



PRACTISING IN NSW UNDER THE UNIFORM LAW ADMISSION OF FOREIGN LAWYERS

The Legal Profession Uniform Law (NSW), (the Uniform Law), the Legal Profession Uniform Law Application Act 2014 together with subordinate legislation commences in NSW on 1 July 2015 replacing the Legal Profession Act 2004 and the Legal Profession Regulation 2005.

Compliance Certificates

A person who wishes to be admitted in New South Wales may apply to the Legal Profession Admission Board for a compliance certificate in accordance with the Legal Profession Uniform Admission Rules 2015 (the Admission Rules).¹ The Admission Rules specify that the application must be made by statutory declaration and include evidence of academic qualifications, practical legal training course or other supervised legal training completed, character references, disclosure statement, police reports in accordance with rule 18, student reports in accordance with rule 19 and a certificate of good standing from an Australian non-participating jurisdiction or a foreign jurisdiction where the applicant has been admitted.

The prerequisites for the issue of a compliance certificate in respect of a person are that the person:

- (a) has attained the academic qualifications specified under the Admission Rules²
- (b) has satisfactorily completed the practical legal training requirements specified in the Admission Rules³
- (c) is a fit and proper person to be admitted to the Australian legal profession

Conditional Admission of Foreign Lawyers

In New South Wales, the Legal Profession Admission Board may recommend in a compliance certificate in respect of a foreign lawyer that the foreign lawyer be admitted subject to conditions of one or more of the following kinds⁴:

- (a) a condition limiting the period of the foreign lawyer's admission;
- (b) a condition requiring the foreign lawyer to undertake particular academic or practical legal training or both;
- (c) a condition requiring the foreign lawyer to engage in supervised legal practice;
- (d) a condition limiting the area of law in which the foreign lawyer may engage in legal practice;
- (e) a condition otherwise restricting the foreign lawyer's practising entitlements.

The admission of a foreign lawyer is subject to the conditions (if any) recommended in the compliance certificate however the Supreme Court may, after the admission of the foreign lawyer, revoke or vary a condition.

A contravention of a condition imposed on a foreign lawyer's admission is capable of constituting unsatisfactory professional conduct or professional misconduct.

¹ Legal Profession Uniform Law (NSW) s19(1)

² Legal Profession Uniform Admission Rules 2015 r5

³ See note 2 above, r6

⁴ See note 1 above, s20 (1)