

1990 - No. 513

SUPREME COURT ACT 1970 - RULE

NEW SOUTH WALES



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SUPREME COURT RULES (AMENDMENT No. 244) 1990

1. These rules are made by the Rule Committee on 16 July 1990.
2. The Supreme Court Rules 1970 are amended as follows:
 - (a) Part 1 rule 3
After the matter relating to Part 65B insert
PART 65C - ADMISSION AS BARRISTER OR AS SOLICITOR.
 - (b) After Part 65B insert
PART 65C - ADMISSION AS BARRISTER OR AS SOLICITOR.
Application by person approved by a Board.
 1. A person who has been approved by the Barristers Admission Board or the Solicitors Admission Board as a suitable candidate for admission as a barrister or as a solicitor may, unless the Court otherwise orders, apply for admission without having filed any originating process in the Court.Admission, other than of interstate applicant.
 - 2.(1) This rule applies to an application for admission as a barrister or as a solicitor other than an application to which rule 3 applies.
 - (2) Every person applying for admission as a barrister or as a solicitor shall personally attend in Court and shall on such admission:
 - (a) take the oath of office as a barrister or as a solicitor, as the case may require; and

(b) sign the Roll of Barristers or the Roll of Solicitors in the Court, as the case may require, and shall be entitled to receive a certificate bearing the seal of the Court

Interstate applicant.

3. (1) This rule applies to an application for admission as a barrister or as a solicitor by any of the following persons:

- (a) a Queen's Counsel appointed for another State or Territory of Australia;
- (b) a barrister and solicitor of the Supreme Court of Victoria who has signed the Roll of Counsel kept by the Victorian Bar Council and whose name remains on that Roll;
- (c) a barrister duly admitted to practice in Queensland;
- (d) a person who has been admitted to practice as barrister and solicitor or legal practitioner in any State or Territory of Australia and who at the time of his or her admission had not been admitted to practice elsewhere and who undertakes to the Court in writing not to practise as a solicitor anywhere in Australia whilst on the Roll of Barristers;
- (e) a person:
 - (i) whose name is on the Roll of Solicitors or the Roll of Barristers and Solicitors in the Supreme Court of any other State or of the Australian Capital Territory; or
 - (ii) whose name is on the Roll of Legal Practitioners in the Supreme Court of the Northern Territory and who has satisfied the Solicitors Admission Board that, by passing examinations or otherwise, he or she has an adequate knowledge of trust accounts and legal ethics,

and who has satisfied that Board that, by satisfactorily completing a course substantially equivalent to the Practical Legal Training Course, or the Australian National University Legal Workshop course or otherwise, he or she has had adequate practical legal experience.

- (2) An application to which this rule applies may, at the request of the applicant, be determined or dealt with by the Court in the absence of the public and without any attendance by or on behalf of the applicant.
- (3) A request under subrule (2) may be included in the applicant's form of application for admission under the Barristers and Solicitors Admission Rules 1989.
- (4) Where the applicant makes a request under subrule (2) and the applicant is admitted, he or she shall, at the request of this Court, attend at the office of the Supreme Court of his or her State or Territory and:
 - (a) take the oath of office as barrister or as solicitor, as the case may require; and
 - (b) sign a Roll of Barristers or Roll of Solicitors, as the case may require (being a Roll kept in the office of that Court for the purpose of this rule).
- (5) When this Court has received from the other Court:
 - (a) the form of oath of office duly completed; and
 - (b) notification of the signing of a Roll under subrule (4) (b),then:
 - (c) the Prothonotary shall enter in the Roll of Barristers or the Roll of Solicitors in this Court, as the case may require, the name of the person admitted; and
 - (d) the person admitted shall be entitled to receive a certificate bearing the seal of this Court.

Oath of office.

4. The oath of office may be in or to the effect of the form below

I, *(name)* do swear that I will truly and honestly conduct myself in the practice of a

barrister (or a solicitor) of the Supreme Court of New South Wales and I shall faithfully serve as such in the administration of the laws and usages of this State according to the best of my knowledge, skill and ability.

EXPLANATORY NOTE

(This note does not form part of the rules)

1. The purpose of the above Amendment is to prescribed procedure on admission as a barrister or as a solicitor.
2. Words or figures underlined in the above rules are intended to be represented in italics if printed.

B.H. BROWN, Secretary of the Rule Committee.