

EXPLANATORY STATEMENT

Subordinate Law No. of 1998

Issued by the Authority of the Judges of the
Supreme Court of the Australian Capital Territory

SUPREME COURT (ADMISSION OF LEGAL PRACTITIONERS) RULES

The resident Judges of the Court (of whom there are four, including the Chief Justice) or any two of the resident Judges, may make Rules of Court for regulating the practice and procedure of the Court pursuant to Section 36 of the Supreme Court Act 1933.

These Rules commence on the day on which the Legal Practitioners (Amendment) Act (No. 3) 1997 (other than sections 1, 2 and 3) commences, which is 1 June 1998. Subsection 11(4) of that Act provides that an application for admission or enrolment as a legal practitioner shall be in accordance with the Rules of Court.

The purpose of these Rules is to implement, in the Australian Capital Territory, the Uniform Admission Rules developed by the Consultative Committee of State and Territory Law Admitting Authorities, chaired by Justice Priestley of the New South Wales Court of Appeal and endorsed by the Council of Chief Justices in 1992.

The Uniform Admission Rules lay down core areas of legal study which must be successfully completed as part of the academic requirements to practise law. These are:

- Criminal Law and Procedure;
- Torts;
- Contracts;
- Property, both Real (including Torrens system land) and Personal;
- Equity (including Trusts);
- Administrative Law;
- Federal and State Constitutional Law;
- Civil Procedure;
- Evidence;
- Company Law;
- Professional Conduct (including basic trust accounting).

The implementation of the Rules will bring the A.C.T. into line with the rest of Australia. The only jurisdiction not to have implemented the Rules will now be Western Australia, but in that State the Admission Board has, as a matter of policy, required candidates for admission to have a law degree that covers the areas of knowledge in the Uniform Admission Rules.

The effect of all of this will be that any law student in Australia will, in order to obtain admission to practice, have to have undertaken similar core areas of study, in addition to the range of elective subjects offered by various Law Faculties