

Law Admissions Consultative Committee

English Language Proficiency Guidelines

(October 2018)

Each Australian Admitting Authority must be satisfied that any applicant for admission to the legal profession has a sufficient knowledge of written and spoken English to engage in legal practice in that jurisdiction. This document explains how you can satisfy the Admitting Authority to which you apply of your English language proficiency.

1. **FIRST PATHWAY**

English is your **primary language AND** you have undertaken and satisfactorily completed –

- (a) all of your primary and secondary education; and
- (b) the tertiary legal qualification on which you rely for admission,

in a **recognised country** while living in that country; and, in each case you were taught and assessed solely in English, **AND** you have complied with the other requirements set out in item 8(a).

2. **SECOND PATHWAY**

English is not your **primary language, BUT** you have undertaken and satisfactorily completed –

- (a) at least the final two years of your secondary education; and
- (b) the tertiary legal qualification on which you rely for admission,

in a **recognised country** while living in that country; and, in each case, you were taught and assessed solely in English, **AND** you have complied with the other requirements set out in item 8(b).

3. **THIRD PATHWAY**

You have undertaken the **IELTS** (academic module) within two years before making your application, and obtained minimum scores for each component of 8.0 for writing, 7.5 for speaking, 7.0 for listening, and 7.0 for reading, **AND** you have complied with the other requirements set out in item 8(c).

4. **FOURTH PATHWAY**

You have undertaken the **TOEFL iBT** within two years before making your application, and obtained minimum scores of 27 for writing, 24 for speaking, 24 for listening and 24 for reading **AND** you have complied with the other requirements set out in item 8(c).

5. **FIFTH PATHWAY**

You have –

- (a) undertaken the **IELTS** (academic module) or the **TOEFL iBT**;
- (b) **BUT** have failed to obtain the required minimum score for not more than **ONE** component of the test (usually by a margin no greater than 0.5 in the case of IELTS or no greater than 1 in the case of TOEFL iBT);

- (c) **AND** have done one or more of the following –
- (i) within six months before making your application, you have achieved the prescribed minimum scores for each component of either the **IELTS** (academic module) or **TOEFL iBT** in not more than two different sittings, but not at the one sitting, **AND** complied with the requirements set out in item 8(d)(i);
 - (ii) undertaken and satisfactorily completed all of your secondary education and the tertiary legal qualification on which you rely for admission in Malaysia or Singapore while living in that country; and, in each case, you were taught and assessed solely in English, **AND** complied with the requirements set out in item 8(d)(ii);
 - (iii) been continuously employed on a full-time basis in **recognised work** for a substantial period (usually at least 12 months), **AND** complied with the requirements set out in item 8(d)(iii);
 - (iv) undertaken and completed a tertiary qualification that is a prerequisite for entry into a profession other than law in a **recognised country** while living in that country, and you were taught and assessed solely in English, **AND** complied with the requirements set out in item 8(d)(iv).

6. **SIXTH PATHWAY**

The Board retains a general discretion to satisfy itself about an applicant's knowledge of written and spoken English in other ways, but will usually only be satisfied if an applicant meets the requirements summarised in one of the pathways set out above.

7. **DEFINITIONS**

In this document, unless the context otherwise requires –

Board means the Admitting Authority to which you must apply to be admitted to the legal profession in your jurisdiction.

IELTS means the International English Language Testing System.

recognised country means Australia, Canada (except the province of Quebec), New Zealand, Republic of Ireland, South Africa, United Kingdom (including Northern Ireland) and United States of America.

primary language means your best-known language which you primarily use for reading, writing, listening and speaking.

recognised work means working in a responsible capacity in a law-related occupation in a **recognised country**, Hong Kong, Malaysia or Singapore.

TOEFL iBT means the Test of English as a Foreign Language internet-based test.

8. **OTHER REQUIREMENTS**

If you wish to rely on the –

- (a) **First Pathway**, you must give the Board the dates between which you undertook your primary and secondary education and your tertiary legal qualification, and the **recognised countries** in which each occurred.
- (b) **Second Pathway**, you must ensure that the Board receives –

- (i) the name of the institutions where, and the dates between which, and the **recognised country** in which, you undertook your final two years of secondary education and your tertiary legal qualification;
 - (ii) a statement on the relevant secondary school's official letterhead, duly executed by an officer of that school, setting out the details of that secondary education, and when and where it took place;
 - (iii) an official transcript setting out the results you obtained in that tertiary qualification; and
 - (iv) documentary evidence provided by a third party that confirms that you were resident in the **recognised country** throughout that secondary education and tertiary qualification and that, in each case, you were taught and assessed solely in English.
- (c) **Third or Fourth Pathway**, you must ensure that the Board receives –
- (i) the original copy of your test results;
 - (ii) your relevant test identification number, and your authority for the Board to verify the results of your test with the provider.
- (d) **Fifth Pathway**, you must give the Board a statutory declaration setting out the detailed circumstances on which you rely, and attach original copies of any relevant supporting documentary evidence of those circumstances. For example –
- (i) if you rely on item (c)(i) of the **Fifth Pathway** you must ensure that the Board receives original copies of your results in each of the tests on which you rely; your relevant test identification number for each test; and your authority for the Board to verify the results of your tests with the provider;
 - (ii) if you rely on item (c)(ii) of the **Fifth Pathway** you must ensure that the Board receives –
 - (A) the name of the institutions where, and the dates between which, and the country in which, you undertook your secondary education and your tertiary legal qualification;
 - (B) a statement on the relevant secondary school's official letterhead, duly executed by an officer of that school, setting out the details of that secondary education, and when and where it took place;
 - (C) an official transcript setting out the results you obtained in that tertiary qualification; and
 - (D) documentary evidence provided by a third party that confirms that you were resident in the **recognised country** throughout that secondary education and tertiary qualification and that, in each case, you were taught and assessed solely in English.
 - (iii) if you rely on item (c)(iii) of the **Fifth Pathway**, you must ensure that the Board receives at least 2 original letters from your employers or supervisors, on the organisation's official letterhead, setting out the dates, roles and responsibilities of your employment and how you demonstrated your knowledge of written and spoken English during your employment
 - (iv) if you rely on item (c)(iv) of the **Fifth Pathway**, you must ensure that the Board receives –

- (A) an original academic transcript relating to that tertiary qualification;
- (B) the dates between which you lived in the relevant **recognised country**; and
- (C) documentary evidence provided by a third party that confirms that you were resident in the **recognised country** throughout that tertiary qualification and that you were taught and assessed solely in English.

Where you need to ask a third party, such as a law school, to provide evidence to the Board, you should arrange for the third party to send that evidence directly to the Board.

If you have already given documents required by item 8 to the Board for other purposes related to your application, you do not need to supply further copies of those documents for the Board to determine your English language proficiency.

You must also allow the Board to make copies of any documents you are required to give to the Board; and to retain those documents and copies if it chooses to do so.