



Australian Capital Territory

Supreme Court (Admission of Legal Practitioners) Rules

Subordinate Law No. 15 of 1998¹

We, Judges of the Supreme Court, make the following Rules of Court under section 36 of the *Supreme Court Act 1933*.

Dated 20 May 1998.

JEFFREY MILES
Chief Justice

J F GALLOP
Judge

T J HIGGINS
Judge

K J CRISPIN
Judge

A G TOWILL
Registrar

PART I—PRELIMINARY

1. Citation

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

2. Commencement

These Rules commence on the day on which the *Legal Practitioners (Amendment) Act (No. 3) 1997* (other than sections 1, 2 and 3) commences.

3. Repeal

The *Supreme Court (Admission of Practitioners) Rules* (being Statutory Rules 1981 No. 323 of the Commonwealth as amended by Statutory Rules 1982 No. 359, 1983 No. 227 and 1991 No. 415 of the Commonwealth and 1994 No. 14 of the Territory) are repealed.

4. Interpretation

(1) In these Rules, unless the contrary intention appears—

“application for admission” means an application under subsection 11 (1) of the Legal Practitioners Act;

“Law Society” means the body corporate constituted by section 4 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*;

“Roll” means the Roll of Legal Practitioners kept under section 16C of the Legal Practitioners Act.

(2) Unless the contrary intention appears, 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 II—ADMISSION

5. Admission requirements

(1) For the purposes of subsection 11 (1) of the Legal Practitioners Act, 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);
 - (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 paragraph (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 paragraph 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;
- (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.

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;
 - (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;
 - (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;
 - (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 III—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 section 12 of the Legal Practitioners Act.

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 section 12 of the Legal Practitioners Act.

16. Authorised officers

For the purposes of paragraph 18 (1) (d) of the Legal Practitioners Act, 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 that Act is an authorised officer for the purpose of—

- (a) making, on behalf of the Registrar, an entry on the Roll pursuant to subsection 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 subsection 16D (2) of that Act.

17. Signing of Roll before authorised officer

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

- (a) provide an authorised officer with a detachable portion of the Roll of Legal Practitioners in order that a person whose name is entered on the Roll under subsection 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

Subrule 9 (3)

APPLICATION 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 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 _____ 19 ____ .

[signature]

The address for service of the applicant is

NOTE

Notification

1. Notified in the ACT Gazette on 22 May 1998.