



Australian Capital Territory

# **Supreme Court (Admission of Practitioners) Rules (repealed)**

**SL1981-323**

made under the

**Supreme Court Act 1933**

**Republication No R2**

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## **About this republication**

### **The republished law**

This is a republication of the *Supreme Court (Admission of Practitioners) Rules* (repealed) effective 1 June 1998.

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AUSTRALIAN CAPITAL TERRITORY

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**SUPREME COURT (ADMISSION OF  
PRACTITIONERS) RULES**

*As at 29 April 1994*

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## AUSTRALIAN CAPITAL TERRITORY

# SUPREME COURT (ADMISSION OF PRACTITIONERS) RULES

### **Citation**

1. These Rules may be cited as the Supreme Court (Admission of Practitioners) Rules.<sup>1</sup>

### **Incorporation of Supreme Court Rules**

2. These Rules are incorporated and shall be read as one with the Supreme Court Rules and, unless the contrary intention appears, expressions used in these Rules have the same meanings as in the Supreme Court Rules.

### **Interpretation**

3. In these Rules, unless the contrary intention appears—

“admission” means admission to practise under the Legal Practitioners Act;

“Law Society” means the body corporate constituted by section 6 of the Legal Practitioners Act by the name “The Law Society of the Australian Capital Territory”;

“Legal Practitioners Act” means the *Legal Practitioners Act 1970* of the Australian Capital Territory;

“notice of motion” means notice of motion for admission.

### **Admission of law graduates—prescribed institutions**

3A. For the purposes of paragraph 11 (1) (a) of the Legal Practitioners Act, an institution specified in Column 2 of an item in Schedule 2 is a prescribed university or other tertiary institution.

**Admission days**

4. Applications for admission under section 11 or 13 of the Legal Practitioners Act shall be heard—

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

**Application for admission**

5. (1) Application for admission under section 11 or 13 of the Legal Practitioners Act may be by motion.

(2) The form of notice of motion is Form 1 in Schedule 1.

**Address for service**

6. (1) The address to be specified in a notice of motion as the address for service of the applicant shall be an address in the Territory not more than 5 kilometres from the office of the Registrar.

(2) An address for service specified in a notice of motion shall be the address for service of the applicant for the purposes of the Supreme Court Rules.

**Notice of motion and affidavits to be filed and served**

7. (1) A notice of motion and all affidavits intended to be used in support of the motion shall be filed not later than 14 days before the day specified in the notice for the hearing of the motion.

(2) A copy of a notice of motion and of each affidavit intended to be used in support of the motion shall be served on the Law Society not later than 14 days before the day specified in the notice for the hearing of the motion.

**Affidavits in support**

8. (1) A motion 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 the applicant has ever been convicted in Australia or elsewhere of an offence;
- (b) if the applicant has been so convicted, set out particulars of the offence and the court by which, and the date on which, the applicant was so convicted; and

(c) state whether or not there are any other matters relevant to the fitness of the applicant for admission.

(3) For the purposes of this rule, a finding, in a prosecution for an offence, that the offence has been proved shall, notwithstanding that a conviction is not entered, be taken to be a conviction.

(4) An affidavit of character shall—

(a) state the period during which, and explain the circumstances in which, the deponent has known the applicant for admission;

(b) state whether there is or has been any business or professional relationship between the deponent and the applicant, and if so, explain the nature of such relationship;

(c) state whether the deponent is related to the applicant by blood or marriage; and

(d) state the opinion of the deponent regarding the fame and character of the applicant.

(5) The Court may, if it thinks the circumstances so warrant, direct that a motion 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.

#### **Proof of service under articles and completion of required courses**

9. (1) Where, for the purpose of establishing his or her entitlement to apply for admission, an applicant intends to rely upon service under articles of clerkship, the applicant shall file and serve, with the notice of motion, an affidavit by each barrister and solicitor to whom such service was rendered.

(2) An affidavit for the purpose of subrule (1) shall be in accordance with Form 2 in Schedule 1.

(3) Where, for the purpose of establishing his or her entitlement to apply for admission, an applicant intends to rely upon completion of a course of legal education prescribed for the purposes of subparagraph 11 (2) (b) (ii) of the Act, the applicant shall annex to the affidavit the certificate issued for the purpose of subsection 11 (3) of the Act in relation to the applicant.

#### **Application for enrolment**

9A. (1) The form of application for enrolment under section 12 of the Legal Practitioners Act is Form 3 in Schedule 1 and shall be accompanied by an affidavit in accordance with Form 4 in Schedule 1.

(2) Lodgment of application for enrolment with the Registrar shall—

- (a) occur not later than 14 days after the day on which the applicant's affidavit is sworn or affirmed; and
- (b) be accompanied by a copy of the application and of each document lodged with the application.

(3) The Registrar may refuse to accept an application if a certificate referred to in the application is issued more than 14 days before the day on which the applicant's affidavit is sworn or affirmed.

### **Objection by Law Society**

10. (1) Where—

- (a) a person has served a notice of motion on the Law Society; and
- (b) the Law Society intends to object to the admission of the person,

the Law Society shall, not less than 4 clear days before the day specified in the notice for the hearing of the motion, serve on the person—

- (c) notice in writing of its intention so to object and the grounds upon which it will so object; and
- (d) a copy of every affidavit that the Law Society intends to use in support of its objection.

(1A) If the Law Society intends to object to the enrolment of an applicant under section 12 of the Legal Practitioners Act, it shall serve on the applicant, not later than 14 days after receiving a copy of the application from the Registrar:

- (a) notice in writing of its intention to object and of the grounds on which it will object; and
- (b) a copy of every affidavit it intends to use in support of its objection.

(2) After serving notice under subrule (1) or (1A), 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.

### **Appearance by Law Society**

11. 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, otherwise than for the purpose of objecting to the admission of the applicant.

### **Service on Law Society**

12. A document may be served upon the Law Society—



- (a) by delivering the document to the Secretary of the Society; or
- (b) by leaving the document at the office of the Society with a person apparently employed by the Society.

**Applicant's duty of frankness**

**13.** Notwithstanding that an applicant for admission has complied with the requirements of these Rules, the applicant shall bring to the attention of the Court any matter that is relevant to his or her fitness for admission to practise.

**Signing of Roll before authorised officer**

**13A.** For the purposes of subsection 18 (2) of the Legal Practitioners Act, the Registrar may:

- (a) provide an authorised officer with a detachable portion of the Roll of Barristers and Solicitors in order that a person whose name is entered on the roll under paragraph 16 (1) (b) of the Legal Practitioners 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.

**Authorised officers**

**13B.** 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 subsection 18 (3) of the Legal Practitioners Act is an authorised officer for the purposes of enrolment of an applicant under section 12 of that Act.

**Power of Court to dispense with compliance with Rules**

**14.** Subject to the Act, the Court may dispense with compliance with any of these Rules on such terms (if any) as the Court thinks just.

**Application**

**15.** These Rules do not apply to or in relation to an application for admission made before the commencement of these Rules and pending at that commencement.

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## SCHEDULE 1

## FORMS

## FORM 1

Subrule 5 (2)

## NOTICE OF MOTION FOR ADMISSION

IN THE SUPREME COURT  
OF THE AUSTRALIAN  
CAPITAL TERRITORY

No.                      of 19                      .

IN THE MATTER OF THE LEGAL  
PRACTITIONERS ACT 1970  
AND IN THE MATTER OF THE  
APPLICATION OF  
TO BE ADMITTED TO PRACTISE  
AS A BARRISTER AND SOLICITOR

TAKE NOTICE that this Court will be moved on

the                      day of                      19                      at                      o'clock  
in the forenoon or so soon thereafter as counsel can be heard for an order that *(full name)*  
be admitted to practise under section                      of the *Legal Practitioners Act 1970*.

Dated this                      day of                      19                      .

*(signature)*

The address for service of the applicant is

\_\_\_\_\_

*Supreme Court (Admission of Practitioners) Rules*  
**SCHEDULE 1—continued**

FORM 2

Subrule 9 (2)

AFFIDAVIT OF SATISFACTORY SERVICE UNDER  
 ARTICLES OF CLERKSHIP

(Title as in Form 1)

I, \_\_\_\_\_ of \_\_\_\_\_  
 in the Australian Capital Territory, make oath and say as follows:

1. On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, I was practising as a barrister and solicitor in the Australian Capital Territory on my own account (*or* in partnership) and was the holder of an unrestricted practising certificate under the *Legal Practitioners Act 1970*.

OR

1. On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, I occupied the office of Crown Solicitor for the Commonwealth of Australia (*or* Deputy Crown Solicitor for the Australian Capital Territory).

2. On the day specified in paragraph 1, the applicant, (*full name*), entered into articles requiring the applicant to serve me as my clerk in the practice of the profession of barrister and solicitor from that day until \_\_\_\_\_

OR

2. On the day specified in paragraph 1, articles of clerkship to which the applicant, (*full name*), was a party were assigned to me.

3. Throughout the period during which the applicant was bound to serve me as my clerk, the service of the applicant was, in my opinion, satisfactory.

4. During the period referred to in paragraph 3—

- (a) the applicant was not absent from duty, except by reason of illness, without my consent (*if appropriate, except as follows:*);
- (b) the applicant was absent from duty by reason of illness for periods amounting, in the aggregate, to \_\_\_\_\_;
- (c) the applicant was absent from duty for other reasons for periods amounting, in the aggregate, to \_\_\_\_\_.

\*5. With my consent, the applicant, for the purpose of gaining additional experience, was employed in the office of \_\_\_\_\_ for the period \_\_\_\_\_

\_\_\_\_\_ . I am informed by \_\_\_\_\_ and verily believe that the service of the applicant during that period was satisfactory.

SCHEDULE 1—continued

6. Having regard to the applicant’s service as my clerk, I am of the view that the applicant is a fit person to be admitted to practise as a barrister and solicitor.

\*7. I bring to the attention of the Court the following matters that are, in my opinion, relevant to the question whether the applicant is a fit person to be admitted to practise as a barrister and solicitor:

\*8. On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the above-mentioned articles of clerkship were assigned to (*full name of assignee*).

9. Throughout the period during which the applicant served as my clerk, I continued to practise as a barrister and solicitor in the Territory and to be the holder of an unrestricted practising certificate under the *Legal Practitioners Act 1970*.

OR

9. Throughout the period during which the applicant served as my clerk, I continued to occupy the office of Crown Solicitor for the Commonwealth of Australia (*or* Deputy Crown Solicitor for the Australian Capital Territory).

Sworn by the above-named deponent at \_\_\_\_\_ on the \_\_\_\_\_ of \_\_\_\_\_ before me:

\_\_\_\_\_ day 19\_\_\_\_,

}  
}

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\* Omit if not appropriate.

SCHEDULE 1—continued

FORM 3

Rule 9A

APPLICATION FOR ENROLMENT

IN THE SUPREME COURT OF  
THE AUSTRALIAN CAPITAL  
TERRITORY

No. of 19

IN THE MATTER OF THE  
APPLICATION OF  
TO BE ENROLLED AS A  
BARRISTER AND SOLICITOR  
UNDER THE LEGAL  
PRACTITIONERS ACT 1970

I, \_\_\_\_\_ of \_\_\_\_\_, a  
barrister and solicitor\*/ barrister\*/ solicitor\*/ legal practitioner\* of the Supreme Court of  
apply to have my name entered on the Roll of  
Barristers and Solicitors of the Supreme Court of the Australian Capital Territory.

Appended to this application is:

- (a) my affidavit establishing my entitlement to be enrolled; and
- (b) a certificate\*/ extract from a certificate\* by the proper officer of the Supreme Court of \_\_\_\_\_ in respect of my enrolment in that Court; and
- (c) a certificate by the proper officer of that Court in respect of my good standing; and
- (d) a certificate by the proper officer of [name of legal professional association] in respect of my good standing.

Dated .....19 .

.....  
(Applicant)

\* Omit if inappropriate

Applicant's address for service:  
\_\_\_\_\_

## SCHEDULE 1—continued

## FORM 4

Rule 9A

## AFFIDAVIT OF APPLICANT FOR ENROLMENT

IN THE SUPREME COURT OF  
THE AUSTRALIAN CAPITAL  
TERRITORY

No. \_\_\_\_\_ of 19 \_\_\_\_\_

IN THE MATTER OF THE  
APPLICATION OF  
TO BE ENROLLED AS A  
BARRISTER AND SOLICITOR  
UNDER THE LEGAL  
PRACTITIONERS ACT 1970

On \_\_\_\_\_ 19 \_\_\_\_ I, \_\_\_\_\_, a barrister and solicitor\*/ barrister\*/  
of \_\_\_\_\_, solicitor\*/ legal practitioner\* of the Supreme Court of \_\_\_\_\_ say as follows:

1. I was first admitted to practise in Australia as a barrister and solicitor\*/  
barrister\*/ solicitor\*/ legal practitioner\* of the Supreme Court of \_\_\_\_\_  
on \_\_\_\_\_ 19 \_\_\_\_.
2. I conduct my principal practice as a barrister and solicitor\*/ barrister\*/  
solicitor\*/ legal practitioner\*.
3. I conduct my principal practice from [address] \_\_\_\_\_.
4. My right to practise as a barrister, solicitor or legal practitioner of any court in  
Australia is not suspended and has not been cancelled.
5. My conduct is not the subject of a complaint by any person to a court or judge  
(in Australia or elsewhere) or to a body having authority to deal with a  
complaint against a person entitled to practise (in Australia or elsewhere).
6. I intend to take up at (address) \_\_\_\_\_ \*/ do not intend to take up\* active  
practice in the Australian Capital Territory as a barrister and solicitor\*/  
barrister\*/ solicitor\*.

Sworn\*/ Affirmed\* at  
before me:

.....  
(Barrister\*/Solicitor\*/Authorised officer\*  
of the Supreme Court of \_\_\_\_\_ )

\* Omit if inappropriate

**SCHEDULE 2**

Rule 3A

**PRESCRIBED TERTIARY INSTITUTIONS**

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<b>Item No.</b>	<b>Institution</b>
1.	Australian National University
2.	Bond University
3.	Griffith University
4.	James Cook University of North Queensland
5.	Queensland University of Technology
6.	University of Queensland
7.	Macquarie University
8.	University of Newcastle
9.	University of New South Wales
10.	University of Sydney
11.	University of Technology (Sydney)
12.	University of Wollongong
13.	Deakin University
14.	LaTrobe University
15.	Monash University
16.	University of Melbourne
17.	University of Tasmania
18.	Flinders University
19.	University of Adelaide
20.	Murdoch University
21.	University of Western Australia
22.	University of Northern Territory
23.	University of Canberra
24.	Each university or tertiary institution in a State or Territory which issues a degree in law (however described) which is recognised in that State or Territory as sufficient educational qualification for admission to practise as a barrister or solicitor

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## NOTE

1. The Supreme Court (Admission of Practitioners) Rules (in force under the *Supreme Court Act 1933*) as shown in this reprint comprise Statutory Rules 1981 No. 323 of the Commonwealth (as amended by subsequent Commonwealth Statutory Rules).

The *Australian Capital Territory (Self-Government) Act 1988* (No. 106, 1988) of the Commonwealth subsection 34 (2) and Schedule 2 allowed for the conversion of certain Commonwealth laws to Territory enactments.

The *Australian Capital Territory Supreme Court Act 1933* of the Commonwealth was, in preparation for its conversion, amended by the *Supreme Court (Transfer) Act 1992* (No. 49, 1992) of the Commonwealth with effect from 1 July 1992 and, as so amended became a Territory enactment on that date. Rules and Regulations of the Supreme Court of the Australian Capital Territory in force under the converted Act were also converted with effect from that date.

For the amendment history of the Australian Capital Territory Supreme Court (Admission of Practitioners) Rules of the Commonwealth see Commonwealth Statutory Rules Tables and Commonwealth Statutory Rules of the Parliament Volumes printed annually. A Table showing the amendment history as provided by the Commonwealth as at 1 July 1992 is located at the back of this reprint for the reader's convenience.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

## Table of Subordinate Laws

Regulation No.	Date of making	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
14, 1994	27 Apr 1994	29 Apr 1994	29 Apr 1994	—

## Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
R. 1 .....	am. No. 14, 1994
R. 3 .....	am. No. 14, 1994
R. 3A .....	am. No. 14, 1994
Rr. 4, 5 .....	am. No. 14, 1994
Rr. 8, 9 .....	am. No. 14, 1994
R. 9A .....	am. No. 14, 1994
R. 10 .....	am. No. 14, 1994
R. 13 .....	am. No. 14, 1994
Rr. 13A, 13B .....	am. No. 14, 1994
Heading to Schedule .....	rep. No. 14, 1994
Heading to Schedule 1 .....	ad. No. 14, 1994



**NOTE—continued**

**Table of Amendments—continued**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
Schedules 1, 2 .....	am. No. 14, 1994

**TABLE SHOWING SECTION HISTORY OF THE AUSTRALIAN CAPITAL TERRITORY SUPREME COURT (ADMISSION OF PRACTITIONERS) RULES AS PROVIDED BY THE COMMONWEALTH**

**NOTE—This Table does not form part of the Supreme Court (Admission of Practitioners) Rules and is printed for convenience of reference only.**

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision	How affected
R. 3.....	am. 1991 No. 415
R. 3A .....	ad. 1991 No. 415
R. 4.....	am. 1982 No. 359
	rs. 1983 No. 227
	am. 1991 No. 415
R. 5.....	rs. 1991 No. 415
R. 9A .....	ad. 1991 No. 415
R. 10 .....	am. 1991 No. 415
Rr. 13A, 13B .....	ad. 1991 No. 415
Schedule .....	am. 1991 No. 415
Schedule 2.....	ad. 1991 No. 415

**Amendment history by the Commonwealth as at 1 July 1992****Table of Statutory Rules**

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
1981 No. 323	10 Nov 1981	10 Nov 1981	
1982 No. 359	17 Dec 1982	17 Dec 1982	—
1983 No. 227	26 Oct 1983	1 Nov 1983	—
1991 No. 415	12 Dec 1991	12 Dec 1991	—