

Conditional admission of foreign lawyers

Guideline

1. This guideline is issued by the Legal Services Council to designated local regulatory authorities (**DLRAs**) exercising functions under s 20(1) of the Legal Profession Uniform Law (**Uniform Law**).
2. Under s 20(1), the DLRA may recommend in a compliance certificate that a foreign lawyer be admitted subject to one or more conditions of the kinds listed in s 20(1)(a)-(e) of the Uniform Law.
3. The DLRA may issue a compliance certificate under s 19(3) of the Uniform Law, including a certificate in which conditions are recommended under s 20(1), if it is satisfied that the foreign lawyer has either:
 - a. satisfied the specified academic qualifications prerequisite and the specified practical legal training prerequisite, or
 - b. been exempted under s 18 of the Uniform Law.

The DLRA must also be satisfied that the foreign lawyer is a fit and proper person to be admitted to the Australian legal profession.

4. The DLRA may, under s 18 of the Uniform Law, exempt a foreign lawyer from satisfying the academic qualifications prerequisite or practical legal training prerequisite, or both, if the DLRA is satisfied that the person has sufficient legal skills or relevant experience so as to render the person eligible for admission. The DLRA may take into account legal skills or relevant experience obtained in any way considered appropriate by the DLRA. They can be obtained wholly in Australia or overseas or partly in Australia and partly overseas.
5. In considering whether to grant an exemption to a foreign lawyer under s 18, the DLRA may have regard to any condition or conditions that may be imposed on the foreign lawyer's admission under s 20(1) of the Uniform Law.

6. A DLRA may therefore exempt a foreign lawyer under s 18 on the basis that it will also recommend in a compliance certificate that the foreign lawyer be admitted subject to one or more conditions specified under s 20(1) of the Uniform Law.
7. The conditions recommended in the compliance certificate may include the completion of particular academic or practical legal training, or both, pursuant to s 20(1)(b) of the Uniform Law.
8. These conditions may require the completion of subjects that make up part of the academic qualifications prerequisite referred to in s 17(1)(a) and/or part of the practical legal training prerequisite referred to in s 17(1)(b), notwithstanding that the DLRA has exempted the foreign lawyer from satisfying one or both of these prerequisites under s 18 of the Uniform Law.

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1. The Legal Services Council is empowered to issue guidelines and directions under section 407 of the Legal Profession Uniform Law.