

THE UNIVERSITY OF MELBOURNE

FACULTY OF LAW

Guidelines for Admission to Legal Practice Requirements in Australia and Internationally

These guidelines have been developed to provide a web-based resource for those seeking general information in relation to admission to legal practice and alternative legal career options in Australia and internationally. Given the complexity of the requirements for admission to legal practice both within Australia and internationally, reference should be made to the relevant admitting body and/or law society for definitive information. Direct web-links have been provided where known to facilitate this process.

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1. ADMISSION TO PRACTISE LAW IN VICTORIA

The [Board of Examiners for Legal Practitioners](#) determines whether applicants qualify for admission to the [Supreme Court of Victoria](#). Candidates for admission must satisfy the Board of Examiners they have met the educational and practical requirements of the Legal Practice (Admission) Rules 1999.

1.1 Academic Requirements

Both the Bachelor of Laws (LLB) and the Juris Doctor (JD) offered by Melbourne Law School meet the educational requirements for admission to practise as a Barrister and Solicitor of the Supreme Court of Victoria.

1.2 Practical Requirements

The practical requirements for admission to practise as a Barrister and Solicitor of the Supreme Court of Victoria can be satisfied in the following ways:

1. Articles of Clerkship – 12 months supervised work experience in a legal firm; or
2. Completion of a Victorian Practical Legal Training Course.

1.2.1 Articles of Clerkship

The most common way to satisfy the practical requirements for admission to practise law in Victoria is by undertaking 12 months' supervised work experience in a legal firm as an Articled Clerk. The process for applying for articled clerkship positions is highly competitive and prescribed. Applications are generally made in the penultimate year of study for commencement the following year. Seasonal clerkships (3 to 4 week placement at a law firm(s) during either the winter or summer break) are generally undertaken by law students during their third year and/or penultimate year of study.

The [Law Institute of Victoria \(LIV\)](#) publishes [annual guidelines](#) for the interviewing and recruitment of articled and seasonal clerks. Seasonal clerkships are becoming increasingly important to Victorian law firms as a means to select students for articled clerkship positions. The *Articles Guidelines 2005* permit law firms to make 'priority offers' to students who have previously completed seasonal clerkships or paralegal work with the offering firm. Other valuable resources located on the LIV website include [Articled Clerk FAQ's](#) and the [Young Lawyers Survival Handbook](#).

International students may be eligible to apply to DIMIA for an [Occupational Trainee Visa](#) for the purpose of undertaking articles of clerkship.

Law students are eligible for [membership](#) of the LIV whilst undertaking their studies. LIV membership provides students with access to a wide range of legal publications, networking opportunities, discounts at the LIV Bookshop etc

1.2.2 Practical Legal Training Courses

Law graduates may also be admitted to practise law in Victoria after completing an approved Practical Legal Training (PLT) course based upon Victorian content. The following PLT courses currently satisfy this requirement:

- Practical Legal Training Course - [Leo Cussen Institute](#)
- Victorian Professional Program – [College of Law](#) (from April 2005)
- Graduate Diploma in Legal Practice, Skills and Ethics - [Monash University](#)

International students are ineligible to study distance education or on-line programs and therefore need to enrol in a full-time on-campus PLT program eg Leo Cussen Institute or Monash University in order to meet the practical requirements for admission to practise law in Victoria.

2. PRACTISING AS A LAWYER IN VICTORIA

In Victoria, it is necessary to apply to the relevant Recognised Professional Association (RPA) for a practising certificate to practise either as a barrister and solicitor (LIV) **or** solely as a barrister (Victorian Bar), after being admitted to practise law in the Supreme Court of Victoria (Item 1. refers) and subsequent registration with the Legal Practice Board. The Victorian Bar has published the document [One profession, two branches](#) that outlines the main differences between practising as a barrister and solicitor or solely as a barrister in Victoria.

2.1 Practising as a Barrister & Solicitor in Victoria

To practise as a barrister and solicitor in Victoria, application needs to be made for a practising certificate from the [Law Institute of Victoria](#). Applicants who have undertaken an approved PLT program prior to admission, rather than articles of clerkship, are required to complete 6 months in legal employment before a full practising certificate can be issued.

2.2 Practising Solely as a Barrister in Victoria

To practise solely as a barrister in Victoria, application needs to be made for a practising certificate from [The Victorian Bar](#). Practising Certificates can only be issued to candidates who have met the following additional requirements:

- 1 Completion of the Bar Readers' Course.
- 2 Completion of a period of nine months of 'reading' in the chambers of a junior member of the Victorian Bar who has been a member of the Bar for at least 10 years.

3. INTERSTATE ADMISSION & PRACTICE

3.1 Practising as a Barrister & Solicitor

Under the National Practising Certificate Scheme legal practitioners with a current practising certificate from the Law Institute of Victoria, may also practise in other States and Territories of Australia provided that their principal place of practice remains in their home jurisdiction. Interstate legal practitioners need to notify the relevant law society if they wish to practise in that State or Territory. If the principal place of practice changes to another State or Territory of Australia, it is then necessary to apply for admission in that State or Territory under the [Mutual Recognition Act 1992](#).

3.2 Practising Solely as a Barrister

Legal practitioners who hold a current practising certificate from the Victorian Bar can practise as a barrister in all States and Territories of Australia without the need to be admitted or hold a practising certificate in that State or Territory, if their principal place of practice is in Victoria. For further information refer to the [Practising Interstate](#) section of the Victorian Bar website. If the principal place of practice changes to another State or Territory of Australia, it is then necessary to apply for admission in that State or Territory under the [Mutual Recognition Act 1992](#).

3.3 Initial Admission in another Australian State

Application may also be made directly to the relevant admitting body for initial admission to practise law in a State or Territory other than Victoria. In order to be directly admitted to practise law in a particular State or Territory, Victorian law graduates must first meet the academic and practical requirements that apply in that State or Territory. For example, Victorian law graduates wishing to be admitted directly to practise law in NSW must undertake a PLT course based upon NSW content such as the Professional Program offered by the College of Law, Sydney. A letter from the Dean, Melbourne Law School stating that the law degree obtained complies with the requirements of Rule 95(1) of the Legal Practitioners Admission Rules is also required. These standard letters can be organised through the relevant program administration office in the Law School.

3.4 Interstate Law Societies and Bar Associations

Australian Capital Territory:

[ACT Law Society](#)
[ACT Bar Association](#)

New South Wales

[NSW Law Society](#)
[NSW Bar Association](#)

Northern Territory

[NT Law Society](#)
[NT Bar Association](#)

Queensland

[Law Society of Queensland](#)
[Bar Association of Queensland](#)

South Australia

[SA Law Society](#)

Tasmania

[Law Society of Tasmania](#)
[Tasmanian Bar Association](#)

Western Australia

[Law Society of WA](#)
[Bar Association of WA](#)

4. ALTERNATIVE LEGAL CAREERS

A range of alternative legal careers in Australia and internationally are outlined on the [Post JD website](#). The Law Students Society also publishes the [Careers Guide Book](#) on an annual basis that outlines a range of alternative legal careers. International opportunities within the United Nations and other international organisations can be located on the [Australian Government website](#).

5. INTERNATIONAL LAW FIRMS

Many large commercial law firms have offices located in Europe, Asia and North America which deal with international matters crossing many jurisdictional borders. These firms provide opportunities for Australian law graduates and lawyers to work overseas. Admission to practise law in the local jurisdiction is often not a requirement for employment as foreign lawyers working in international law firms practise international law and are able to rely on the law of their home jurisdiction (refer Item 6 for admission requirements in selected common law jurisdictions). Requirements will depend on the specific jurisdiction involved and the policy of the individual law firm. Appropriate language skills can be of advantage particularly in Asia.

Some international law firms also offer seasonal clerkship positions to law students eg Linklaters offer summer clerkships in London and Hong Kong for penultimate year law students. Many international law firms also actively recruit students directly from Australian law schools. The Legal500.com website provides information for those wishing to explore opportunities in international law firms.

6. ADMISSION TO PRACTISE LAW - SELECTED COMMON LAW COUNTRIES

The following is provided as a guide to selected common law countries that either recognise Australian legal qualifications for the purpose of local admission or permit practising Australian lawyers to apply for admission and/or undertake particular examinations in order to qualify for admission. As previously stated, given the complexity of the requirements for admission to legal practice, reference should be made to the relevant admitting body for definitive information.

6.1 Canada

[Federation of Law Societies of Canada](#)

Foreign law graduates or legal practitioners from common law jurisdictions may apply to the National Committee on Accreditation (NCA) for an evaluation of their legal credentials and experience for the purposes of establishing eligibility for admission to practise law in Canada. There are both common law and civil law jurisdictions in Canada so eligibility for admission will be determined by the jurisdiction.

6.2 England & Wales

[Law Society of England and Wales](#)

Foreign lawyers, who have been admitted to practise law in Australia, or another approved jurisdiction, must satisfy the Law Society of England and Wales that they have at least two years of common law experience within the past five years. This experience must have been undertaken in three areas of common law and covered contentious and non-contentious areas of legal practice. Eligible applicants are also required to successfully complete the Qualified Lawyers Transfer Test. Whilst specific training is not required by the Law Society of England and Wales in order to sit for the Qualified Lawyers Transfer Test, the [College of Law, England and Wales](#) offers a preparatory program. The College is part of the College of Law Alliance International which also includes College of Law, Australia and College of Law, New Zealand.

6.3 Hong Kong

[Law Society of Hong Kong](#)

Foreign law graduates of common law jurisdictions may be eligible for admission to the [Postgraduate Certificate in Laws \(PCLL\)](#) offered by the Faculty of Law, University of Hong Kong. After successful completion of the PCLL a further two years of employment as a trainee solicitor or twelve months pupillage is required in order to be eligible for admission to practise as a solicitor or a barrister respectively in Hong Kong.

Foreign lawyers who have been admitted to practise law in a common law jurisdiction other than Hong Kong and who have at least 2 years of post-admission experience may be eligible to apply for admission to practise law in Hong Kong after successful completion of the Overseas Lawyers Qualification Examination.

6.4 Malaysia

There are two separate regions in Malaysia for the purpose of admission to legal practice, East Malaysia (States of Sarawak & Sabah) and West Malaysia (Peninsula). Whilst it is possible to

gain admission to practise law in East Malaysia on the basis of admission in West Malaysia, the reverse does not apply.

6.4.1 East Malaysia (States of Sarawak & Sabah)

In East Malaysia the general requirement for admission to practise law is for applicants to have already been admitted to practise law in another country of the Commonwealth. Advice should be sought directly from either the Advocates Association of Sarawak or the Advocates Association of Sabah as citizenship and residency requirements may also apply.

6.4.2 West Malaysia (Peninsula)

[Malaysian Bar](#)

The provisions governing admission and qualifications for admission to the Malaysian Bar in West Malaysia are governed by the *Legal Profession Act 1976*. The Legal Profession Qualifying Board, Malaysia determines the qualifications which may entitle a person to become a "qualified person" within the meaning of section 3 of the Act for purposes of admission as an advocate and solicitor in Malaysia. The LLB offered by The University of Melbourne is recognised by the Legal Profession Qualifying Board, Malaysia, thus enabling MLS graduates to sit the examination for the Malaysian Certificate of Legal Practice (CLP). Upon successful completion of the CLP examination, candidates are eligible to apply for admission to practise law in West Malaysia.

Apart from passing the final examination leading to a recognised LLB degree, Australian and New Zealand graduates must also satisfy additional requirements as prescribed in [The Guidelines on Qualifications and Requirements for Recognition of holders of Australian and New Zealand Law Degrees to become 'Qualified Person' under the Legal Profession Act 1976](#). The main requirements being:

- Admission to the LLB must be via the VCE or a qualification from another Australian State or Territory which is equivalent to the VCE. Foundation programs **are not** accepted for this purpose eg Trinity Foundation Program.
- Duration must be a minimum of 3 academic years and be completed within 6 years of initial registration.
- Minimum of 12 substantive law subjects including 6 core subjects that **must be studied over 12 months**: Law of Contract; Law of Torts; Constitutional Law; Criminal Law; Land Law; and Equity and Trusts.

Australian lawyers who are admitted to practise as a barrister in England may also be eligible to apply for admission to the Bar in West Malaysia.

6.5 New Zealand

[New Zealand Law Society](#)

Australian legal practitioners (except those admitted to practise law in Western Australia) are eligible to apply for admission to practise law in New Zealand under the Trans Tasman Mutual Recognition Act 1997. Applications for admission are made directly to the appropriate registry of the High Court of New Zealand. Once admitted to the High Court of New Zealand an application for a practising certificate is then required to the relevant district law society.

It is also possible for foreign qualified lawyers to practise the law of their home jurisdiction in New Zealand without the requirement to be admitted to practise law in New Zealand.

Australian law graduates who have **not** been admitted to practise law in their home jurisdiction may apply to have their legal qualifications assessed by the New Zealand Council of Legal Education. The Council will also determine whether applicants are required to undertake the Professional Legal Studies Course offered by the College of Law, New Zealand.

6.6 Singapore

[Board of Legal Education, Singapore](#)

The LLB degree and LLB honours degree from Melbourne Law School are both recognised by the Board of Legal Education in Singapore for the purpose of admission as an advocate and solicitor of the Supreme Court of Singapore. LLB graduates are considered ‘eligible persons’ if they graduate in the top 30% of their cohort. ‘Eligible persons’ also need to undertake a period of pupillage and the Postgraduate Practice Law Course (PLC) before being eligible to apply for admission to the Singapore Bar.

The [Requirements for Admission as an Advocate & Solicitor of the Supreme Court of Singapore](#) also include restrictions that apply to graduates of ‘dual degrees’ and ‘accelerated degrees’. Under Rule 11 of the admission requirements MLS graduates who have undertaken the LLB as part of a double degree program, or the JD program, are required to make written application to the Board of Legal Education, Singapore providing details of the program undertaken, in order to be considered an ‘eligible person’ for the purpose of admission.

6.7 United States of America

[American Bar Association](#)

The criteria for eligibility to take the bar examination or to otherwise qualify for bar admission in the US are prescribed at the US State level. These requirements vary greatly from State to State, in particular the requirements for admission of foreign-educated law graduates. Unlike Australia, there is no system of mutual recognition operating in the US. Australian law students and graduates should refer to the [Comprehensive Guide to Bar Admission Requirements](#) published by the American Bar Association for a State by State guide to eligibility for foreign educated law graduates to sit for the relevant bar exam.

Bar Review Programs

Bar exams in the US are very intensive and notoriously difficult to pass, and the majority of candidates, local and foreign qualified, undertake a preparatory course prior to sitting for the relevant bar exam. The [New York and California Bar Review Pty Ltd](#) recently launched preparatory courses developed specifically to prepare Australian law graduates and legal practitioners to sit for the New York and California Bar Exams. Both programs are conducted in all capital cities in Australia.