

Uniform Principles for Assessing Qualifications of Overseas applicants for Admission to the Australian Legal Profession.

4.5 Eligibility for exemption.

An applicant will only be eligible to receive an exemption from acquiring and demonstrating an appropriate understanding of, and competence in, a Skill, Practice Area or Value in Australia, if;

- (a) in the case of an applicant who has been admitted to legal practice overseas for less than 5 years, the applicant has constantly been in active practice since being admitted; or
- (b) in the case of an applicant who has been admitted to legal practice overseas for 5 years or more, the applicant;
 - I. has been in active practice for some or all of the preceding 2 years; and
 - II. has not been absent from active practice for more 5 years in the 10 years before applying for admission in Australia.

Definitions

The Board defines **active practice** as follows:

- 2.2 An applicant will be deemed to be in active practice, if the applicant:
- a. immediately before coming to Australia, was practising as an admitted practitioner in the applicant's home jurisdiction for a period of at least 3 months; and
 - b. is employed in a legal firm, or the legal office of a corporation or government department, at a level and with responsibilities comparable to those of an Australian legal practitioner; and
 - c. is supervised at work by an Australian legal practitioner.
- 2.3 An applicant will be taken to have been in active practice, if the applicant has not been absent for practice for the purpose of moving countries, or changing employment, or illness or holidays, for more than a total of three months during the relevant period.

No applicant is eligible to receive an exemption in relation to:

- Trust Accounting
- Ethics and Professional Responsibility.

** An applicant who is ineligible to apply for practical training exemptions does not have a right of appeal to the Legal Qualifications Committee.*