner explained, there is a limit to what can be assumed about what may happen in the meantime. For example, if an applicant is directed to study a number of prescribed subjects then they might argue that they will be working in a legal capacity whilst they do those courses, which may take one or more years. They might say that by the time the s 18 issue comes to be considered they will have sufficient experience that they should not be required to undertake study some particular subject (eg Civil Dispute Resolution, if they are working in litigation). However, it can never be said to be *certain* that the applicant will continue undertaking particular work. The decision must be made on the material available at the time. Some practical allowance might be made for the likely course of events, but only to a limited extent.

1.2.10 The LSC Guideline provides some further (limited) guidance with respect to s 18 applications.

1.3 The Uniform Principles

1.3.1 Another relevant source of guidance when considering applications for a direction is the Law Admissions Consultative Committee document entitled “Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession” (**Uniform Principles**). That guidance has limits:

- It is not directed to the particular legal context that applies in the Uniform Law jurisdictions. Thus, importantly, it does not take account of the significance of the criteria spelt out in s 18 of the LPUL and r 6A of the UAR.
- It is based on general, point-in-time, observations made as to the nature of legal education in the various jurisdictions addressed, which may be indicative but is not determinative of the particular academic and practical studies undertaken by an applicant seeking an assessment under r 11 of the UAR.
- It is a guideline. It does not establish rigid rules.
- There are some tensions and ambiguities within the Uniform Principles, some of which are discussed below.

1.3.2 Notably, items 3 and 4 of the Uniform Principles relevantly indicate that an applicant will be expected to demonstrate that their qualifications and/or experience are *substantially equivalent* to those required of a local applicant. This “substantially equivalent” test is partially reflected in UAR r 6A, insofar as that is a mandatory relevant consideration as regards a foreign lawyer who has not practised foreign law for a total of at least 7 years (r 6A(2)(a)).

1.3.3 Insofar as the applicant relies on practical experience, item 5 and Sch 5 of the Uniform Principles are also relevant. They involve consideration of whether the applicant’s experience in practice is *relevant, substantial/significant and current*. Schedule 5 of the Uniform Principles outlines “common considerations” for applicants relying on their work experience. These overlap to a significant extent with the matters raised in r 6A, although the latter rule is now of greater importance.

1.3.4 Further specific observations about the Uniform Principles are set out below.

2. Academic Assessments

2.1 The academic prerequisite

2.1.1 The academic prerequisite identifies the "academic areas of knowledge" a candidate for admission to the legal profession must have acquired, often described as the "Priestley 11", being:

- Administrative Law;
- Civil Dispute Resolution;
- Company Law;
- Contracts;
- Criminal Law and Procedure;
- Equity;
- Ethics and Professional Responsibility.
- Evidence;
- Federal and State Constitutional Law;
- Property; and
- Torts.

2.1.2 Schedule 1 of the UAR describes each of these academic areas of knowledge by reference to a list of topics which it is anticipated they will encompass. Two observations can be made about these topic lists.

2.1.3 First, cl 2 of Sch 1 of the UAR makes clear that the specified topics have been grouped for convenience under each of the academic areas of knowledge, but need not all be taught in a single subject covering the relevant area of knowledge if some or all are adequately addressed in another suitable subject. For the purposes of assessments made under UAR r 11, this means that it is the underlying course content (rather than the name which may have been given to any particular subject studied) which must be examined where prior study is being relied upon by an applicant to demonstrate that they have obtained academic qualifications which are substantially equivalent to any of the academic areas of knowledge.

2.1.4 One relevant consideration is the *time* involved in studying the relevant subject. The LACC Accreditation Standards for Australian Law Courses for Australian university courses in the Priestley 11 indicates that generally 36 teaching hours are required for each prescribed area of knowledge (para 4.4(b)).

2.1.5 Secondly, the topic list referable to each area of knowledge is generally qualified by the phrase “or topics of such breadth and depth as to satisfy the following guideline”, followed by a more general description of the learning outcomes intended to be captured by the relevant area of knowledge. In this way, UAR Sch 1 appears to contemplate the possibility that an academic area of knowledge can have been acquired in circumstances where one cannot identify with precision a course or courses of academic study through which all of the topics listed under it have been delivered.

2.1.6 For this reason, the more general description of the required learning outcomes referable to an area of knowledge will often be a more useful comparator when considering the substantial equivalence of qualifications acquired by an applicant.

2.1.7 In the case of applicants who have practised foreign law for a total of at least 7 years, the more general description of the required learning outcomes referable to an area of knowledge may also provide a useful point of reference when considering whether the nature and extent of an applicant’s previous work experience favours the granting of an exemption under s 18 of the LPUL from the requirement to have acquired, through a course of academic study, any one or more of the academic areas of knowledge.

2.2 The Uniform Principles

2.2.1 Schedule 2 of the Uniform Principles identifies “Common Additional Academic Requirements” for people who have qualified in various countries. This part of the Uniform Principles continues to provide guidance when determining whether academic qualifications obtained by an applicant are substantially equivalent to the specified academic qualifications prerequisite. It offers some assistance by articulating some useful rules of thumb. But, like all of the statements in the Uniform Principles, Schedule 2 must be understood in light of the explanation above as to the relevant legal issues arising in this State when undertaking an assessment. It is to be recalled that the document is a guideline, not a set of rules. The guidance it offers in relation to any particular academic area of knowledge should – and, in the case of an applicant who has practised foreign law for a total of at least 7 years, must – consider the extent to which the relevant area of knowledge might have been acquired through the applicant’s professional experience, either alone or in combination with any academic study which might have been satisfactorily completed.

2.2.2 The Uniform Principles cannot substitute for the applicable general principles. The ultimate question in relation to any particular subject in the Priestley 11 is whether the person has demonstrated – by reference to their study, skills or experience – that they have (or will have when applying for admission) acquired the identified academic areas of knowledge.

2.2.3 For example, for applicants with qualifications from some jurisdictions (eg England and Wales) Schedule 2 of the Uniform Principles indicates that credit may be given for Administrative Law if it has been studied as a separate comprehensive subject in the applicant’s degree. However, little guidance is otherwise offered as to how this discretion is to be exercised. This discretion should be approached on the basis that an exemption will ordinarily be given if an applicant, through their academic studies of Administrative Law and/or their professional experience, has acquired that academic area of knowledge to the degree required for them to appreciate the way in which that area of law has developed within an Australian context and adapt their existing knowledge to meet those developments.

2.2.4 Similarly, Schedule 2 of the Uniform Principles provides that applicants with qualifications from some jurisdictions (eg England and Wales) may be given credit for Ethics and Professional Responsibility if they have successfully completed Professional Conduct and Regulation or Professional Ethics as part of the PLT requirements of their home jurisdiction. Once again, no guidance is provided as to how this discretion is to be approached. As a rule of thumb, it will generally be appropriate for such an applicant to be granted an exemption from Ethics and Professional Responsibility where, in addition to the relevant PLT studies, they have professional experience which is likely to have reinforced and required them to demonstrate an understanding of the various pertinent rules concerning a practitioner's duty to the law, the Courts, clients and fellow practitioners and a basic knowledge of the principles relating to the holding of money on trust. Applicants need not necessarily have practised foreign law for 7 years or more for their experience to justify an exemption in these circumstances, although significant experience would be required.

2.2.5 Otherwise, and as is reflected in Schedule 2 of the Uniform Principles, assessments under r 11 of the UAR should assume that it will generally not be appropriate to grant a s 18 exemption leading to unconditional admission if:

- the applicant has not satisfied the academic requirement relating to Federal and State Constitutional Law, as that academic area of knowledge is foundational to any lawyer's understanding of the Australian legal system (although in some cases these foundational principles may be acquired through a course of study which does not address, in detail, the State constitutions); or

- the applicant, through their academic studies of Property Law and/or their professional experience, has not acquired knowledge of a statutory scheme of registration sufficient to enable them to understand and operate within the Torrens system of title.

2.3 Summary: assessing an application by a foreign lawyer for a direction with respect to the academic prerequisite under r 11

2.3.1 The ultimate issue in giving a r 11 direction relating to the academic prerequisites is whether the person has demonstrated – by reference to their study, skills or experience – that they have (or will have when applying for admission) acquired each of the academic areas of knowledge identified in the academic prerequisites in UAR Sch 1, so as to render them eligible for admission.

2.3.2 In light of UAR r 6A, and items 2-3 and Sch 2 of the Uniform Principles, the following considerations are relevant in making that assessment:

- the academic study successfully completed by the applicant and the extent to which it reflects the acquisition of academic knowledge which is substantially equivalent to the academic areas of knowledge which comprise the academic prerequisite;

- the nature of any overseas work experience;
- the length of that work experience, noting that time as a pre-admission trainee lawyer may be taken into account;
- the level of responsibility attained by the applicant;
- whether that experience was in a substantially equivalent legal system;
- whether, and if so the extent to which, that experience (either alone or in combination with any course of study successfully completed) has led to or demonstrated the acquisition by the applicant of any of the academic areas of knowledge; and
- any evidence of the applicant having acquired any academic area of knowledge in other ways (eg having worked in teaching or training other lawyers).

2.3.3 The assessment should recognise that the academic prerequisite is only directed to ensuring that an applicant – through academic study, professional experience or a combination of these – has acquired each of the academic areas of knowledge to the level ordinarily required to obtain a pass mark in subjects which represent their substantial equivalents in a course which Australian applicants must successfully complete before being admitted to the legal profession in NSW.

2.3.4 There is reason to be inclined to require virtually all applicants to study Federal and State Constitutional Law but this is certainly not an invariable rule.

2.3.5 Observations about other academic areas of knowledge are set out above.

3. PLT Assessments

3.1 The PLT prerequisite

3.1.1 The PLT prerequisite identifies the “required competencies”, being:

- four identified “skills” (one of which is “Trust and Office Accounting” – which will be referred to below as “Trusts”);
- three “compulsory practice areas”;
- two out of eight possible “optional practice areas”; and
- the “values” component which addresses “Ethics and Professional Responsibility” (which will be referred to below as “**Ethics**”).

3.1.2 Those competencies are to be acquired by means of completing programmed training and “the equivalent of at least 15 days’ workplace experience”: UAR Sch 2 cl 5.

3.1.3 These competencies are directed to training of entry-level lawyers. They are meant to bridge a gap between having completed an academic course in law and entering legal practice. Thus Sch 2 speaks in terms of “an entry-level lawyer should be able to …” (see cll 11-17, 19-23 and 25-26). For example, with respect to “Lawyer’s Skills”, it is said that “[a]n entry-level lawyer should be able to demonstrate oral communication, legal interviewing, advocacy, negotiation, dispute resolution, letter-writing and drafting skills” (cl 20). Being able to demonstrate advocacy skills does not mean that the lawyer is ready to run a trial.

3.1.4 Achievement of the competencies is not directed to immediate readiness to practice in an unsupervised way. In general, a solicitor is not permitted to engage in unsupervised practice until two years after admission. In recent consultations about PLT it has repeatedly been stated by both new lawyers and those who supervise them that most practical training occurs in the workplace.

3.1.5 That is the context in which assessments are undertaken of what, if any, further PLT a foreign lawyer must undertake before being admitted in this jurisdiction. If an applicant has not insignificant work experience as a lawyer in a comparable jurisdiction then a question arises as to the utility of requiring them to undertake a course run by PLT providers. One way of viewing the issue is to consider whether requiring the foreign lawyer to undertake (in whole or part) a PLT provider’s course would materially advance their readiness to undertake supervised practice in Australia as compared to an entry-level Australian trained lawyer.

3.1.6 Rule 6A of the UAR provides that, for someone has practised for a total of less than 7 years, the “extent to which the foreign lawyer’s … [PLT] is substantially equivalent to the specified [PLT] prerequisite” is a mandatory relevant consideration. Equivalency must therefore be considered for such lawyers. That does not mean that the decision turns only on a fine analysis of how the PLT undertaken by the foreign lawyer matches up with the competencies set out in Sch 2 of the UAR. The rule expressly does not require that equivalency is the only thing that must be considered. Moreover, what is in r 6A must be read subject to the overall test in s 18, and purposively and consistently with the nature of the competencies (as set out in the UAR). As explained, those competencies are about bridging the gap between completing academic studies and becoming suitable to be employed as an entry level lawyer subject to supervision.

3.2 Observations about the particular competencies

Skills

3.2.1 Leaving Trusts aside for a moment, the other three skills are “Lawyer’s Skills”, “Problem Solving” and “Work Management and Business Skills”: see UAR Sch 2, cll 20, 22 and 26. They are undoubtedly important but also relatively generic; they are not, in substance, distinctly Australian in nature. By definition they are the sort of skills picked up in practice. As explained, the concern of the PLT competencies is to bridge the gap between academic studies and being an entry-level lawyer subject to supervision.

3.2.2 Thus if a foreign lawyer can point to having undertaken a PLT course in another jurisdiction covering such matters, or if they have some significant work experience as a lawyer (even if well short of 7 years), that is likely to suffice.

The compulsory and optional practice areas

3.2.3 The compulsory practice areas are “Civil Litigation Practice”, “Commercial and Corporate Practice” and “Property Law Practice”: UAR Sch 2, cll 13, 14 and 23.

3.2.4 Civil Litigation Practice covers an important aspect of practice, and inevitably is somewhat specific to Australia. That said, if a foreign lawyer can point to any material degree of experience with litigation practice in a comparable jurisdiction that is likely to have given them a reasonable understanding of the basic concepts and tools, at least equivalent to what would suffice for an entry-level lawyer in Australia.

3.2.5 Much the same can be said with respect to Commercial and Corporate Practice.

3.2.6 Similar points can also be made about Property Law Practice, save that Australia does have the somewhat distinctive Torrens System. That said, conveyancing has diminished as part of legal practice due to the rise of specialist conveyancers. It is also unlikely that a new lawyer would be expected to undertake a conveyance, let alone without close supervision.

3.2.7 As for the optional practice areas, lawyers are required to undertake any two of the eight topics listed. Those topics do not cover the field of legal practice. For example, they do not encompass personal injury/workers compensation, intellectual property or government practice (which is only partially addressed by “Administrative Law Practice”). The fact that a lawyer is required to complete only two of these options illustrates that this requirement is intended to develop *some* practical skills and understanding in particular areas of the law, as chosen by the lawyer to reflect their own interests and the likely nature of their practice. There is no magic in the eight subjects selected. In this context, if a foreign lawyer can show that they have developed practical skills and understanding in two areas of law relevant in Australia – even if not precisely correlating to two of the eight in Sch 2 – that may well suffice to show sufficient legal skills or relevant experience so as to render the person eligible for admission.

Trusts and Ethics

3.2.8 Trusts and Ethics raise somewhat different considerations.[1] Item 4.5 of the Uniform Principles states that no applicant will be granted an exemption in relation to the competencies of Trusts and Ethics. This is not a blanket rule. That would be both unreasonable and contrary to the nature of the statutory discretions. Item 5 of the Uniform Principles correctly notes that admitting authorities “have a broad discretion to dispense with some or all of the … [PLT] usually required”.

3.2.9 In the recent PLT consultation process widespread scepticism has been expressed about the utility of requiring new lawyers to be taught the details of “Trust and Office Accounting”, when in practice most lawyers do not become involved in running trust accounts, and when in any event they generally cannot do so in the first two years of practice. On the other hand, it has also been recognised that it is important that new lawyers have an understanding that receipt of client monies is subject to a prescriptive regulatory regime. The key question as regards Trusts, therefore, is whether the foreign lawyer can point to training or experience indicating that they are likely to understand that core point.

3.2.10 As for Ethics, there can be no doubt about the importance of understanding ethical requirements within Australian legal practice. That being said, our ethical rules are very similar to those applying in some other jurisdictions. For example, a lawyer with any significant work experience in the United Kingdom may well have a better grasp of relevant legal ethics than a new Australian lawyer who has just completed a PLT course.

3.2.11 In sum, there is reason to be inclined to require all applicants to study Trusts and Ethics in Australia for PLT purposes, but it is certainly not an invariable rule.

3.3 The categorisation of applicants in Sch 4 of the Uniform Principles

3.3.1 Item 4.5 of the Uniform Principles addresses how the admitting authority is to assess applications. Item 9 addresses the material an applicant should provide in support of an application. Item 4.5 notes that each application “is assessed on its merits, in the light of information lodged”.

3.3.2 The significance of Sch 4 of the Uniform Principles is identified in item 4.5:

Admitting Authorities apply the common practices set out in Schedule 4 when assessing applicants with practical legal training qualifications from other countries. These common practices are based on the practical legal training systems applying

[1] As at July 2025, Ethics and Trusts are offered at the College of Law in a single combined subject priced at $1,990 for international students and $1,380 for domestic (permanent resident & citizen) students, and Leo Cussen offers Ethics for $905 and Trusts for $805 (combined total $1,710) for both international and domestic students. At both providers the courses can be started at any time.

in each listed country. Schedule 4 should help an applicant to anticipate what additional practical legal training may be required in Australia.

3.3.3 It is implicit in this explanation that, first, what is set out in Sch 4 crystallises existing common practices as at the time the Uniform Principles were developed (having last been revised in October 2018); second, that these practices reflect an assessment of the PLT systems that applied in the countries addressed in Sch 4; and third, that these practices are expected (though not required) to be applied generally, so that to a significant extent applicants can rely on them.

3.3.4 Schedule 4 reiterates (in para 1) that an applicant must demonstrate that they have acquired the required competencies. Paragraph 2 reiterates, under the heading "Compulsory elements", that "every applicant" will be required to study Trusts and Ethics. As explained above, this cannot be understood as a blanket rule.

3.3.5 Paragraph 4 is addressed to applicants who have been admitted in a "category 1" jurisdiction, being the United Kingdom, Ireland, Canada (except Quebec), South Africa, Singapore, Malaysia and Hong Kong. These are substantially equivalent systems of law. What then follows is somewhat ambiguous, but is best understood as follows:

- A category 1 applicant who has undertaken a PLT course and been admitted to practise in the manner of (at least) a solicitor will usually only be required to undertake Trusts and Ethics.

- A category 1 applicant who has undertaken a PLT course and been admitted to practise only in the manner of a barrister will usually also be required to undertake Property Law Practice, and Work Management and Business Skills, and potentially also Commercial and Corporate Practice and two optional practice areas (what is meant by the reference to "Group 7 and 8" is unknown).

- A category 1 applicant who has been admitted but has not undertaken a PLT course will usually be required to undertake all of the four skills competencies, along with Ethics (the compulsory and optional practice areas for this sub-category are not addressed).

3.3.6 The statements made with respect to applicants in categories 2-4 are less ambiguous.

3.3.7 These statements offer some assistance by way of articulating some useful rules of thumb. But all of these statements in the Uniform Principles must be understood in light of, first, the explanation above as to the relevant legal issues arising in this State when undertaking an assessment and, second, the observations made with respect to the various competencies. And it is to be recalled that the document is a guideline, not a set of rules.

3.4 The requirement for work experience in the PLT prerequisite

3.4.1 As noted, work experience is one of the means that Australian lawyers are required to achieve the required competencies for PLT. For foreign lawyers who have any significant degree of work experience it will not be necessary or appropriate to require them to obtain further work experience here. In that context the LQC has adopted the following working presumptions.

3.4.2 An applicant who is informed they need to meet only *some* of the competency standards and who has had at least 15 days of legal work experience (here or overseas) will not need to undertake the workplace experience component unless the Board (through the PLTESC or the LQC) has directed otherwise. An applicant who is required to undertake *all* of the competencies will be required to complete the workplace experience requirement unless there is a specific direction exempting the applicant.

3.5 Summary: assessing an application by a foreign lawyer for a direction with respect to PLT under r 11

3.5.1 The ultimate issue in giving a r 11 direction relating to PLT is whether the person has demonstrated – by reference to their study, skills or experience – that they have (or will have when applying for admission) achieved the required competencies identified in the PLT prerequisite in UAR Sch 1, so as to render them eligible for admission.

3.5.2 In light of UAR r 6A, and items 4-5 and Sch 5 of the Uniform Principles, the following considerations are relevant in making an assessment:

- whether any formal PLT has been undertaken, and the nature of that training, including whether it is substantially equivalent to the PLT prerequisite;
- the nature of any overseas work experience;
- the length of that work experience, noting that time as a pre-admission trainee lawyer may be taken into account;
- the level of responsibility attained by the applicant;
- whether that experience was in a substantially equivalent legal system; and
- any evidence of the applicant having obtained relevant skills and experience in other ways (eg having worked in teaching or training other lawyers).

3.5.3 The assessment should recognise that the PLT prerequisite is only directed to assisting law students to obtain basic practical training sufficient to be an entry-level lawyer who will be subject to supervision.

3.5.4 There is reason to be inclined to require all applicants to study Trusts and Ethics in Australia for PLT purposes, but this is certainly not an invariable rule.

3.5.5 Observations about the other competencies are set out above.

3.5.6 The statements in Sch 4 of the Uniform Principles with respect to the four categories of jurisdictions offer some useful rule of thumb type guidance.

4. Document Information

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