

1994—No. 317

LEGAL PROFESSION ACT 1987—RULES

NEW SOUTH WALES



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**LEGAL PRACTITIONERS TRANSITIONAL ADMISSION
RULES 1994**

Made by the Legal Practitioners Admission Board

PART 1—PRELIMINARY

1. (1) These Rules may be cited as the Legal Practitioners Transitional Admission Rules 1994.

(2) These Rules shall take effect on 1 July 1994.

2. Any previous rules of the Barristers Admission Board and Solicitors Admission Board or either of them shall no longer have any effect.

3. These rules are divided into Parts as follows:

PART 1—Preliminary, Rules 1–6

2—Administration, Rules 7–14

3—Legal Qualifications Committee, Rules 15–27

4—Students-at-Law, Rules 28–36

5—Declarations as to Character, Rules 37–41

6—Accredited Law Schools, Rules 42–45

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10—Hearings, Rules 89–93

11—Admission of Legal Practitioners, Rules 94–108

12—Fees, Rules 109–113

13—Miscellaneous, Rules 114–115

4. (1) In these Rules, unless the context or subject matter otherwise indicates or so requires:

“Accredited Law School” means a law school which:

- (a) before these Rules took effect, had its curriculum approved by a former Barristers Admission Board and a former Solicitors Admission Board; or
- (b) after these Rules took effect, has a degree conferred by it accredited by the Board;

and the approval or accreditation has not been withdrawn or ceased to have effect;

“admit” means admit as a legal practitioner;

“Board” means the Legal Practitioners Admission Board;

“Board’s Examinations” are those set out in Rule 53 as supplemented by Rule 55;

“President” means the person nominated under s. 3 of the Act to preside at meetings of the Board;

“Court” means the Supreme Court of New South Wales;

“Eligible Student-at-Law” means a Student-at-Law who has:

- (a) passed the Board’s Examinations; or
- (b) been exempted by the Legal Qualifications Committee or pursuant to Rule 68 or 78 from sitting for some of the Board’s Examinations and has passed those examinations for which he or she has been required to sit;

“Executive Officer” means the person appointed as Executive Officer to the Board Pursuant to Rule 7;

“Graduate” means a person who has taken a degree after examination in any university considered by the Board as being of good standing whether within or outside New South Wales;

“Judge” means a Judge of the Court;

“Law Extension Committee” means the Law Extension Committee of the University of Sydney;

“law school” means an educational facility which:

- (a) is conducted by a tertiary educational authority; and
- (b) has as one of its aims the production as graduates of persons eligible to be admitted as lawyers whether within or outside New South Wales;

“Lawyer” means a barrister, solicitor, barrister and solicitor or legal practitioner;

“Legal Qualifications Committee” means the Committee established under the Rules to superintend the qualifications of persons seeking admission in New South Wales;

“Practical Legal Training Course” means the course of practical legal training conducted through the Practical Legal Training Department of the College of Law;

“prescribed fee” means the fee fixed from time to time by the Board;

“Suitable Person” means a person who is above the age of 30 years, is unrelated to the applicant for registration or admission and has known the applicant for not less than 3 years;

“Student-at-Law” means a person registered as such under Part 4;

“the Act” means the Legal Profession Act 1987.

(2) For the purposes of these Rules, a person who satisfies the requirements of a body or law school in respect of a subject, whether by examination or other means, shall be taken to have passed the subject at or in the body or law school.

5. Unless the context or subject matter otherwise indicates or so requires, the definitions in the Act apply to these Rules.

6. When these Rules provide that any document shall be in a certain form, the document shall be in the form in the First Schedule hereto applicable for the purpose or shall be in such other form as the Board approves as sufficient either generally or in respect of any particular case.

PART 2—ADMINISTRATION

7. (1) The Board shall appoint a person to be its Executive Officer.

(2) The Executive Officer shall either in person or by deputy approved by the President attend all meetings of the Board, keep minutes of its proceedings, conduct its correspondence and perform such other duties as the Board may require.

8. The Executive Officer shall keep the Board aware of the financial position of the Board at all times and shall provide the appropriate information to enable the Board to comply with the Public Finance and Audit Act 1983.

9. (1) The Board shall have a seal.

(2) The Seal of the Board may be affixed by Resolution of the Board under the hand of the Chef Justice, the President or another judicial member and witnessed by another member.

(3) The Board may by a general resolution authorise the affixation of the Seal to any Diploma under these Rules.

10. A document, including a certificate, to be issued by the Board may be issued under seal or under the hand of the Chief Justice, the President or the Executive Officer.

11. On any application, the Board may adjourn consideration pending the provision of such further material or evidence as it considers necessary or appropriate.

12. The Board may inform itself of any matter which it considers relevant to an application before it in any manner it thinks appropriate, but the Board shall not determine an application adversely to an applicant on material not supplied by such applicant without first giving notice of the material.

13. (1) Subject to the provisions of the Act, the Board or the Legal Qualifications Committee may in circumstances which it regards as sufficiently special and upon such conditions as it thinks fit relax any of these rules. Application for such relaxation shall be made through the Executive Officer not less than 14 days before the relevant meeting.

(2) Without derogating from the generality of subrule (1), the Board may relax any rules relating to qualification of legal practitioners or Students-at-Law.

(3) An application for relaxation of any Rule relating to qualification of legal practitioners or Students-at-Law may be made either together with an application for admission or registration or separately.

(4) Where an application is made both under this Rule and for admission or registration, the applicant shall comply with the Rules relating to applications for admission or registration.

14. Every applicant for admission and every applicant for registration as a Student-at Law shall, if required by the Board, provide answers to such questions as the Board may propose touching his or her conduct and shall attend the Board for the purpose of giving further explanations touching the same if so required. If a person fails to comply with this Rule within one month of a requirement being made, the Board may, without further notice, refuse the application.

PART 3—LEGAL QUALIFICATIONS COMMITTEE

15. The Legal Qualifications Committee is hereby appointed to superintend the qualification of candidates for admission.

16. The Legal Qualifications Committee shall consist of the following persons:

- (a) 3 Judges nominated by the Chief Justice;
- (b) 3 practising barristers nominated by the Bar Council;
- (c) 3 practising solicitors nominated by the Law Society Council;
- (d) a professor of law or a full time law teacher nominated by the Dean or Head of each of the Faculties or Schools of Law of Accredited Law Schools located in New South Wales, as set out in the first column of the Second Schedule; and
- (e) the Director of the Law Extension Committee.

17. The Legal Qualifications Committee may by co-option for any special purpose nominate up to 2 further members being persons who are or have been Judges, Barristers, Solicitors, professors of law or full time law teachers.

18. (1) The Legal qualifications Committee shall elect:

- (a) as its Chairperson a Judge appointed under Rule 16 (a); and
- (b) a Deputy Chairperson to exercise all the powers of the Chairperson when the Chairperson is absent.

(2) The Chairperson and the Deputy Chairperson shall each hold office for 2 years.

(3) 8 members shall constitute a quorum of the Legal Qualifications Committee.

19. The Executive Officer shall be Executive Officer to the Legal Qualifications Committee.

20. Nominations under Rule 16 shall be by writing to the Executive Officer.

21. All nominated members of the Legal Qualifications Committee shall hold office for 2 years from the date of nomination, but shall be eligible for further nomination.

22. (1) Any casual vacancy for a position on the Legal Qualifications Committee shall be filled by nomination of the person or body who nominated the person whose position is to be filled.

(2) A person filling a casual vacancy shall hold office for the balance of the period for which the person whose vacancy was filled was to have served under Rule 21.

23. The Legal Qualifications Committee shall appoint a Credits Sub-Committee of not less than 3 nor more than 5 members for the purposes of considering the qualifications of persons who have taken courses of legal education inside or outside New South Wales and of certifying what, if any, courses should be taken by such persons before being permitted to move for admission.

24. The Legal Qualifications Committee shall appoint a Performance Review Sub-Committee to consider whether a person who otherwise by these Rules would be barred from continuing with a course of study under these Rules should be permitted to continue such a course.

25. The Legal Qualifications Committee shall appoint a Syllabus and Curriculum Sub-Committee to review the subjects and courses appointed to be studied under these Rules.

26. (1) The Legal Qualifications Committee shall in the name of the Board appoint such examiners, assistant examiners and revising examiners as are required to conduct the Board's examinations. All such appointments shall, unless otherwise specified, be from year to year.

(2) The Committee may delegate, to its Chairperson, a member or members or the Executive Officer, the making of a decision on any particular matter or class of matters which it considers appropriate provided always that any person who is aggrieved by the decision of a delegate may apply for a re-hearing by the Legal Qualifications Committee.

27. The Legal Qualifications Committee is accountable to the Board and shall report to the Board at least once in each calendar year as to its activities, including in the report any recommendations as to alteration of these Rules, or of the qualification of candidates or as to procedures to be followed or otherwise.

PART 4—STUDENTS AT LAW

28. The Board may register a person as a Student-at-Law.

29. A person is eligible for registration as a Student-at-Law only if he or she:

- (a) is a Graduate;

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- (b) has sat for at least 11 units in the NSW Higher School Certificate examination and has 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 2 Unit
		60/100
		53/100
1986–1990	Tertiary Entrance Score of 253	2 Unit
		60/100
		53/100
1990 or subsequently	Tertiary Entrance Rank of 50	2 Unit
		60/100
		53/100
		1/50

For the purposes of this subrule the average examination/assessment mark in English is determined by adding together the examination mark and the assessment mark and dividing by two;

- (c) has passed elsewhere than in New South Wales an equivalent examination to the Higher School Certificate at an equivalent level to that specified in (b); or
- (d) has in fact been enrolled as a student in a degree course for a degree in law in any prescribed university whether still enrolled or not.

30. The Board may register as a probationary Student-at-Law any person of not less than 25 years who:

- (a) has been granted provisional matriculation status in a university which has an Accredited Law School; or
- (b) satisfies the Board that he or she has reached a sufficient standard of education, whether as a consequence of a course of training or otherwise, to undertake the Board's examinations.

31. (1) Subject to subrule (2), a probationary Student-at-Law shall for all purposes of these Rules become a Student-at-Law upon passing the examination in Legal Institutions.

(2) Rule 67 shall not apply to a probationary Student-at-Law.

32. (1) Every application for registration as a Student-at-Law or as a probationary Student-at-Law shall be lodged with the Executive Officer not less than 14 days before the meeting of the Board, and shall be in or to the effect of Form 1 for a Student-at-Law or Form 2 for a probationary Student-at-Law.

(2) Every such application shall be accompanied by certificates as to fitness from 2 or more Suitable Persons in or to the effect of Form 3.

33. Every Student-at-Law shall, unless excused by the Board or its delegate, attend the course of studies required by the Law Extension Committee of the University of Sydney relevant to the subject or subjects currently being studied.

34. (1) Any person who is aggrieved by:

(a) the Board's refusal of an application for registration as a probationary Student-at-Law or a Student-at-Law or for a Certificate of Approval for Admission; or

(b) the grant of such application subject to conditions,

may:

(c) request the Board to give its reasons for that decision; and/or

(d) request the Board to rehear the application.

(2) Only one request for rehearing may be made in respect of any application.

35. On any rehearing of an application pursuant to a request made under Rule 34, the applicant may further request an oral hearing before a committee of the Board, in which case the Board shall not finalise such rehearing adversely to the applicant before receiving a report from such committee.

36. The Executive Officer shall, as soon as practicable after the relevant Board meeting, notify the applicant of the outcome of the application and, if appropriate, whether the applicant has been accepted into any quota and his or her student number.

PART 5—DECLARATIONS OF CHARACTER

37. An application under s13 of the Act for a declaration that matters do not affect fame or character shall be in Form 4.

38. An application under this Part shall be filed with the Executive Officer at least 60 days before the meeting of the Board at which the application is considered.

39. (1) Within 7 days of filing the application, the applicant shall serve the application and copies of all supporting evidence upon the Registrar of the Bar Association and the Secretary of the Law Society.

(2) Evidence in support of applications under this Part shall be by statutory declaration.

40. Within 40 days of receipt of a copy of the application, the Bar Association and the Law Society shall inform the Executive Officer of the Board of the attitude taken to the application in Form 5.

41. (1) If the application is opposed by neither the Bar Association nor the Law Society, the Board may determine it without the attendance of any person.

(2) If the application is opposed by the Bar Association or the Law Society, the Board shall proceed in accordance with Part 10 of these Rules.

PART 6—ACCREDITED LAW DEGREES

42. (1) A law school which is an Accredited Law School as at 1 July 1994 shall, by 31 December 1994, supply the Board with details of:

- (a) the subjects currently being taught in a course leading to; and
- (b) the requirements for entitlement to,

any law degree conferred by the law school which the law school desires to have accredited by the Board.

(2) The Board shall refer all material supplied under subrule (1) to the Legal Qualifications Committee, which shall in turn refer the material to the Syllabus and Curriculum Sub-Committee.

(3) The Syllabus and Curriculum Sub-Committee shall, after considering the material supplied under subrule (1) together with any proposed amendments to that material, recommend to the Legal Qualifications Committee:

- (a) that the law degree be recognised as providing a sufficient academic training to practise law in the areas of knowledge set out in rule 94 (1) (b), with the exception of Professional Conduct (including basic trust accounting);
- (b) that the law degree be so recognised only in respect of a holder of the degree who has taken one or more designated elective subjects within the degree; or
- (c) that the law degree not be so recognised.

(4) The Legal Qualifications Committee shall, after considering the recommendation of the Syllabus and Curriculum Sub-Committee under subrule (3), make its own recommendation to the Board.

(5) The Board shall, after considering the recommendation of the Legal Qualifications Committee under subrule (4):

- (a) accredit the degree;
- (b) accredit the degree only in respect of a holder who has taken one or more designated elective subjects within the degree; or
- (c) refuse to accredit the degree,

in each case with effect from 1 January 1996.

(6) All approvals by a former Barristers Admission Board or a former Solicitors Admission Board of curricula shall cease to have effect from 1 January 1996.

43. (1) A law school (not already an Accredited Law School) which proposed to offer an accredited law degree with effect from 1 January in any year may apply to the Board by 30 June in the preceding year for accreditation of the degree.

(2) With its application, the applicant law school shall submit details of the subjects proposed to be taught and the proposed requirements for entitlement to the law degree.

(3) The Board shall refer all material supplied under subrules (1) and (2) to the Legal Qualifications Committee, which shall refer the material to the Syllabus and Curriculum Sub-Committee.

(4) The Syllabus and Curriculum Sub-Committee shall, after considering the material supplied under subrule (3), recommend to the Legal Qualifications Committee:

- (a) that the degree be recognised as providing a sufficient academic training to practise law in the areas of knowledge set out in rule 94 (1) (b), with the exception of Professional Conduct (including basic trust accounting);
- (b) that the degree be so recognised only in respect of a holder of the degree who has taken one or more designated elective subjects within the degree; or
- (c) that the degree not be so recognised.

(5) The Legal Qualifications Committee shall, after considering the recommendation of the Syllabus and Curriculum Sub-Committee under subrule (4), make its own recommendation to the Board.

(6) The Board shall, after considering the recommendation of the Legal Qualifications Committee under subrule (5):

- (a) accredit the degree;
- (b) accredit the degree only in respect of a holder of the degree who has taken one or more designated elective subjects within the degree; or
- (c) refuse to accredit the degree,

in each case with effect from 1 January in the succeeding year, and notify the law school accordingly.

44. (1) Not later than 30 June each year, each Accredited Law School shall give notification to the Board of

- (a) any material alteration which it has made to the curriculum for an accredited law degree, of which it has not previously given notification; and
- (b) any material alteration which it proposes to make to the curriculum for an accredited law degree.

(2) The Board shall refer all material supplied under subrule (1) to the Legal Qualifications Committee, which shall in turn refer the material to the Syllabus and Curriculum Sub-Committee.

(3) The Syllabus and Curriculum Sub-Committee shall, after considering the alteration or proposed alteration, recommend to the Legal Qualifications Committee that the alteration be approved or not be approved.

(4) The Legal Qualifications Committee shall, after considering the recommendation of the Syllabus and Curriculum Sub-Committee under subrule (3), make its own recommendation to the Board.

(5) The Board shall, after considering the recommendation of the Legal Qualifications Committee under subrule (4), and not later than 30 September of the year in which notification was given under subrule (1), notify the law school:

- (a) in the case of an alteration—that the alteration has been approved or has not been approved, and in the latter case that the accreditation of the law degree may be withdrawn; and
- (b) in the case of a proposed alteration—that the alteration has been approved or has not been approved.

(6) The Board may withdraw accreditation for a degree if an alteration to the curriculum is not approved or is not amended to the satisfaction of the Board.

(7) Where a proposed alteration to a curriculum for a law degree is approved, the degree, altered as approved, shall be an accredited law degree.

45. Where accreditation for a law degree is withdrawn under rule 44, the degree shall, for the purposes only of the application of these Rules to a student who commenced the course for the degree prior to the cessation or withdrawal, be taken to be an accredited law degree, provided that student has passed examinations in the areas of knowledge set out in rule 94 (1) (b).

PART 7—EXAMINATIONS

46. The Board's Examinations shall be held twice each year at such places and times as the Board shall appoint and shall be under the control of the Legal Qualifications Committee.

47. Only Students-at-Law shall sit for the Board's Examinations.

48. Notwithstanding Rule 47, if the Court or a Disciplinary Tribunal constituted under the Act orders that a legal practitioner should submit to re-examination in a subject or subjects, such person may sit for such of the Board's Examinations as if he or she were registered as a Student-at-Law.

49. The Board may, by resolution made not later than 30 June in any year, determine that a quota shall be imposed for the Students-at-Law to be examined in the next succeeding year for all or any of the Board's Examinations.

50. The Board may determine that the quota referred to in Rule 49 be filled after consideration of all or any of the following factors:

- (a) the applicant's educational and professional qualifications;
- (b) the reasons given by the applicant for desiring to sit for the Board's examinations;
- (c) the value of a Diploma in Law in connection with the applicant's present or future employment or occupation;
- (d) the aptitude of the applicant to undertake a course of legal education;
- (e) the length of time since the applicant has been registered as a Student-at-Law.

51. Where a quota applies to any examination, only those Students-at-Law admitted to the quota shall sit for that examination.

52. Except as herein provided, each Student-at-Law shall pass the Board's Examinations before an application for admission is approved by the Board.

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:

(i) in the following subjects:

Preliminary	6
Contracts	3
Torts	3
Criminal Law and Procedure	3
Real Property	3
Australian 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	1
Legal Ethics	2; and

(ii) in 3 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; or

(b) in any other case:

(i) in the following subjects:

Legal Institutions	3
Contracts	3
Torts	3
Criminal Law and Procedure	3
Real Property	3
Australian 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; and

(ii) in 4 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.

(2) The unit value of each subject appears beside the subject in subrule (1).

54. (1) The Legal Qualifications Committee may recommend to the Board the variation of the list of examinations and subjects prescribed by Rule 53, including any alteration in the order in which subjects may be taken or the way in which optional subjects may be offered or in the unit value of a subject.

(2) The Legal Qualifications Committee shall, when making any recommendation under the preceding subrule, recommend the time for which any such recommendation shall come into operation and any transitional provision which ought to be made.

(3) The Board may approve any such recommendation, approve it with such amendments as it thinks fit, refuse to approve the recommendation, or remit it to the Legal Qualifications Committee for further consideration.

55. Upon the Board accepting a recommendation under Rule 54, the list of examinations shall be deemed varied as and from the next set of examinations commencing 6 months after the date of such acceptance, without the necessity for any amendment of Rule 53 and thereafter such examinations shall constitute the Board's Examinations.

56. (1) The Legal Qualifications Committee shall regularly reconsider the syllabus of the subjects of examination and shall amend any such syllabus as required.

(2) Every such amendment shall come into operation at the time prescribed by the Legal Qualifications Committee.

57. The Legal Qualifications Committee may from time to time prescribe texts, notes and other materials upon which the examination in each subject shall, in accordance with the prescribed syllabus, be set.

58. (1) A Student-at-Law may sit for the Legal Institutions examination not less than 4 months after becoming a Student-at-Law or after obtaining the permission of the Legal Qualifications Committee to commence studies.

(2) No Student-at-Law, whose application for registration as a Student-at-Law was filed after 1 March in any year, shall sit for the Legal Institutions examination in September of that year.

(3) No Student-at-Law, whose application for registration as a Student-at-Law was filed after 1 September in any year, shall sit for the Legal Institutions examination in March of the succeeding year.

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.

(2) After 36 units have been aggregated by a Student-at-Law, he or she may choose in what order he or she shall sit for the remaining examinations.

(3) A Student-at-Law must not, at any one sitting, sit for examination in more than 3 subjects except where the aggregate of the unit value of those subjects does not exceed 10.

(4) The Legal Qualifications Committee may, in circumstances which it regards as sufficiently special and upon such conditions as it thinks fit, relax the provisions of this Rule.

60. 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.

61. Examinations may only be undertaken at those examination venues nominated in the Student Course Information Handbook.

62. Every person desirous of proceeding to examination at a country centre shall, at the time of giving the relevant notice under Rule 60, pay for each subject in which he or she intends to sit such additional fee, if any, as may be fixed from time to time by the Board to meet the expenses of supervising such examination.

63. If the Board determines not to hold any examination at a country centre, the persons who desired to sit for the examination at that centre shall be notified in time to enable them to sit for the examination in Sydney or such other country centre as the Board may determine.

64. Subject to Rule 67, any candidate who, without prior leave of the Legal Qualifications Committee, fails to sit for examination in at least 2 subjects in any 2 successive sessions shall be excluded from taking any further examination prescribed by these Rules.

65. Subject to Rule 67, a candidate who has passed the examinations in all subjects except one and fails to sit for examination in the remaining subject at least once in any 2 successive sessions shall be excluded from taking any further examination in the remaining subject.

66. Subject to Rule 67, a candidate who fails any subject a second time shall be excluded from taking any further examination prescribed by these Rules.

67. (1) A person excluded by Rules 64, 65 or 66 may apply to the Legal Qualifications Committee for relaxing of the Rules. That Committee shall refer all such applications to its Performance Review Sub-Committee.

(2) The Performance Review Sub-Committee may, in circumstances which it regards as sufficiently special, recommend relaxation of Rule 64, 65 or 66 upon such conditions (if any) as it considers appropriate.

(3) No person shall make more than one application under this Rule in any 12 month period.

(4) An application under this rule shall be accompanied by the prescribed fee.

68. (1) Subject to subrule (2), a person who has, prior to his or her registration as a Student-at-Law, passed a subject at any law school or other institution of higher learning which is considered by the Legal Qualifications Committee to be substantially equivalent to any subject prescribed by these Rules, shall be deemed to have passed an examination in that subject and shall, upon the determination of the Legal Qualifications Committee to that effect, be created with the deemed pass and its unit value accordingly.

(2) Subject to rule 78, a person shall not be deemed to have passed an examination under subrule (1) later than 10 years after the person has passed the subject at the law school or other institution of higher learning.

69. (1) A person seeking to take advantage of Rule 68 shall submit an application to the Legal Qualifications Committee supported by such information as that Committee may reasonably require.

(2) Applications under this Rule shall, in the first instance, be considered by the Credits Sub-Committee.

(3) The applicant under subrule (1) shall provide the Credits Sub-Committee with all relevant information as to his or her legal education, general education and experience as a lawyer.

(4) The Credits Sub-Committee shall take into account the scope and syllabus of each subject and the extent to which the law in force in New South Wales is similar in substance to the subject studied by the applicant.

(5) An application under this rule shall be accompanied by the prescribed fee. The Executive Officer shall out of that fee pay such sum as shall from time to time be authorised by the Board to each member of the Credits Sub-Committee who deals with the application, but no such payment shall be made to any judicial member of that Sub-Committee.

70. Unless there are exceptional circumstances, the Legal Qualifications committee shall not in respect of any applicant who relies on qualifications obtained outside Australia exempt the applicant from sitting for examinations in respect of the subjects of Real Property, Australian Constitutional Law or Legal Ethics.

71. A person aggrieved by the determination of the Legal Qualifications Committee under Rule 67 or 69 may, within one month of notice being given of the making of such determination or within such extended time as the Board may allow, apply to the Board to review such determination.

72. (1) A Student-at-Law, or any other person to whom these Rules apply, who desires to sit for any examination (in this and succeeding Rules referred to as “the candidate”) shall, in the period immediately preceding the examination, enrol for and undertake such courses of instruction in the subjects of that examination (whether by lectures, correspondence or otherwise) as may for the time being be conducted by the Law Extension Committee, unless the Law Extension Committee refuses enrolment.

(2) At the time of enrolling, a candidate shall pay the Board on behalf of the University of Sydney such fees for such courses of instruction as may be fixed from time to time by that University and shall also pay to the Board the Examination fee.

73. A candidate who has enrolled for and undertaken a course of instruction in a subject of examination conducted by the Law Extension Committee in accordance with Rule 72, and who has completed the requirements of the course, may sit for the examination in that subject unless the Law Extension Committee notifies the candidate and the Legal

Qualifications Committee prior to the examination that the candidate has not completed the requirements of the course to the satisfaction of the law Extension Committee.

74. (1) A person who has qualified in the Accredited Law School set out in the first column of the Second Schedule of these Rules for the degree mentioned opposite the name of that law school in the second column thereof shall be exempt from all of the Board's Examinations under these Rules other than Legal Ethics.

(2) A person who:

- (a) has passed an equivalent examination in the University of New South Wales, the Australian National University, the University of Technology, Sydney, the University of Wollongong or such other university course as may be approved by the Board,
- (b) has satisfied the requirements of a practical training course in the subject of Legal Ethics and Trust Accounts,

shall be deemed to have passed the subject of Legal Ethics.

75. The Board may, without any alteration to these Rules, add to, modify or vary the contents of the Second Schedule from time to time, and the Executive Officer shall at all reasonable times make available at no cost to any enquirer a copy of the then current information that has taken the place of the information in the Second Schedule.

76. A person who is proceeding to a degree at an Accredited Law School as set out in the Second Schedule may sit for the Board's examination in Legal Ethics at any time after a date 18 months before the expected completion of the course leading to that degree.

77. (1) The Legal Qualifications Committee shall control the appointment of examiners, setting and marking of the Board's examinations and announcing of the results of such examinations.

(2) The Legal Qualifications Committee may, of its own motion, refer any matter touching or concerning the examinations to the Board.

(3) Any candidate at an examination who considers that he or she is aggrieved by any determination made by the Legal Qualifications Committee in respect of an examination may apply to the Board for a review of that determination.

78. The Legal Qualifications Committee may, in circumstances which it regards as sufficiently special and upon such conditions as it thinks fit, grant:

- (a) exemption from any examination or credit for any subject thereof prescribed by these Rules; or
- (b) exemption from any of the requirements of this Part.

PART 8—CERTIFICATES

79. (1) Upon request and upon payment of the prescribed fee, the Executive Officer may issue the following certificates to persons qualified to receive them:

- (a) Certificate of registration as a Student-at-Law;
- (b) Certificate of admission.

(2) The said certificates may be in Form 6 or 7 as the case may be.

(3) If a certificate under subrule (1) (b) or (c) is required within 48 hours of request, the prescribed additional fee shall be paid.

80. (1) Subject to subrule (2), a person who has passed the Board's Examinations (save Legal Ethics and those examinations from which he or she has been exempted) is entitled to receive from the Executive Officer a certificate entitled "Diploma in Law".

(2) No person who has been credited with passing of examinations under these Rules because of his or her passing subjects which entitled the person to the conferring of a degree in law in any tertiary educational institution shall be entitled to receive the Diploma referred to in subrule (1).

(3) Upon receipt of such Diploma, the person named therein shall be entitled to adopt the description of the holder of that Diploma.

(4) A Diploma under this Rule may be in Form 8.

81. Upon request and payment of the prescribed fee, the Executive Officer may issue a Certificate in Form 9 that the applicant has passed one or more of the examinations.

PART 9—DISCIPLINE

82. The Legal Qualifications Committee and the Law Extension Committee shall be vigilant to detect any cases of cheating in examinations or in home assignments (in this Part referred to as academic misconduct).

83. (1) Where an allegation of academic misconduct is made against a Student-at-Law, the Executive Officer shall, unless he or she is of the view that the allegation is frivolous, put the allegation to the Student-at-Law and request the Student-at-Law to show cause in writing within 14 days why he or she should not be dealt with under Rule 84.

(2) The Executive Officer shall refer the allegation, and any response by the Student-at-Law, to the Committee.

84. (1) The Committee shall consider any allegation of academic misconduct referred to it by the Executive Officer, and any response by the Student-at-Law, and may decide that:

- (a) the allegation is not substantiated;
- (b) the allegation is substantiated, but that no action should be taken in respect of the allegation; or
- (c) an oral hearing should be held in respect of the allegation.

(2) Where the Committee decides that an oral hearing should be held, the procedure for the hearing shall be as close as practicable to the procedure set out in Part 10.

(3) The Committee may, after considering the allegations, any response of the Student-at-Law, and any report of a hearing committee, decide that:

- (a) the allegation is not substantiated;
- (b) the allegation is substantiated but that no action should be taken in respect of the allegation; or
- (c) the allegation is substantiated and that:
 - (i) the Student-at-Law be admonished or reprimanded;
 - (ii) the Student-at-Law be refused admission to further examinations for a defined period; or
 - (iii) the matter be reported to the Board.

85. Upon any matter coming before the Board under Rule 84 (3) (c) (iii), the Board may decide that:

- (a) no action be taken;
- (b) the Student-at-Law be admonished or reprimanded;
- (c) the Student-at-Law be refused admission to further examinations for a defined period; or
- (d) the registration of the student as a Student-at-Law be cancelled.

86. A Student-at-Law aggrieved by a decision of the Committee under Rule 84 (3) (c) (i) or Rule 84 (3) (c) (ii) may apply to the Board for a review of the decision.

87. (1) Where an allegation of misconduct, not being academic misconduct under Rule 82, is made against a Student-at-Law, the Executive Officer shall, unless he or she is of the view that the allegation is frivolous, put the allegation to the Student-at-Law and request the Student-at-Law to show cause in writing within 14 days why he or she should not be dealt with under Rule 88.

(2) The Executive Officer shall refer the allegation, and any response by the Student-at-Law, to the Board.

88. (1) The Board shall consider any allegation of misconduct referred to it by the Executive Officer under Rule 87 (2), and any response by the Student-at-Law, and may decide that:

- (a) the allegation is not substantiated;
- (b) the allegation is substantiated, but that no action should be taken in respect of the allegation; or
- (c) an oral hearing should be held in respect of the allegation.

(2) Where the Board decides that an oral hearing should be held, the procedure for the hearing shall be as close as practicable to the procedure set out in Part 10.

(3) Where an oral hearing is held, the Board may, after considering the allegation, any response of the Student-at-Law, and any report of a hearing committee, decide that:

- (a) the allegation is not substantiated;
- (b) the allegation is substantiated but that no action should be taken in respect of the allegation; or
- (c) the allegation is substantiated and that:
 - (i) the Student-at-Law be admonished or reprimanded; or
 - (ii) the registration of the student as a Student-at-Law be cancelled.

PART 10—HEARINGS

89. Whenever the Board considers that an oral hearing of any matter before it is necessary or desirable or where an oral hearing is requested under Rule 34 or required under Rule 41, the President shall convene a hearing committee unless he or she considers that the hearing should be before the whole Board.

90. A hearing committee shall consist of one or more members nominated by the President. Where more than one person is nominated, the President shall also nominate a Chairperson.

91. The Chairperson of a hearing committee, or the sole member thereof, shall notify the applicant and all other persons entitled to participate in the hearing of the time and place of a preliminary conference at which directions will be given with respect to the hearing.

92. At the preliminary conference the Chairperson, or sole member of the hearing committee, shall give such directions as to the conduct of the oral hearing as he or she considers just.

93. (1) The Chairperson or sole member of a hearing committee shall, within 10 days of any oral hearing, report to the Board in respect of the oral hearing.

(2) The Board shall be entitled to take the report into consideration when determining the relevant application.

PART 11—ADMISSION OF LEGAL PRACTITIONERS

Division 1—Qualification for admission

94. (1) A person is qualified for admission if he or she has completed:

(a) a tertiary academic course in Australia whether or not leading to a degree in law, which includes the equivalent of at least 3 years full-time study of law and which is recognised in at least one Australian jurisdiction as a sufficient academic qualification for admission by the Supreme Court of that jurisdiction as a barrister, solicitor, barrister and solicitor, or legal practitioner;

(b) courses of study, whether as part of (a) or otherwise, which are recognised in at least one Australian jurisdiction, for the purposes of academic qualifications for admission by the Supreme Court of that jurisdiction as a barrister, solicitor, barrister and solicitor, or legal practitioner, as demonstrating understanding and competence in the following areas of knowledge:

- Criminal Law and Procedure;
 - Torts;
 - Contracts;
 - Property both Real (including Torrens system land) and Personal;
 - Equity (including Trusts);
 - Administrative Law;
 - Federal and State Constitutional Law;
 - Civil Procedure;
 - Evidence;
 - Company Law;
 - Professional Conduct (including basic trust accounting); and
- Detailed descriptions of the areas of knowledge are set out in the Fifth Schedule.

(c) Practical training.

(2) The academic courses conducted in New South Wales which are recognised as satisfying the requirements of Rule 94 (1) are:

(a) The Board's examinations (subject to such exemptions as may be granted);

(b) A course leading to a degree set out in the Second Schedule which has been accredited by the Board in accordance with these Rules.

(3) In order to complete practical training a person shall satisfactorily complete one of the courses set out in the Fourth Schedule unless exempted by the Board.

95. (1) A person seeking admission may apply to the Board for exemption from the requirements for practical training.

(2) An applicant for exemption who wishes to practise only as a barrister and who satisfies the Board that he or she has been prejudiced by the coming into operation of these rules relating to practical training, may be granted exemption from that training upon giving to the Court an undertaking that he or she will not apply for a solicitor's practising certificate before the expiry of five years in practice as a barrister unless that person has completed practical training or has been released from that undertaking.

Note: The fact that a person will be required to satisfy the practical training requirements will not of itself be regarded as a ground of prejudice.

(3) If a person has:

(a) attained the age of 30 years;

(b) completed the term of 15 years service in the offices of any court in New South Wales or in such position in the Department of the Attorney-General or the Department of Courts Administration as is considered by the Board to have afforded the person concerned adequate legal experience; and

(c) undertaken to the Board that he or she will not practise as a barrister or solicitor otherwise than within the Public Service of New South Wales until he or she has practised as a barrister or solicitor within the Public Service of New South Wales for at least 5 years;

then that person shall be granted exemption from practical training.

(4) The Board may, after considering the material provided by the applicant and the views of the Bar Association and of the Law Society, grant to the applicant exemption from the requirement of Rule 94 (3).

(5) Any person so exempted shall, before admission, pass the Board's examination in Legal Ethics, unless that person is deemed to have passed the examination in accordance with Rule 74 (2) (a), or is otherwise excused from having to pass that examination.

96. A person who is on the roll of lawyers (by whatever name) in any State or Territory of Australia is qualified for admission.

Admission of New Zealand Practitioners

97. A person who has been admitted to practise as a lawyer in New Zealand for at least five years on the basis of New Zealand qualifications, and who has practised law in New Zealand for the five years preceding the application for admission, may be admitted on condition that he or she satisfies the Board of the following:

- (a) that the applicant was admitted to practise in New Zealand and is currently entitled to practise there; and
- (b) that any condition placed on the applicant's admission by the Courts of New Zealand has been satisfied; and
- (c) that two persons presently on the roll of practitioners either in New Zealand or in New South Wales have furnished written certificates stating that the applicant is of good fame and character and a fit and proper person to be admitted; and
- (d) that the applicant has not at any time been struck off the roll in New Zealand and is not presently subject to disciplinary enquiry or proceedings; and
- (e) either that the applicant has not been charged with a criminal offence or that the outcome of any such charge is disclosed.

The Board may at its discretion consider whether that affects the suitability of the applicant to be admitted.

98. (1) A person who has been admitted to practise in New Zealand on the basis of New Zealand qualifications for admission but has been so admitted for less than five years or who has not practised law in New Zealand for the five years preceding an application for admission may apply to the Board for a direction as to what additional requirements he or she must comply with.

(2) The Board must consider any application under this rule and direct what academic and/or practical training or practical experience requirements must be complied with by the applicant so as to put the applicant in a substantially similar position to a person who fulfils the requirements of Rule 94.

99. An applicant who is a New Zealand practitioner and who has complied with the requirements of either Rule 97 or Rule 98 may be admitted as if the applicant complied with the requirements of Rule 94.

Admission of other overseas applicants

100. (1) A person who holds a legal qualification obtained in a jurisdiction ("the Foreign Jurisdiction") outside Australia and New Zealand and who is not admitted as a lawyer in an Australian jurisdiction

may apply to the Board for directions specifying the requirements which he or she must fulfil in order to qualify for admission.

(2) An application under subrule (1) shall be accompanied by a statutory declaration of the applicant giving details of:

- (a) the applicant's academic qualifications; and
- (b) the applicant's practical training and practical experience, if any, including the nature, range and character of any practice in law by the applicant in the Foreign Jurisdiction.

(3) If the applicant has been admitted as a lawyer by a court in the Foreign Jurisdiction, the statutory declaration shall also state:

- (a) details of the applicant's admission;
- (b) that the applicant is currently entitled to practise law in the Foreign Jurisdiction, has not, at any time, been struck off a roll of lawyers in that jurisdiction and is not presently subject to disciplinary enquiry or proceedings in that jurisdiction relating to his or her practice of law; and
- (c) whether the applicant has applied for admission by a court in any other jurisdiction in Australia and, if so, the result of that application.

(4) The applicant shall also lodge:

- (a) evidence of the applicant's academic qualifications;
- (b) if applicable—evidence of the applicant's admission; and
- (c) evidence, other than from the applicant, that the applicant is of good fame and character and is a fit and proper person to be admitted as a legal practitioner by the Court.

101. (1) Upon application being made under rule 100, the Board must give directions specifying the academic requirements, the practical training requirements or practical experience requirements which the applicant must fulfil so as to put the applicant in a substantially similar position to a person who satisfies the requirements of Rule 94.

(2) An applicant under rule 100, who:

- (a) has fulfilled the requirements specified under subrule (1); and
- (b) if the applicant's native language is not English—has satisfied the Board that he or she has a sufficient knowledge of written and spoken English to practise in Australia,

shall be qualified for admission.

102. No lawyer of any jurisdiction, whether in Australia or elsewhere, shall be required to cease practising as such in such jurisdiction before being admitted.

Division 2—Application for admission

103. (1) Every person applying for admission who claims to be qualified under Rule 94 shall, not less than 5 weeks before the date of intended admission, lodge with the Executive Officer:

- (a) an Application for Admission in Form 10;
- (b) certificates of character in Form 3 from 2 or more Suitable Persons;
- (c) if appropriate, a certificate of graduation;
- (d) if appropriate, a certificate of satisfactory completion of one of the courses of practical training in the Fourth Schedule;
- (e) if appropriate, a statement of when exemption from practical training was granted;
- (f) a statutory declaration in or to the effect of Form 11.

104. Every person applying for admission who claims to be qualified under Rule 96 shall, not less than 5 weeks before the date of intended admission, lodge with the Executive Officer:

- (a) an Application for Admission in Form 14;
- (b) a copy of the original certificate of the admission resulting in the qualification;
- (c) a certificate evidencing the admission, dated not more than 28 days before the date on which it is lodged, given by the proper officer of:
 - (i) the Supreme Court; or
 - (ii) a body having functions similar to the Board, of the relevant jurisdiction; and
- (d) a statutory declaration in or to the effect of Form 12;

105. Every person applying for admission who claims to be qualified under Rule 97 shall, not less than 5 weeks before the date of intended admission, lodge with the Executive Officer:

- (a) an Application for Admission in Form 14;
- (b) a copy of the original certificate of the applicant's New Zealand admission;
- (c) a certificate evidencing the applicant's New Zealand admission, dated not more than 28 days before the date on which it is lodged, given by the proper officer of
 - (i) the High Court of New Zealand; or
 - (ii) a body having functions similar to the Board in New Zealand;

- (d) a statutory declaration of the applicant as to the matters specified in rule 97; and
- (e) the certificates referred to in Rule 97 (c).

106. Every person applying for admission who claims to be qualified under Rule 100 shall, not less than 5 weeks before the date of intended admission, lodge with the Executive Officer:

- (a) an Application for Admission in Form 14;
- (b) a statutory declaration of the applicant:
 - (i) providing evidence that the applicant has fulfilled the requirements specified under rule 100 (1);
 - (ii) stating that the applicant has not been charged with any criminal offence or disclosing any such charge and its results; and
 - (iii) disclosing any matter bearing adversely on the applicant's fitness or propriety to be admitted as a legal practitioner of the Court; and
- (c) such other evidence as the Board may require.

Division 3—Approval

107. (1) Where the Board is satisfied that an applicant for admission is:

- (a) qualified for admission;
- (b) of good fame and character; and
- (c) fit and proper to be admitted,

it may:

- (d) approve the applicant as a suitable candidate for admission; and
- (e) issue a Certificate of Approval for Admission, in Form 13.

(2) The Board may:

- (a) withhold approval until it has received further certificates, evidence or undertakings; or
- (b) give approval, and issue a Certificate of Approval for Admission, either unconditionally or subject to any conditions it considers appropriate.

108. No person shall move the Court for admission, whether previously admitted elsewhere or not, unless the Board has issued a Certificate of Approval for Admission in respect of such person.

PART 12—FEES

109. (1) The Board shall by resolution fix the fees to be charged for the matters referred to in these Rules.

(2) The Board shall once in each calendar year review the fees referred to in this Rule.

110. Until the Board otherwise resolves, the fees to be charged are those set out in the Third Schedule.

111. (1) The fees for examination, including late fees, shall be fixed from time to time by the Legal Qualifications Committee after it has made an estimate of the costs of conducting such examinations.

(2) The examination fees shall be applied in such manner as the Legal Qualifications Committee may from time to time determine in payment of:

- (a) the proper expenses of the examination;
- (b) allowances to examiners, assistant examiners and revising examiners;
- (c) the cost of preparing and publishing notes or text books for the use of the candidates;
- (d) the cost of issuing Diplomas.

112. The fee for admission shall be payable at the time of giving notice of intention to move for admission.

113. (1) A person may apply to the Board to waive a fee payable under these Rules and the Board may, in its discretion, grant such application accordingly.

(2) No fee is payable in respect of an application under this Rule.

PART 13—MISCELLANEOUS

114. (1) A person who has passed an examination under the Barristers and Solicitors New Examination Rules or under the Barristers and Solicitors Admission Rules 1989 shall be deemed to have passed the corresponding subject in the Board's Examinations.

(2) For the purpose of this Rule:

- (a) examinations in Commercial Law I and in Private International Law under the Barristers and Solicitors New Examination Rules shall be taken to correspond with examinations in Commercial Transactions and in Conflict of Laws, respectively, under these Rules; and

(b) an examination under the Barristers and Solicitors New Examination Rules in Commercial Law II shall be taken to correspond to both the examination in Law of Associations and the examination in Insolvency under these Rules.

115. (1) Any person who considers that he or she has suffered special prejudice as a result of the taking effect of these Rules or of the Barristers and Solicitors Admission Rules 1989 may apply to the Board for relief of such special prejudice.

(2) The Board may in its discretion grant any application under this Rule unconditionally, or on such conditions as are considered appropriate.

FIRST SCHEDULE (FORMS)

FORM 1.	APPLICATION FOR REGISTRATION AS STUDENT-AT-LAW	RULE 32
FORM 2.	APPLICATION FOR REGISTRATION AS A PROBATIONARY STUDENT-AT-LAW	RULE 32
FORM 3.	CERTIFICATE OF CHARACTER	RULES 32, 103
FORM 4.	APPLICATION FOR DECLARATION OF CHARACTER	RULE 37
FORM 5.	RETURN OF PROFESSIONAL ASSOCIATION	RULE 40
FORM 6.	CERTIFICATE OF REGISTRATION AS A STUDENT-AT-LAW	RULE 79
FORM 7.	CERTIFICATE OF ADMISSION AS LEGAL PRACTITIONER, BARRISTER OR SOLICITOR	RULE 79
FORM 8.	DIPLOMA IN LAW	RULE 80
FORM 9.	CERTIFICATE AS TO EXAMINATIONS PASSED (ACADEMIC RECORD)	RULE 81
FORM 10.	APPLICATION FOR ADMISSION AS A LEGAL PRACTITIONER (Local applicant)	RULE 103
FORM 11.	DECLARATION TO ACCOMPANY FORM 10	RULE 103
FORM 12.	STATUTORY DECLARATION RE NOTICE OF APPLICATION FOR ADMISSION	RULE 104
FORM 13.	CERTIFICATE OF ELIGIBILITY FOR ADMISSION	RULE 107
FORM 14.	APPLICATION FOR ADMISSION AS A LEGAL PRACTITIONER (Interstate, New Zealand or other overseas applicant)	RULES 104, 105, 106

1994—No. 317

3. I declare that (*delete whichever is inapplicable*):

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

I wish to bring to the notice of the Legal Practitioners 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.

4. I enclose the prescribed fee of \$100.00.

The Executive Officer
Legal Practitioners Admission Board
Level 4, 99 Elizabeth Street
Sydney NSW 2000

OR

G.P.O. Box 3980
Sydney NSW 2001

.....
(signature of applicant and date)

N.B. Pursuant to Rule 58, 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.

* The Board's Diploma course is not registered on the Commonwealth Register of Institutions and Courses for Overseas Students and therefore the Board is not able to offer registration to international students.

OR

I wish to bring to the notice of the Legal Practitioners 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 no 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 \$100.00.

The Executive Officer
Legal Practitioners Admission Board
Level 4, 99 Elizabeth Street
Sydney NSW 2000

OR

G.P.O. Box 3980
Sydney NSW 2001

.....
(signature of applicant and date)

N.B. Pursuant to Rule 58, 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.

** The Boards' Diploma course is not registered on the Commonwealth Register of Institutions and Courses for Overseas Students and therefore the Board is not able to offer registration to international students.

* Delete wherever inapplicable.

FORM No. 3

CERTIFICATE OF CHARACTER IN SUPPORT OF APPLICATION FOR
REGISTRATION OR ADMISSION AS A

***STUDENT-AT-LAW / *PROBATIONARY STUDENT-AT-LAW
OR *LEGAL PRACTITIONER**

I, of
(Full name) *(address)*
a hereby certify that I am well acquainted with
(Occupation)
....., who is applying for registration or admission as a
(Full name of applicant)
*Student-at-Law / *Probationary Student-at-Law / “or” *Legal Practitioner.

The applicant has been known to me for a period of years in the following circumstances:

In compliance with the provisions of the Legal Practitioners Admission Rules, I hereunder state in my own handwriting my opinion as to the applicant’s “fame and character” #:

.....
(Signature and date)

The Executive Officer
Legal Practitioners Admission Board
Level 4, 99 Elizabeth Street
Sydney NSW 2000

OR

G.P.O. Box 3980
Sydney NSW 2001

* Delete whichever is inapplicable.

The words “fame and character” must be used when stating this opinion.

FORM No. 4

IN THE MATTER OF THE APPLICATION OF
(Full name)

AND IN THE MATTER OF S. 13 OF THE LEGAL PROFESSION ACT, 1987.

TO: The Executive Officer, Legal Practitioners Admission Board.

I, of.....
(Full name) *(private address, including postcode)*

and

.....
(official or business address, including postcode)

hereby apply pursuant to S. 13 of the Legal Profession Act, 1987 for a declaration that the matters set out in the Schedule hereto will not, without more, adversely affect an assessment to the Board of my good fame and character.

I file herewith statutory declarations in support of my application.

I understand that it is necessary to serve a copy of this application on both the New South Wales Bar Association and The Law Society of New South Wales within seven days of filing this application.

.....
(Signature of applicant and date)

NOTE: If the matter referred to in the Schedule refers to a charge heard before a Court, the Board normally expects to be provided with a full copy of the depositions or transcript of that hearing.

FORM No. 5

IN THE MATTER OF THE APPLICATION OF
(Full name)

UNDER S. 13 OF THE LEGAL PROFESSION ACT, 1987.

TO: The Executive Officer, Legal Practitioners Admission Board

The NEW SOUTH WALES BAR ASSOCIATION/THE LAW SOCIETY OF NEW SOUTH WALES

having been served with a copy of the above application on 19 ...
notifies/notify you as follows:

1. The application is opposed/not opposed.
2. It is desired to cross-examine the applicant and the persons listed below before the Board.
3. Further material should be furnished by the applicant on the following aspect of the application before it can be properly considered.

FORM No. 6

CERTIFICATE OF REGISTRATION AS STUDENT-AT-LAW

THIS IS TO CERTIFY THAT

.....
of
.....
was registered as a Student-at-Law
under Rule of the Legal Practitioner Admission Rules
on 19 and that his/her name has not been
removed from the Roll of Student-at-Law.

.....
(Executive Officer)

.....
(Date)

FORM No. 7

LEGAL PRACTITIONERS ADMISSION BOARD

CERTIFICATE OF ADMISSION

I of Sydney, in the State of New South Wales, in the Commonwealth of Australia, Executive Officer of the Legal Practitioners Admission Board of the said State, and being the Officer having ordinarily the custody of the records relating to the admission of Legal Practitioners of the said State, DO HEREBY CERTIFY: that was on the day of in the year one thousand nine hundred and admitted as a of the Supreme Court of the said State; that is now on the Roll of Legal Practitioners and has never been removed therefrom; that no order has ever been made suspending from practising profession; that no complaint has ever been lodged against ; and that no proceedings are now pending to strike name off the said Roll of Legal Practitioners or to suspend from practice.

GIVEN under my hand and the seal of the Legal Practitioners Admission Board at Sydney in the State of New South Wales this day of one thousand nine hundred and

EXECUTIVE OFFICER

FORM No. 8

LEGAL PRACTITIONERS ADMISSION BOARD

Be it known

that

has passed the examinations prescribed by the Legal Practitioners Admission Rules and been granted the

DIPLOMA IN LAW

In witness whereof

the Seal of the Board has been hereunto affixed on the day of in the year one thousand nine hundred and

Chief Justice of New South Wales

FORM No. 9

THIS IS TO CERTIFY THAT

..... has the following academic record in respect of examinations conducted under the Legal Practitioners Admission Rules:

SUBJECT	TERM	GRADE
---------	------	-------

Executive Officer

(Date)

1994—No. 317

AND I make this solemn declaration as to the matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at this day of 19 before me:

.....
A Justice of the Peace.

.....
Signature of Applicant

* Please delete whichever is inapplicable.

FORM No. 12

(This form is to be in the style of a Statutory Declaration according to the law of the place in which is made)

1. On the day of one thousand nine hundred and I was duly admitted as a Solicitor/Solicitor and Barrister/Barrister* of the Supreme Court of
(State place of Admission)
2. Annexed hereto and marked "A", is an original certificate of my admission as such Solicitor/Solicitor and Barrister/Barrister*: I am the person named therein.
3. (a) I have not done anything which would cause my name to be struck off the Roll of Solicitors/Solicitors and Barristers/Barristers* of the said Court and, to the best of my knowledge and belief my name still remains on the said Roll;
- (b) I have never been suspended from practice nor have I had imposed on me any penalty, financial or otherwise in respect of my conduct or practice as a Solicitor/Solicitor and Barrister/Barrister*;
- (c) there has never been appointed an Investigator or Receiver in respect of any trust account conducted by me in my practice as a Solicitor/Solicitor and Barrister/Barrister*;
- (d) I am not subject of a reference to any court or to any disciplinary body in respect of my conduct or practice as a Solicitor/Solicitor and Barrister/Barrister*;

(Where you wish to qualify any of the above statements, you should add the words "other than as follows:" and then proceed to detail the qualification.)

4. (set out details as to residence.)
5. During the past two years I have been engaged in (state nature of employment).

AND I make this solemn declaration as to the matters aforesaid, according to the law in this behalf made, and subject to the punishment by law provided for any wilfully false statement in any such declaration.

Declared at this day of 19
before me:

.....
A Justice of the Peace.

.....
Signature of Applicant

* Delete whichever is inapplicable.

FORM No. 13
CERTIFICATE OF ELIGIBILITY FOR ADMISSION

To the Honourable The Chief Justice.

I have the honour to inform you that the persons listed in the Schedule have been certified by the Legal Practitioners Admission Board as eligible for admission as Legal Practitioners.

SCHEDULE
(List names)

Dated , 19

.....
Executive Officer
Legal Practitioners Admission Board

FORM No. 14

APPLICATION FOR ADMISSION AS A LEGAL PRACTITIONER

Interstate, New Zealand or other overseas practitioner.

I, of
(Private address and postcode)

and
(Official or business address)

do hereby apply to be admitted as a Legal Practitioner.

I was admitted as a by the Supreme Court
(or as the case may be) of
on 19

I enclose the prescribed fee of \$200.00.

.....
(Signature of applicant and date)

The Executive Officer
Legal Practitioners Admission Board
Level 4, 99 Elizabeth Street
Sydney NSW 2000

OR

G.P.O. Box 3980
Sydney NSW 2001

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	LL.B
Southern Cross University	LL.B
University of Newcastle	LL.B
Northern Territory University	LL.B

THIRD SCHEDULE (FEES)

For registration as a Student-at-Law	\$100
For approval for admission	\$200
On the filing of an application under s.13 of the Act	\$100
For a Certificate of Admission	\$20
Additional Fee [Rule 79 (3)]	\$20
For any other application to the Board (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

FOURTH SCHEDULE

The Practical Legal Training Course

The Law Society Professional Program (including any related co-operative course)

The University of Newcastle Professional Program

Australian National University Legal Workshop

FIFTH SCHEDULE

Although the topics below are grouped together for convenience under the headings of particular areas of knowledge, there is no implication that a topic needs to be taught in a subject covering the area of knowledge mentioned in the heading rather than in another suitable subject.

Criminal Law and Procedure

1. The definition of crime.
2. Elements of crime.
3. Aims of the criminal law.
4. Homicide and defences.
5. Non-fatal offences against the person and defences.
6. Offences against property.
7. General doctrines.
8. Selected topics chosen from:
 - attempts
 - participation in crime
 - drunkenness
 - mistake
 - strict responsibility.
9. Elements of criminal procedure. Selected topics chosen from:
 - classification of offences
 - process to compel appearance
 - bail
 - preliminary examination
 - trial of indictable offences.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the general doctrines of the criminal law and particular examination of both offences against the person and against property. Selective treatment should also be given to various defences and to elements of criminal procedure.

Torts

1. Negligence including defences.
2. A representative range of torts (other than negligence) and their defences.
3. Damages.
4. Concurrent liability.
5. Compensation schemes.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The potential compass of this area is so large that considerable variation might be anticipated. At the very least, there should be a study of negligence and of a representative range of torts, with some consideration of defences and damages, and of alternative methods of providing compensation for accidental injury. Examples of these topics are: concurrent liability, defamation, economic torts, nuisance, breach of statutory duty and compensation schemes,

Contracts

1. Formation, including capacity, formalities, privity and consideration.
2. Content and construction of contracts.
3. Vitiating factors.
4. Discharge.
5. Remedies.
6. Assignment.

OR

topics of such breadth and depth as to satisfy the following guidelines:

Some variation may be expected in the breadth and detail of the topics. In general, however, knowledge of the formal requirements for concluding contracts, capacity, the content and interpretation of contracts, their performance and discharge, available remedies together with an understanding of the broad theoretical basis of contract would be expected.

Property

1. Meaning and purposes of the concept of property.
2. Possession, seisin and title.
3. Nature and type (ie fragmentation) of proprietary interests.
4. Creation and enforceability of proprietary interests.
5. Legal and equitable remedies.
6. Statutory schemes of registration.
7. Acquisition and disposal of proprietary interests.
8. Concurrent ownership.
9. Proprietary interests in land owned by another.
10. Mortgages.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the nature and type of various proprietary interests in chattels and land, and their creation and relative enforceability at law and in equity. Statutory schemes of registration for both general law land and Torrens land should be included. A variety of other topics might be included, eg fixtures, concurrent interests and more detailed treatment of such matters as sale of land, leases, mortgages, easements, restrictive covenants, etc.

Equity

1.
 - (a) The nature of equity;
 - (b) Equitable rights, titles and interests;
 - (c) Equitable assignments;
 - (d) Estoppel in Equity;

- (e) Fiduciary obligations;
 - (f) Unconscionable transactions;
 - (g) Equitable remedies.
2. Trusts, with particular reference to the various types of trusts and the manner and form of their creation and variation. The duties, rights and powers of trustees should be included as should the consequences of breach of trust and the remedies available to, and respective rights of, beneficiaries. (It is expected that about half the course will be devoted to trusts).

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should cover the elements of trust law, equitable doctrines apart from those relating to trusts, and equitable remedies. The following aspects of trusts law should be dealt with: various kinds of trusts, the rights, duties, powers of trustees; the consequences of breach of trust, apart from trusts. the following equitable doctrines might be covered, for example, fiduciary obligations, equitable assignments, unconscionability and the confidential information. The remedies of specific performance, injunction, declaration and damages in equity should be included. (It is expected that about half the course will be devoted to trusts).

Company Law

1. Corporate personality.
2. The incorporation process.
3. The corporate constitution.
4. Company contracts.
5. Administration of companies and management of the business of companies.
6. Duties and liabilities of directors and officers.
7. Share capital and membership.
8. Members' remedies.
9. Company credit and security arrangements.
10. Winding up of companies.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should include an analysis of incorporation and its effects, management and control of a company, the various methods of financing—by the issue of shares and by debt, and the processes of winding up a company.

Administrative Law

1. Organisation and structure of the administration.
2. Administrative law theory.
3. Common law and statutory avenues of judicial review at Commonwealth and State level.
4. Grounds of judicial review.

5. Remedies.
6. Crown Immunity.
7. Administrative Appeals Tribunal.
8. Statutory review.
9. Freedom of information.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should not only embrace traditional common law remedies concerning judicial review of administrative action, but should also cover the range of Commonwealth and State statutory regimes.

Federal and State Constitutional Law

1. State constitutions and constitutional systems.
2. The Commonwealth constitution and constitutional system.
3. The constitution and operation of the legislature, executive and judiciary.
4. The relationship between the different institutions of government and the separation of powers.
5. The relationship between the different levels of government.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the major principles of both the relevant State or Territory Constitution and the Commonwealth Constitution, including the relations between the different Commonwealth and State or Territory laws. A general knowledge of the scope of both State or Territory and Commonwealth Constitutions is required, although the topics will differ in the depth of treatment of specific heads of power, particularly in the Commonwealth sphere.

Civil Procedure

1. Court adjudication under an adversary system.
2. The cost of litigation and the use of costs to control litigation.
3. Service of originating process—as foundation of jurisdiction, including service out of the relevant State or Territory and choice of forum.
4. Joinder of claims and parties—including group proceedings and the defence of prior adjudication as instances of the public interest in avoiding a multiplicity of proceedings and inconsistent verdicts.
5. Defining the questions for trial—pleadings, notices to admit and other devices.
6. Obtaining evidence—discovery of documents, interrogatories, subpoena and other devices.
7. Disposition without mal. including the compromise of litigation.
8. Extra judicial determination of issues arising in the course of litigation
9. Judgment.

10. Appeal.
11. Enforcement.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should embrace the general study of rules of civil procedure relevant in the State or Territory. Rules concerning jurisdiction, the initiation and service of process, the definition of issues through pleadings and judgment and enforcement should all be included.

Evidence

1. Introduction.
2. Competence and compellability.
3. Privilege.
4. The examination of witnesses.
5. Disposition and character.
6. Similar fact evidence.
7. The accused as a witness.
8. Burden and standard of proof.
9. Documentary evidence.
10. Opinion evidence and prior determination.
11. Hearsay:
 - the exclusionary rule
 - the common law and statutory exceptions.
12. Admissions and confessions in criminal cases.
13. Illegally obtained evidence and confirmation by subsequent fact.
14. Res gestae.
15. Corroboration.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should include examination of both the sources and acceptability of evidence, including rules concerning the burden and standard of proof and technical rules concerning such matters as hearsay, admissions and confessions, illegally obtained evidence and res gestae.

Professional Conduct (including basis Trust Accounting)

Professional and personal conduct in respect of practitioners' duty:

- (a) to the law;
 - (b) to the Courts;
 - (c) to clients, including a basic knowledge of the principles of trust accounting;
- and

(d) to fellow practitioners.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should include knowledge of the various pertinent rules concerning a practitioner's duty to the law, the Courts, clients and fellow practitioners and a basic knowledge of the principles of trust accounting.

The aims of the trust account segment of Professional Conduct are:

- to impart an understanding of the legal requirements on solicitors for dealing with trust property;
- to help students obtain a level of competence in, and understanding of, the recording requirements for trust accounts and other trust dealings.

Areas covered should include:

- Provisions of the relevant State or Territory legislation governing the legal profession which relate to the handling of trust money and other trust property;
 - Legislative provisions which enable the proper identification of trust moneys;
 - The ramifications of breach of trust;
 - An overview of trust accounting systems;
 - Methods of maintaining trust account records. This includes class exercises in recording of receipts, payments and direct payments of trust moneys and of investments (including mortgage investments) by solicitors on behalf of their clients;
 - A detailed study of any relevant legislation, regulations or rules relating to trust accounting.
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