

1993—No. 141

LEGAL PROFESSION ACT 1987

BARRISTERS AND SOLICITORS ADMISSION RULES 1989

NEW SOUTH WALES



[Published in Gazelle No. 34 of 8 April 1993]

The following amendments were made by the Barristers and Solicitors Admission Boards on 23 March 1993:

RULE 29 (1) (b)

This sub-rule is rescinded and the following sub-rule substituted:

- (b) have sat for at least 11 units in the NSW Higher School Certificate examination and have attained results in the 10 best units taken, and an average examination/assessment mark in English in such examination, of a standard at least equivalent to that set out in the following table:

| Year | General requirement | English requirement |
|----------------------|--------------------------------|----------------------------|
| Before 1986 | Aggregate Mark of 253 | 2 Unit General or 60/100 |
| | | 2 Unit A 53/100 |
| | | 3 Unit 1/50 |
| 1986–1990 | Tertiary Entrance Score of 253 | 2 Unit General 60/100 |
| | | 2 Unit 53/100 |
| | | 3 Unit 1/50 |
| 1990 or subsequently | Tertiary Entrance Rank of 50 | 2 Unit Contemporary 60/100 |
| | | 2 Unit General 60/100 |
| | | 2 Unit 53/100 |
| | | 3 Unit 1/50 |

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For the purposes of this sub-rule the average examination/assessment mark in English is determined by adding together the examination mark and the assessment mark and dividing by two.

RULE 29 (1) (c)

This rule is rescinded

RULE 29 (1) (f)

This rule is rescinded.

RULE 29 (2)

This sub-rule is rescinded and the following sub-rule substituted:

29. (2) A person who has been admitted as a probationary Student-at-Law and who has passed the Preliminary examination or the Legal Institutions examination referred to in rule 53 hereof shall, without further application, be deemed to have become a Student-at-Law as from the date of becoming a probationary Student-at-Law.

RULE 53 (1)

This rule is rescinded and the following rule substituted:

53. (1) The Board's Examinations are:

- (a) in the case of a student-at-law who has passed or been credited with Preliminary before 1 May 1993:

- (aa) the following subjects:

| | |
|-------------------------------|---|
| Preliminary | 6 |
| Contracts | 3 |
| Torts | 3 |
| Criminal Law and Procedure | 3 |
| Real Property | 3 |
| Australian Constitutional Law | 3 |
| Equity | |
| Commercial Transactions | |
| Administrative Law | |
| Law of Associations | 3 |
| Evidence | 3 |
| Taxation and Revenue Law | 3 |
| Succession | 2 |
| Conveyancing | 2 |
| Practice and Procedure | 2 |
| Insolvency | 1 |
| Legal Ethics | 2 |

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| | |
|---------------------------------------|---|
| (ab) three of the following subjects: | |
| Conflict of Laws | 2 |
| Family Law | 2 |
| Local Government Law | 2 |
| Industrial Law | 2 |
| Intellectual Property Law | 2 |
| Public International Law | 2 |
| Jurisprudence | 2 |
| Trade Practices Law | 2 |
| (b) in any other case: | |
| (ba) the following subjects: | |
| Legal Institutions | 3 |
| Contracts | 3 |
| Torts | 3 |
| Criminal Law and Procedure | 3 |
| Real Property | 3 |
| Australia; Constitutional Law | 3 |
| Equity | 3 |
| Commercial Transactions | 3 |
| Administrative Law | 3 |
| Law of Associations | 3 |
| Evidence | 3 |
| Taxation and Revenue Law | 3 |
| Succession | 2 |
| Conveyancing | 2 |
| Practice and Procedure | 2 |
| Insolvency | 2 |
| Legal Ethics | 2 |
| (bb) four of the following subjects: | |
| Conflict of Laws | 2 |
| Family Law | 2 |
| Local Government Law | 2 |
| Industrial Law | 2 |
| Intellectual Property Law | 2 |
| Public International Law | 2 |
| Jurisprudence | 2 |
| Trade Practices Law | 2 |

RULE 58 (1)

After the word “Preliminary” and before the word “not”, insert the words “examination or the Legal Institutions examination”

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RULE 58 (2)

This rule rescinded and the following rule substituted:

58. (2) No Student-at-Law whose application for admission as a Student-at-Law was filed after 1 March in any year shall sit for the Preliminary examination or the Legal Institutions examination in September of that year. No Student-at-Law whose said application was filed after 1 September in any year shall sit for the Preliminary examination or the Legal Institutions examination in March of the succeeding year.

RULE 59 (1)

This rule is rescinded and the following rule substituted:

59. (1) A Student-at-Law who has not aggregated 36 units either by passing examinations or by being granted credits or exemptions must sit for the examinations in other subjects in the order in which they appear in rule 53 or in any variation thereof under rule 55.

RULE 61

This rule is rescinded and the following rule substituted:

61. (1) Every person desirous of proceeding to any examination under these rules shall comply with the enrolment procedures detailed in the Student Course Information Handbook relevant to the semester for which he or she intends to apply.
- (2) Examinations may only be undertaken at those examination venues nominated in the said Handbook.

RULE 67

Add sub-rule (4) as follows:

- (4) An application under this rule shall be accompanied by such fee as shall be determined by the Boards from time to time.

RULE 75 (3) (a)

Omit “or the University of Technology, Sydney.” and insert in its place “, the University of Technology, Sydney, or the University of Wollongong.”

SECOND AND THIRD SCHEDULES

Amended, as per attached, to reflect related amendments to the Rules.

FORMS 1 AND 2

Amended, as per attached, to reflect related amendments to the Rules.

P. O'TOOLE,
Executive Officer, Barristers and Solicitors Admission Boards.

SECOND SCHEDULE

| NAME OF ACCREDITED LAW SCHOOL | DEGREE |
|--|-----------------------|
| University of Sydney | LL.B. |
| University of New South Wales | LL.B. |
| Macquarie University | LL.B. or B. Leg. S |
| Australian National University | LL.B. |
| University of Technology, Sydney | LL.B. |
| Bond University | LL.B. |
| University of Wollongong | LL.B. |
| University of New England—Northem Rivers | LL.B. |
| University of New England—Armidale | LL.B. |
| University of Newcastle | LL.B. |

THIRD SCHEDULE (FEES)

| | |
|---|-------|
| For admission as a Student-at-Law | \$80 |
| For admission as a Barrister or Solicitor | \$200 |
| On the filing of an application under s. 20 of the Act | \$100 |

| | |
|--|-------|
| For a Certificate of Admission | \$20 |
| Addition Fee [Rule 79 (3)] | \$20 |
| For any other application to either of the Boards (unless the Board otherwise resolves) | \$20 |
| On the filing of an application under Rule 69 | \$100 |
| On the filing of an application under Rule 67 | \$20 |

FORM No. 1

APPLICATION FOR ADMISSION AS A STUDENT-AT-LAW

I. of
(Full name) (Residential address and postcode)

and Telephone No.
(Official or business address and postcode)

Date of Birth / /

hereby apply to be admitted as a Student-at-Law under subclause (.....) of Rule 29 of the Barristers and Solicitors Admission Rules.

The following *original or certified* documents are furnished in support of such application:

1. * A Certificate of the Registrar of University (state name of university) that I have taken the degree of Bachelor (or Master) of
.....
 1. * A certificate from the Department of School Education showing passes in the subjects and at the levels prescribed by Rule 29 (l) (b) (c) or (f).
 1. * A certificate that I have passed an examination in (state place other than NSW) equivalent to the NSW Higher School Certificate subjects prescribed by Rule 29 (b) (c) or (f) at an equivalent level.
 1. * A certificate from the Registrar of University (state name of prescribed university) that I have been enrolled as a student in the law degree course in the faculty of

2. Two (2) recent certificates of character (Form No. 3).
* I have not at any time been excluded from undertaking the examinations prescribed by

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* (or, alternatively)

I was excluded during the year 19 from undertaking the examinations prescribed by the Barristers and Solicitors Admission rules and the circumstances relating to such exclusion are as stated in the document signed by me and annexed hereto marked "A".

and

I have not done or suffered anything likely to affect adversely my good fame and character, nor am I aware of any circumstance which might affect my fitness to be admitted as a Student-at-Law.

* (or, alternatively):

I wish to bring to the notice of the Barristers or Solicitors Admission Board the facts and circumstances stated in the document signed by me and annexed hereto marked "B". I respectfully ask the Board to consider whether those facts and circumstances adversely affect my good fame and character or affect my fitness to be admitted as a Student-at-Law. Except in so far as the Board may consider that my good fame and character or my fitness to be admitted as a Student-at-Law are affected by the facts and circumstances so stated, I have not done or suffered anything likely to affect adversely my good fame and character, nor am I aware of any circumstance which might affect my fitness to be admitted as a Student-at-Law.)

I enclose the prescribed fee of \$80.00.

(signature of applicant and date)

The Executive Officer
 Barristers and Solicitors Admission Boards
 Level 4, 99 Elizabeth Street
 Sydney NSW 2000

OR

G.P.O. Box 3980
 Sydney NSW 2001

* Delete wherever inapplicable

N.B. Pursuant to Rule 58 (2), the last day for filing an application to become a Student-at-Law for those persons desiring to sit for the September Legal Institutions Examination is *1 MARCH* and for those desiring to sit for the March Legal Institutions Examination is *1 SEPTEMBER*.

1993—No. 141**FORM No. 2****APPLICATION FOR ADMISSION AS A PROBATIONARY
STUDENT-AT-LAW**

I, of
 (Full name) (Residential address and postcode)

and Telephone No.....
 (Official or business address and postcode)

hereby apply to be admitted as a probationary Student-at-Law. In support of my application, I state as follows:

1. I was born on 19
 (note: minimum age under Rule 30 is 25 years)
2. I attach a brief resume (Attachment "A") showing:
 - (a) My educational qualifications including Higher School Certificate results (where appropriate).
 - (b) What I have done since I left school.
 - (c) My present occupation and a summary of my duties therein.
 - (d) What law-related activities are or have been incident to my present or past occupation.
 - (e) Educational programmes taken since school and the results of any examinations taken or a certified copy of any certificate awarded.
 - (f) Why I wish to be admitted as a Student-at-Law.
 - (g) What I aim to achieve if awarded a Diploma in Law.
 - (h) Any other information I consider relevant to my application.
3. I attach two (2) recent certificates of character (Form No. 3).
4. *I have not at any time been excluded from undertaking the examinations prescribed by the Barristers and Solicitors Admission Rules.

* (or, alternatively)

I was excluded during the year 19.... from undertaking the examinations prescribed by the Barristers and Solicitors Admission rules and the circumstances relating to such exclusion are as stated in the document signed by me and annexed hereto marked "A".

and

5. *I have not done or suffered anything likely to affect adversely my good fame and character, nor am I aware of any circumstance which might affect my fitness to be admitted as a Student-at-Law.

* (or, alternatively)

I wish to bring to the notice of the Barristers or Solicitors Admission Board the facts and circumstances stated in the document signed by me and annexed hereto marked "B". I respectfully ask the Board to consider whether those facts and circumstances adversely affect my good fame and character or affect my fitness to be admitted as a Student-at-Law. Except in so far as the Board may consider that my good fame and character or my fitness to be admitted as

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a Student-at-Law are affected by the facts and circumstances so stated, I have not done or suffered anything likely to affect adversely my good fame and character, nor am I aware of any circumstance which might affect my fitness to be admitted as a Student-at-Law.)

6. I enclose the prescribed fee of \$80.00.

(signature of applicant and date)

The Executive Officer
Barristers and Solicitors Admission Boards
Level 4, 99 Elizabeth Street
Sydney NSW 2000

OR

G.P.O. Box 3980
Sydney NSW 2001

* Delete wherever inapplicable

N.B. Pursuant to Rule 58 (2) the last day for filing an application to become a Student-at-Law for those persons desiring to sit for the September Legal Institutions Examination is *1 MARCH* and for those desiring to sit for the March Legal Institutions Examination is *1 SEPTEMBER*.