



Australian Capital Territory

Supreme Court (Admission of Legal Practitioners) Rules 1998 No 15

made under the

Supreme Court Act 1933

Republication No 1

Republication date: 12 September 2001

Regulations not amended up to this date

Provisions effective to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Supreme Court (Admission of Legal Practitioners) Rules*, made under the *Supreme Court Act 1933* as in force on 12 September 2001. It includes any commencement, amendment, repeal or expiry affecting the republished law up to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Provisions effective to
12 September 2001



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Part 1 Preliminary

1 Citation

These rules may be cited as the *Supreme Court (Admission of Legal Practitioners) Rules*.

4 Interpretation

(1) In these rules:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

application for admission means an application under the Legal Practitioners Act, section 11 (1).

law society means the body corporate constituted by the Legal Practitioners Act, section 4 by the name The Law Society of the Australian Capital Territory.

Legal Practitioners Act means the *Legal Practitioners Act 1970*.

roll means the roll of legal practitioners kept under the Legal Practitioners Act, section 16C.

(2) An expression or a word that is used in these rules and is also used in the *Supreme Court Rules* has, in these rules, the same meaning as in the *Supreme Court Rules*.

Part 2 Admission

5 Admission requirements

- (1) For the purposes of the Legal Practitioners Act, section 11 (1), the prescribed requirements to be met by an applicant for admission are—
- (a) the completion of a course of studies that—
 - (i) qualifies the applicant for admission to the degree of Bachelor of Laws at the Australian National University or the University of Canberra; or
 - (ii) includes the study of law for not less than 3 years on a full-time basis or the equivalent on any other basis, whether undertaken over a greater or lesser period of time, at a tertiary institution in a State or the Northern Territory that is recognised in that State or Territory as satisfying an academic requirement in that jurisdiction that is equivalent to subparagraph (i); and
 - (b) the passing, whether or not as part of a course referred to in paragraph (a), of approved examinations in courses in the following areas of law:
 - (i) criminal law and procedure;
 - (ii) the law of torts;
 - (iii) the law relating to contracts;
 - (iv) the law relating to property, both real (including the law relating to Torrens system land) and personal;
 - (v) equity, including trusts;
 - (vi) company law;
 - (vii) administrative law;

- (viii) constitutional law of—
 - (A) the Commonwealth; and
 - (B) the Territory, a State or the Northern Territory;
- (ix) civil procedure;
- (x) evidence;
- (xi) professional conduct and the maintenance of trust accounts; and
- (c) the satisfaction of rule 6 in relation to practical professional training.

(2) In subrule (1) (b):

approved examination means—

- (a) in the case of an examination conducted by the Australian National University or the University of Canberra—an examination that has been approved by the court; and
- (b) in the case of an examination conducted by any other institution—an examination the passing of which, in a State or the Northern Territory, satisfies a requirement for admission as a legal practitioner.

6 Practical requirements

For the purposes of rule 5 (1) (c), an applicant is required to have satisfactorily completed—

- (a) the course of professional training in law in the Legal Workshop within the Faculty of Law in the faculties within the Australian National University; or

- (b) another course of a similar nature, being a course the satisfactory completion of which is recognised in a State or the Northern Territory as satisfying in that jurisdiction an admission requirement for practical professional training.

7 Evidence of completion of courses

For the purposes of rules 5 and 6, a person shall be deemed not to have completed, or satisfactorily completed, a course or passed an examination, unless the appropriate officer of the university or other institution that has conducted the course or examination has certified in writing that the person has completed, or satisfactorily completed, the course or passed the examination, as the case requires.

8 Admission days

Applications for admission shall, unless the Chief Justice otherwise directs, be heard—

- (a) on the third Friday in February, June, August and October; and
- (b) on the third Friday in April or, if that day is Good Friday, on the second Friday in April; and
- (c) on the second Friday in December; and
- (d) on such other days as the Chief Justice appoints.

9 Application for admission

- (1) Application for admission shall be by originating application.
- (2) Except as otherwise provided by these rules, the *Supreme Court Rules* apply in relation to an application for admission under this rule as if it were an originating application under the *Supreme Court Rules*.
- (3) An application for admission under this rule shall be in accordance with the form in the schedule.

10 Address for service

- (1) The address to be specified in an application for admission as the address for service of the applicant shall be an address in Australia.
- (2) An address for service specified in an originating application for admission shall be the address for service of the applicant for the purposes of the *Supreme Court Rules*.

11 Affidavits in support

- (1) An application for admission shall be supported by the affidavit of the applicant and by not less than 3 affidavits of character.
- (2) An applicant's affidavit shall—
 - (a) state whether, in Australia or elsewhere, he or she has ever been prosecuted for an offence and—
 - (i) been convicted; or
 - (ii) the offence was proved, notwithstanding that a conviction was not entered or has been expunged; and
 - (b) in respect of any offence referred to in paragraph (a)—set out particulars of the offence and the court before which, and the date on which, he or she was prosecuted; and
 - (c) state whether or not there are any other matters relevant to his or her fitness.
- (3) An affidavit of character shall state—
 - (a) the period during which, and explain the circumstances in which, the deponent has known the applicant; and
 - (b) whether there is or has been any professional or business relationship between the deponent and the applicant and, if so, explain the nature of such relationship; and
 - (c) whether the deponent is related to the applicant by blood or marriage; and

- (d) the opinion of the deponent regarding the fame and character of the applicant.
- (4) The court may, if it thinks the circumstances so warrant, direct that an application for admission be supported by such evidence as to the fame and character of the applicant, in addition to the affidavits required by subrule (1), as is specified in the direction.

12 Filing and copies of originating application and affidavits

An applicant shall file an application for admission and all affidavits intended to be used in support of the originating application, together with 2 copies of the application and of each affidavit, not later than 14 days before the hearing of the application for admission.

Part 3 General

13 Objection by law society

- (1) Where the law society intends to object to an application for admission, it shall, not less than 4 clear days before the hearing of the application, serve on the applicant—
 - (a) notice in writing of its intention to object and the grounds upon which it will object; and
 - (b) a copy of every affidavit that it intends to use in support of its objection.
- (2) After serving notice under subrule (1), the law society shall file a copy of the notice together with the affidavit or affidavits it intends to use in support of its objection.

14 Appearance by law society

- (1) The law society may of its own motion, and shall if requested by the court, appear and be heard on the hearing of an application for admission or enrolment, otherwise than for the purpose of objecting to the admission of the applicant.
- (2) In this rule:

application for enrolment means an application under the Legal Practitioners Act, section 12.

15 Applicant's duty of frankness

- (1) Notwithstanding that an applicant has complied with the requirements of these rules, he or she shall bring to the attention of the court any matter that is relevant to his or her fitness for admission as a legal practitioner.

(2) In this rule:

applicant means a person who makes—

- (a) an application for admission; or
- (b) an application for enrolment under the Legal Practitioners Act, section 12.

16 Authorised officers

For the purposes of the Legal Practitioners Act, section 18 (1) (d), an officer of the Supreme Court of a State or Territory nominated by the Chief Justice of that court under an arrangement referred to in section 18 (3) of that Act is an authorised officer for the purpose of—

- (a) making, on behalf of the registrar, an entry on the roll pursuant to section 16D (2) of that Act; or
- (b) witnessing the signing of the roll by a person whose name is entered on the roll pursuant to section 16D (2) of that Act.

17 Signing of roll before authorised officer

For the purposes of the Legal Practitioners Act, sections 16C (3) and 18 (2), the registrar may—

- (a) provide an authorised officer with a detachable portion of the roll in order that a person whose name is entered on the roll under section 16D (2) of that Act may sign the roll before the authorised officer; and
- (b) accept and keep the signed portion of the roll as part of the roll.

18 Power to dispense with compliance with these rules

Subject to the Act and to the Legal Practitioners Act, the court may dispense with compliance with any provision of these rules on such terms (if any) as the court thinks just.

Schedule

Schedule

(see rule 9 (3))

Application for admission

In the Supreme Court of the Australian Capital Territory

No of [*year*]

In the matter of the *Legal Practitioners Act 1970*

and

In the matter of the application to be admitted as a legal practitioner

Application is hereby made to the Court that [*full name*] be admitted as a legal practitioner under subsection 11 (1) of the *Legal Practitioners Act 1970*.

Dated this day of 20 .
[*signature*]

The address for service of the applicant is

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

Endnotes

3 Legislation history

3 Legislation history

Supreme Court (Admission of Legal Practitioners) Rules SL 1998 No 15

notified 22 May 1998 (Gaz 1998 No S153)

regs 1-3 commenced 22 May 1998

remainder (regs 4-18) commenced 1 June 1998 (reg 2)

4 Amendment history

Commencement

s 2 om R1 (LA)

Repeal

s 3 om R1 (LA)

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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