



New South Wales

Legal Practitioners Transitional Admission Rules 1994

under the

Legal Profession Act 1987

Delete Part 3 and insert the following in lieu:

Part 3 Legal qualifications committee

15. The Legal Qualifications Committee is hereby constituted to superintend the qualification of candidates for admission and to advise the Board in relation to the accreditation of academic and practical training courses.
16. (1) The Legal Qualifications Committee shall consist of the following persons:
 - (a) three Judges nominated by the Chief Justice;
 - (b) three Barristers nominated by the Bar Council;
 - (c) three Solicitors nominated by the Law Society Council; and
 - (d) the Professors of Law or full-time Law Lecturers nominated by the NSW Committee of Law Deans.
- (2) The Legal Qualifications Committee may, by co-option, appoint up to two further members being persons who are or have been Judges, Barristers, Solicitors, Professors of Law or full-time Law Lecturers.
- (3) The person or body responsible for an appointment or nomination under this rule may vary that appointment or nomination.
17. Nominations under rule 16 shall be in writing to the Executive Officer.
18. (1) The term of office of a member of the Legal Qualifications Committee shall normally be from 1 July of an even numbered year to 30 June of the next even numbered year.

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- (2) All positions become vacant on 30 June of an even numbered year.
- (3) Members may be re-nominated for subsequent terms.
19. The Legal Qualifications Committee shall elect:
 - (a) as its Chairperson a Judge appointed under rule 16 (1) (a);
and
 - (b) a Deputy Chairperson to exercise all the powers of the Chairperson when the Chairperson is absent.
20. The Executive Officer shall be the Executive Officer of the Legal Qualifications Committee.
21. Five members shall constitute a quorum of the Legal Qualifications Committee.
22. The Legal Qualifications Committee shall appoint an Academic Exemptions Sub-Committee of up to three members to determine applications under rule 97.
23. The Legal Qualifications Committee shall appoint a Practical Training Exemptions Sub-Committee of up to three members to determine applications under rule 98.
24. The Legal Qualifications Committee shall appoint an Accreditation Sub-Committee of up to three members to make recommendations relating to the recognition and accreditation of courses under these Rules.
25. The Legal Qualifications Committee may delegate to its Chairperson, a member, several members, the Executive Officer or any combination of the foregoing the making of a decision on any particular matter or class of matters provided always that a person who is aggrieved by a decision of a delegate may apply for a re-hearing by the Legal Qualifications Committee.
26. 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 such report any proposals the Committee may wish to make about matters relating to the Committee's work.

Insert the following Part:

Part 3A Examinations committee

27. The Examinations Committee is hereby constituted to oversee the content and conduct of the Board's examinations and the candidatures of Students-at-Law.
- 27A. (1) The Examinations Committee shall consist of the following persons:
- (a) two Judges nominated by the Chief Justice;
 - (b) one Barrister nominated by the Bar Council;
 - (c) one Solicitor nominated by the Law Society Council;
 - (d) the Director of the Law Extension Committee; and
 - (e) two Examiners appointed by the Chairperson of the Examinations Committee.
- (2) The Examinations Committee may, by co-option, appoint up to two further members being persons who are or have been Judges, Barristers, Solicitors, Professors of Law or full-time Law Lecturers.
- (3) The person or body responsible for an appointment or nomination under this rule may vary that appointment or nomination.
- 27B. Nominations under rule 27A shall be in writing to the Executive Officer.
- 27C. (1) The term of office of a member of the Examinations Committee shall normally be from 1 July of an even numbered year to 30 June of the next even numbered year.
- (2) All positions become vacant on 30 June of an even numbered year.
- (3) Members may be re-nominated for subsequent terms.
- 27D. The Examinations Committee shall elect:
- (a) as its Chairperson a Judge appointed under rule 27A (1) (a);
and
 - (b) a Deputy Chairperson to exercise all the powers of the Chairperson when the Chairperson is absent.
- 27E. The Executive Officer shall be the Executive Officer of the Examinations Committee.
- 27F. Four members shall constitute a quorum of the Examinations Committee.

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- 27G. The Examinations Committee shall appoint a Performance Review Sub-Committee of up to three members to determine applications under rule 67.
- 27H. The Examinations Committee shall appoint a Curriculum Sub-Committee of up to three members to plan, in consultation with Examiners and Revising Examiners, the curriculum and syllabi for the Board's examinations.
- 27I. The Examinations Committee shall appoint a Quality Sub-Committee of up to three members to oversee the quality of the examinations and marking.
- 27J. (1) The Examinations Committee shall in the name of the Board appoint such Examiners and Revising Examiners as are required to conduct the Board's examinations. All such appointments shall, unless otherwise specified, be for a single examination period.
- (2) The Examinations Committee may delegate, to its Chairperson, a member, several members, the Executive Officer or any combination of the foregoing the making of a decision on any particular matter or class of matters provided always that any person who is aggrieved by the decision of a delegate may apply for a re-hearing by the Examinations Committee.
- 27K. The Examinations 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 such report any proposals the Committee may wish to make about the Rules and procedures relating to the Committee's work.

In rule 1 delete "Transitional".

In rule 3 insert "3A Examinations Committee, Rules 27A–27L" after "Rules 15–27".

In rule 4 (1) delete:

"Eligible Student-at-Law" means a Student-at-Law who has:

- (a) passed the Board's Examinations; or
- (b) who has 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;

In rule 4 (1) insert after the definition for “Court” the following definition:

“Examinations Committee” means the Committee established under the Rules to oversee the content and conduct of the Board’s examinations and the candidatures of Students-at-Law’.

In rule 4 (1) amend the definition of “Legal Qualifications Committee” to read:

“Legal Qualifications Committee” means the Committee established under the Rules to superintend the qualification of candidates for admission and to advise the Board in relation to the accreditation of academic and practical training courses.’

In rule 13 (1) delete “or the Legal Qualifications Committee” and insert in lieu “, the Legal Qualifications Committee or the Examinations Committee”.

Amend the following rules and sub-rules by deleting “Legal Qualifications Committee” wherever it occurs and inserting in lieu “Examinations Committee”:
46, 54 (1), 54 (2), 54 (3), 56 (1), 56 (2), 57, 58 (1), 59 (4), 64, 67 (1), 71, 73, 77 (1), 77 (2), 77 (3), 78, 82, 111 (1) and 111 (2).

Amend rule 28 by adding subrule (3):

- (2) The Board may refuse to register a person as a Student-at-Law if the person is not living in, or does not expect to be living in, Australia during candidature for the Board’s examinations.

Amend rule 44 (1) (c) by deleting “94 (1) (b)” and inserting in lieu “95 (1) (b)”.

Amend rule 44 by deleting “Syllabus and Curriculum Sub-Committee” in subrules (2), (3) and (4) and inserting in lieu “Accreditation Sub-Committee”.