

# **Legal Profession Uniform Admission Amendment (Academic Areas of Knowledge) Rule 2017**

under the

Legal Profession Uniform Law

The Legal Services Council has made the following rule under the *Legal Profession Uniform Law*.

DALE BOUCHER  
Chief Executive Officer, Legal Services Council

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### **1 Name of Rule**

This Rule is the *Legal Profession Uniform Admission Amendment (Academic Areas of Knowledge) Rule 2017*.

### **2 Commencement**

This Rule commences on the day on which it is published on the NSW legislation website.

### **3 Authorising provision**

This Rule is made by the Legal Services Council under Part 9.2 of the *Legal Profession Uniform Law*.

## **Schedule 1      Amendment of Legal Profession Uniform Admission Rules 2015**

### **Schedule 1 Academic areas of knowledge**

Omit clauses 11 and 12. Insert instead:

#### **11      Civil Dispute Resolution**

Either the following topics:

- (a) Court adjudication under an adversary system
- (b) The cost of litigation and the use of costs to control litigation
- (c) Service of originating process—as foundation of jurisdiction, including service out of the relevant State or Territory and choice of forum
- (d) 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 verdict
- (e) Defining the questions for trial—pleadings, notices to admit and other devices
- (f) Obtaining evidence—discovery of documents, interrogatories, subpoena and other devices
- (g) Disposition without trial, including the compromise of litigation
- (h) Extra-judicial determination of issues arising in the course of litigation
- (i) Judgment
- (j) Appeal
- (k) Enforcement
- (l) Alternative dispute resolution
- (m) Obligations of parties and practitioners relating to the resolution of disputes,

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 and alternative dispute resolution relevant in the State or Territory. The law concerning jurisdiction, the initiation and service of process, the definition of issues through pleadings and judgment and enforcement should all be included.

#### **12      Evidence**

**Explanatory note.** The following topics are fundamental to understanding the major features of evidence law and procedure, both statutory and common law, and the major sources of judicial interpretation relevant to a general study of the role, sources and foundation of the law of evidence and trial procedure, of pre-trial obligations and of rules concerning the burden and standard of proof. These topics explicitly take into account the language of procedural changes created by the common law and uniform evidence law in Australia, including High Court jurisprudence that is indispensable to understanding the conduct of a trial.

The following topics:

- (a) Introduction:
  - (i) the relevant sources of the law of evidence and procedure
  - (ii) fair trials, proof and adversarialism, including principles underpinning accusatorial justice

- (iii) evidentiary issues to be addressed before trial—disclosure, notices and requests
- (b) Forms of evidence:
  - (i) witnesses—competence and compellability:
    - (A) the examination of witnesses, including vulnerable witnesses
    - (B) the accused as a witness, including the privilege against self-incrimination
  - (ii) documentary evidence, including proof of contents
  - (iii) real evidence
- (c) Evidentiary principles and rules, and exceptions to the rules:
  - (i) relevance
  - (ii) original evidence including *res gestae*
  - (iii) hearsay evidence
  - (iv) opinion evidence
  - (v) admissions and confessions
  - (vi) tendency and coincidence evidence
  - (vii) credibility evidence
  - (viii) character evidence
- (d) The bases for privilege including legal professional and client privilege
- (e) Judicial warnings, comment and directions
- (f) Mandatory and discretionary exclusions and the limitations on evidence.