



Queensland

# Supreme Court (Legal Practitioner Admission) Amendment Rule (No. 2) 2005

## Subordinate Legislation 2005 No. 129

made under the

*Supreme Court of Queensland Act 1991*

## Contents

---

		Page
1	Short title . . . . .	4
2	Commencement . . . . .	4
3	Rules amended . . . . .	4
4	Amendment of r 3 (Overview) . . . . .	4
5	Amendment of r 6 (Approved academic qualifications—Australia)	4
6	Amendment of r 7 (Approved practical legal training requirements—Australia) . . . . .	4
7	Insertion of new r 7A . . . . .	5
	7A Other approved practical legal training requirements—Australia . . . . .	5
8	Insertion of new pt 2A. . . . .	5
	Part 2A Supervised workplace experience	
	Division 1 Provisions to be complied with for approved practical legal training requirements	
	9A Purpose of div 1 . . . . .	6
	9B Persons eligible to be a trainee . . . . .	6
	9C Persons eligible to be a supervisor. . . . .	6
	9D Persons disqualified from being a supervisor. . . . .	7
	9E How to work out periods of practice or traineeship for rr 9C and 9G . . . . .	8

*Supreme Court (Legal Practitioner Admission) No. 129, 2005  
Amendment Rule (No. 2) 2005*

---

	9F	Number of trainees to a law practice or an office other than the office of a law practice. . . . .	9
	9G	Period within which training must be completed. . . . .	10
	Division 2	Duties of principal of law practice or person in charge of particular offices	
	9H	Register of trainees and supervisors . . . . .	11
	9I	Notice of traineeship. . . . .	11
	9J	Notice of termination of traineeship . . . . .	12
	9K	Response statement . . . . .	12
	9L	Cooperation with board . . . . .	13
	Division 3	Other provisions	
	9M	Supervisor to give statement about training. . . . .	13
	9N	Supervisor to cooperate with board . . . . .	14
	9O	Programmed training . . . . .	14
	9P	Approved supplementary training. . . . .	14
	9Q	Board may reject traineeship . . . . .	15
9		Amendment of r 13 (Documents and fee to be given to board) . .	16
10		Replacement of pt 5. . . . .	17
	26	Court or board may shorten or extend time . . . . .	17
	27	Court may exempt from rules . . . . .	17
	Part 5	Repeal and transitional provisions	
	Division 1	Definitions for part 5	
	28	Definitions for pt 5. . . . .	17
	Division 2	Repeals	
	29	Repeals . . . . .	18
	Division 3	Extension of time to 30 September 2005 in relation to trainees	
	30	Extension to 30 September 2005. . . . .	18
	31	Expiry of div 3. . . . .	19
	Division 4	Existing students-at-law	
	32	Application of div 4 . . . . .	19
	33	Approved academic qualifications and approved practical training requirements . . . . .	19
	34	Examination periods and limits on examinations . . . . .	21
	35	Notice of intention to sit examination . . . . .	21
	Division 5	Existing articled clerks or judges' associates continuing under articles or as associate	
	36	Application of div 5 . . . . .	21

*Supreme Court (Legal Practitioner Admission) No. 129, 2005*  
*Amendment Rule (No. 2) 2005*

---

37	Approved academic qualifications and approved practical training . . . . .	22
38	Limit on board's power to shorten time. . . . .	23
39	References to solicitors . . . . .	23
Division 6	Existing articled clerks switching to traineeships	
40	Application of div 6 . . . . .	24
41	When part of service under articles of clerkship counts towards traineeship. . . . .	24
42	Former master to give board information . . . . .	25
43	Former master to cooperate with board . . . . .	26
Division 7	Other provisions	
44	Practical legal training courses. . . . .	26
45	References to boards, repealed barristers rules and repealed solicitors rules . . . . .	26
46	Particular approved academic requirements or approved practical legal training requirements. . . . .	27
Division 8	Admission based on 5 or 10 years service in particular offices	
47	Application of div 8 . . . . .	27
48	Approved academic qualifications and approved practical training requirements . . . . .	28
49	How and where service to be performed . . . . .	28
50	Officer to file affidavit and certificate about period of service . . . . .	29
51	Certificate about period of service . . . . .	29
52	Expiry of rr 47 to 51 and power of court about expiry	30
11	Amendment of sch 2 (Dictionary). . . . .	30

## **1 Short title**

This rule may be cited as the *Supreme Court (Legal Practitioner Admission) Amendment Rule (No. 2) 2005*.

## **2 Commencement**

- (1) Sections 3 to 9, 10, other than to the extent it inserts part 5, division 8, and section 11 commence on 1 July 2005.
- (2) Section 10 to the extent it inserts part 5, division 8 commences on 2 July 2005.

## **3 Rules amended**

This rule amends the *Supreme Court (Legal Practitioner Admission) Rules 2004*.

## **4 Amendment of r 3 (Overview)**

Rule 3—

*insert*—

‘(3A) Part 2A deals with supervised workplace training.’.

## **5 Amendment of r 6 (Approved academic qualifications—Australia)**

Rule 6, heading, ‘Australia’—

*omit, insert*—

‘Australian course’.

## **6 Amendment of r 7 (Approved practical legal training requirements—Australia)**

Rule 7, heading, ‘Australia’—

*omit, insert*—

‘Australian course’.

## **7 Insertion of new r 7A**

After rule 7—

*insert—*

### **‘7A Other approved practical legal training requirements—Australia**

- ‘(1) Requirements mentioned in subrule (2) are also approved practical legal training requirements for admission under the *Legal Profession Act 2004* as a legal practitioner.
- ‘(2) The requirements are completion of either of the following that requires an understanding of, and competence in, the skills, practice areas and values a person is required to achieve competence in under the preface to appendix B to the Law Admissions Consultative Committee Report in accordance with the performance criteria set out in that appendix—
- (a) supervised workplace experience in relation to which part 2A, division 1<sup>1</sup> is complied with;
  - (b) the supervised workplace experience in relation to which part 2A, division 1 is complied with and approved supplementary training for a skill, practice area or value, or an element of a skill, practice area or value, set out in that appendix.
- ‘(3) In applying subrule (2), regard must be had to the matters set out in the preface to appendix B to the Law Admissions Consultative Committee Report.’

## **8 Insertion of new pt 2A**

After rule 9—

*insert—*

---

1 Part 2A (Supervised work experience), division 1 (Provisions to be complied with for approved practical legal training requirements)



solicitor, or as a combination of them for at least 3 years;

- (ii) an Australian legal practitioner, or a government legal officer, who has practised as a solicitor, or in the manner of a solicitor, or as a combination of them for at least 5 years;
- (iii) an Australian legal practitioner, or a government legal officer, who has practised—
  - (A) as a solicitor, or in the manner of a solicitor, or as a combination of them; and
  - (B) as a barrister, or in the manner of a barrister, or as a combination of them;

for a total of at least 5 years, of which at least 3 years were spent in practice as a solicitor, or in the manner of a solicitor, or as a combination of them; and

(c) not be disqualified under rule 9D.

- ‘(2) However, if the person has not, within the last 5 years engaged in legal practice, the person is not eligible to be a trainee’s supervisor until the person has afterwards engaged in legal practice for at least 1 year.
- ‘(3) Rule 9E states how to work out a period of practice for subrule (1) or (2).
- ‘(4) Despite subrule (1)(c), the court may allow a person who is disqualified under rule 9D to be a trainee’s supervisor, if the court considers there are special circumstances.
- ‘(5) A traineeship may be completed under more than 1 supervisor who supervise successively.

## ‘9D **Persons disqualified from being a supervisor**

- ‘(1) This rule applies to a person—
  - (a) whose name has been removed from the local roll or an interstate roll; or

- (b) in relation to whom an order has been made under section 280(2)(a), (b) or (c)<sup>4</sup> of the *Legal Profession Act 2004* or a corresponding law.
- ‘(2) The person is disqualified from being a trainee’s supervisor until at least 3 years after the practitioner first lawfully engages in legal practice after ceasing practice because of the removal or order.
- ‘(3) This rule does not apply if the removal or order is set aside, and is not subsequently reinstated, on appeal.

**‘9E How to work out periods of practice or traineeship for rr 9C and 9G**

- ‘(1) This rule states how the following are worked out—
  - (a) a period of practice mentioned in rule 9C(1) or (2);
  - (b) a period of traineeship for rule 9G(1).
- ‘(2) Non-continuous periods of practice or traineeship by a person are to be aggregated.
- ‘(3) A period of practice or traineeship, during which a person works less than 35 hours a week, must be multiplied by the person’s total hours of work each week during the period and divided by 35.

*Example—*

A person practices as a solicitor for 6 years, during which the person works for 17½ hours each week. The 6 year period must be multiplied by 17½ and divided by 35, giving a period of 3 years practice.

- ‘(4) A period of practice or traineeship is not taken to be a longer period merely because a person works for more than 35 hours a week during the period.
- ‘(5) A period of practice or traineeship includes—
  - (a) any periods of leave taken during the period that do not total more than 6 weeks in a calendar year; and
  - (b) any public holidays during the period.

---

<sup>4</sup> *Legal Profession Act 2004*, section 280 (Decisions of tribunal about an Australian legal practitioner)



- ‘(6) If, during a period of practice or traineeship, a person takes leave for a period or periods totalling more than 6 weeks in a calendar year, the period of practice or traineeship—
- (a) includes 6 weeks of the leave; and
  - (b) does not include the remaining period of leave taken during the calendar year.

**‘9F Number of trainees to a law practice or an office other than the office of a law practice**

- ‘(1) If a law practice is a sole practitioner who is eligible to supervise a trainee, the law practice may have the greater of the following—
- (a) 2 trainees at a time for the sole practitioner;
  - (b) 1 trainee at a time for each person, eligible to supervise a trainee, working in the law practice.
- ‘(2) If a law practice is a law firm, the law practice may have the greater of the following—
- (a) 2 trainees at a time for each partner in the law firm who is eligible to supervise a trainee;
  - (b) 1 trainee at a time for each person, eligible to supervise a trainee, working in the law practice.
- ‘(3) A law practice, or an office other than the office of a law practice, that is not provided for in subrule (1) or (2) may have 1 trainee at a time for each person, eligible to supervise a trainee, working in the law practice or office.

*Examples—*

- 1 If a law firm has 4 partners, and 2 employed solicitors, who are eligible to supervise a trainee, the law firm may have no more than 8 trainees at a time.
  - 2 If a law firm has 2 partners, and 5 employed solicitors, who are eligible to supervise a trainee, the law firm may have no more than 7 trainees at a time.
- ‘(4) A supervisor may be responsible for the supervision of no more than 2 trainees at a time.

- ‘(5) However, the board may, if it considers there are special circumstances—
- (a) allow a law practice, or an office other than the office of a law practice, to have more trainees than the law practice or office is allowed to have under subrules (1) to (3); or
  - (b) allow a person to supervise more than 2 trainees at a time.

*Example of special circumstances—*

For a trainee’s supervisor who is a partner in a law firm, the death, resignation or illness of another partner who is also a trainee’s supervisor.

**‘9G Period within which training must be completed**

- ‘(1) The approved practical legal training requirements under rule 7A(2)<sup>5</sup> —
- (a) must be completed within at least 1 year and not more than 2 years after the person’s traineeship starts, or if the person does more than 1 traineeship, the first traineeship starts; or
  - (b) may be completed within a longer period, but if the requirements are completed in a longer period only the last 2 years of the traineeship may be taken into account for deciding whether the approved practical legal training requirements have been satisfactorily completed, unless the board considers there are special circumstances.
- ‘(2) However, approved supplementary training, for a skill, value or practice area, or an element of a skill, practice area or value, set out in appendix B to the Law Admissions Consultative Committee Report<sup>6</sup> must be completed within 3 years before the person’s application for admission.

---

5 Rule 7A (Other approved practical legal training requirements—Australia)

6 That appendix is set out in attachment 2.

- ‘(3) Rule 9E states how to work out the period of a traineeship for subrule (1).

## **‘Division 2                    Duties of principal of law practice or person in charge of particular offices**

### **‘9H     Register of trainees and supervisors**

- ‘(1) This rule applies to—
- (a) a principal of a law practice; and
  - (b) the person in charge of an office other than the office of a law practice.
- ‘(2) The principal or person must—
- (a) keep a register of the name of—
    - (i) each trainee doing supervised workplace experience in the law practice or office; and
    - (ii) the trainee’s current supervisor; and
  - (b) if asked, give the register to the board for inspection.

### **‘9I     Notice of traineeship**

- ‘(1) This rule applies to—
- (a) a principal of a law practice; and
  - (b) the person in charge of an office other than the office of a law practice.
- ‘(2) The principal or person must give the board notice, in the approved form, of each traineeship under which a trainee is doing supervised workplace experience in the law practice or office.
- ‘(3) The notice must be given within 1 month after the traineeship starts.
- ‘(4) The approved form must state that the law practice or office has a written plan setting out how, over the traineeship period,

the supervised workplace experience to be given under the traineeship is to be given.

**‘9J Notice of termination of traineeship**

- ‘(1) This rule applies if a traineeship, under which a trainee is doing supervised workplace experience in either of the following, is terminated—
- (a) a law practice;
  - (b) an office other than the office of a law practice.
- ‘(2) The principal of the law practice, or person in charge of the office, must give written notice of the termination to the board within 14 days after the termination.

**‘9K Response statement**

- ‘(1) This rule applies if a traineeship, under which a trainee is doing supervised workplace experience in either of the following, ends—
- (a) a law practice;
  - (b) an office other than the office of a law practice.
- ‘(2) The principal of the law practice, or person in charge of the office, must complete a response statement and give it to the trainee.
- ‘(3) If the traineeship is terminated, the response statement must be given within 14 days after the termination.
- ‘(4) In this rule—

***response statement*** means a statement, in the approved form, that—

- (a) has answers to questions about the trainee’s work under the traineeship; and
- (b) states the period of the traineeship worked out under rule 9E; and
- (c) certifies that, to the best of the knowledge of the law practice or the person in charge of the office—

- (i) the information given in the form is correct; and
- (ii) the trainee is a suitable person to be admitted as a legal practitioner.

#### **‘9L Cooperation with board**

- ‘(1) The principal of a law practice or the person in charge of an office, other than the office of a law practice, must cooperate with the board in the board’s enquiries about a traineeship under which a trainee is doing or has done supervised workplace experience in the law practice or office.
- ‘(2) A failure to comply with subrule (1) is capable of being unsatisfactory professional conduct or professional misconduct.

### **‘Division 3 Other provisions**

#### **‘9M Supervisor to give statement about training**

- ‘(1) This rule applies if a traineeship, under which a trainee is doing supervised workplace experience in either of the following, ends—
  - (a) a law practice;
  - (b) an office other than the office of a law practice.
- ‘(2) The trainee’s supervisor must give the trainee a statement, in the approved form, stating the extent to which the trainee has, by training received under the traineeship, satisfied the skills, practice areas or values set out in appendix B to the Law Admissions Consultative Committee Report<sup>7</sup> according to the relevant performance criteria set out in that appendix.
- ‘(3) If the traineeship is terminated, the statement must be given within 14 days after the termination.

---

<sup>7</sup> That appendix is set out in attachment 2.

**‘9N Supervisor to cooperate with board**

- ‘(1) Each supervisor of a trainee, must cooperate with the board in the board’s enquiries about the trainee’s traineeship while being supervised by the supervisor.
- ‘(2) A failure to comply with subrule (1) is capable of being unsatisfactory professional conduct or professional misconduct.

**‘9O Programmed training**

- ‘(1) A trainee must satisfactorily complete at least 90 hours of programmed training approved by the board.
- ‘(2) Programmed training must include training in ethics that is approved under subrule (1).
- ‘(3) The board must require the registrar to arrange for particulars of the approved programmed training to be stated on the court’s internet website.
- ‘(4) In this rule—  
*programmed training* means structured and supervised training activities, research and tasks with comprehensive assessment.

**‘9P Approved supplementary training**

- ‘(1) The board must require the registrar to arrange publication on the court’s internet website of a current list of the approved supplementary training for each skill, practice area or value set out in appendix B to the Law Admissions Consultative Committee Report.
- ‘(2) The board must, if asked, advise whether stated training is approved supplementary training for an element of a skill, practice area or value set out in that appendix.

### **‘9Q Board may reject traineeship**

- ‘(1) The board may, by written notice given to each of the following, reject a traineeship for a reason mentioned in subrule (2)—
- (a) the trainee;
  - (b) either—
    - (i) if the trainee is doing supervised work experience in a law practice—a principal of the law practice; or
    - (ii) if the trainee is doing supervised work experience in an office other than the office of a law practice—the person in charge of the office.
- ‘(2) The reasons are—
- (a) the person named in the notice given under rule 9I<sup>8</sup> as a trainee is not eligible to be a trainee; or
  - (b) the trainee is not being supervised by a person who is eligible to be a trainee’s supervisor under rule 9C;<sup>9</sup> or
  - (c) the trainee is being supervised by a person who is disqualified from being a supervisor under rule 9D;<sup>10</sup> or
  - (d) the office of the law practice, or other office, in which the trainee is receiving training—
    - (i) has more trainees than the number allowed under rule 9F<sup>11</sup> for the practice or office; or
    - (ii) is not principally engaged in legal practice.
- ‘(3) If the board rejects a traineeship the traineeship is, subject to any appeal under subrule (4), invalid.
- ‘(4) An appeal lies to the Court of Appeal from a decision of the board to reject a traineeship.’.

---

8 Rule 9I (Notice of traineeship)

9 Rule 9C (Persons eligible to be a supervisor)

10 Rule 9D (Persons disqualified from being a supervisor)

11 Rule 9F (Number of trainees to a law practice or an office other than the office of a law practice)

**9 Amendment of r 13 (Documents and fee to be given to board)**

- (1) Rule 13(2)(c) to (f)—  
*renumber* as rule 13(2)(j) to (m).
- (2) Rule 13(2)(b)—  
*omit, insert—*
- ‘(b) any response statement completed for the purposes of rule 9K or 11;<sup>12</sup>
  - (c) any supervisor’s statement completed under rule 9M;
  - (d) any statement completed under rule 42;
  - (e) a statement, in the approved form, stating any approved supplementary training, for a skill, value or practice area, or an element of a skill, practice area or value, set out in appendix B to the Law Admissions Consultative Committee Report<sup>13</sup> received by the trainee;
  - (f) a certificate, or other evidence satisfactory to the board, of the satisfactory completion of any approved supplementary training, for a skill, value or practice area, or an element of a skill, practice area or value, set out in that appendix received by the trainee;
  - (g) a statement, in the approved form, of any corresponding practical legal training requirements that the applicant has complied with;
  - (h) a statement that the trainee has satisfactorily completed the programmed training required under rule 9O(1);<sup>14</sup>
  - (i) a certificate, or other evidence satisfactory to the board, of the satisfactory completion of the programmed training;’.
- (3) Rule 13(5), ‘subrule (2)(c) and (f)’—

---

12 Rule 9K (Response statement and supervisor’s statement) or 11 (Application and affidavit of compliance to be filed in court)

13 That appendix is set out in attachment 2.

14 Rule 9O (Programmed training)



*omit, insert—*

‘subrule (j) or (m)’.

**10 Replacement of pt 5**

Part 5—

*omit, insert—*

**‘26 Court or board may shorten or extend time**

- ‘(1) The court or board may shorten or extend the time allowed under these rules for doing a thing.
- ‘(2) However, the board may not shorten the period of 1 year mentioned in rule 9G(1) by more than 14 days.
- ‘(3) Also, subrule (1) is subject to rule 38.<sup>15</sup>

**‘27 Court may exempt from rules**

- ‘(1) The court may exempt a person from complying with part or all of these rules if the court considers there are special circumstances.
- ‘(2) The court may give the exemption on the conditions it considers appropriate.

**‘Part 5 Repeal and transitional provisions**

**‘Division 1 Definitions for part 5**

**‘28 Definitions for pt 5**

‘In this part—

---

<sup>15</sup> Rule 38 (Limit on board’s power to shorten time)

**‘commencement** means the commencement of this division.

**repealed barristers rules** means the *Barristers’ Admission Rules 1975* as in force immediately before the commencement.

**repealed solicitors rules** means the *Solicitors’ Admission Rules 1968* as in force immediately before the commencement.

## **‘Division 2                    Repeals**

### **‘29            Repeals**

‘(1) The following rules are repealed—

- the *Barristers’ Admission Rules 1975*
- the *Solicitors’ Admission Rules 1968*.

‘(2) Despite subrule (1), particular provisions of the repealed *Barristers’ Admission Rules 1975* and the *Solicitors’ Admission Rules 1968* continue to have effect as provided for under part 5.<sup>16</sup>

## **‘Division 3                    Extension of time to 30 September 2005 in relation to trainees**

### **‘30            Extension to 30 September 2005**

‘(1) This rule applies if the time allowed for doing a thing under rule 9H(2),<sup>17</sup> 9I(3), 9J(2), 9K(2) or (3) or 9M(2) or (3)<sup>18</sup> expires before 30 September 2005.

---

<sup>16</sup> The provisions continuing to have effect are set out on the court’s internet website, which is defined in schedule 2.

<sup>17</sup> See the *Acts Interpretation Act 1954*, section 38 (Reckoning of time).

<sup>18</sup> Rule 9H (Register of trainees and supervisors), 9I (Notice of traineeship), 9J (Notice of termination of traineeship), 9K (Response statement) or 9M (Supervisor to give statement about training)

- ‘(2) The time allowed for doing the thing is extended to the end of 30 September 2005.

**‘31 Expiry of div 3**

‘This division expires on 31 October 2005.

**‘Division 4 Existing students-at-law**

**‘32 Application of div 4**

‘This division applies if a student-at-law has passed at least 1 of the stage 2 subjects mentioned in the repealed barristers rules, rule 20 before 11 March 2005.

**‘33 Approved academic qualifications and approved practical training requirements**

- ‘(1) Compliance with the repealed barristers rules, rule 15(d)(1) or (2)<sup>19</sup> other than—
- (a) completing the requirements for stage 6; or
  - (b) to the extent that the student-at-law has already complied with that rule;
- is taken to be the attainment of academic qualifications.
- ‘(2) The academic qualifications are, for the student-at-law, an approved academic qualification for admission under the *Legal Profession Act 2004* as a legal practitioner.
- ‘(3) However, subrule (2) applies only if the student-at-law is proficient in English at the time of applying for admission.
- ‘(4) Until the end of 31 December 2006, the requirements of a course of practical training or instruction under the repealed barristers rules, rule 25(6) are, for the student-at-law, approved practical legal training for admission under the *Legal Profession Act 2004* as a legal practitioner if the

---

19 Repealed barristers rules, rule 15 (Admission)

student-at-law, before 1 January 2005, possessed the qualifications mentioned in the repealed barristers rules, rule 15(d)(2)(A) and (B).

- ‘(5) Subrules (2) and (4) are in addition to the things that, for the person—
- (a) are approved academic qualifications under rule 6;<sup>20</sup> or
  - (b) are approved practical legal training under rule 7 or 7A.<sup>21</sup>
- ‘(6) For the purposes of subrules (2) and (4), the following provisions of the repealed barristers rules continue to apply to the person—
- (a) rule 2;<sup>22</sup>
  - (b) part 3, other than rules 14B, 15(d)(3) to (6) and (e), 17, 19, 26(a) and 30;<sup>23</sup>
  - (c) rules 36 and 37;<sup>24</sup>
  - (d) rules 52, 55 and 56;<sup>25</sup>
  - (e) schedule 2.<sup>26</sup>
- ‘(7) However, after the commencement, despite the repealed barristers rules, rule 25, the student-at-law is not required to attend a substantial part of the hearing, and submit to the board the student-at-law’s written report, of the proceedings mentioned in that rule.

---

20 Rule 6 (Approved academic qualifications—Australian course)

21 Rule 7 (Approved practical legal training requirements—Australian course) or 7A (Other approved practical legal training requirements—Australia)

22 Repealed barristers rules, rule 2 (Interpretation)

23 Repealed barristers rules, part 3 (Qualifications for admission) and rules 14B (Approval of core subjects and courses), 15 (Admission), 17 (Condition precedent to admission of barristers), 19 (Stage 1), 26 (Examinations) and 30 (Application to sit examination)

24 Repealed barristers rules, rules 36 (Removal of name of student-at-law from list) and 37 (Student-at-law to keep secretary notified of address)

25 Repealed barristers rules, 52 (Board may change times), 55 (Power of the court) and 56 (Boards’ application)

26 Repealed barristers rules, schedule 2 (Areas of knowledge)

**‘34 Examination periods and limits on examinations**

- ‘(1) The board may conduct examinations for the purposes of this division at examination periods arranged by it.
- ‘(2) However, the board may not conduct examinations after 31 December 2007.
- ‘(3) Despite subrule (2), the court may order that the board may conduct an examination after 31 December 2007 for a particular person, if the court considers there are special circumstances.
- ‘(4) After 31 December 2007, a result obtained in an examination in the subject at a university, after completing the university’s curriculum for the subject, is taken to be a result in an examination by the board in the subject.
- ‘(5) The board must give the student-at-law notice the board considers reasonable of the board’s examinations by arranging publication, on the court’s internet website, of the dates on which the examinations will be conducted.

**‘35 Notice of intention to sit examination**

‘If the student-at-law intends to sit a board examination the student-at-law must notify the board in the approved form of this intention at least 28 days before the date published by the board under rule 34(5).

**‘Division 5 Existing articulated clerks or judges’  
associates continuing under  
articles or as associate**

**‘36 Application of div 5**

- ‘(1) This division applies to a person who, before the commencement, has started service under articles of clerkship, or as a judge’s associate, under any of the following rules (a *relevant rule*) but not been admitted as a legal practitioner—

- (a) the repealed solicitors rules, rule 17(2)(a)(i),<sup>27</sup> 17(2)(a)(ii) or 17(2)(a)(iii);
  - (b) the repealed solicitors rules, rule 17(3) to the extent it applies the *Solicitors' Admission Rules 1968*, rule 18(3)(a), (b) or (d).
- ‘(2) For subrule (1) a reference to rule 18(3)(a), (b) or (d) is a reference to the *Solicitors' Admission Rules 1968*, rule 18(3)(a), (b) or (d) as in force immediately before 1 July 2004.

**‘37 Approved academic qualifications and approved practical training**

- ‘(1) Compliance with the repealed solicitors rules, rule 17(1)(a) and (b) is taken to be the attainment of academic qualifications.
- ‘(2) The academic qualifications are, for the person, approved academic qualifications for admission under the *Legal Profession Act 2004* as a legal practitioner.
- ‘(3) Completion of the training mentioned in a relevant rule is, for the person, approved practical legal training requirements for admission under the *Legal Profession Act 2004* as a legal practitioner.
- ‘(4) Subrules (2) and (3) are in addition to the things that, for the person—
  - (a) are approved academic qualifications under rule 6; or
  - (b) are approved practical legal training under rule 7 or 7A.
- ‘(5) For the purposes of subrules (2) and (3)—
  - (a) the following provisions of the repealed solicitors rules continue to apply to the person—
    - (i) rule 2;<sup>28</sup>

---

<sup>27</sup> Repealed solicitors rules, rule 17 (Admission of person with approved degree)

<sup>28</sup> Repealed solicitors rules, rule 2 (Definitions)

- (ii) part 4, divisions 1 and 2<sup>29</sup> other than to the extent that they relate to a judge's clerk;
  - (iii) rules 94 to 96;<sup>30</sup>
  - (iv) schedule 2;<sup>31</sup> and
  - (b) a period of service under articles of clerkship, or as a judge's associate, is not taken to be a longer period merely because a person works for more than 35 hours a week during the period.
- '(6) In this rule—  
*relevant rule* see rule 36.

### **'38 Limit on board's power to shorten time**

'Despite rule 26(1), the board may not shorten the time required under the repealed solicitor rules for service as an articulated clerk or judge's associate by more than 14 days.

### **'39 References to solicitors**

'For rule 37(5)(a)(ii), a reference to a solicitor in the repealed solicitors rules, part 4, divisions 1 and 2,<sup>32</sup> other than to the extent that they relate to a judge's clerk, is taken to be a reference to a solicitor under the *Legal Profession Act 2004* who is principally engaged in practice in Queensland.

---

29 Repealed solicitors rules, part 4 (Provisions relating to practical training), division 1 (Articles of clerkship) and 2 (Judges' associates and judges' clerks)

30 Repealed solicitors rules, rules 94 (Court or board may extend or abridge time), 95 (Court may grant exemption) and 96 (Board may apply to court or judge for advice)

31 Repealed solicitors rules, schedule 2 (Areas of knowledge)

32 Repealed solicitors rules, part 4 (Provisions relating to practical training), division 1 (Articles of clerkship) and 2 (Judges' associates and judges' clerks)

## **‘Division 6 Existing articulated clerks switching to traineeships**

### **‘40 Application of div 6**

- ‘(1) This division applies to a person who—
- (a) before the commencement has started service under articles of clerkship under either of the following rules (a *relevant rule*) but not been admitted as a legal practitioner—
    - (i) the repealed solicitors rules, rule 17(2)(a)(i) or 17(2)(a)(iii);
    - (ii) the repealed solicitors rules, rule 17(3) to the extent it applies the *Solicitors’ Admission Rules 1968*, rule 18(3)(a), (b) or (d); and
  - (b) has switched to a traineeship.
- ‘(2) For subrule (1) a reference to rule 18(3)(a), (b) or (d) is a reference to the *Solicitors’ Admission Rules 1968*, rule 18(3)(a), (b) or (d) as in force immediately before 1 July 2004.

### **‘41 When part of service under articles of clerkship counts towards traineeship**

- ‘(1) This rule applies to a person who serves a period under articles of clerkship after the person has completed or substantially completed an approved academic qualification or corresponding academic qualification.
- ‘(2) Each 3 months of the period counts, for rule 9G, as the performance of 1 month’s traineeship taken up by the person on or after the commencement.
- ‘(3) However, the maximum period of the performance of traineeship that may be credited under subrule (2) is 6 months.
- ‘(4) For subrule (2), only whole months of service may be counted.
- ‘(5) However, if the application of subrule (2) results in part of a month, or 1 or more months and part of a month, being



worked out under subrule (2) as the period of performance of traineeship, the period of performance of traineeship is to be rounded to the nearest whole week.

- ‘(6) Subrule (2) applies even though the service under articles of clerkship is before the start of the person’s traineeship.
- ‘(7) Despite subrules (2) to (5), the board may, in a particular case, increase the period of the performance of traineeship that may be credited beyond the period that would otherwise be credited under this section, if the board considers there are special circumstances.
- ‘(8) If the board increases a period under subsection (7), the board must tell the court when the court is hearing the person’s application for admission.
- ‘(9) The board may decide when an approved academic qualification or corresponding academic qualification has been substantially completed.
- ‘(10) The board must require the registrar to arrange for publication of notice of the decision on the court’s internet website.

#### **‘42 Former master to give board information**

‘A former master of a person to whom this division applies must give the person a statement, in the approved form, that—

- (a) has answers to questions about the person’s work under the articles of clerkship with the master; and
- (b) states the period of the articles of clerkship; and
- (c) states the extent to which the person has, by training received under the articles of clerkship, satisfied the skills, practice areas or values set out in appendix B to the Law Admissions Consultative Committee Report<sup>33</sup> according to the relevant performance criteria set out in that appendix; and
- (d) certifies that, to the best of the former master’s knowledge—

---

33 That appendix is set out in attachment 2.

- (i) the information given in the form is correct; and
- (ii) the person is a suitable person to be admitted as a legal practitioner.

#### **‘43 Former master to cooperate with board**

- ‘(1) A former master of a person to whom this division applies must cooperate with the board in the board’s enquiries about the articles of clerkship with the master.
- ‘(2) A failure to comply with subrule (1) is capable of being unsatisfactory professional conduct or professional misconduct.

### **‘Division 7 Other provisions**

#### **‘44 Practical legal training courses**

- ‘(1) This rule applies to a person who has started, but not completed, a course in practical legal training under the repealed solicitors rules, rule 17(2)(d).<sup>34</sup>
- ‘(2) Completion of the course is, for the person, approved practical legal training requirements for admission under the *Legal Profession Act 2004* as a legal practitioner.

#### **‘45 References to boards, repealed barristers rules and repealed solicitors rules**

- ‘(1) This rule applies for divisions 3 to 5.
- ‘(2) A reference in the repealed barristers rules or the repealed solicitors rules to a board may, if the context permits, include a reference to the board under the *Legal Profession Act 2004*.
- ‘(3) Also, a reference in the repealed barristers rules or the repealed solicitors rules to ‘these rules’ may, if the context permits, include a reference to these rules.

---

<sup>34</sup> Repealed solicitors rules, rule 17 (Admission of person with approved degree)

**‘46 Particular approved academic requirements or approved practical legal training requirements**

- ‘(1) Despite rule 6(3)(b),<sup>35</sup> the Chief Justice and the board may approve completion of a recognised academic course under the repealed barristers rules or repealed solicitors rules as approved academic qualifications.
- ‘(2) Despite rule 7(3),<sup>36</sup> the Chief Justice and the board may approve the requirements of a course in practical legal training mentioned in, or approved under, the repealed solicitors rules, rule 17(2)(d) as approved practical legal training requirements.
- ‘(3) If an approval is given under subrule (1) or (2), the board must require the registrar to arrange for there to be stated on the court’s internet website—
- (a) the recognised academic course completion of which is approved as approved academic qualifications; or
  - (b) the course in practical legal training the requirements of which are approved as approved practical legal training requirements.
- ‘(4) This rule expires 1 year after it commences.

**‘Division 8 Admission based on 5 or 10 years service in particular offices**

**‘47 Application of div 8**

‘This division applies to a person (an *officer*) who—

- (a) is an officer under the *Public Service Act 1996*; or
- (b) is a member of the staff of Legal Aid Queensland; or
- (c) has been a member of the staff of the former legal aid commission established under the repealed *Legal Aid Act 1978*.

---

35 Rule 6 (Approved academic qualifications—Australian course)

36 Rule 7 (Approved practical legal training requirements—Australian course)

**‘48 Approved academic qualifications and approved practical training requirements**

- ‘(1) The following academic qualifications are, for the officer, approved academic qualifications for admission under the *Legal Profession Act 2004* as a legal practitioner—
- (a) a degree in law, approved by the board, at a university or at the former Queensland Institute of Technology;
  - (b) academic qualifications attained by the satisfactory completion of the solicitors’ board examinations before 1 July 2004.
- ‘(2) Completion of the following training is, for the officer, approved practical legal training requirements for admission under the *Legal Profession Act 2004* as a legal practitioner—
- (a) 10 years service under rule 49;
  - (b) if, before the commencement of the *Legal Practitioners Acts Amendment Act 1977*, the officer commenced at a university a course leading to a degree in law—5 years service under rule 49.

**‘49 How and where service to be performed**

‘The period of service to be completed under rule 48(2)—

- (a) must be served as a clerk, including an appointment of a higher grade than that of clerk, in 1 or more of the following offices—
  - (i) the solicitor-general’s office;
  - (ii) the crown solicitor’s office;
  - (iii) the public defender’s office;
  - (iv) the department;
  - (v) the office of the parliamentary counsel;
  - (vi) a registry of the court;
  - (vii) a registry of the District Court;
  - (viii) the public trust office and any branch of the public trust office;

- (ix) an office of a clerk of a Magistrates Court;
  - (x) the office of the director of public prosecutions;
  - (xi) Legal Aid Queensland;
  - (xii) the former legal aid commission established under the repealed *Legal Aid Act 1978*; and
- (b) may include service wholly before or wholly after, or partly before and partly after the passing of the *Legal Practitioners Act Amendment Act 1968*; and
  - (c) need not be continuous service; and
  - (d) may if the board directs include service in the defence force of the Commonwealth, but not so as to reduce the period of actual service to less than—
    - (i) 6 years for an officer required by rule 48(2)(a) to have completed 10 years service; or
    - (ii) 3 years for an officer required by rule 48(2)(b) to have completed 5 years service.

**‘50 Officer to file affidavit and certificate about period of service**

‘An officer who seeks admission under rule 48 must, in addition to the other requirements of these rules, file in the court at Brisbane—

- (a) an affidavit declaring the extent of the person’s compliance with rule 48; and
- (b) a certificate or certificates mentioned in rule 51 providing evidence that the person has completed the service required under rule 48(2).

**‘51 Certificate about period of service**

‘For the purposes of this division, a certificate, purporting to be signed by either of the following, stating that a person referred to in the certificate has completed a period of service described in the certificate is evidence of what it states—

- (a) a chief executive; or
- (b) the director of legal aid under the *Legal Aid Queensland Act 1997*.

## **‘52 Expiry of rr 47 to 51 and power of court about expiry**

- ‘(1) Rules 47 to 51 expire on 31 December 2007.
- ‘(2) However, the court may, for a particular officer, declare that rules 47 to 51 are to be treated as if they have not expired, if the court considers there are special circumstances.’

## **11 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert—*

**‘*approved supplementary training***, for a skill, value or practice area, or an element of a skill, practice area or value, set out in appendix B to the Law Admissions Consultative Committee Report<sup>37</sup> means the requirements of—

- (a) a course, or part of a course, that are approved practical legal training under rule 7; or
- (b) a training course or program, or part of a training course or program, approved by the Chief Justice and the board;

that the Board considers requires an understanding and competence in the skills, practice area or value in accordance with the relevant performance criteria set out in that appendix.

***court’s internet website*** means the internet website administered by the Supreme Court Library for the court and other courts.<sup>38</sup>

***trainee*** see rule 9B.

---

<sup>37</sup> That appendix is set out in attachment 2.

<sup>38</sup> The website may be viewed at <<http://www.courts.qld.gov.au>>.

***workplace experience*** means supervised employment, or equivalent unpaid engagement in an office principally engaged in legal practice.

*Examples of an office principally engaged in legal practice—*

- a law practice
- a legal office of a local government, the State government or the Commonwealth government
- a legal office providing in-house legal services
- a community legal office

---

#### ENDNOTES

- 1 Made by the Governor in Council on 23 June 2005.
- 2 Notified in the gazette on 24 June 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.