

2005 No 886



New South Wales

Legal Profession Admission Rules 2005

under the

Legal Profession Act 2004

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Rule 1 Legal Profession Admission Rules 2005

Part 1 Preliminary

Legal Profession Admission Rules 2005

under the

Legal Profession Act 2004

Part 1 Preliminary

- 1 (1) These Rules are made by the Legal Profession Admission Board under section 38 of the *Legal Profession Act 2004*.
- (2) These Rules may be cited as the *Legal Profession Admission Rules 2005*.

- 2 These Rules succeed the *Legal Practitioners Admission Rules 1994* with effect from 1 December 2005.

Editorial note. Section 38 (4) of the *Legal Profession Act 2004* applies Part 6 of the *Interpretation Act 1987* to a rule made under that section in the same way as it applies in relation to a statutory rule within the meaning of that Act. The Rules appointed 1 December 2005 as the date of effect of the Rules. Pursuant to section 39 (2A) of the *Interpretation Act 1987*, the Rules are not invalid merely because the Rules were published in the Gazette after the day on which one or more of the provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which the Rules are published in the Gazette, instead of from the earlier day.

- 3 These Rules are divided into Parts as follows:

Part 1—Preliminary, rules 1–6

Part 2—Administration, rules 7–14

Part 3—Legal Qualifications Committee, rules 15–26

Part 3A—Examinations Committee, rules 27–27K

Part 4—Students-at-Law, rules 28–36

Part 5—Declarations as to Character, rules 37–41

Part 6—Accredited Law Degrees, rules 42–45A

Part 6A—Approved Practical Training Courses, rules 45B–45C

Part 7—Examinations, rules 46–78A

Part 8—Certificates, rules 79–81

Part 9—Discipline, rules 82–88

Part 10—Hearings, rules 89–93

Part 11—Eligibility for Admission as a Lawyer, rules 94–98

Part 11A—Application for Admission, rules 99–108

Part 12—Fees, rules 109–113

Part 13—Transitional, rules 113A–115

Part 14—Miscellaneous, rules 116–118

4 In these Rules, unless the context or subject matter otherwise indicates or requires:

accredited law degree means a law degree included in the Second Schedule.

Act means the *Legal Profession Act 2004*.

approved practical training course means a practical training course included in the Fourth Schedule.

Bar Association means The New South Wales Bar Association.

Board means the Legal Profession Admission Board.

Board's examinations means the examinations set out in rule 53 as supplemented by rule 55.

Court means the Supreme Court of New South Wales.

Examinations Committee means the Committee established under these Rules to oversee the content and conduct of the Board's examinations and the candidature of students-at-law.

Executive Officer means the person appointed as Executive Officer to the Board under rule 7.

graduate means a person who has taken a degree after examination at any university considered by the Board to be of good standing.

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 conducted by a tertiary educational authority which has as one of its aims the production of graduates eligible to be admitted as lawyers inside or outside of New South Wales.

Law Society means The Law Society of New South Wales.

Legal Qualifications Committee means the Committee established under these 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.

Practical Legal Training Course means any one of the courses of practical legal training listed in the Fourth Schedule.

prescribed fee means a fee set out in the Third Schedule.

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Rule 5 Legal Profession Admission Rules 2005

Part 1 Preliminary

Presiding Member means the presiding member of the Board determined, nominated or elected in accordance with Schedule 2 of the Act.

student-at-law means a person registered as such under Part 4.

suitable person means, in relation to an applicant for registration or admission, a person who is above the age of 30 years, is unrelated to the applicant, and has known the applicant for not less than three years.

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

6 (Repealed)

Part 2 Administration

- 7 (1) The Board shall appoint an 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 may be affixed to any document or certificate issued by the Board under the hand of the Chief Justice, the President, another judicial member of the Board or the Executive Officer.
- 10 (Repealed)**
- 11 The Board may adjourn consideration of an application or matter before it under these Rules 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 the applicant without first giving notice of the material to the applicant.
- 13 (1) Subject to the provisions of the Act, the Board, the Legal Qualifications Committee or the Examinations Committee may, in circumstances which it regards as sufficiently special and upon such conditions as it thinks fit, relax any of these Rules.
- (2) An application for relaxation of the Rules shall be made through the Executive Officer not less than 14 days before the meeting at which the application is to be considered.
- (3) Without derogating from the generality of sub-rule (1), the Board may relax any of the rules relating to the eligibility of a person for admission as a lawyer or for registration as a student-at-law.
- (4) An application for relaxation of any of the rules relating to the qualification of lawyers or students-at-law may be made together with a corresponding application for admission or registration.

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Rule 14 Legal Profession Admission Rules 2005

Part 2 Administration

- 14** (1) Every applicant for admission as a lawyer 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 put relating to his or her conduct, and shall if required attend the Board for the purpose of providing further explanations.
- (2) If an applicant fails to provide answers within one month of being required to do so, or fails to attend the Board as required, the Board may, without further notice, refuse the application.

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) three Professors of Law or full-time Law Lecturers nominated by the Committee of NSW 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, Legal Practitioners, Lawyers, 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 made 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.
- (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.

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Rule 22 Legal Profession Admission Rules 2005

Part 3 Legal Qualifications Committee

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- 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.
- 23A (Repealed)**
- 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 or decisions on any matter or class of matters, provided always that a person aggrieved by a decision of a delegate on any matter may apply for a reconsideration of the matter 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 its report any proposals the Committee may wish to make about the Rules, procedures or other matters relating to the Committee's work.

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, Legal Practitioners, Lawyers, 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 made 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.
- 27G** The Examinations Committee shall appoint a Performance Review Sub-Committee of up to three members to determine applications under rule 67.
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Rule 27H Legal Profession Admission Rules 2005

Part 3A Examinations Committee

- 27H** The Examinations Committee shall appoint a Curriculum Sub-Committee of up to three members:
- (a) to plan and periodically review, in consultation with Examiners and Revising Examiners, the curriculum and syllabi for the Board's examinations, and
 - (b) to prescribe materials on which the Board's examinations may be set.
- 27I** The Examinations Committee shall appoint a Quality Sub-Committee of up to three members to oversee the quality of the Board's examinations and the marking of examination papers.
- 27J** (1) The Examinations Committee shall in the name of the Board appoint such Examiners and Revising Examiners as are required to set and mark the Board's examinations.
- (2) Every appointment under sub-rule (1) shall, unless otherwise specified, be for a single examination period.
- (3) 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 a person aggrieved by a decision of a delegate on any matter may apply for a reconsideration of the matter 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 its report any proposals the Committee may wish to make about the Rules, procedures or other matters relating to the Committee's work.

Part 4 Students-at-law

- 28** An application for registration as a student-at-law shall be in and to the effect of Form 1.
- 29** A person is eligible to apply for registration as a student-at-law if he or she intends to remain in Australia during the whole of his or her candidature for the Board's examinations and:
- (a) has passed the Special Tertiary Admissions Test (STAT) with a mark of 152 or above,
 - (b) is a graduate,
 - (c) has completed the NSW Higher School Certificate achieving the levels set out in the following table:

Years	Minimum Level	Minimum English mark calculated as an average of HSC examination and assessment marks	
Before 1986	Aggregate of 253	2 Unit General/2 Unit A	60
		2 Unit	53
1986–1990	TES of 253	2 Unit General	60
		2 Unit	53
1990–1999	TER of 50	2 Unit Contemporary	60
		2 Unit Related/General	53
1999–2000	UAI of 66	2 Unit Contemporary	60
		2 Unit Related/General	53
2001–	UAI of 66	Standard/Advanced	60
		ESL	70

- (d) has completed the equivalent of the NSW Higher School Certificate examination in Australia or New Zealand, achieving a level equivalent to one of the levels set out in the table in paragraph (c),

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Rule 30 Legal Profession Admission Rules 2005

Part 4 Students-at-law

- (e) holds an associate degree or a diploma, advanced diploma or associate diploma from an Australian university or TAFE college,
 - (f) has passed the International Baccalaureate examination with a result of 30 points or more and a result in English A of at least 4 points at the Higher Level or 5 points at the Standard level,
 - (g) has been admitted to candidature for a degree in an Australian or New Zealand university,
 - (h) has qualified in a TAFE college or elsewhere for the award of a Certificate III or Certificate IV as assessed by the Australian Qualifications Framework,
 - (i) has gained qualifications outside Australia equivalent to a Diploma, Advanced Diploma, Certificate III or Certificate IV,
 - (j) has been employed as a paralegal or a legal secretary undertaking actual legal work under supervision for at least three years, or
 - (k) has been or is either a police officer or a registered nurse who has passed examinations in either of those professions.
- 30** (1) Subject to sub-rules (2) and (4), where the Board is satisfied that an applicant for registration as a student-at-law is eligible for registration it shall register the applicant as a student-at-law.
- (2) The Board may refuse to register an applicant if it is not satisfied that he or she is of good fame and character and otherwise suitable for registration.
- (3) In considering whether an applicant is suitable for registration, the Board may have regard to the suitability matters set out in section 9 of the Act.
- (4) The Board may refuse to register an applicant if it is not satisfied that the applicant intends to reside in Australia during his or her candidature for the Board's examinations.
- 31** (1) The Executive Officer shall notify an applicant for registration as a student-at-law of the outcome of his or her application as soon as practicable after the meeting at which the application is considered.
- (2) If the Board refuses to register an applicant, he or she may ask the Board to give reasons for the refusal.
- (3) An applicant who is aggrieved by a refusal of an application may ask the Board to reconsider the application, and may request an oral hearing before a committee of the Board.

32–36 (Repealed)

Part 5 Declarations as to character

- 37** An application to the Board under section 26 of the Act for a declaration that particular matters will not adversely affect an assessment by the Board of a person's suitability for admission shall be in and to the effect of Form 4.
- 38 (Repealed)**
- 39** At the time of making an application to the Board under this Part, the applicant shall serve a copy of the application on each of the Bar Association and the Law Society.
- 40** The Bar Association and the Law Society shall inform the Board of their attitude to an application under this Part within 12 weeks of receiving the application.
- 41** (1) The Board may proceed to determine an application under this Part without the attendance of any person unless the applicant, the Bar Association or the Law Society requests an oral hearing.
- (2) If any of the applicant, the Bar Association or the Law Society desires an oral hearing, the Board shall proceed in accordance with Part 10 of these Rules.

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Rule 43 Legal Profession Admission Rules 2005

Part 6 Accredited law degrees

Part 6 Accredited law degrees

42 (Repealed)

- 43** (1) A law school which proposes 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) An application under sub-rule (1) must include details of the subjects proposed to be taught and the proposed requirements for the degree.
- (3) The Board shall refer an application under sub-rule (1) to the Legal Qualifications Committee, which shall refer the application to the Accreditation Sub-Committee.
- (4) The Accreditation Sub-Committee shall, after considering the material referred to it under sub-rule (3), recommend to the Legal Qualifications Committee:
- (a) that the degree be recognised as requiring the completion of at least three years full-time study of law, and a satisfactory level of understanding and competence in the areas of knowledge set out in rule 95 (1) (b) and the Fifth Schedule except for the trust accounting component of Professional Conduct,
- (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 Accreditation Sub-Committee under sub-rule (4), recommend to the Board that the degree be accredited or not be accredited.
- (6) The Board shall, after considering the recommendation of the Legal Qualifications Committee under sub-rule (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.
- (7) The Executive Officer shall notify the law school accordingly.
- 44** (1) Not later than 30 June each year, the Head of each law school offering an accredited law degree shall notify the Board of:

- (a) any material alteration which has been made to the curriculum for the degree,
 - (b) any material alteration which is proposed to be made to the curriculum for the degree, and
 - (c) his or her opinion as to whether the requirements for the award of the degree include the demonstration of a satisfactory level of understanding and competence in the areas of knowledge set out in rule 95 (1) (b) and the Fifth Schedule except for the trust accounting component of Professional Conduct.
- (2) The Board shall refer the material supplied under sub-rule (1) to the Legal Qualifications Committee, which shall refer the material to the Accreditation Sub-Committee.
 - (3) The Accreditation Sub-Committee shall, after considering the material referred to it under sub-rule (2), recommend to the Legal Qualifications Committee that the accreditation of the degree be confirmed or that it not be confirmed.
 - (4) The Legal Qualifications Committee shall, after considering the recommendation of the Accreditation Sub-Committee under sub-rule (3), recommend to the Board that the accreditation of the degree be confirmed or that it not be confirmed.
 - (5) The Board shall, after considering the recommendation of the Legal Qualifications Committee under sub-rule (4), determine that the accreditation of the degree be confirmed or that it not be confirmed.
 - (6) The Executive Officer shall, not later than 30 September of the year in which notification was given under sub-rule (1), notify the law school:
 - (a) that the accreditation of the degree has been confirmed, or
 - (b) that the accreditation of the degree has not been confirmed, and in this case
 - (c) that the accreditation of the degree may be withdrawn.
 - (7) If the Board has determined under sub-rule (5) that the accreditation of the degree not be confirmed, the Board may withdraw the accreditation unless the curriculum or proposed curriculum is amended to the satisfaction of the Board.

45 Where accreditation of 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 degree course prior to the withdrawal of accreditation, be taken to be an accredited law degree, provided that student has passed examinations in the areas of knowledge set out in rule 95 (1) (b) and the Fifth Schedule.

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Rule 45A Legal Profession Admission Rules 2005

Part 6 Accredited law degrees

45A Where a law degree is accredited under rule 43, or where accreditation of a law degree is withdrawn under rule 44, the Second Schedule is amended accordingly.

Part 6A Approved practical training courses

- 45B** (1) Not later than 30 June each year, the Director of each institution offering an approved course of practical training shall give notification to the Board of:
- (a) any material alteration which has been made to the curriculum of the course,
 - (b) any material alteration which is proposed to be made to the curriculum of the course, and
 - (c) his or her opinion as to whether the requirements for the successful completion of the course include evidence of the attainment of the competencies set out in rule 96 (1) (b) and the Sixth Schedule.
- (2) The Board shall, after considering the material provided by the institution under sub-rule (1), determine that the approval of the course be confirmed or that it not be confirmed.
- (3) The Executive Officer shall, not later than 30 September of the year in which notification was given under sub-rule (1), notify the institution:
- (a) that the approval of the course has been confirmed, or
 - (b) that the approval of the course has not been confirmed, and in this case
 - (c) that the approval of the course may be withdrawn.
- (4) If the Board has determined under sub-rule (2) that the approval of the course not be confirmed, the Board may withdraw the approval unless the curriculum or proposed curriculum is amended to the satisfaction of the Board.
- 45C** Where approval of a practical training course is withdrawn under rule 45B, the Fourth Schedule is amended accordingly.

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Rule 46 Legal Profession Admission Rules 2005

Part 7 Examinations

Part 7 Examinations

46 The Board's Examinations shall be held twice each year at such places and times as the Board shall appoint.

47 Only students-at-law shall sit for the Board's Examinations.

48–52 (Repealed)

53 The Board's examinations are:

(a) the following subjects:

Legal Institutions
Contracts
Torts
Criminal Law and Procedure
Real Property
Australian Constitutional Law
Equity
Commercial Transactions
Administrative Law
Law of Associations
Evidence
Taxation and Revenue Law
Succession
Conveyancing
Practice and Procedure
Legal Ethics
Jurisprudence

(b) three of the following subjects:

Insolvency
Conflict of Laws
Family Law
Local Government and Planning
Industrial Law
Intellectual Property Law
Public International Law
Trade Practices Law

54 (1) The Examinations Committee may recommend to the Board:

-
- (a) a variation of the list of examinations and subjects set out in rule 53,
- (b) a variation in the order in which the subjects are to be taken, and
- (c) any transitional arrangements which may be necessary to accommodate a variation of the subjects or the order in which they are taken.
- (2) The Board may approve a recommendation under sub-rule (1), with or without amendment, refuse to approve the recommendation, or remit it to the Examinations 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, without the necessity for any amendment of rule 53, and thereafter the examinations as varied shall constitute the Board's examinations.
- 56, 57 (Repealed)**
- 58** (1) No student-at-law whose application for registration as a student-at-law is lodged later than 1 April in any year shall sit for the Legal Institutions examination in September of that year.
- (2) No student-at-law whose application for registration as a student-at-law is lodged later than 1 October 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 passed the examinations in or been credited with or exempted from at least 11 subjects must sit for the examination in the order in which they appear in rule 53 or in any variation thereof under rule 55.
- (2) A student-at-law who has passed the examinations in or been credited with or exempted from at least 11 subjects may sit for the examinations in the remaining subjects in any order.
- (3) A student-at-law must not, at any one sitting, sit for examination in more than two subjects until he or she has passed eight compulsory subjects after which he or she may not, at any one sitting, sit for examination in more than three subjects.
- (4) The Examinations Committee may, in circumstances which it regards as sufficiently special and upon such conditions as it thinks fit, relax this rule.
- 60** (1) A person desirous of proceeding to any examination or examinations under these Rules (in this and succeeding rules referred to as *the candidate*) shall make application to the Board for enrolment in

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Rule 61 Legal Profession Admission Rules 2005

Part 7 Examinations

accordance with the procedures and within the times set out in the Course Information Handbook for the session in which he or she intends to proceed.

- (2) The candidate shall enrol for the examination or examinations and at the same time for the corresponding course or courses of instruction conducted by the Law Extension Committee.
- (3) At the time of enrolling, the candidate shall pay to the Board the examination fee and also such fees for the courses of instruction conducted by the Law Extension Committee as have been fixed from time to time by the University of Sydney.

- 61** (1) Subject to sub-rule (2) the Boards examinations may be undertaken only at the examination centres set out in the Course Information Handbook.
- (2) The Examinations Committee may, in circumstances which it regards as sufficiently special and upon such conditions as it thinks fit, permit a candidate to undertake an examination at an alternative centre.

62 (Repealed)

- 63** If the Board determines not to hold an examination at a country centre, the candidates 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 at such other country centre as the Board may determine.

- 63A** A candidate who has enrolled for and undertaken a course of instruction in a subject of examination conducted by the Law Extension Committee 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 Examinations Committee prior to the examination that the candidate has not completed the requirements of the course to the satisfaction of the Law Extension Committee.

- 64** Subject to rule 67, any candidate who, without prior leave of the Examinations Committee, fails to sit for examination in at least two subjects in any two 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 two 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 rule 64, rule 65 or rule 66 may apply to the Examinations Committee for a relaxation of the Rules.
- (2) The Examinations Committee shall refer an application under sub-rule (1) to the Performance Review Sub-Committee or to the Executive Officer.
- (3) The Performance Review Sub-Committee or the Executive Officer may, in circumstances which it or he or she regards as sufficiently special and upon such conditions as it or he or she thinks fit, relax rule 64, rule 65 or rule 66.
- 68–70 (Repealed)**
- 71** (1) A person aggrieved by a determination of the Performance Review Sub-Committee or the Executive Officer under rule 67 may, within one month of being given notice of the determination or within such extended time as the Examinations Committee may allow, apply to the Examinations Committee for a review of the determination.
- (2) A person aggrieved by a determination of the Examinations Committee under sub-rule (1) may, within one month of being given notice of the determination or within such extended time as the Board may allow, apply to the Board for a review of the determination.
- 72–76 (Repealed)**
- 77** The Examinations Committee may refer to the Board any matter relating to the examinations.
- 78** The Examinations Committee may, in circumstances which it regards as sufficiently special and upon such conditions as it thinks fit, grant:
- (a) exemption from any examination prescribed by these Rules, or
- (b) exemption from any of the requirements of this Part.
- 78A** (1) The Board may award academic prizes to candidates in respect of their performance in the Board's examinations.
- (2) The terms and conditions of each prize shall be determined by the Board.

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Rule 79 Legal Profession Admission Rules 2005

Part 8 Certificates

Part 8 Certificates

- 79** (1) Upon request and upon payment of the prescribed fee, the Executive Officer may issue the following certificates:
- (a) a certificate of registration as a student-at-law,
 - (b) a certificate of current admission,
 - (c) a certificate of academic record.
- 80** (1) Subject to sub-rule (2), a person who has passed the Board's examinations save those from which he or she has been exempted, is entitled to receive from the Board a certificate entitled "Diploma in Law".
- (2) No person is entitled to receive the Diploma if he or she has sat for and passed fewer than half of the Board's examinations.
- (3) Subject to sub-rule (4), no charge shall be made for the issue of a Diploma.
- (4) A person who wishes to receive from the Board a Diploma to which he or she is entitled on account of examinations completed more than one year before making application for that Diploma, shall pay to the Board the fee prescribed in the Third Schedule for original diplomas and certificates.
- (5) Upon receipt of a Diploma in Law, the person named therein shall be entitled to adopt the description of the holder of that Diploma, and shall be entitled to use the post-nominal "DipLaw".
- 81** A student-at-law who is awarded an academic prize by the Board is entitled to receive from the Board a certificate relating to that prize.

Part 9 Discipline

- 82** The Examinations 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 Examinations 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:
- (a) that the allegation is not substantiated,
 - (b) that the allegation is substantiated, but that no action should be taken in respect of the allegation, or
 - (c) that an oral hearing should be held in respect of the allegation.
- (2) Where the Examinations 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 Examinations Committee may, after considering the allegation, any response of the student-at-law, and any report of a hearing committee, decide:
- (a) that the allegation is not substantiated,
 - (b) that the allegation is substantiated but that no action should be taken in respect of the allegation, or
 - (c) that the allegation is substantiated and:
 - (ca) that the student-at-law be admonished or reprimanded,
 - (cb) that the student-at-law be refused admission to further examinations for a defined period, or
 - (cc) that the matter be reported to the Board.
- 85** Upon any matter coming before the Board under rule 84 (3) (c) (cc), the Board may decide:
- (a) that no action be taken,
 - (b) that the student-at-law be admonished or reprimanded,

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Rule 86 Legal Profession Admission Rules 2005

Part 9 Discipline

(c) that the student-at-law be refused admission to further examinations for a defined period, or

(d) that the registration of the student as a student-at-law be cancelled.

86 A student-at-law aggrieved by a decision of the Examinations Committee under rule 84 (3) (c) (ca) or rule 84 (3) (c) (cb) 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:

(a) that the allegation is not substantiated,

(b) that the allegation is substantiated, but that no action should be taken in respect of the allegation, or

(c) that 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:

(a) that the allegation is not substantiated,

(b) that the allegation is substantiated but that no action should be taken in respect of the allegation, or

(c) that the allegation is substantiated and:

(ca) that the student-at-law be admonished or reprimanded, or

(cb) that 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 31 (3) 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** (1) A hearing committee shall consist of one or more members nominated by the President.
- (2) Where more than one person is nominated, the President shall also nominate a Chairperson.
- 91** (1) 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.
- (2) 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.
- 92 (Repealed)**
- 93** (1) The Chairperson or sole member of a hearing committee shall report to the Board in respect of the oral hearing.
- (2) The Board shall not finalise its consideration of the matter to which the hearing relates before receiving the report of the hearing committee.

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Rule 94 Legal Profession Admission Rules 2005

Part 11 Eligibility for admission as a lawyer

Part 11 Eligibility for admission as a lawyer

- 94** A person is eligible for admission as a lawyer if he or she has satisfied:
- (a) the academic requirements for admission, and
 - (b) the practical training requirement for admission.
- 95** (1) The academic requirements for admission are:
- (a) completion of a tertiary academic course, whether or not leading to a degree in law, which includes the equivalent of at least three years full-time study of law and which is recognised in at least one Australian jurisdiction as providing sufficient academic training for admission by the Supreme Court of that jurisdiction as a lawyer, and
 - (b) completion of courses of study, whether as part of (a) or otherwise, which are recognised in at least one Australian jurisdiction, for the purposes of academic requirements for admission by the Supreme Court of that jurisdiction as a lawyer, as providing sufficient academic training in the following areas of knowledge:
 - Criminal Law and Procedure
 - Torts
 - Contracts
 - Property both Real (including Torrens system land) and Personal
 - Equity
 - Administrative Law
 - Federal and State Constitutional Law
 - Civil Procedure
 - Evidence
 - Company Law
 - Professional Conduct
- (2) A synopsis of the areas of knowledge referred to in sub-rule (1) (b) is set out in the Fifth Schedule.
- (3) The academic courses conducted in New South Wales which are recognised as satisfying the requirements of sub-rule (1) are:
- (a) the Board's examinations set out in rule 53, and
 - (b) the courses listed in the Second Schedule.
- 96** (1) The practical training requirement for admission is completion of a course of practical training or articles:

- (a) which is recognized in at least one Australian jurisdiction as providing sufficient practical training for admission by the Supreme Court of that jurisdiction as a lawyer, and
- (b) which includes evidence of the attainment of competencies in the following areas:
- Skills
 - Lawyers' Skills
 - Problem Solving
 - Work Management and Business Skills
 - Trust and Office Accounting
 - Practice Areas
 - Civil Litigation Practice
 - Commercial and Corporate Practice
 - Property Law Practice
 - One of the following:
 - Administrative Law Practice
 - Criminal Law Practice
 - Family Law Practice
 - One of the following:
 - Consumer Law Practice
 - Employment and Industrial Relations Practice
 - Planning and Environmental Law Practice
 - Wills and Estates Practice
 - Values
 - Ethics and Professional Responsibility
- (2) A synopsis of the competencies referred to in sub-rule (1) (b) is set out in the Sixth Schedule.
- (3) The practical training courses conducted in New South Wales which are recognized as satisfying the requirement of sub-rule (1) are listed in the Fourth Schedule.
- 97** (1) A person who falls within one of the categories set out in sub-rule (2) may apply to the Legal Qualifications Committee for exemption from some or all of the examinations set out in rule 53.
- (2) The categories referred to in sub-rule (1) are:

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Rule 97 Legal Profession Admission Rules 2005

Part 11 Eligibility for admission as a lawyer

- (a) persons who have undertaken studies towards meeting the academic requirements for admission in an Australian state or territory, but who have not completed those requirements,
 - (b) persons who have undertaken studies towards meeting the academic requirements for admission in a jurisdiction outside Australia, but who have not completed those requirements,
 - (c) persons who have completed the academic requirements for admission in a jurisdiction outside Australia, but who have not been admitted in that jurisdiction,
 - (d) persons who have completed the academic requirements for admission in a jurisdiction outside Australia and who have been admitted in that jurisdiction, but who have not practised in that jurisdiction, and
 - (e) persons who have completed the academic requirements for admission in a jurisdiction outside Australia and who have been admitted in that jurisdiction, and who have practised in that jurisdiction.
- (3) The Academic Exemptions Sub-Committee may exempt a person who falls within category (a) of sub-rule (2) from undertaking any examination referred to in rule 53 if it is satisfied that the person has covered the substance of the subject matter of that examination in his or her earlier studies.
- (4) The Academic Exemptions Sub-Committee may exempt a person who falls within category (b) of sub-rule (2) from undertaking:
- (a) any examination referred to in rule 53 if it is satisfied that the person has covered the substance of the subject matter of that examination in his or her earlier studies, and
 - (b) any examination referred to in rule 53 (b) if it is satisfied that the person has completed a law subject of equivalent educational standing in his or her earlier studies, and account has not been taken of that subject under paragraph (a).
- (5) Subject to sub-rule (6), the Academic Exemptions Sub-Committee may exempt a person who falls within category (c) or category (d) of sub-rule (2) from undertaking any or all of the examinations referred to in rule 53, if it is satisfied that the person has completed a course of study which is comparable in depth and scope with the course of study required for the examinations prescribed by rule 53.
- (6) The Academic Exemptions Sub-Committee may not under sub-rule (5) exempt a person from undertaking an examination corresponding to any of the subject areas set out in rule 95 (1) unless it is satisfied that the person has covered the substance of the subject matter of that examination in his or her earlier studies.

-
- (7) The Academic Exemptions Sub-Committee may exempt a person who falls within category (e) of sub-rule (2) from undertaking any examination referred to in rule 53 if it is satisfied, having regard to the person's academic qualifications, the system of law applicable in the jurisdiction in which the person has been admitted and practised, and the nature and extent of the person's practical experience, that he or she ought not be required to undertake that examination.
- (8) The Academic Exemptions Sub-Committee may grant exemptions on such conditions as it thinks fit.
- (9) Notwithstanding sub-rule (1) no student-at-law shall apply under this rule for any exemption arising from studies which he or she has undertaken after registering as a student-at-law unless he or she has obtained the prior approval of the Legal Qualifications Committee to undertake those studies.
- (10) An application for exemption under this rule shall be in and to the effect of Form 16.
- (11) A person aggrieved by a determination of the Academic Exemptions Sub-Committee under this rule may, within one month of the making of the determination, or within such extended time as the Legal Qualifications Committee may allow, request the Legal Qualifications Committee to review the determination.
- 98** (1) A person who falls within one of the categories set out in sub-rule (2) may apply to the Legal Qualifications Committee for exemption from practical training in some or all of the competencies set out in sub-rule (3).
- (2) The categories referred in sub-rule (1) are:
- (a) persons who have been admitted as lawyers in a foreign jurisdiction,
 - (b) persons who have attained the age of 30 years, and have completed either seven years service as a New South Wales government, or government related, employee performing legal services, or 15 years service in courts administration in New South Wales.
- (3) The competencies referred to in sub-rule (1) are:
- Skills
 - Lawyers' Skills
 - Problem Solving
 - Work Management and Business Skills
 - Practice areas

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Rule 98 Legal Profession Admission Rules 2005

Part 11 Eligibility for admission as a lawyer

- Civil Litigation Practice
 - Commercial and Corporate Practice
 - Property Law Practice
 - One of the following:
 - Administrative Law Practice
 - Criminal Law Practice
 - Family Law Practice
 - One of the following:
 - Consumer Law Practice
 - Employment and Industrial Relations Practice
 - Planning and Environmental Law Practice
 - Wills and Estates Practice
- (4) The Practical Training Exemptions Sub-Committee may exempt a person from practical training in a skill or practice area if it is satisfied that the person has attained the level of competence in that skill or practice area which would be expected of a graduate of one of the practical training courses listed in the Fourth Schedule.
- (5) A person who has been exempted under sub-rule (4) from practical training in one or more skills or practice areas shall, before making application for admission as a lawyer, complete coursework and pass examinations approved by the Practical Training Exemptions Sub-Committee in:
- (a) Ethics and Professional Responsibility,
 - (b) Trust and Office Accounting, and
 - (c) those skills and practice areas referred to in sub-rule (2) from which he or she has not been exempted.
- (6) An application for exemption under this rule shall apply in and to the effect of Form 17.
- (7) At the time of making an application to the Board under this rule the applicant shall serve a copy of an application on the Law Society.
- (8) A person aggrieved by a determination of the Practical Training Exemptions Sub-Committee under sub-rule (4) may, within one month of the making of the determination, or within such extended time as the Legal Qualifications Committee may allow, request the Legal Qualifications Committee to review the determination.

Part 11B Application for admission

- 99** (1) An applicant for admission who has not previously been admitted as a lawyer in any jurisdiction shall apply to the Board in and to the effect of Form 10.
- (2) An application for admission under sub-rule (1) shall be accompanied by two certificates of character in and to the effect of Form 3.
- (3) An applicant for admission who has previously been admitted as a lawyer in a jurisdiction outside Australia and New Zealand shall apply to the Board in and to the effect of Form 11.
- (4) An application for admission under sub-rule (3) shall be accompanied by two certificates of character in and to the effect of Form 3A.
- (5) An applicant for admission whose name has been ordered by the Court or by a disciplinary tribunal to be removed from the Roll of Barristers, the Roll of Solicitors, the Roll of Legal Practitioners or the Roll of Lawyers in New South Wales shall apply for re-admission in and to the effect of Form 12.
- (6) A copy of an application for re-admission under sub-rule (5) shall be provided to each of the New South Wales Bar Association and the Law Society of New South Wales.

100–106 (Repealed)

- 107** Where the Board is satisfied that an applicant for admission has complied with the admission rules and is both eligible for admission and suitable for admission it shall:
- (a) approve the applicant as a fit and proper person to be admitted, and
- (b) issue a Compliance Certificate in Form 13.
- 108** No person shall move the Court for admission, whether previously admitted elsewhere or not, unless the Board has issued a Compliance Certificate in respect of that person.

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Rule 109 Legal Profession Admission Rules 2005

Part 12 Fees

Part 12 Fees

- 109** (1) The fees to be charged for applications and services are those set out in the Third Schedule.
- (2) Once in each calendar year the Board shall review the fees to be charged.
- (3) Where the Board varies the fees to be charged, the Third Schedule is amended accordingly.

110–112 (Repealed)

- 113** (1) A person may apply to the Board for the waiver of any fee payable under these Rules, other than a fee payable under rule 60 (3) in respect of courses of instruction conducted by the Law Extension Committee.
- (2) No fee is payable in respect of an application under this rule.

Part 13 Transitional

- 113A** (1) Each of the following bodies or persons shall continue in office under these Rules:
- (a) the Legal Qualifications Committee and the Examinations Committee constituted under the *Legal Practitioners Admission Rules 1994*,
 - (b) the Academic Exemptions Sub-Committee, the Practical Training Exemptions Sub-Committee, the Accreditation Sub-Committee, the Curriculum Sub-Committee and the Quality Committee appointed under the under the *Legal Practitioners Admission Rules 1994*,
 - (c) the Executive Officer appointed under the *Legal Practitioners Admission Rules 1994*,
- (2) The Board and each of the bodies and persons referred to in sub-rule (1) shall carry out their duties in such a way as to ensure, as far as practicable, that there is a smooth transition from the operations of the Legal Practitioners Admission Board under the *Legal Practitioners Admission Rules 1994* to those of the Legal Profession Admission Board under the *Legal Profession Admission Rules 2005*.
- 114** (1) A student-at-law who has passed an examination under the *Barristers and Solicitors New Examination Rules*, the *Barristers and Solicitors Admission Rules 1989* or the *Legal Practitioners Admission Rules 1994* shall be deemed to have passed the corresponding subject in the Board's examinations.
- (2) A student-at-law who has passed or been credited with the examination in Preliminary before 1 May 1993 shall be deemed to have passed the examination in Legal Institutions and one of the examinations referred to in rule 53 (b).
- 115** (1) Any person who considers that he or she has suffered special prejudice as a result of the taking effect of these Rules may apply to the Board for relief from such special prejudice.
- (2) The Board may in its discretion grant any application under this rule unconditionally, or on such conditions as it considers appropriate.

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Rule 116 Legal Profession Admission Rules 2005

Part 14 Miscellaneous

Part 14 Miscellaneous

- 116** Where these Rules provide that an application shall be in a particular form, the form referred to is the form included in Schedule 1.
- 117** An application under these rules shall not be made to the Board, the Legal Qualifications Committee or the Examinations Committee unless the application has attached to it all necessary supporting material and is accompanied by the prescribed fee.
- 118** The Board may delegate to the President, a member, several members, the Executive Officer or any combination of the foregoing the making of a decision on any matter or class of matters, provided always that a person aggrieved by a decision of a delegate on any matter may apply to the Board for a reconsideration of the matter.

Schedules

First Schedule (Forms)

Legal Profession Admission Board	Application for Registration as a Student-at-law		Form 1 Rule 28	The contents of this application may be disclosed to law admitting authorities and law regulatory bodies.
1. Applicant	SURNAME		TITLE	
	GIVEN NAMES			
	DATE OF BIRTH			
	ADDRESS			
	HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER		
	MOBILE NUMBER	FACSIMILE NUMBER		
	EMAIL ADDRESS			

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Legal Profession Admission Rules 2005

First (Forms)
Schedule

2. Qualifications for Entry	(a) I wish to sit the Special Tertiary Admission Test (STAT) on _____ at _____	Complete or delete each of (a), (b) and (c) as necessary.
	(b) I have sat the STAT and obtained an overall STAT score of 152 or greater. I attach my original results advice.	
	(c) I meet the requirements for Entry Category No. _____ I attach the documentation required.	
3. Exemptions	I have received academic exemptions from the Legal Profession Admission Board. I attach a copy of a letter from the Board granting these exemptions.	Delete if not applicable.
4. Declaration	4.1 The information I have given in this form is true and complete.	Delete either 4.5 or 4.6.
	4.2 I have not previously been registered as a student-at-law.	
	4.3 I reside in Australia and expect to continue residing in Australia during candidature for the Board's examinations.	
	4.4 I understand that candidature for the Board's examinations does not confer any visa entitlement.	
	4.5 I have not done anything likely to affect adversely my good reputation and character, and I am not aware of any matter or circumstance that might reflect badly on my reputation.	
	4.6 I attach a disclosure setting out full details of matters and circumstances which might adversely affect my good reputation, character or fitness to be registered as a student-at-law.	

SIGNATURE

DATE

Legal Profession Admission Board	Certificate of Character for an applicant for admission who has not previously been admitted elsewhere		Form 3 Rule 99 (2)	The contents of this application may be disclosed to law admitting authorities and law regulatory bodies.
	1. Applicant	SURNAME	TITLE	
		GIVEN NAMES		
2. Referee	SURNAME	TITLE	You must not be related to the applicant by blood or marriage.	
	GIVEN NAMES			
	ADDRESS			
	HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER		
	OCCUPATION			

2005 No 886

Legal Profession Admission Rules 2005

First
Schedule (Forms)

3. Reference	I am at least 30 years of age.	You must be at least 30 years of age.
	I have known the applicant for _____ years.	You must have known the applicant for at least three years.
		State the circumstances in which you have known the applicant.
		Give your opinion of the applicant's character, reputation and suitability for admission as a lawyer. Include a reference to their honesty and integrity.

SIGNATURE

DATE

Legal Profession Admission Board	Certificate of Character for a person who has not previously been admitted in Australia or New Zealand but who has been admitted elsewhere		Form 3A Rule 99 (4)	The contents of this application may be disclosed to law admitting authorities and law regulatory bodies.
	1. Applicant	SURNAME	TITLE	
		GIVEN NAMES		
2. Referee	SURNAME	TITLE		
	GIVEN NAMES			
	ADDRESS			
	HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER		
	OCCUPATION			
				You must be admitted as a lawyer.

2005 No 886

Legal Profession Admission Rules 2005

First
Schedule (Forms)

3. Reference	I am at least of 30 years of age.	You must be at least 30 years of age.
	I have known the applicant for _____ years.	You must have known the applicant for at least three years.
		State the circumstances in which you have known the applicant.
		Give your opinion of the applicant's character, reputation and suitability for admission as a lawyer. Include a reference to their honesty and integrity

SIGNATURE

DATE

Form No 4

IN THE MATTER OF THE APPLICATION OF
(Full name)

AND IN THE MATTER OF S.26 OF THE LEGAL PROFESSION ACT 2004

TO: The Executive Officer, Legal Profession Admission Board.

I, of
(Full name) (Private address, including postcode)

and

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

hereby apply pursuant to S.26 of the *Legal Profession Act 2004* for a declaration that the matters set out in the Schedule hereto will not, without more, adversely affect an assessment by the Board of my good fame and character.

I file herewith statutory declaration(s) in support of my application.

I provide in a statutory declaration details of any criminal charge made against me and any findings against me by a Court, including details of the specific Section and Act under which I was charged.

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.26 OF THE LEGAL PROFESSION ACT 2004.

TO: The Executive Officer, Legal Profession 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 20....
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 7

2005 No 886

Legal Profession Admission Rules 2005

First (Forms)
Schedule

LEGAL PROFESSION ADMISSION BOARD
CERTIFICATE OF CURRENT ADMISSION

I, of Sydney, in the State of New South Wales, in the Commonwealth of Australia, Executive Officer of the Legal Profession Admission Board of the said State, and being the Officer having ordinarily the custody of the records relating to the admission of Lawyers of the said State, DO HEREBY CERTIFY: was on the day of in the year two thousand and admitted as a Barrister / Solicitor / Legal Practitioner / Lawyer of the Supreme Court of the said State, and that name is still on the Roll of Local Lawyers and has never been removed therefrom.

The Board does not hold records of disciplinary proceedings or suspensions from practice. Such information should be sought from the relevant professional organisations being the New South Wales Bar Association, 174 Phillip Street, Sydney, or the Law Society of New South Wales, 170 Phillip Street, Sydney.

GIVEN under my hand and the seal of the
Legal Profession Admission Board at
Sydney in the State of New South Wales this
..... day of two thousand
and

EXECUTIVE OFFICER

Form No 8

LEGAL PROFESSION ADMISSION BOARD

Be it known that has passed the examinations prescribed by the Legal Profession Admission Rules and has 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 two thousand and

Chief Justice of New South Wales

Form No 9

TRANSCRIPT OF ACADEMIC RECORD

(Date)

(Name) (Student Number) has the following academic record in examinations conducted under the Legal Profession Admission Rules:

<u>Subject</u>	<u>Term</u>	<u>Year</u>	<u>Grade</u>
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Legal Profession Admission Rules 2005

(Forms)

First
Schedule

<u>Subject</u>	<u>Term</u>	<u>Year</u>	<u>Grade</u>
----------------	-------------	-------------	--------------

(Name) was awarded the Diploma in Law following the Semester , (Year) examinations.

Entries below this line are NOT VALID

Executive Officer

Legal Profession Admission Board	Application for Admission as a Lawyer by a person who has not previously been admitted in Australia, New Zealand or elsewhere	Form 10 Rule 99 (1)	The contents of this application may be disclosed to law admitting authorities and law regulatory bodies.
1. Ceremony	Scheduled admission ceremony preferred _____		Insert date.

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Legal Profession Admission Rules 2005

First
Schedule (Forms)

2. Applicant

SURNAME		TITLE
GIVEN NAMES		DATE OF BIRTH
ADDRESS		
HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER	
MOBILE NUMBER	FACSIMILE NUMBER	
EMAIL ADDRESS		

Legal Profession Admission Rules 2005

(Forms)

First
Schedule

3. Academic
Requirements

(a)	I have completed the Board's examinations. My student-at-law number is _____	Complete or delete each of (a), (b), (c) and (d) as necessary.						
(b)	I have a law degree from a university in New South Wales listed in the Second Schedule as follows.							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">UNIVERSITY</th> <th style="width: 33%;">DEGREE</th> <th style="width: 33%;">YEAR</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </tbody> </table>		UNIVERSITY	DEGREE	YEAR			
UNIVERSITY	DEGREE		YEAR					
	I attach an original academic transcript showing completion of the requirements for the degree.							
(c)	I have a law degree from a university in another Australian state or territory as follows.							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">UNIVERSITY</th> <th style="width: 33%;">DEGREE</th> <th style="width: 33%;">YEAR</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </tbody> </table>		UNIVERSITY	DEGREE	YEAR			
UNIVERSITY	DEGREE	YEAR						
	I attach an original academic transcript showing completion of the requirements for the degree, and a Dean's certificate in the prescribed form.							
(d)	I have been exempted by the Board from further studies on the basis of studies completed elsewhere. I attach a copy of a letter from the Board confirming the exemption.							

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Legal Profession Admission Rules 2005

First (Forms)
Schedule

4. Practical Training Requirements	(a) I have completed a course of practical training listed in the Fourth Schedule as follows.			Complete or delete each of (a), (b), (c) and (d) as necessary.
	INSTITUTION	COURSE	YEAR	
	I attach an original academic transcript showing completion of the requirements of the course.			
	(b) I have completed a course of practical training or articles which is recognized in another Australian state as providing sufficient practical training for admission by the Supreme Court of that state as a lawyer. I attach an original certificate showing completion of the course, and evidence that the requirements of the course include evidence of the attainment of competencies in the areas set out in the Sixth Schedule.			
(c) I have attained the age of 30 years and have completed seven years service as a New South Wales government employee performing legal services or 15 years service in courts administration in New South Wales and have been exempted by the Board from practical training in some or all of the competencies set out in rule 98 (3). I attach a copy of a letter from the Board granting exemptions, and evidence of having completed approved coursework and examinations in Ethics and Professional Responsibility, Trust and Office Accounting, and those competencies from which I have not been exempted.				

5. Declaration	<p>5.1 The information I have given in this form is true and complete.</p> <p>5.2 I have not previously been admitted or refused admission as a lawyer in any other jurisdiction in Australia or in a foreign country.</p> <p>5.3 I am and always have been of good fame and character.</p> <p>5.4 I am not and never have been an insolvent under administration.</p> <p>5.5 I have never been convicted of an offence in Australia or in a foreign country.</p> <p>5.6 I have never engaged in legal practice in Australia when not admitted or in contravention of any condition of admission, or when not holding a practising certificate as required by law or in contravention of any condition of a certificate or whilst a certificate has been suspended.</p> <p>5.7 I have never practised law in a foreign country when not permitted by or under a law of that country to do so or in contravention of any condition of permission to practise.</p> <p>5.8 I am not and never have been subject to an unresolved complaint, investigation, charge or order under the Legal Profession Act, a corresponding previous Act, a corresponding Australian law or a corresponding foreign law.</p> <p>5.9 I am not the subject of disciplinary action in another profession or occupation in Australia or in a foreign country, and have never been the subject of disciplinary action that involved a finding of guilt.</p> <p>5.10 My name has never been removed from a local roll, an interstate roll or a foreign roll.</p> <p>5.11 My right to engage in legal practice has never been suspended or cancelled in Australia or in a foreign country.</p> <p>5.12 I have never contravened a law about trust money or trust accounts in Australia or in a foreign country.</p>	Delete any of 5.2–5.16 or 5.17 as necessary.
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2005 No 886

Legal Profession Admission Rules 2005

First
Schedule (Forms)

- | | |
|------|---|
| 5.13 | No supervisor, manager or receiver has ever been appointed in relation to any legal practice in which I have been engaged. |
| 5.14 | I am not and never have been subject to an order under the Legal Profession Act, a law of the Commonwealth or a corresponding law disqualifying me from being employed by or a partner of an Australian legal practitioner or from managing an incorporated legal practice. |
| 5.15 | I do not suffer from any infirmity, injury, mental or physical illness, impairment or disability which makes me unable to carry out the inherent requirements of practice as an Australian legal practitioner. |
| 5.16 | I have not done anything likely to affect adversely my good fame and character, and I am not aware of any matter or circumstance that might affect my suitability to be admitted as a lawyer. |
| 5.17 | I attach a disclosure setting out full details of matters and circumstances which might adversely affect my good fame and character or my suitability to be admitted as a lawyer. |
-

SIGNATURE

DATE

Legal Profession Admission Board	Application for Admission as a Lawyer by a person who has not previously been admitted in Australia or New Zealand but who has been admitted elsewhere	Form 11 Rule 99 (3)	The contents of this application may be disclosed to law admitting authorities and law regulatory bodies.	
1. Ceremony	Scheduled admission ceremony preferred _____		Insert date.	
2. Applicant	SURNAME		TITLE	
	GIVEN NAMES		DATE OF BIRTH	
	ADDRESS			
	HOME TELEPHONE NUMBER			WORK TELEPHONE NUMBER
	MOBILE NUMBER		FACSIMILE NUMBER	
	EMAIL ADDRESS			

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Legal Profession Admission Rules 2005

First (Forms)
Schedule

3. Jurisdiction(s) of Admission	I have previously been admitted as a lawyer in the following jurisdiction(s).			
	I attach a certificate not more than 35 days old from the admitting authority in each jurisdiction in which I have been admitted, showing the date of my admission and that I am in good professional standing in that jurisdiction.			
4. Academic Requirements	(a) I have completed the Board's examinations. My student-at-law number is _____			Complete or delete each of (a), (b), (c) and (d) as necessary.
	(b) I have a law degree from a university in New South Wales listed in the Second Schedule as follows.			
	UNIVERSITY	DEGREE	YEAR	
	I attach an original academic transcript showing completion of the requirements for the degree.			
	(c) I have a law degree from a university in another Australian state or territory as follows.			
	UNIVERSITY	DEGREE	YEAR	
	I attach an original academic transcript showing completion of the requirements for the degree, and a Dean's certificate in the prescribed form.			
	(d) I have been exempted by the Board from further studies on the basis of studies completed elsewhere. I attach a copy of a letter from the Board confirming the exemption.			

Legal Profession Admission Rules 2005

(Forms)

First
Schedule

5. Practical Training Requirements	(a) I have completed a course of practical training listed in the Fourth Schedule as follows.			Complete or delete each of (a), (b), (c) and (d) as necessary.
	INSTITUTION	COURSE	YEAR	
	I attach an original academic transcript showing completion of the requirements of the course.			
	(b) I have completed a course of practical training or articles which is recognized in another Australian state or territory as providing sufficient practical training for admission by the Supreme Court of that state or territory as a lawyer. I attach an original certificate showing completion of the course, and evidence that the requirements of the course include evidence of the attainment of competencies in the areas set out in the Sixth Schedule.			
(c) I have been admitted as a lawyer in a foreign jurisdiction and have been exempted by the Board from practical training in some or all of the competencies set out in rule 98 (3). I attach a copy of a letter from the Board granting exemptions, and evidence of having completed approved coursework and examinations in Ethics and Professional Responsibility, Trust and Office Accounting, and those competencies from which I have not been exempted.				
(d) I have attained the age of 30 years and have completed seven years service as a New South Wales government employee performing legal services or 15 years service in courts administration in New South Wales and have been exempted by the Board from practical training in some or all of the competencies set out in rule 98 (3). I attach a copy of a letter from the Board granting exemptions, and evidence of having completed approved coursework and examinations in Ethics and Professional Responsibility, Trust and Office Accounting, and those competencies from which I have not been exempted.				

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Legal Profession Admission Rules 2005

First
Schedule (Forms)

6. Declaration	<p>6.1 The information I have given in this form is true and complete.</p> <p>6.2 I have not previously been admitted or refused admission as a lawyer in any other jurisdiction in Australia or in a foreign country.</p> <p>6.3 I am and always have been of good fame and character.</p> <p>6.4 I am not and never have been an insolvent under administration.</p> <p>6.5 I have never been convicted of an offence in Australia or in a foreign country.</p> <p>6.6 I have never engaged in legal practice in Australia when not admitted or in contravention of any condition of admission, or when not holding a practising certificate as required by law or in contravention of any condition of a certificate or whilst a certificate has been suspended.</p> <p>6.7 I have never practised law in a foreign country when not permitted by or under a law of that country to do so or in contravention of any condition of permission to practice.</p> <p>6.8 I am not and never have been subject to an unresolved complaint, investigation, charge or order under the Legal Profession Act, a corresponding previous Act, a corresponding Australian law or a corresponding foreign law.</p> <p>6.9 I am not the subject of disciplinary action in another profession or occupation in Australia or in a foreign country, and have never been the subject of disciplinary action that involved a finding of guilt.</p> <p>6.10 My name has never been removed from a local roll, an interstate roll or a foreign roll.</p> <p>6.11 My right to engage in legal practice has never been suspended or cancelled in Australia or in a foreign country.</p> <p>6.12 I have never contravened a law about trust money or trust accounts in Australia or in a foreign country.</p>	Delete any of 5.2–5.16 or 5.17 as necessary.
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-
- 6.13 No supervisor, manager or receiver has ever been appointed in relation to any legal practice in which I have been engaged.
 - 6.14 I am not and never have been subject to an order under the Legal Profession Act, a law of the Commonwealth or a corresponding law disqualifying me from being employed by or a partner of an Australian legal practitioner or from managing an incorporated legal practice.
 - 6.15 I do not suffer from any infirmity, injury, mental or physical illness, impairment or disability which makes me unable to carry out the inherent requirements of practice as an Australian legal practitioner.
 - 6.16 I have not done anything likely to affect adversely my good fame and character, and I am not aware of any matter or circumstance that might affect my suitability to be admitted as a lawyer.
 - 6.17 I attach a disclosure setting out full details of matters and circumstances which might adversely affect my good fame and character or my suitability to be admitted as a lawyer.
-

SIGNATURE

DATE

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Legal Profession Admission Rules 2005

First (Forms)
Schedule

Legal Profession Admission Board	Application for Re-admission as a Lawyer by a person whose name has been removed from the roll of barristers, the roll of solicitors, the roll of legal practitioners or the roll of lawyers by order of the Court or of a disciplinary tribunal		Form 12 Rule 99 (3)	The contents of this application may be disclosed to law admitting authorities and law regulatory bodies.
1. Applicant	SURNAME		TITLE	
	GIVEN NAMES		DATE OF BIRTH	
	ADDRESS			
	HOME TELEPHONE NUMBER		WORK TELEPHONE NUMBER	
	MOBILE NUMBER		FACSIMILE NUMBER	
	EMAIL ADDRESS			
2. Admission in New South Wales	I was admitted as a _____ in New South Wales on _____. My name was struck from the roll on _____ by order of the _____.			

Legal Profession Admission Rules 2005

(Forms)

First
Schedule

3. Admission in Jurisdiction(s) outside New South Wales	I have previously been admitted as a lawyer in the following jurisdiction(s) outside New South Wales.
4. Attachments	<p>I attach the following documents.</p> <p>A. A statement marked "A" setting out:</p> <ul style="list-style-type: none"> • the matters and circumstances which led to my name being struck from the roll of practitioners, • my views as to those circumstances and the decision to strike my name from the roll, • the events which have tended to re-establish my good fame and character, • my law-related experience since my name was struck from the roll, • other matters which I believe are relevant to this application. <p>B. A transcript of the proceedings which led to my name being struck from the roll of practitioners, marked "B".</p> <p>C. Certificates of character in Form 3A or otherwise, marked "C1", "C2", "C3".</p> <p>D. Original certificates not more than 35 days old from the admitting authorities in each jurisdiction outside New South Wales in which I have been admitted, showing the date of my admission and my professional standing in that jurisdiction, marked "D1", "D2", "D3".</p> <p>E. Other documents relevant to my application, marked "E1", "E2", "E3".</p>

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Legal Profession Admission Rules 2005

First (Forms)
Schedule

5. Declaration	<p>5.1 The information I have given in this form is true and complete.</p> <p>5.2 I have not previously been admitted or refused admission as a lawyer in any other jurisdiction in Australia or in a foreign country.</p> <p>5.3 I am and always have been of good fame and character.</p> <p>5.4 I am not and never have been an insolvent under administration.</p> <p>5.5 I have never been convicted of an offence in Australia or in a foreign country.</p> <p>5.6 I have never engaged in legal practice in Australia when not admitted or in contravention of any condition of admission, or when not holding a practising certificate as required by law or in contravention of any condition of a certificate or whilst a certificate has been suspended.</p> <p>5.7 I have never practised law in a foreign country when not permitted by or under a law of that country to do so or in contravention of any condition of permission to practice.</p> <p>5.8 I am not and never have been subject to an unresolved complaint, investigation, charge or order under the Legal Profession Act, a corresponding previous Act, a corresponding Australian law or a corresponding foreign law.</p> <p>5.9 I am not the subject of disciplinary action in another profession or occupation in Australia or in a foreign country, and have never been the subject of disciplinary action that involved a finding of guilt.</p> <p>5.10 My name has never been removed from an interstate roll or a foreign roll.</p> <p>5.11 My right to engage in legal practice has never been suspended or cancelled in another state or in a foreign country.</p> <p>5.12 I have never contravened a law about trust money or trust accounts in Australia or in a foreign country.</p>	Delete any of 5.2–5.16 or 5.17 as necessary.
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-
- 5.13 No supervisor, manager or receiver has ever been appointed in relation to any legal practice in which I have been engaged.
 - 5.14 I am not and never have been subject to an order under the Legal Profession Act, a law of the Commonwealth or a corresponding law disqualifying me from being employed by or a partner of an Australian legal practitioner or from managing an incorporated legal practice.
 - 5.15 I do not suffer from any infirmity, injury, mental or physical illness, impairment or disability which makes me unable to carry out the inherent requirements of practice as an Australian legal practitioner.
 - 5.16 I am not aware of any matter or circumstance, other than the matters and circumstances which led to my name being struck from the roll of practitioners, that might affect my suitability to be re-admitted as a lawyer.
 - 5.17 I attach a disclosure setting out full details of matters and circumstances which, in addition to those which led to my name being struck from the roll of practitioners, might adversely affect my good fame and character or my suitability to be re-admitted as a lawyer.
-

SIGNATURE

DATE

Form No 13

COMPLIANCE CERTIFICATE

To the Prothonotary

The persons listed in the Schedule have been certified by the Legal Profession Admission Board as:

- Eligible for admission
- Fit and proper persons to be admitted

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Legal Profession Admission Rules 2005

First (Forms)
Schedule

SCHEDULE
(List names)

Dated , 20.....

.....
Executive Officer
Legal Profession Admission Board

Form No 15

LEGAL PROFESSION ADMISSION BOARD

(name of prize)

is awarded

for the Semester (1 or 2) Examinations of (year)

to

(name of recipient)

Given under the seal of the Legal Profession Admission Board on the (numbered) day
of (month and year)

Presiding Member

Executive Officer

Second Schedule

Name of accredited law school	Degree
University of Sydney	LLB
University of New South Wales	LLB
Macquarie University	LLB* or BLeg S*
University of Technology, Sydney	LLB* or MLLP
University of Wollongong	LLB
University of New England	LLB* or JD*
Southern Cross University	LLB*
University of Newcastle	LLB
University of Western Sydney	LLB or MLP
University of Notre Dame	LLB

* Subject, with respect to admissions which occur after 31 December 1999, to completion, either within the degree program or separately, of one of the courses listed below:

Name of institution	Course
Legal Practitioners Admission Board	<i>Legal Ethics</i>
University of Sydney	<i>Law, Lawyers and Justice</i>
University of New South Wales	<i>Law, Lawyers and Society</i>
Macquarie University	<i>Legal Ethics</i>
University of Technology, Sydney	<i>Legal Ethics A and Legal Ethics B OR Legal Accounting and Professional Responsibility OR Professional Conduct 2</i>
University of Wollongong	<i>The Legal Profession and Australian Society OR Bridging Course—Lawyers and Legal Ethics</i>
University of New England	<i>Legal Ethics and Professional Conduct</i>
Southern Cross University	<i>Professional Conduct</i>
University of Newcastle	<i>Professional Conduct</i>

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Second (Forms)
Schedule

Name of institution

University of Western Sydney

Course

*The Legal Context OR
Professional Responsibility and Legal
Ethics*

College of Law

Academic/Practical course in Legal Ethics

Third Schedule

Item	Fee
Student registration application	150
Rule 67 application	30
Student course application	30
Rule 71 review	30
Academic transcript	30
Interview with examiner	90
Examination	90
Additional fees—examination in unscheduled location in a single examination period, where permitted:	
<i>NSW</i> first subject / additional subject	200/150
<i>Elsewhere in Australia</i> first subject / additional subject	250/200
<i>Overseas</i> first subject / additional subject	450/350
S13 application	200
Academic exemption application	180
Practical training exemption application	180
Admission application—Forms 10, 11	360
Re-admission application—Form 12	720
Certificate of admission—Form 7	30
Original diplomas and certificates	100
Other applications and certificates	30
Late application (where permitted):	
Board examination-related	50
Admission-related and other	80
Photocopying—up to two pages	1
Dishonoured cheque	33

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Fourth (Forms)
Schedule

Fourth Schedule

College of Law: Professional Program

University of Newcastle: Diploma of Legal Practice

Australian National University: Legal Workshop (other than by the Summer Graduate Diploma in Legal Practice Program)

University of Wollongong: Practical Legal Training Course

Bond University: Practical Training Program

University of Technology Sydney: Faculty of Law Professional Program OR Master of Law and Legal Practice

University of Western Sydney: Graduate Diploma in Legal Practice OR Master of Legal Practice (subject to completion of professional legal placement)

Fifth Schedule Synopsis of areas of knowledge

Set out below is the synopsis of areas of knowledge referred to in rule 95 (2).

Although the topics below are grouped for convenience under the headings of particular areas of knowledge, there is no indication that a topic needs to be taught in a subject covering the area of knowledge 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 in 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.

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Legal Profession Admission Rules 2005

Fifth Schedule Synopsis of areas of knowledge

- 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 scheme.

CONTRACTS

Formation, including capacity, formalities, privity and consideration.

- 1 Content and construction of contract.
- 2 Visiting Factors.
- 3 Discharge.
- 4 Remedies.
- 5 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 property 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 provide 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 or registration for both general law land 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 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

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Legal Profession Admission Rules 2005

Fifth Schedule Synopsis of areas of knowledge

- 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 and 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 trial, including the compromise of litigation.
- 8 Extra judicial determination of issues arising in the course of litigation.
- 9 Judgement.
- 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 pleading and judgment 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.

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Legal Profession Admission Rules 2005

Fifth Schedule Synopsis of areas of knowledge

- 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 basic Trust Accounting)

Professional and personal conduct in respect of practitioner's duty:

- (a) to the law,
- (b) to the Courts,
- (c) to clients, including 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:

- (a) to impart an understanding of the legal requirements on solicitors for dealing with trust property.
- (b) 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:

- (a) provisions of the relevant State or Territory legislation governing the legal profession which relate to the handling of trust money and other trust property.
- (b) legislative provisions which enable the proper identification of trust moneys.

- (c) the ramifications of breach of trust.
- (d) methods of maintaining trust account records. This includes class exercises in recording of receipts, payments and direct payments of trust moneys and investments (including mortgage investments) by solicitors on behalf of their clients.
- (e) a detailed study of any relevant legislation, regulations or rules relating to trust accounting.

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Legal Profession Admission Rules 2005

Sixth Schedule Practical legal training

Sixth Schedule Practical legal training

COMPETENCY STANDARDS FOR ENTRY LEVEL LAWYERS

Australasian Professional Legal Education Council Law Admissions Consultative
Committee November 2000
(updated February 2002)

PREFACE	1
ADMINISTRATIVE LAW PRACTICE	4
CIVIL LITIGATION PRACTICE	6
COMMERCIAL AND CORPORATE PRACTICE	8
CONSUMER LAW PRACTICE	10
CRIMINAL LAW PRACTICE	12
EMPLOYMENT AND INDUSTRIAL RELATIONS PRACTICE	14
ETHICS AND PROFESSIONAL RESPONSIBILITY	16
FAMILY LAW PRACTICE	18
LAWYER'S SKILLS	20
PLANNING AND ENVIRONMENTAL LAW PRACTICE	23
PROBLEM SOLVING	25
PROPERTY LAW PRACTICE	27
TRUST AND OFFICE ACCOUNTING	29
WILLS AND ESTATES PRACTICE	31
WORK MANAGEMENT AND BUSINESS SKILLS	33

Preface

The following Competency Standards for practical legal training for entry-level lawyers have been jointly developed by the Australasian Professional Legal Education Council (APLEC) and the Law Admissions Consultative Committee.

They seek to describe the observable performance required of entry-level lawyers at the point of admission to practise, in a number of key areas. The Competency Standards have been drafted in the light of both:

- *National Competency Standards, Policy and Guidelines*, National Training Board, Canberra 1991, and
- Heywood, Gonczi and Hager, *A Guide to the Development of Competency Standards for Professions*, Department of Employment, Education and Training, Canberra 1992.

It is in the interests of clients and the public that entry-level lawyers should only be admitted to practise—and subsequently licensed and held out to the public as legal practitioners—if they have acquired threshold competence to practise by completing appropriate academic and practical training. Before they are admitted to practise they

must have the knowledge, values, attitudes and skills required to practise law competently.

At the point of admission, each applicant will thus be expected to provide evidence that the applicant has achieved the requisite competence in the following Skills, Practice Areas and Values:

Skills	Practice Areas	Values
Lawyer's Skills	Civil Litigation Practice	Ethics and Professional Responsibility
Problem Solving	Commercial and Corporate Practice	
Work Management and Business Skills	Property Law Practice	
Trust and Office Accounting	One of: Administrative Law Practice Criminal Law Practice Family Law Practice And one of: Consumer Law Practice Employment and Industrial Relations Practice Planning & Environmental Law Practice Wills and Estates Practice	

The relevant Competency Standards for each Skill, Practice Area and Value are set out from page 4 onwards.

The Law Admissions Consultative Committee considers that:

- (a) every applicant seeking admission to practise should provide evidence that the applicant has attained the requisite competence required by the Standards, whether the applicant has completed a PLT Course, Articles of Clerkship, a Bar Admission Course or a combination of more than one of them;
- (b) an applicant should generally have undertaken the relevant practical legal training and demonstrated attainment of the requisite competence either in the final year of a law degree or after completing that degree, or a combination of both of them;
- (c) at whatever stage an applicant undertakes practical legal training, that training should be provided at a level equivalent to post-graduate training. It should build on the knowledge and understanding of the law, the legal system and of legal practise which a graduate should have acquired by the end of an undergraduate law degree;
- (d) diversity in the ways in which practical legal training is given should be encouraged, provided that the quality of that training is not compromised and remains the paramount consideration;
- (e) the training requires both programmed training and workplace experience. It requires an allocation of tuition hours and resources to curriculum which are appropriate as an equivalent of:

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Legal Profession Admission Rules 2005

Sixth Schedule

Practical legal training

- a program of academic study at graduate diploma level which incorporates at least 90 hours of workplace training; or
- 12 months (1800 work hours) of closely supervised full time indenture as an articulated clerk incorporating at least 90 hours of programmed training; or
- a non-award training course of at least 6 months (900 hours) in which at least 450 hours is programmed training and at least 90 hours is workplace experience.

‘programmed training’ means structured and supervised training activities, research and tasks with comprehensive assessment. When programmed training is delivered as distance training or in electronic form it should be devised to require an input of time from an applicant of at least 450 hours.

‘workplace experience’ means supervised employment in a law or law related work environment or equivalent unpaid engagement in such an environment.

(f) while the Competency Standards propose minimum requirements for entry-level lawyers, they are not intended to discourage either wider, or more detailed, Practical Legal Training;

(g) the Competency Standards are designed, where possible, to allow:

- (i) competence in one relevant area to be acquired in the course of acquiring competence in another relevant area; and
- (ii) practical legal training to be given in flexible and innovative ways, where this is desirable.

It follows that an applicant need not acquire the requisite competence in any particular Skill, Practice Area or Value by undertaking training in any predetermined topic or area of practice;

(h) an applicant’s competence in each Practice Area should be assessed in a way which allows the applicant also to demonstrate competence in relevant Skills and Values, at the same time;

(i) those who teach in PLT Courses or who supervise the work of potential applicants for admission while they acquire competence in the relevant Practice Areas, Skills and Values, should either have substantial recent experience practising law, or comparable relevant qualifications or experience;

(j) any program of practical legal training should:

- (i) introduce a potential applicant for admission to Legal Aid and Pro Bono systems and schemes; and
- (ii) include practical experience in the use of current information technology;

(k) any course providing components of practical legal training to potential applicants, including Articles of Clerkship, should have formal means of assessing whether, and certifying that, an applicant has achieved the requisite level of competence in each relevant Skill, Practice Area or Value;

(l) each Admitting Authority should:

- (i) require any course providing components of practical legal training to potential applicants (other than Articles of Clerkship) to be approved by it; and
- (ii) monitor the provision of practical legal training (including Articles of Clerkship) to satisfy itself that the training is of an appropriate quality.

Administrative Law Practice

Descriptor: An entry-level lawyer who practises in administrative law should be able to obtain information for clients under freedom of information legislation and otherwise, seek review of administrative decisions, and represent parties before courts and administrative tribunals.

Element	Performance criteria
1. Obtaining information	<p>The lawyer has competently:</p> <ul style="list-style-type: none"> • identified whether freedom of information legislation applies to the situation. • identified the specific legislation under which the information may be obtained. • taken the steps required under that legislation. • identified and taken any other practical steps required to obtain the information.
2. Obtaining review of administrative decisions	<ul style="list-style-type: none"> • concluded correctly that the decision may be reviewed. • identified and discussed with the client alternative means of obtaining a review. • completed all preparation required by law, good practice and the circumstances of the matter. • represented the client effectively at any mediation, hearing or other review forum, where this is appropriate and permitted.
4. Representing a client	<ul style="list-style-type: none"> • identified all alternative means of obtaining redress and discussed them with the client. • completed all preparation required by law, good practice and the circumstances of the matter. • represented the client effectively at any mediation, hearing or other forum.

Explanatory Note

This competency standard applies to State and Federal administrative law and practice and proceedings before both State and Federal courts and tribunals.

For an entry-level lawyer administrative law practice may be either an area of specialised practice or an ancillary part of general practice.

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Preparing to represent a client in a court or tribunal may include drafting written submissions.

Civil Litigation Practice

Descriptor: An entry-level lawyer should be able to conduct civil litigation in first instance matters in courts of general jurisdiction, in a timely and cost-effective manner.

Element	Performance criteria
	The lawyer has competently:
1. Assessing the Merits of a case and identifying the dispute resolution alternatives	<ul style="list-style-type: none">assessed the strengths and weaknesses of both the client's and opponent's cases.identified the facts and evidence required to support the client's case.identified all means of resolving the case, having regard to the client's circumstances.advised the client of relevant rights and remedies in a way which the client can easily understand.where possible, confirmed in writing any instructions given by the client in response to initial advice.identified and complied with the relevant limitation period.
2. Initiating and responding to claims	<ul style="list-style-type: none">identified an appropriate claim or defence.identified a court of appropriate jurisdiction.identified the elements of the claim or defence, according to law.followed procedures for bringing the claim or making the defence in accordance with the court's rules and in a timely manner.drafted all necessary documents in accordance with those procedures.

Element	Performance criteria
3. Taking and responding to interlocutory and default proceedings	<ul style="list-style-type: none"> • identified any need for interlocutory steps or default proceedings, according to the court's rules. • followed procedures for taking those steps or proceedings in accordance with the court's rules and in a timely manner. • drafted all necessary documents in accordance with those procedures and rules.
4. Gathering and presenting evidence	<ul style="list-style-type: none"> • identified issues likely to arise at the hearing. • identified evidence needed to prove the client's case or disprove the opponent's case, according to the rules of evidence. • gathered the necessary evidence. • presented that evidence according to law and the court's rules.
5. Negotiating settlements	<ul style="list-style-type: none"> • conducted settlement negotiations in accordance with specified principles. • identified any revenue and statutory refund implications. • properly documented any settlement reached.
6. Taking action to enforce orders and settlement agreements	<ul style="list-style-type: none"> • identified procedures for enforcing the order or settlement according to law and the court's rules. • followed those procedures in a timely manner.

Explanatory Note

This competency standard applies to first instance civil litigation in a local lower and a local higher court of an Australian State or Territory, having general jurisdiction, and in the Federal Court.

Means by which a dispute might be resolved include, but are not limited to:

- negotiation;
- mediation;
- arbitration;
- litigation;
- expert appraisal.

Means by which evidence might be gathered include:

- statements from witness;
- notices to admit;

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- discovery;
- subpoena;
- expert reports;
- certified official records, banker's books etc.

Means by which evidence might be presented include:

- orally on oath;
- affidavits;
- video or telephone link.

Means of enforcement include:

- execution process including attachment of debts;
- taxation or assessment of costs;
- oral examination.

Commercial and Corporate Practice

Descriptor:

An entry level lawyer should be able to conduct commercial transactions such as the sale or purchase of a small business. The lawyer should be able to set up standard business structures using entities such as companies, trusts and partnerships; provide basic advice on finance and securities and the obligations of companies and their officers; and appreciate the type of advice needed to assess the revenue implications of standard commercial transactions.

Element

Performance criteria

1. Conducting commercial transactions

The lawyer has competently:

- identified the nature of the transaction properly.
- undertaken sufficient searches and inquiries to investigate any relevant issues of title to real or personal property.
- drafted documents, had them executed, and (if necessary) certified, stamped and registered them, according to law and good practice.
- obtained or given any necessary consents to, or notifications of, the transaction required by law.

Element	Performance criteria
2. Setting up commercial structures	<ul style="list-style-type: none"> • selected a structure that will achieve the client's objectives. • drafted all documents required to set up the structure (including establishing any discrete entities that will form part of the structure) had them executed and (if necessary) certified, stamped and registered them, according to law and good practice. • informed the client of any continuing obligations in relation to the structure, and where the structure involves a corporation, the continuing obligations of the company and its officers.
3. Dealing with loans and securities	<ul style="list-style-type: none"> • identified the various appropriate types of financial arrangements and securities available to the borrower and lender. • informed the borrower and lender of their immediate, continuing, and potential liabilities under any proposed financing and security arrangements. • drafted loan or security documents which reflect the agreement between lender and borrower. • had the loan or security documents executed and (if necessary) stamped and registered them according to law.
4. Advising on revenue law and practice	<ul style="list-style-type: none"> • identified the possible general revenue implications of the client's proposed commercial venture or arrangement. • referred the client to experts for more comprehensive or detailed advice, where appropriate.

Explanatory Note

This competency standard applies to commercial and corporate practice. It includes:

- some common commercial transactions, such as the sale or purchase of a small business;
- setting up standard business structures and entities, including companies;
- advising on the legal obligations of corporations and their officers;
- advising on due diligence investigations;

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- identifying in a general way the possible revenue implications of standard commercial dealings and structures;

- drafting standard loan agreements and securities.

Business structures include:

- trusts;
- private companies;
- partnerships;
- joint ventures;
- franchise arrangements.

Securities include:

- bills of sale;
- chattel leases;
- loans agreements;
- guarantees, including guarantees from spouses.

Revenue implications include:

- stamp duties;
- income tax;
- capital gains tax;
- GST;
- fringe benefits tax;
- land and property taxes.

Consumer Law Practice

Descriptor: An entry-level lawyer who practises in consumer law should be able to advise clients on the procedures and remedies available in relation to consumer complaints and to represent the client in any related negotiations or proceedings.

Element

Performance criteria

1. Obtaining information

The lawyer has competently:

- identified the situation as one to which consumer protection legislation applies.
- identified the relevant legislation and any applicable case law.
- identified any possible common law remedies.

Element	Performance criteria
2. Drafting documents	<ul style="list-style-type: none"> drafted any documents required, in accordance with the client's instructions and the relevant legislation.
3. Initiating and responding to claims	<ul style="list-style-type: none"> identified the appropriate forum for initiating or responding to a claim. initiated a claim or taken action to oppose a claim in accordance with the rules and procedures of the relevant court or tribunal, in a timely manner. obtained all necessary evidence and drafted all necessary documents in accordance with those rules.
4. Representing the client	<ul style="list-style-type: none"> identified all possible means of resolving the dispute to the satisfaction of the client and discussed them with the client. completed all necessary preparation in accordance with the law, good practice and the circumstances of the matter. represented the client effectively at any negotiation, mediation, hearing or other forum.
5. Taking action to implement outcomes	<ul style="list-style-type: none"> documented any order or settlement properly and explained it to the client in a way which the client can easily understand. identified any procedures necessary to enforce the order or settlement and carried them out in a timely manner.

Explanatory Note

This competency standard applies to the practice of consumer law. It includes both State and Federal consumer protection legislation and codes.

Consumer protection legislation includes State and Federal legislation and codes dealing with:

- trade practices;
- misleading and deceptive conduct;
- motor car traders;
- domestic building contracts;
- consumer credit;
- residential tenancies;

A consumer protection dispute includes disputes relating to:

- trade practices;

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- misleading and deceptive conduct;
- motor car traders;
- domestic building contracts;
- consumer credit;
- guarantees;
- residential tenancies;

A court or tribunal includes:

- Federal Courts;
- State Courts;
- statutory tribunals;
- industry complaint panels;
- industry Ombudsmen;

Criminal Law Practice

Descriptor: An entry-level lawyer who practises in criminal law should be able to advise clients before arrest, seek bail, make pleas, participate in minor contested hearings and assist in preparing cases for trial.

Element

Performance criteria

1. Providing advice

The lawyer has competently:

- identified the client's legal rights and legal powers of the police or other prosecutors or investigators in the situation.
- informed the client of those rights and powers in a way which the client can easily understand.
- identified the legal elements of any offence with which the client is charged.
- where possible, confirmed in writing any instructions given by the client in response to initial advice.
- implemented the client's instructions when it is appropriate in the circumstances to do so.

Element	Performance criteria
2. Applying for bail	<ul style="list-style-type: none"> • identified the client's options and communicated them to the client in a way the client can easily understand. • helped the client to make an informed decision about which option to select. • made an application for bail or taken other action effectively in the circumstances. • fully advised the client of any bail conditions.
3. Making pleas	<ul style="list-style-type: none"> • identified the client's options and communicated them to the client in a way the client can easily understand. • identified and gathered all material useful to the plea according to law and good practice. • presented the plea in an effective and persuasive manner, having regard to the circumstances of the case. • advised the client fully of the outcome in a way the client can easily understand.
4. Representing a client in minor matters	<ul style="list-style-type: none"> • completed all preparation required by law, good practice and the circumstances of the case. • represented the client effectively at a contested and uncontested hearing.
5. Assisting to prepare cases for trial	<ul style="list-style-type: none"> • identified and gathered the evidence needed to support the client's case. • identified and briefed appropriate experts (including counsel) having regard to good practice and the requirements of the case.

Explanatory Note

This competency standard applies to criminal law practice. It includes:

- advising clients before and after arrest;
- making a simple bail application on behalf of an accused person;
- making a plea in mitigation of penalty in a simple matter;
- some aspect of preparing a matter for hearing, such as briefing counsel;
- participating in a minor contested hearing.

Criminal matters include:

- traffic offences;
- domestic violence and apprehended violence orders;

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- drink driving;
- drug offences.

Employment and Industrial Relations Practice

Descriptor: An entry-level lawyer who practices in the area of employment and industrial relations should be able to advise clients on the relevant law and procedures, represent clients in negotiations and initiate and respond to applications in relevant State and Federal courts and tribunals.

Element	Performance criteria
	The lawyer has competently:
1. Assessing the merits of the dispute and identify the dispute resolution alternatives	<ul style="list-style-type: none">• identified the relevant facts.• assessed the strengths and weaknesses of the dispute according to the relevant law.• identified all means of resolving the dispute, having regard to the client's circumstances.
2. Advising client on procedures	<ul style="list-style-type: none">• advised the client of means to avoid a dispute, where appropriate.• advised the client of available steps to strengthen the client's position.
3. Commencing negotiations	<ul style="list-style-type: none">• explored all opportunities for a negotiated settlement, subject to the client's instructions.• represented the client effectively at any negotiations.
4. Initiating and responding to proceedings	<ul style="list-style-type: none">• identified the appropriate jurisdiction.• initiated or opposed a claim in accordance with the rules of the relevant court or tribunal, in a timely manner.• obtained all necessary evidence and drafted all necessary documents in accordance with those rules.
5. Representing the client	<ul style="list-style-type: none">• completed all preparation required by law, good practice and the circumstances.• represented the client effectively at any mediation, hearing or other forum.

Element	Performance criteria
6. Taking action to implement outcomes	<ul style="list-style-type: none"> • properly documented any order or settlement and explained it to the client in a way which the client can understand easily. • identified and carried out any procedures required to enforce the order or settlement.

Explanatory Note

This competency standard applies to the practice of employment and industrial relations law at both State and Federal levels.

A dispute may involve:

- award negotiations;
- an industrial dispute relating to an individual employee or to a workplace or industry;
- an equal employment opportunity or anti-discrimination claim;
- a claim for unfair dismissal.

The means by which a dispute might be resolved include, but are not limited to:

- negotiation;
- mediation;
- conciliation;
- arbitration;
- litigation.

Steps available to a client to avoid a dispute or to strengthen the client's position include:

- altering internal employment practices and procedures;
- drafting and revising employment contracts;
- entering or revising enterprise bargaining agreements;
- altering individual employment contracts;
- taking disciplinary proceedings;
- allowing industrial representation.

Ethics and Professional Responsibility

Descriptor:	An entry-level lawyer should act ethically and demonstrate professional responsibility and professional courtesy in all dealings with clients, the courts, the community and other lawyers.
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Element	Performance criteria
	The lawyer has competently:
1. Acting ethically	<ul style="list-style-type: none">• identified any relevant ethical dimension of a particular situation.• taken action which complies with professional ethical standards in that situation.
2. Discharging the legal duties and obligations of legal practitioners	<ul style="list-style-type: none">• identified any duty or obligation imposed on the lawyer by law in a particular situation.• discharged that duty or obligation according to law and good practice.
3. Complying with professional conduct rules	<ul style="list-style-type: none">• identified any applicable rules of professional conduct.• taken action which complies with those rules.
4. Complying with fiduciary duties	<ul style="list-style-type: none">• recognised and complied with any fiduciary duty, according to law and good practice.
5. Avoiding conflicts of interest	<ul style="list-style-type: none">• identified any potential or actual conflict, as soon as is reasonable in the circumstances.• taken effective action to avoid a potential conflict or, where a conflict has already arisen, dealt with it in accordance with law and good practice.• taken appropriate action, where applicable, to prevent such a conflict arising in the future.
6. Acting courteously	<ul style="list-style-type: none">• demonstrated professional courtesy in all dealings with others.
7. Complying with rules relating to the charging of fees	<ul style="list-style-type: none">• identified any rules applying to charging professional fees.• complied with those rules, where they are relevant.• maintained records and accounts in accordance with law and good practice.

Element	Performance criteria
8. Reflecting on wider issues	<ul style="list-style-type: none"> • reflected on that lawyer's professional performance in particular situations. • brought to the attention of an employer or professional association any matters that require consideration or clarification. • recognised the importance of pro bono contributions to legal practice. • demonstrated an awareness that mismanagement of living and work practices can impair the lawyer's skills, productivity, health and family life.

Explanatory Note

This competency standard applies to:

- ethics;
- statutes and general law relating to the duties and obligations of legal practitioners;
- written and unwritten rules of professional conduct;
- written and unwritten rules of professional courtesy.

The duties and obligations imposed by law on legal practitioners include duties:

- of confidentiality;
- to act competently and to maintain competence;
- to act honestly;
- not to mislead the court;
- not to pervert the course of justice or the due administration of justice.

Conflicts of interest commonly arise between:

- joint venture partners;
- directors and shareholders of a company;
- trustees and beneficiaries in a family trust;
- parties to any transaction where their interests potentially differ.

Family Law Practice

Descriptor:	An entry-level lawyer who practises in family law should be able to apply for dissolution of marriage, and advise and take action in relation to parenting matters property settlements, spouse maintenance and child support problems.
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Element	Performance criteria
	The lawyer has competently:
1. Applying for dissolution of marriage	<ul style="list-style-type: none">• obtained instructions reflecting the client's informed wishes.• prepared an application complying with the relevant court rules.• filed and served the application in accordance with those rules.• proved service in accordance with those rules.• presented the client's application to the court effectively.
2. Acting in relation to ancillary matters	<ul style="list-style-type: none">• informed the client of all options, having regard to the circumstances of the case, in a way which the client can easily understand.• fully prepared the client's case having regard to the client's circumstances, the dispute resolution process the client has decided to pursue and good practice.• pursued the case in accordance with good practice for the chosen dispute resolution process.• identified and explained to the client the revenue implications of any proposed settlement.• documented and acted upon any results of the chosen dispute resolution process, as required by law and good practice.

Explanatory Note

This competency standard applies to dissolution of marriage and ancillary matters arising from the breakdown of marriages or other domestic relationships.

It includes:

- applying for dissolution of marriage; and
- managing an ancillary matter in a family court up to the first directions hearing.

Ancillary matters include:

- parenting matters;
- property settlements;
- spouse maintenance;
- child support;

- domestic violence orders;
- injunctions and sole use orders;
- de facto proceedings.

Acting includes:

- participating in primary dispute resolution processes;
- informal negotiation;
- initiating or responding to court proceedings for urgent, interim or final relief.

Lawyer's Skills

Descriptor: An entry-level lawyer should be able to demonstrate oral communication skills, legal interviewing skills, advocacy skills, negotiation and dispute resolution skills, and letter writing and legal drafting skills.

Element

Performance criteria

The lawyer has competently:

1. **Communicating effectively**
 - identified the purpose of a proposed communication, the most effective way of making it, an appropriate communication strategy, and the content of the proposed communication.
 - presented thoughts, advice, and submissions in a logical, clear, succinct and persuasive manner, having regard to the circumstances and the person or forum to whom the communication is made.
 - identified and appropriately dealt with verbal, non-verbal and cross-cultural aspects of the proposed communication.
 - taken any follow-up action in accordance with good practice.

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Element	Performance criteria
2. Interviewing clients	<ul style="list-style-type: none">• prepared for the interview properly, having regard to relevant information available before the interview and the circumstances.• conducted the interview using communication techniques appropriate to both the client and the context.• ensured that the client and lawyer have both obtained all the information which they wanted from the interview in a timely, effective and efficient way, having regard to the circumstances.• ensured that the lawyer and client left the interview with a common understanding of the lawyer's instructions (if any) and any future action that the lawyer or client is to take.• made a record of the interview that satisfies the requirements of law and good practice.• taken any follow-up action in a timely manner.
3. Writing letters	<ul style="list-style-type: none">• identified the need for, and purpose of, the letter.• written the letter in simple, straightforward English which conveys its purpose clearly and can be easily understood by the person to whom it is sent.

Element	Performance criteria
4. Drafting other documents	<ul style="list-style-type: none"> • identified the need for, and purpose, of the document. • devised an effective form and structure for the document having regard to the parties, the circumstances, good practice principles of writing simple, straightforward English and the relevant law. • drafted the document effectively having regard to the parties, the circumstances, good practice, principles of writing simple, straightforward English, and the relevant law. • considered whether the document should be settled by counsel. • taken every action required to make the document effective and enforceable in a timely manner and according to law (such as execution by the parties, stamping, delivery and registration).
5. Negotiating settlements and agreements	<ul style="list-style-type: none"> • prepared the client's case properly having regard to the circumstances and good practice. • identified the strategy and tactics to be used in negotiations and discussed them with and obtained approval from the client. • carried out the negotiations effectively having regard to the strategy and tactics adopted, the circumstances of the case and good practice. • documented the negotiation and any resolution as required by law or good practice and explained it to the client in a way the client can easily understand.
6. Facilitating early resolution of disputes	<ul style="list-style-type: none"> • identified the advantages and disadvantages of available dispute resolution options and explained them to the client. • performed in the lawyer's role in the dispute resolution process effectively, having regard to the circumstances. • documented any resolution as required by law or good practice and explained it to the client in a way the client can easily understand.

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Element	Performance criteria
7. Representing a client in court	<ul style="list-style-type: none">• observed the etiquette and procedures of the forum.• organised and presented in an effective, strategic way:<ul style="list-style-type: none">— factual material;— analysis of relevant legal issues; and— relevant decided cases.• presented and tested evidence in accordance with the law and good practice.• made submissions effectively and coherently in accordance with law and good practice.

Explanatory Note

This competency standard applies to “composite” skills which require a lawyer to synthesise several generic skills and apply them in a specific legal context. Lawyers must be able to exercise such skills effectively.

Representation refers to advocacy on behalf of a client in a court, tribunal or other forum. It includes:

- an aspect of preliminary or pre-trial civil or criminal proceedings;
- an aspect of first instance trial advocacy in a simple matter;
- leading evidence-in-chief, cross-examination, re-examination and making submissions.

Dispute resolution options include:

- negotiation;
- mediation;
- arbitration;
- litigation;
- expert appraisal.

Planning and Environmental Law Practice

Descriptor:

An entry-level lawyer who practises in planning and environmental law should be able to advise clients on the relevant law, generally assist them in the planning process, initiate or oppose applications in, and obtain and present relevant evidence before appropriate courts or tribunals, and represent clients in various forums.

Element	Performance criteria
	The lawyer has competently:
1. Assessing the merits of the matter and advising the client	<ul style="list-style-type: none"> • obtained full instructions from the client. • analysed the facts in accordance with the relevant law. • obtained and clarified any relevant technical information. • advised the client of any rights and obligations of the client and potential penalties if obligations are not observed. • identified all options and developed a plan of action in accordance with the client's instructions. • examined the commercial, political and public relations implications of any proposed action and explained them to the client.
2. Preparing applications	<ul style="list-style-type: none"> • identified and analysed the relevant provisions of the relevant planning scheme. • prepared an application for development approval and submitted it to the relevant authority. • obtained any necessary plans. • identified potential grounds of objection.
3. Initiating and responding to claims	<ul style="list-style-type: none"> • identified the appropriate forum for initiating or responding to a claim. • initiated or opposed a claim in accordance with the rules of the relevant court or tribunal, in a timely manner. • obtained all necessary evidence and drafted all necessary documents in accordance with those rules.
4. Representing the client	<ul style="list-style-type: none"> • identified all available means of resolving the matter to the satisfaction of the client and discussed them with the client. • completed all preparation required by law, good practice and the circumstances. • represented the client effectively in any negotiation, mediation, hearing or other forum.

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Element	Performance criteria
5. Implementing outcomes	<ul style="list-style-type: none">properly documented any order or settlement and explained it to the client in a way which the client can easily understand.identified and carried out any procedures to enforce the order or settlement in a timely manner.

Explanatory Note

This competency standard applies to the practice of planning and environmental law under both State and Federal legislation.

The client's rights and obligations include rights and obligations under statute and at common law.

A claim or dispute may include:

- an application for or exemption from a permit, licence, approval or other authority;
- an objection to or appeal or application for review in relation to such an application;
- a prosecution for breach of relevant legislation;
- civil action relating to either or both of planning and environmental issues.

Reference to a court or tribunal includes a body exercising statutory powers.

Preparation for providing representation in a court or tribunal may include:

- drafting written submissions;
- briefing counsel.

Problem Solving

Descriptor:	An entry-level lawyer should be able to investigate and analyse facts and law, provide legal advice and solve legal problems.
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Element	Performance criteria
1. Analysing facts and identifying issues	<p>The lawyer has competently:</p> <ul style="list-style-type: none">• identified and collected all relevant facts as far as is practicable.• analysed the facts to identify any existing or potential legal and other issues.• distinguished facts that might be used to prove a claim from other facts, if the matter so requires.

Element	Performance criteria
2. Analysing law	<ul style="list-style-type: none"> • identified any questions of law raised by the matter. • researched those questions of law properly, having regard to the circumstances. • identified and interpreted any relevant statutory provisions and applied them appropriately to the facts.
3. Providing legal advice	<ul style="list-style-type: none"> • applied the law to the facts of the matter in an appropriate and defensible way. • given the client advice in a way which the client can easily understand. • kept up with any developments that might affect the accuracy of previous advice and told the client about the effect of those developments.
4. Generating solutions and strategies	<ul style="list-style-type: none"> • identified the problem and the client's goals as fully as is practicable. • investigated the facts and legal and other issues as fully as is practicable. • developed creative options and strategies to meet the client's objectives. • identified the advantages and disadvantages of pursuing each option or strategy including costs and time factors. • assisted the client to choose between those options in a way consistent with good practice. • developed a plan to implement the client's preferred option. • acted to resolve the problem in accordance with the client's instructions and the lawyer's plan of action. • remained open to new information and ideas and updated advice to the client where necessary.

Explanatory Note

This competency standard applies to:

- analysing facts;
- analysing legal and practical issues;
- analysing law;

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- interpreting statutes;
- giving advice;
- solving problems in the context of legal practice.

Analysing law includes researching legal issues using:

- law libraries;
- on-line searches;
- electronic data bases;
- legal citators and digests.

It also includes applying principles of precedent.

Other issues include:

- risk management;
- public relations;
- financial implications.

Property Law Practice

Descriptor: An entry-level lawyer should be able to convey, lease and mortgage real property. The lawyer should also be able to provide general advice on standard matters arising under legislation relating to land use in that State or Territory.

Element

Performance criteria

1. Transferring title

The lawyer has competently:

- identified the nature of the interest being dealt with properly, having regard to the applicable title system.
- prepared, commented on and advised on an appropriate contract of sale or other type of agreement and had it executed according to law and good practice.
- undertaken sufficient searches and inquiries to investigate title, any issues about land use and responsibility for outgoings.
- drafted an appropriate instrument of transfer or conveyance and had it executed, and (if necessary) stamped and registered, according to law.
- obtained or given any consents to, or notifications of, the transfer or conveyance according to law.

Element	Performance criteria
2. Creating leases	<ul style="list-style-type: none"> • made and obtained all searches and consents required by law and good practice. • drafted, commented on and advised on a lease in a form allowed by law, reflecting the agreement between lessor and lessee and protecting their respective interests. • arranged for the lease to be executed, and (if necessary) stamped and registered, according to law.
3. Creating and releasing securities	<ul style="list-style-type: none"> • made and obtained all searches and consents required by law and good practice. • drafted, commented on and advised on an effective instrument to create or release the security, reflecting the agreement between the grantor and grantee and protecting their respective interests. • arranged for the instrument to be executed, and (if necessary) stamped and registered, as required by law.
4. Advising on land use	<ul style="list-style-type: none"> • identified any legislative scheme regulating the relevant use. • advised the client generally about processes to be followed to obtain permission for, or to object to the use, as the case requires.
5. Advising on revenue implications	<ul style="list-style-type: none"> • identified the revenue implications of any transaction and advised the client accordingly.

Explanatory Note

This competency standard applies to dealings with interests in real and leasehold property, land use and securities. It must include:

- contracts for sale of land including special conditions;
- transferring title (or equivalent interest under the scheme of land title that exists in the particular State or Territory);
- creating standard commercial leases;
- creating standard residential tenancies or leases;
- creating and releasing of mortgages;
- some aspect of land use.

The competency standard includes dealings under the main system of land title operating in the jurisdiction in which the lawyer practises. For example, in Queensland it would include dealings in respect of freehold title under the *Land Title Act 1994*.

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Aspects of land use might involve issues arising out of:

- town planning schemes;
- local government by-laws;
- environment and heritage legislation;
- revenue and tax legislation.

This competency standard is limited to:

- the main system of land title operating in a State or Territory,
- transactions which an entry level lawyer would be expected to perform.

Trust and Office Accounting

Descriptor: An entry-level lawyer should have a sound general knowledge of the significance of, and the principles governing, trust and general accounting in legal practice, and sufficient knowledge, skills and values to maintain trust and general account records according to law and good practice, to the extent usually permitted and expected of an employed solicitor.

Element	Performance criteria
	The lawyer has competently:
1. Receiving money	<ul style="list-style-type: none">• dealt with money received from or on behalf of a client, as required by law and good practice.• where the law and good practice requires money to be deposited in a trust account, controlled or general account, recorded the deposit as required by law and good practice.• issued any receipt required by law and good practice.
2. Making outlays	<ul style="list-style-type: none">• made any outlay from the correct account, according to law and good practice.• recorded the outlay as required by law and good practice.

Element	Performance criteria
3. Rendering costs	<ul style="list-style-type: none"> • calculated the costs in accordance with law, good practice and any agreement between the lawyer and client. • added to the bill all outlays made by the firm for which the client is responsible. • accounted to the client for any money received from the client on account of costs and outlays, as required by law and good practice. • drafted the bill and delivered it in accordance with law and good practice.
4. Maintaining trust account	<ul style="list-style-type: none"> • maintained any trust account in accordance with specific statutory requirements, including any requirements relating to common fund deposits and auditing.

Explanatory Note

This competency standard applies to trust and general accounting. It requires a general knowledge of bookkeeping and knowledge of the solicitors' trust account law and practise and auditing requirements in the lawyer's jurisdiction.

Wills and Estates Practice

Descriptor: An entry-level lawyer who practises in wills and estates should be able to draft wills, administer deceased estates and take action to solve problems about wills and estates.

Element	Performance criteria
	The lawyer has competently:

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Element	Performance criteria
1. Drafting wills	<ul style="list-style-type: none">• advised the client of issues, options, and potential problems that might arise in respect of the client's testamentary intentions.• obtained instructions reflecting the client's informed and independent wishes, which can be effectively implemented.• drafted a will reflecting the client's instructions.• identified any issues of testamentary capacity and resolved them in accordance with law and good practice.• ensured that the client executed the will in accordance with law.• given any necessary follow-up advice to the client.
2. Administering deceased estates	<ul style="list-style-type: none">• obtained a grant of probate or letters of administration where required.• identified the debts and assets of the estate.• gathered in the estate or transferred or transmitted assets directly to beneficiaries, as appropriate, having regard to the law, good practice, and the circumstances.• discharged the estate's debts, distributed specific gifts and the residue and ensured that the executors have been released of their obligations in a timely fashion.
3. Taking action to resolve wills and estates problems	<ul style="list-style-type: none">• identified the nature of the problem properly, having regard to the law of the jurisdiction.• identified the client's options for dealing with the problem, having regard to the law of the particular jurisdiction and the client's circumstances.• explained the options to the client in a way the client can easily understand.• taken action to resolve the problem in accordance with the client's instructions.

Explanatory Note

This competency standard applies to wills and deceased estate practice. It must include:

- drawing and advising on standard wills;

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- obtaining an uncontested grant of letters of administration on an intestacy or probate where a will exists;
 - administering a standard deceased estate;
 - helping solve at least one common type of will or estate problem.

Wills and estates problems include:

- testamentary capacity;
- construction;
- validity of the will;
- validity of gifts;
- assets outside the jurisdiction;
- revenue issues;
- family provision;
- mutual wills;
- trusts;
- informal wills;
- testamentary directions.

Follow-up advice required may include:

- the effects of marriage on a will;
- the effects of divorce on a will;
- storage options;
- revocation;
- modification;
- availability of associated documents such as enduring powers of attorney.

Work Management and Business Skills

Descriptor: An entry-level lawyer should be able to manage workload, work habits, and work practices in a way that ensures that clients' matters are dealt with in a timely and cost effective manner.

Element

Performance criteria

The lawyer has competently:

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Schedule

Practical legal training

Element	Performance criteria
1. Managing personal time	<ul style="list-style-type: none">• used a diary or other system to record time limits or deadlines and to assist in planning work.• identified conflicting priorities as they arise and managed the conflict effectively.• used available time effectively, to the benefit of the lawyer's clients and employer.
2. Managing risk	<ul style="list-style-type: none">• conducted each matter in a way that minimises any risk to the client, lawyer or firm arising from missed deadlines, negligence or failure to comply with the requirements of the law, a court or other body.• recognised the limits of the lawyer's expertise and experience and referred the client or matter to other lawyers, counsel or other professionals, as the circumstances require.
3. Managing files	<ul style="list-style-type: none">• used a file management system to ensure that work priorities are identified and managed; clients' documents are stored in an orderly and secure manner; and to alert the lawyer to any need to follow up a matter or give it other attention.• rendered timely bills, in accordance with law and any agreement between the lawyer and client, which set out the basis for calculating the lawyer's fees.• accurately recorded all communications and attendances, with details of dates and times.
4. Keeping client informed	<ul style="list-style-type: none">• communicated with the client during the course of the matter as frequently as circumstances and good practice require.• confirmed oral communications in writing when requested by the client or required by good practice.• dealt with the client's requests for information promptly.• informed the client fully of all important developments in the matter, in a way which the client can easily understand.
5. Working cooperatively	<ul style="list-style-type: none">• worked with support staff, colleagues, consultants and counsel in a professional and cost effective manner.

Explanatory Note

This competency standard applies to the exercise of good work habits in a legal practice to ensure that:

- clients do not suffer loss or damage from a lawyer missing deadlines or neglecting matters;
- clients are kept informed regularly and fully of the progress of their matters;
- clients' matters are dealt with in a cost-effective manner.