



Australian Capital Territory

# **Supreme Court (Admission of Legal Practitioners) Rules 1998**

**SL1998-15**

in force under the

**Court Procedures Act 2004**

**Republication No 3**

**Effective: 10 January 2005 – 30 June 2006**

Republication date: 10 January 2005

Last amendment made by SL2004-54  
(republication for A2004-59)

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 1998*, made under the *Court Procedures Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 10 January 2005. It also includes any amendment, repeal or expiry affecting the republished law to 10 January 2005.

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](http://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 changes

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 does not include 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 is—

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



Australian Capital Territory

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in force under the

**Court Procedures Act 2004**

## Contents

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|               | Page                              |   |
|---------------|-----------------------------------|---|
| <b>Part 1</b> | <b>Preliminary</b>                |   |
| 1             | Name of rules                     | 2 |
| 4             | Interpretation                    | 2 |
| <b>Part 2</b> | <b>Admission</b>                  |   |
| 5             | Admission requirements            | 3 |
| 6             | Practical requirements            | 4 |
| 7             | Evidence of completion of courses | 5 |
| 8             | Admission days                    | 5 |
| 9             | Application for admission         | 5 |

---

R3    Supreme Court (Admission of Legal Practitioners) Rules                          contents 1  
10/01/05    1998  
Effective: 10/01/05-30/06/06

## Contents

---

|                 |   | Page |
|-----------------|---|------|
| 10              | Address for service   | 6    |
| 11              | Affidavits in support                                       | 6    |
| 12              | Filing and copies of originating application and affidavits | 7    |
| <br>            |   |      |
| <b>Part 3</b>   | <b>General</b>  |      |
| 13              | Objection by law society                                    | 8    |
| 14              | Appearance by law society                                   | 8    |
| 15              | Applicant's duty of frankness                               | 8    |
| 16              | Authorised officers   | 9    |
| 17              | Signing of roll before authorised officer                   | 9    |
| 18              | Power to dispense with compliance with these rules          | 9    |
| <br>            |   |      |
| <b>Endnotes</b> |   |      |
| 1               | About the endnotes  | 10   |
| 2               | Abbreviation key  | 10   |
| 3               | Legislation history   | 11   |
| 4               | Amendment history   | 11   |
| 5               | Earlier republications                                      | 12   |



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R3  
10/01/05

Supreme Court (Admission of Legal Practitioners) Rules  
1998

page 1

Effective: 10/01/05-30/06/06

## Part 1 Preliminary

### 1 Name of rules

These rules are the *Supreme Court (Admission of Legal Practitioners) Rules 1998*.

### 4 Interpretation

(1) In these rules:

*Note* A definition applies except so far as the contrary intention appears (see Legislation Act, 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 1937* has, in these rules, the same meaning as in the *Supreme Court Rules 1937*.

## 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 rule 5 and rule 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 1937* apply in relation to an application for admission under this rule as if it were an originating application under the *Supreme Court Rules 1937*.
- (3) An application for admission under this rule must be in accordance with form 7.1.
- (4) A reference to form 7.1 is a reference to the *Supreme Court Rules 1937*, schedule 1, form 7.1 as in force immediately before the commencement of the *Court Procedures Act 2004*.

*Note* The *Court Procedures Act 2004*, s 101 (3) provides that a form in the *Supreme Court Rules 1937*, sch 1, as in force immediately before the commencement of s 101, is taken to be a form approved under the Act, pt 2.

## 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 1937*.

## 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 that Act, section 18 (3) is an authorised officer for the purpose of—

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

### **17 Signing of roll before authorised officer**

For the purposes of the Legal Practitioners Act, section 16C (3) and section 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 that Act, section 16D (2) 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.

## Endnotes

1 About the endnotes

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## 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 and expiries 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 endnote.

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.

### 2 Abbreviation key

|   |   |
|---|---|
| am = amended  | ord = ordinance   |
| amdt = amendment                                    | orig = original   |
| ch = chapter  | par = paragraph/subparagraph                                      |
| def = definition                                    | pres = present  |
| dict = dictionary                                   | prev = previous   |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously  |
| div = division                                      | pt = part   |
| exp = expires/expired                               | r = rule/subrule  |
| Gaz = gazette                                       | renum = renumbered  |
| hdg = heading                                       | reloc = relocated   |
| IA = Interpretation Act 1967                        | R[X] = Republication No   |
| ins = inserted/added                                | RI = reissue  |
| LA = Legislation Act 2001                           | s = section/subsection  |
| LR = legislation register                           | sch = schedule  |
| LRA = Legislation (Republication) Act 1996          | sdiv = subdivision  |
| mod = modified/modification                         | sub = substituted   |
| o = order   | SL = Subordinate Law  |
| om = omitted/repealed                               | <u>underlining</u> = whole or part not commenced or to be expired |

### 3 Legislation history

These rules were originally made under the *Supreme Court Act 1933*. Under the *Court Procedures Act 2004* A2004-59, s 101, they are taken to have been made under that Act, pt 2. They were renamed under the Legislation Act.

#### **Supreme Court (Admission of Legal Practitioners) Rules 1998 SL1998-15**

notified 22 May 1998 (Gaz 1998 No S153)

rr 1-3 commenced 22 May 1998

remainder commenced 1 June 1998 (r 2)

*Note* [Rules exp 1 July 2006 \(see Court Procedures Act 2004 A2004-59, s 60\)](#)

as amended by

#### **Supreme Court Amendment Rules 2004 (No 5) SL2004-54 r 82, r 83**

notified LR 9 December 2004

r 1, r 2 commenced 9 December 2004 (LA s 75 (1))

r 82, r 83 commenced 31 December 2004 (r 2)

### 4 Amendment history

#### **Name of rules**

r 1 am R2 LA

#### **Commencement**

r 2 om R1 LA

#### **Repeal**

r 3 om R1 LA

#### **Application for admission**

r 9 am SL2004-54 r 82

#### **Schedule**

sch om SL2004-54 r 83

## Endnotes

5 Earlier republications

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### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

| <b>Republication No and date</b> | <b>Effective</b>             | <b>Last amendment made by</b> | <b>Republication for</b>   |
|----------------------------------|------------------------------|-------------------------------|----------------------------|
| R1*<br>12 Sept 2001              | 12 Sept 2001–<br>30 Dec 2004 | not amended                   | initial republication      |
| R2<br>31 Dec 2004                | 31 Dec 2004–<br>9 Jan 2005   | SL2004-54                     | amendments by<br>SL2004-54 |

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