



Australian Capital Territory

Court Procedures Amendment Rules 2014 (No 2)

Subordinate Law SL2014-9

We, the rule-making committee, make the following rules of court under the *Court Procedures Act 2004*, section 7.

Dated 25 June 2014.

H MURRELL

Chief Justice

R REFSHAUGE

Judge

L WALKER

Chief Magistrate

L CAMPBELL

Magistrate



Australian Capital Territory

Court Procedures Amendment Rules 2014 (No 2)

Subordinate Law SL2014-9

made under the

[Court Procedures Act 2004](#)

Contents

		Page
1	Name of rules	1
2	Commencement	1
3	Legislation amended	1
4	New rule 53 (2) (g)	1
5	Rule 3600	1
6	Rules 3605 to 3607	3

J2014-167

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

7	Table 5051, items 4 and 5	12
8	New rule 6250 (3) (da)	12
9	New rule 6251 (3) (ca)	12
10	Rule 6251 (3) (e)	13
11	Rule 6251 (4) and note	13
12	Dictionary, new definitions	13

1 Name of rules

These rules are the *Court Procedures Amendment Rules 2014 (No 2)*.

2 Commencement

These rules commence on 1 July 2014.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

These rules amend the *Court Procedures Rules 2006*.

4 New rule 53 (2) (g)

before note 1, insert

(g) the jurisdiction that the plaintiff claims is the Territory or State of connection for the *Workers Compensation Act 1951*, section 182D (Applicable substantive law for damages claims).

5 Rule 3600

substitute

3600 Definitions—pt 3.11

In this part:

admission means admission to the legal profession under the [Legal Profession Act](#).

APLEC means the Australasian Professional Legal Education Council.

application for a costs assessment means an application for costs assessment under the [Legal Profession Act](#), division 3.2.7.

application for admission means an application under the [Legal Profession Act](#), section 26 (1).

approved academic institution means an academic institution approved under rule 3606.

approved course of study means a course of study approved under rule 3607A.

approved PLT course means a course approved under rule 3607G.

approved PLT provider means an institution approved under rule 3607E.

approved subject means a subject approved under rule 3607B.

LACC means the Law Admissions Consultative Committee responsible to the Council of Chief Justices of Australia and New Zealand.

Legal Profession Act means the [Legal Profession Act 2006](#).

6 Rules 3605 to 3607*substitute***Subdivision 3.11.2.1 Academic qualifications****3605 Admission—approved academic qualifications—Legal Profession Act, s 21 (5)**

- (1) The academic qualifications approved for admission to the legal profession in the ACT are—
 - (a) successful completion of a course of study approved under rule 3607A, that includes subjects approved under rule 3607B, provided by an institution approved under subdivision 3.11.2.2, which requires a student to acquire and demonstrate appropriate understanding of, and competence 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) ethics and professional responsibility; and
- (b) that the applicant has a sufficient knowledge of written and spoken English to engage in legal practice in the ACT.
- (2) The admissions board may require an applicant to pass an examination nominated by the admissions board for subrule (1) (b).
- (3) The admissions board may determine that an applicant is not required to satisfy the requirements specified in subrule (1) (a) if the admissions board is satisfied that the applicant has an appropriate understanding of, and competence in, each area of the law mentioned in the subrule.

Subdivision 3.11.2.2 Approval of academic institutions

3606 Approved academic institutions

- (1) Subject to subrule (3) (a), each of the following is an approved academic institution:
 - (a) the Australian National University;
 - (b) the University of Canberra;
 - (c) an institution recognised by another Australian jurisdiction as providing a course of study which—
 - (i) satisfies the academic requirements for admission in that jurisdiction; and
 - (ii) requires a student to acquire and demonstrate an appropriate understanding of, and competence in, each area of law mentioned in rule 3605 (1) (b).
- (2) The admissions board may only designate an institution under subrule (1) (c) if the admissions board is satisfied that the institution will competently provide an approved course of study in law.

-
- (3) The admissions board may—
- (a) by written notice given to an academic institution not less than 1 year before the notice is to take effect, withdraw approval of the institution; or
 - (b) by written notice given to an academic institution not less than 6 months before the notice is to take effect, impose or vary a condition on the approval of the institution, which the admissions board considers appropriate, including a condition resulting from a review of the institution under rule 3607.

3607 Monitoring and review

- (1) The admissions board may monitor and, if it considers it reasonable to do so, from time to time, review—
- (a) the performance of, and the resources available to, an approved academic institution, in providing an approved course of study; and
 - (b) the content and conduct of an approved course of study or any approved subject provided by the institution.
- (2) The admissions board may, after consulting an approved academic institution—
- (a) appoint 1 or more people to conduct a review of the approved course of study or of any subject in an approved course of study conducted by that academic institution; and
 - (b) determine the terms of reference for the review.
- (3) The admissions board must give the approved academic institution a copy of any report received by the admissions board, as a result of a review.
- (4) It is a condition of approval of each approved academic institution that, unless the admissions board determines otherwise, the cost of any monitoring or review must be borne by the institution.

- (5) An approved academic institution must give the admissions board or reviewer the information required by the admissions board or its reviewer, for any monitoring or review carried out under this rule.

Subdivision 3.11.2.3 Approval of course of study

3607A Approval of course of study

- (1) Subject to subrule (2) (a), the admissions board may approve a course of study which the admissions board considers will give a student an appropriate understanding of, and competence in, each area of law mentioned in rule 3605 (1) (a).
- (2) The admissions board may—
 - (a) by written notice given to an approved academic institution not less than 1 year before the notice is to take effect, withdraw approval of any course of study; or
 - (b) by written notice given to an approved academic institution not less than 6 months before the notice is to take effect, impose or vary any condition on the approval of a course of study which the admissions board considers appropriate, including any condition resulting from a review of the approved course of study or of any subject in an approved course of study under rule 3607.

3607B Approval of subjects

- (1) The admissions board may approve any subject or part of a subject in either—
 - (a) a course of study approved under rule 3607A; or
 - (b) a course of study at any other institution.

- (2) Before approving a course of study under subrule (1), the admissions board must be satisfied that the course provides a student with appropriate understanding of, and competence in, the whole or any part of an area of law mentioned in rule 3605 (1) (a).
- (3) The admissions board may, as it considers appropriate, by written notice to an approved academic institution—
 - (a) withdraw approval of any subject or part of a subject; or
 - (b) impose or vary any condition on the approval of that subject or part of a subject, including any condition resulting from a review under rule 3607.
- (4) If a person starts an approved course of study incorporating an approved subject and satisfactorily completes the subject, the person is to be treated as having completed an approved subject, despite withdrawal of approval after the person has started the subject.

3607C Changes to approved courses of study

- (1) The head of each approved academic institution providing an approved course of study must notify the admissions board of—
 - (a) any material change to the curriculum for the approved course of study; and
 - (b) any proposed material change to the curriculum for the approved course of study; and
 - (c) the head's opinion about whether successful completion of the approved course of study requires the demonstration of a satisfactory level of understanding and competence in the areas of law mentioned in rule 3605 (1) (a) (i) to (xi).
- (2) The admissions board must, after considering the material mentioned in subrule (1), determine that the approval of the approved course of study is confirmed or not confirmed.

- (3) The admissions board must, by written notice to the approved academic institution, not later than 30 September in the year that notice is given under subrule (1), tell the institution that—
 - (a) approval of the approved course of study is confirmed or not confirmed; and
 - (b) if the approval of the approved course of study is not confirmed—the approval may be withdrawn unless the institution changes the curriculum or proposed curriculum to the board’s satisfaction.
- (4) The admissions board may withdraw the approval of an approved course of study if—
 - (a) the board has determined not to confirm the approval of the approved course of study; and
 - (b) the board has given notice to the approved academic institution under subrule (3); and
 - (c) the approved academic institution has not changed the curriculum or proposed curriculum to the board’s satisfaction.

Subdivision 3.11.2.4 Practical legal training

3607D Practical legal training

- (1) The practical legal training approved for admission to the legal profession in the ACT is—
 - (a) successful completion of an approved PLT course conducted by an approved PLT provider, in accordance with subdivision 3.11.2.5; and
 - (b) the demonstration to the satisfaction of the admission board of the competency standards for practical legal training approved by the LACC in consultation with the APLEC.

- (2) A person is eligible to undertake practical legal training under this subdivision if the person has completed—
 - (a) an approved course of study under subdivision 3.11.2.3 at an approved academic institution under subdivision 3.11.2.2; or
 - (b) another tertiary qualification in law that satisfies the academic requirements for admission to the legal profession in the Australian jurisdiction where the tertiary qualification was obtained.

Subdivision 3.11.2.5 Practical legal training providers and courses

3607E Approval of PLT providers

- (1) Subject to subrule (2) (a), each of the following is an approved PLT provider:
 - (a) the Legal Workshop within the College of Law of the Australian National University;
 - (b) an institution that the admissions board is satisfied will competently conduct an approved PLT course.
- (2) The admissions board may—
 - (a) by written notice to a PLT provider not less than 1 year before the notice is to take effect, withdraw approval of that PLT provider; or
 - (b) by written notice to a PLT provider not less than 6 months before the notice is to take effect, impose or vary any condition on the approval of the PLT provider, which the admissions board considers appropriate, including any condition resulting from a review under rule 3607F.

3607F Monitoring and review of approved PLT provider

- (1) The admissions board may monitor, and, if it considers it reasonable to do so, from time to time review—
 - (a) the performance of, and the resources available to, an approved PLT provider in providing an approved PLT course; and
 - (b) the content and conduct of an approved PLT course, or any subject in an approved PLT course, provided by the PLT provider.
- (2) The admissions board may, after consulting an approved PLT provider—
 - (a) appoint 1 or more people to conduct a review of the approved PLT course or of any subject in an approved PLT course conducted by that PLT provider; and
 - (b) determine the terms of reference for the review.
- (3) The admissions board must give the approved PLT provider a copy of any report received by the admissions board, as a result of a review.
- (4) It is a condition of approval of each approved PLT provider that, unless the admissions board determines otherwise, the costs of any such monitoring or review must be borne by the provider.
- (5) An approved PLT provider must give the admissions board or its reviewer the information the admissions board or reviewer may require, for any monitoring or review carried out under this rule.

3607G Approval of training course

- (1) The admissions board may approve a course which the admissions board considers will demonstrate the competency standards mentioned in rule 3607D (1) (b).
- (2) The admissions board may approve a course which is to be conducted wholly or partly online.

-
- (3) The admissions board may, as it considers appropriate, by written notice to an approved PLT provider—
 - (a) withdraw approval for a course; or
 - (b) impose or vary any condition on the approval of that course, including any condition resulting from a review of an approved PLT course or subject under rule 3607F.

3607H Changes to approved courses of study

- (1) The director of each approved academic institution providing an approved PLT course must notify the admissions board of—
 - (a) any material change to the curriculum for the approved PLT course; and
 - (b) any proposed material change to the curriculum for the approved PLT course; and
 - (c) the director's opinion about whether successful completion of the approved PLT course requires evidence of the competency standards mentioned in rule 3607D (1) (b).
- (2) The admissions board must, after considering the material mentioned in subrule (1), determine that the approval of the approved PLT course is confirmed or not confirmed.
- (3) The admissions board must, by written notice to the approved academic institution, not later than 30 September in the year that notice is given under subrule (1), tell the institution that—
 - (a) approval of the approved PLT course is confirmed or not confirmed; and
 - (b) if the approval of the approved PLT course is not confirmed—the approval may be withdrawn unless the institution changes the curriculum or proposed curriculum to the board's satisfaction.

- (4) The admissions board may withdraw the approval of an approved PLT course if—
- (a) the board has determined not to confirm the approval of the approved PLT course; and
 - (b) the board has given notice to the approved academic institution under subrule (3); and
 - (c) the approved academic institution has not changed the curriculum or proposed curriculum to the board’s satisfaction.

Subdivision 3.11.2.6 Admission—application and related matters

7 Table 5051, items 4 and 5

substitute

4	relevant council	Full Court	<i>Legal Profession Act 2006</i> , s 81
5	law society council or relevant council	judge	<i>Legal Profession Act 2006</i> , s 207, s 239 (4), s 249 (5), s 514 and s 589 (4)

8 New rule 6250 (3) (da)

insert

- (da) under the *Corrections Management Act 2007*, section 217A (Power of court to bring detainee before it—civil proceeding);

9 New rule 6251 (3) (ca)

insert

- (ca) under the *Corrections Management Act 2007*, section 217A (Power of court to bring detainee before it—civil proceeding);

10 Rule 6251 (3) (e)

insert

- section 37 (2) (b) (Subpoena—production by non-party)

11 Rule 6251 (4) and note

substitute

- (4) Subrule (3) (d) and (e) has effect despite rule (4) (Application of rules).

Note Subrule (3) (d) applies to proceedings under the *Domestic Violence and Protection Orders Act 2008*. Subrule (3) (e) applies to proceedings under the *Domestic Violence and Protection Orders Regulation 2009*.

12 Dictionary, new definitions

insert

APLEC, for part 3.11 (Legal profession)—see rule 3600.

approved academic institution, for part 3.11 (Legal profession)—see rule 3600.

approved course of study, for part 3.11 (Legal profession)—see rule 3600.

approved PLT course, for part 3.11 (Legal profession)—see rule 3600.

approved PLT provider, for part 3.11 (Legal profession)—see rule 3600.

approved subject, for part 3.11 (Legal profession)—see rule 3600.

LACC, for part 3.11 (Legal profession)—see rule 3600.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 30 June 2014.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

© Australian Capital Territory 2014