



Queensland

*Supreme Court of Queensland Act 1991*

# **Supreme Court (Admission) Rules 2004**

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Queensland

# Supreme Court (Admission) Rules 2004

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Overview . . . . .	5
4	Definitions . . . . .	5
5	Words and expressions have same meaning as in Legal Profession Act 2007 . . . . .	6
<b>Part 2</b>	<b>Approved academic qualifications and practical legal training requirements</b>	
6	Approved academic qualifications—Australian course . . . . .	6
6A	Approved academic qualifications—additional academic qualifications for particular persons . . . . .	6
7	Approved practical legal training requirements—Australian course . . . . .	7
7AA	Approved practical legal training requirements—additional requirements for particular persons . . . . .	8
7A	Other approved practical legal training requirements—Australia . . . . .	8
7B	Other approved practical legal training requirements—additional requirements for particular persons . . . . .	9
8	Approved academic qualifications—foreign country . . . . .	10
9	Approved practical legal training requirements—foreign country . . . . .	10
9AA	Admission guidelines . . . . .	11
<b>Part 2A</b>	<b>Supervised workplace experience</b>	
<b>Division 1</b>	<b>Provisions to be complied with for approved practical legal training requirements</b>	
9A	Purpose of div 1 . . . . .	12
9B	Persons eligible to be a trainee . . . . .	12
9C	Persons eligible to be a supervisor . . . . .	12
9D	Persons disqualified from being a supervisor . . . . .	13
9E	How to work out periods of practice or traineeship for rr 9C and 9G . . . . .	14

Contents

---

9F	Number of trainees to a law practice or an office other than the office of a law practice . . . . .	15
9G	Period within which training must be completed . . . . .	16
<b>Division 2</b>	<b>Duties of principal of law practice or person in charge of particular offices</b>	
9H	Register of trainees and supervisors . . . . .	17
9I	Notice of traineeship . . . . .	17
9J	Notice of termination of traineeship . . . . .	18
9K	Response statement . . . . .	18
9L	Cooperation with board . . . . .	19
<b>Division 3</b>	<b>Other provisions</b>	
9M	Supervisor to give statement about training . . . . .	19
9N	Supervisor to cooperate with board . . . . .	20
9O	Programmed training . . . . .	20
9P	Approved supplementary training . . . . .	20
9Q	Board may reject traineeship . . . . .	20
<b>Part 3</b>	<b>Admission process</b>	
10	Sittings where person may apply for admission . . . . .	21
11	Application and affidavit of compliance to be filed in court . . . . .	22
12	Notice of intention to apply . . . . .	23
12A	Publication of notice about admission matters on relevant websites . . . . .	23
13	Documents and fee to be given to board . . . . .	24
14	Objection to admission . . . . .	25
15	Board's recommendation . . . . .	27
16	Refund on withdrawal of application . . . . .	27
17	Admission . . . . .	28
18	Oath of office . . . . .	28
19	Roll to be signed in order . . . . .	28
21	Application for conditional admission to be made unconditional . . . . .	29
22	Removal from roll of person conditionally admitted . . . . .	29
23	Seniority . . . . .	29
<b>Part 4</b>	<b>Miscellaneous provisions</b>	
24	Appeal from registrar's decision under mutual recognition legislation . . . . .	30
25	Appeal . . . . .	30
26	Court or board may shorten or extend time . . . . .	30
27	Court may exempt from rules . . . . .	31

27A	Alternative process in exceptional circumstances . . . . .	31
<b>Part 5</b>	<b>Repeal and transitional provisions for SL No. 110 of 2004</b>	
<b>Division 1</b>	<b>Definitions for part 5</b>	
28	Definitions for pt 5 . . . . .	31
<b>Division 2</b>	<b>Repeals</b>	
29	Repeals . . . . .	32
<b>Division 4</b>	<b>Existing students-at-law</b>	
32	Application of div 4 . . . . .	32
33	Approved academic qualifications and approved practical training requirements . . . . .	32
34	Examination periods and limits on examinations . . . . .	34
35	Notice of intention to sit examination . . . . .	34
<b>Division 5</b>	<b>Existing articulated clerks or judges' associates continuing under articles or as associate</b>	
36	Application of div 5 . . . . .	35
37	Approved academic qualifications and approved practical training . . . . .	35
38	Limit on board's power to shorten time . . . . .	36
39	References to solicitors . . . . .	36
<b>Division 6</b>	<b>Existing articulated clerks switching to traineeships</b>	
40	Application of div 6 . . . . .	37
41	When part of service under articles of clerkship counts towards traineeship . . . . .	37
42	Former master to give board information . . . . .	38
43	Former master to cooperate with board . . . . .	39
<b>Division 7</b>	<b>Other provisions</b>	
44	Practical legal training courses . . . . .	39
45	References to boards, repealed barristers rules and repealed solicitors rules . . . . .	39
<b>Division 8</b>	<b>Admission based on 5 or 10 years service in particular offices</b>	
52	Expiry of rr 47 to 51 and power of court about expiry . . . . .	40
<b>Part 6</b>	<b>Transitional provision for Uniform Civil Procedure and Other Rules Amendment Rule (No. 1) 2006</b>	
53	Conditional admission of overseas-registered foreign lawyer under former r 20 . . . . .	40
<b>Part 7</b>	<b>Transitional provisions for Supreme Court (Legal Practitioner Admission) Amendment Rule (No. 1) 2007</b>	
54	Outdated references . . . . .	41
55	Registrar's decision under mutual recognition legislation . . . . .	41

Contents

---

<b>Part 8</b>	<b>Transitional provision for Supreme Court (Admission) Amendment Rule (No. 1) 2008</b>	
56	Notices of intention to apply for admission and objections to admission	42
<b>Part 9</b>	<b>Transitional provisions for Supreme Court (Admission) Amendment Rule (No. 1) 2015</b>	
57	Definitions for pt 9 . . . . .	42
58	Former rules continue until admission guidelines issued . . . . .	43
59	Approved academic qualifications and practical legal requirements— Australia . . . . .	43
60	Approved academic qualifications and practical legal requirements— foreign country . . . . .	44
<b>Schedule 1</b>	<b>Dictionary . . . . .</b>	<b>46</b>

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# Supreme Court (Admission) Rules 2004

## Part 1 Preliminary

### 1 Short title

These rules may be cited as the *Supreme Court (Admission) Rules 2004*.

### 2 Commencement

These rules commence on 1 July 2004.

### 3 Overview

- (1) These rules deal with admission to the legal profession in Queensland.
- (2) Part 2 sets out the academic qualifications and practical legal training requirements approved under these rules for admission to the legal profession in Queensland.

*Note—*

However, see the *Trans-Tasman Mutual Recognition (Queensland) Act 2003* and the department's website for admission of a New Zealand registered lawyer to the legal profession in Queensland.

- (2A) Part 2A deals with supervised workplace training.
- (3) Part 3 sets out rules relating to the admission process.
- (4) Part 4 deals with miscellaneous matters.
- (5) Other parts deals with repeals and transitional matters.

### 4 Definitions

The dictionary in schedule 1 defines particular words used in these rules.

**5 Words and expressions have same meaning as in Legal Profession Act 2007**

Words and expressions used in the *Legal Profession Act 2007* have the same respective meaning in these rules.

**Part 2 Approved academic qualifications and practical legal training requirements**

**6 Approved academic qualifications—Australian course**

- (1) Academic qualifications attained by the satisfactory completion of a tertiary course approved by the Chief Justice and the board are approved academic qualifications for admission to the legal profession under the *Legal Profession Act 2007*.

*Note—*

Under the *Legal Profession Act 2007*, section 30(1)(b), a person is eligible for admission only if the person has, among other things, attained approved academic qualifications.

- (2) The course must be conducted in Australia.
- (3) The course must require—
- (a) the equivalent of at least 3 years full-time study of law; and
  - (b) a satisfactory level of understanding and competence in the areas of knowledge set out in the admission guidelines for approving academic qualifications.
- (4) The course does not have to lead to a degree in law.

**6A Approved academic qualifications—additional academic qualifications for particular persons**

- (1) This rule applies in relation to a person who has attained approved academic qualifications under rule 6 more than 5



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years before an application for admission is made by the person.

- (2) Any academic qualifications approved by the board under this rule are approved academic qualifications for the person's admission to the legal profession under the *Legal Profession Act 2007*, in addition to the approved academic qualifications under rule 6.
- (3) The board may approve 1 or more of the following as additional academic qualifications for the person, as the board considers appropriate—
  - (a) satisfactory completion of a tertiary course, or part of a tertiary course, mentioned in rule 6;
  - (b) passing an examination that ordinarily forms part of a tertiary course mentioned in rule 6.
- (4) In deciding whether to approve any additional academic qualifications for the person, the board must assess—
  - (a) the approved academic qualifications attained by the person; and
  - (b) any relevant experience of the person.

## **7 Approved practical legal training requirements—Australian course**

- (1) The requirements of a course approved by the Chief Justice and the board are approved practical legal training requirements for admission to the legal profession under the *Legal Profession Act 2007*.

*Note—*

Under the *Legal Profession Act 2007*, section 30(1)(c), a person is eligible for admission only if the person has, among other things, satisfactorily completed approved practical legal training requirements.

- (2) The course must be conducted in Australia.
- (3) The course must provide the required understanding and competence.

**7AA Approved practical legal training requirements—additional requirements for particular persons**

- (1) This rule applies in relation to a person who has satisfactorily completed approved practical legal training requirements under rule 7 more than 5 years before an application for admission is made by the person.
- (2) Any legal training requirements approved by the board under this rule are approved practical legal training requirements for the person's admission to the legal profession under the *Legal Profession Act 2007*, in addition to the approved practical legal training requirements under rule 7.
- (3) The board may approve, as additional legal training requirements for the person, the satisfactory completion of the requirements of a course, or part of a course, mentioned in rule 7, as the board considers appropriate.
- (4) In deciding whether to approve any additional legal training requirements for the person, the board must assess—
  - (a) the approved practical legal training requirements completed by the person; and
  - (b) any relevant experience of the person.

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

- (1) The requirements of supervised workplace experience that provides the required understanding and competence are also approved practical legal training requirements for admission to the legal profession under the *Legal Profession Act 2007*.
- (2) The requirements of supervised workplace experience and approved supplementary training that together provide the required understanding and competence are also approved practical legal training requirements for admission to the legal profession under the *Legal Profession Act 2007*.
- (3) In this rule—

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*supervised workplace experience* means supervised workplace experience that satisfies the compliance requirements stated in part 2A, division 1.

**7B Other approved practical legal training requirements—additional requirements for particular persons**

- (1) This rule applies in relation to a person who has satisfactorily completed approved practical legal training requirements under rule 7A(1) or (2) if the requirements of the supervised workplace experience were completed more than 5 years before an application for admission is made by the person.

*Note—*

See rule 9G(2) for when approved supplementary training must be completed.

- (2) Any legal training requirements approved by the board under this rule are approved practical legal training requirements for the person's admission to the legal profession under the *Legal Profession Act 2007*, in addition to the approved practical legal training requirements under rule 7A.
- (3) The board may approve 1 or more of the following as additional legal training requirements for the person, as the board considers appropriate—
- (a) a further period of supervised workplace experience;
  - (b) satisfactory completion of the requirements of a course, or part of a course, mentioned in rule 7.
- (4) In deciding whether to approve any additional legal training requirements for the person, the board must assess—
- (a) the approved practical legal training requirements completed by the person; and
  - (b) any relevant experience of the person.

## **8 Approved academic qualifications—foreign country**

- (1) Academic qualifications attained in a foreign country and approved by the board are approved academic qualifications for admission to the legal profession under the *Legal Profession Act 2007*.
- (2) However, subrule (1) does not apply if the person applying for admission is not able to satisfy the board's requirements about proficiency in the English language.
- (3) The board may require that particular foreign academic qualifications are supplemented with other academic qualifications before approving the aggregate academic qualifications as approved academic qualifications for admission to the legal profession under the *Legal Profession Act 2007*.
- (4) When deciding whether to approve academic qualifications for this rule, or deciding requirements about proficiency in the English language for subrule (2), the board must have regard to the admission guidelines for assessing overseas applications.

## **9 Approved practical legal training requirements—foreign country**

- (1) Legal training requirements completed in a foreign country and approved by the board are approved practical legal training requirements for admission to the legal profession under the *Legal Profession Act 2007*.
- (2) The board may require that particular foreign legal training requirements are supplemented with other legal training requirements before approving the aggregate legal training requirements as approved practical legal training requirements for admission to the legal profession under the *Legal Profession Act 2007*.
- (3) When deciding whether to approve legal training requirements for this rule, the board must have regard to the admission guidelines for assessing overseas applications.

## **9AA Admission guidelines**

- (1) The Chief Justice may issue the following guidelines—
  - (a) guidelines for approving academic qualifications that set out areas of knowledge for courses for rule 6;
  - (b) guidelines for approving practical legal training requirements that set out skills, values and practice areas, and performance criteria for elements for the skills, values and practice areas—
    - (i) for courses for rule 7; and
    - (ii) against which approved practical legal training requirements are decided;
  - (c) guidelines for assessing overseas applications that set out the matters the board must have regard to when—
    - (i) approving academic qualifications for rule 8; or
    - (ii) deciding requirements about proficiency in the English language for rule 8, including how the proficiency may be satisfied and the required level of proficiency; or
    - (iii) approving legal training requirements for rule 9.
- (2) In issuing guidelines under subrule (1), the Chief Justice must have regard to any relevant recommendations of the Law Admissions Consultative Committee.

## **Part 2A**                      **Supervised workplace experience**

### **Division 1**                      **Provisions to be complied with for approved practical legal training requirements**

#### **9A**      **Purpose of div 1**

The purpose of this division is to state compliance requirements for supervised workplace experience for rule 7A(2).

#### **9B**      **Persons eligible to be a trainee**

To be eligible to be a person complying with approved practical legal training requirements by supervised workplace experience (a *trainee*) a person must—

- (a) have completed an approved academic qualification or a corresponding academic qualification; and
- (b) be a suitable person to be admitted to the legal profession under the *Legal Profession Act 2007*.

*Note—*

See the *Legal Profession Act 2007*, section 32 in relation to early consideration of suitability.

#### **9C**      **Persons eligible to be a supervisor**

- (1) To be eligible to be a trainee's supervisor a person must—
  - (a) be engaged in legal practice principally in Queensland; and
  - (b) be any of the following—
    - (i) an Australian legal practitioner who is a sole practitioner, or is a partner in a law firm, and has practised as a solicitor, or in the manner of a

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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

[r 9E]

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- (b) in relation to whom an order has been made under section 456(2)(a), (b) or (c) of the *Legal Profession Act 2007*.
- (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—
  - (a) the removal or order is set aside, and is not subsequently reinstated, on appeal; or
  - (b) the removal from the local roll happened in switching rolls as a roll switcher within the meaning of the *Legal Profession Act 2007*, section 26.

## **9E How to work out periods of practice or traineeship for 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 practises 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.
- (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.

[r 9G]

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- 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)—
- (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 must be completed within 3 years before the person's application for admission.

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- (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.

[r 9J]

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- (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 to the legal profession.

## **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, met the required understanding and competence.
- (3) If the traineeship is terminated, the statement must be given within 14 days after the termination.

## **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**

The board must require the registrar to arrange publication on the court's internet website of a current list of all approved supplementary training.

## **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 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; or
    - (c) the trainee is being supervised by a person who is disqualified from being a supervisor under rule 9D; 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 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.

## **Part 3 Admission process**

### **10 Sittings where person may apply for admission**

- (1) A person may apply for admission to the legal profession at—
  - (a) any sittings fixed as an admission sittings of the Court of Appeal; or
  - (b) any sittings fixed as an admission sittings of the court at Rockhampton, Townsville or Cairns.

[r 11]

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- (2) However, a person must apply to an admission sittings of the Court of Appeal if—
  - (a) the person has not complied with the Act and these rules; or
  - (b) the board's recommendation raises a matter for consideration by the court.
- (3) The Chief Justice is to fix sittings as admission sittings of the Court of Appeal.
- (4) A judge at Rockhampton, Townsville or Cairns is to fix sittings as admission sittings of the court at the relevant place.

## **11 Application and affidavit of compliance to be filed in court**

- (1) A person applying for admission to the legal profession must file the person's application at least 42 days before the sittings at which the applicant applies for admission.
- (2) The applicant must also file an affidavit of compliance with the *Legal Profession Act 2007* and these rules at least 21 days before the sittings at which the applicant applies for admission.
- (3) If the applicant relies on service as an articled clerk or a judge's associate for eligibility for admission, the applicant must, with the affidavit of compliance, file a copy of a separate response statement completed by each master or judge with whom the person has served.
- (4) In this rule—

*judge's associate* means an associate to a judge of—

  - (a) the Supreme Court; or
  - (b) the District Court; or
  - (c) the Federal Court; or
  - (d) the High Court.



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*response statement* means a statement in the approved form of questions about the applicant's service with the person required to complete the statement.

## 12 Notice of intention to apply

- (1) Before a person applies for admission to the legal profession, the person must arrange for a notice of intention to apply in the approved form to be displayed—
  - (a) at the registrar's office at Brisbane; and
  - (b) for an application to the court at Rockhampton, Townsville or Cairns—also at the registrar's office at the relevant place.
- (2) The notice must be displayed at least 42 days before the sittings at which the person applies for admission.
- (3) The person must also arrange for the notice to be published once in a publication approved by the Chief Justice under a practice direction.
- (4) The notice must be published at least 21 days, but not more than 42 days, before the sittings at which the person applies for admission.

## 12A Publication of notice about admission matters on relevant websites

- (1) The board must arrange to be published, on the relevant websites, a notice stating—
  - (a) how to find out who is applying for admission at upcoming admission sittings; and
  - (b) how to make an objection to a person's admission, or inquiries about a person's admission, to the board.
- (2) In this rule—

*relevant websites* means the internet websites of the court, the bar association, the law society and the Incorporated Council of Law Reporting for the State of Queensland.

### **13 Documents and fee to be given to board**

- (1) The purpose of this rule is to enable the board to consider an application for admission to the legal profession and to make a recommendation about it.
- (2) At least 42 days before the sittings at which an applicant applies for admission, the applicant must give the board the following documents, unless the board advises otherwise—
  - (a) a copy of the applicant's application;
  - (b) any response statement completed for the purposes of rule 9K or 11;
  - (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 received by the applicant;
  - (f) a certificate, or other evidence satisfactory to the board, of the satisfactory completion of any approved supplementary training received by the applicant;
  - (g) a statement, in the approved form, of any corresponding practical legal training requirements that the applicant has complied with;
  - (h) if the applicant is a trainee, a statement that the applicant has satisfactorily completed the programmed training required under rule 9O(1);
  - (i) a certificate, or other evidence satisfactory to the board, of the satisfactory completion of the programmed training;
  - (j) a statement about the applicant's eligibility and suitability for admission;
  - (k) a certificate of a registrar or similar officer of an academic institution stating the applicant's academic qualifications;
  - (l) a certificate of a registrar or similar officer of an institution providing practical legal training;

- (m) a certificate of the applicant's suitability given by each of 3 persons who are not near relatives of the applicant and have personally known the applicant for at least 2 years, one of whom, if possible, must be—
  - (i) a registrar or similar officer of an academic institution, or an institution providing practical legal training, the applicant has attended; or
  - (ii) a local legal practitioner; or
  - (iii) a justice of the peace or commissioner for declarations.
- (3) At least 21 days before the sittings at which the applicant applies for admission, the applicant must—
  - (a) give to the board a copy of the affidavit of compliance filed under rule 11(2); and
  - (b) pay to the board the fee prescribed under the *Legal Profession Regulation 2007* for considering the application.
- (4) Within the time reasonably required by the board, the applicant must also give to the board any other documents required by the board.
- (5) A document mentioned in subrule (2)(j) or (m) must be in the approved form.
- (6) The board may shorten the time set out in subrule (2) or (3).

## 14 Objection to admission

- (1) A person (*objector*) may object to the admission to the legal profession of an applicant who has given notice of intention to apply under rule 12.
- (2) The objector objects by giving the board a notice of objection at least 18 days before the sittings notified by the applicant as the sittings at which the applicant intends to apply for admission (the *relevant sittings*).

[r 14]

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- (3) However, the board may shorten the time set out in subrule (2).
- (4) The board must consider the objection as part of its consideration of the applicant's eligibility and suitability for admission.
- (4A) The board may ask the objector for further information necessary for the board to confirm the person about whom the objector has an objection is the applicant.
- (5) If the board considers the objection affects the applicant's eligibility or suitability for admission, the board must give the applicant—
  - (a) a copy of the objection or a notice stating the substance of the objection at least 12 days before the relevant sittings; and
  - (b) an opportunity to respond to the objection.
- (6) It is sufficient compliance with subrule (5)(a) for the board to give, or to make reasonable attempts to give, the copy or notice to the applicant using the contact details provided to the board by the applicant.
- (7) The board must give the objector a notice stating the board's decision in relation to the objection and brief reasons for its decision at least 5 days before the relevant sittings.
- (8) It is sufficient compliance with subrule (7) for the board to give, or to make reasonable attempts to give, the notice to the objector using the contact details provided to the board by the objector.
- (9) At an admission sittings of a court, an objector may object to an admission only with the leave of the court.
- (10) If the court grants leave under subrule (9), the admission application must be heard by the Court of Appeal.
- (11) If the board shortens the time set out in subrule (2), it is sufficient compliance with subrules (5) and (7) for the board to comply with those subrules as soon as practicable.

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## **15 Board's recommendation**

- (1) If the board is satisfied the applicant is eligible and suitable for admission, the board's recommendation must state—
  - (a) that the board recommends the applicant's admission; and
  - (b) whether the board recommends that the admission be unconditional or on conditions; and
  - (c) if the board recommends that the admission be on conditions, the conditions the board recommends.
- (2) If the board is not satisfied the applicant is eligible and suitable for admission, the board's recommendation must state—
  - (a) that the application raises a matter for consideration by the court; and
  - (b) the matter for the court's consideration.
- (3) At least 10 days before the sittings notified by the applicant as the sittings at which the applicant intends to apply for admission, the board must—
  - (a) make the recommendation and file a copy of it in the registry at the place where the applicant intends applying for admission; and
  - (b) give a copy of the recommendation to the applicant.
- (4) It is sufficient compliance with subrule (3)(b) for the board to give, or to make reasonable attempts to give, the copy to the applicant using the contact details provided to the board by the applicant.

## **16 Refund on withdrawal of application**

If an applicant withdraws the application for admission, the board may refund to the person the fee paid under rule 13(3) less the amount the board considers is the reasonable cost of work performed by the board in considering the person's application up to the day of withdrawal.

## **17 Admission**

- (1) To be admitted to the legal profession, the person seeking admission must—
  - (a) attend in person before the relevant court; and
  - (b) take the oath or affirmation of allegiance; and
  - (c) take the oath or affirmation of office set out in rule 18.
- (2) Subrule (1)(a) and (b) is subject to any direction of the court in a particular case.
- (3) The registrar must issue a certificate of admission to each person who signs the roll.
- (4) Subrule (3) does not apply in relation to a person who is conditionally admitted to the legal profession until the person's admission is made unconditional.

## **18 Oath of office**

- (1) The oath of office is as follows—

‘I, [state full name] do sincerely promise and swear that I will truly and honestly conduct myself, in the practice of a lawyer of this Court, according to law to the best of my knowledge and ability.

So help me God.’.
- (2) The affirmation of office is as follows—

‘I, [state full name] do sincerely promise and affirm that I will truly and honestly conduct myself, in the practice of a lawyer of this Court, according to law to the best of my knowledge and ability.’.

## **19 Roll to be signed in order**

The board must, by written notice, advise the registrar of the court at which an admission sittings is to be held of the order in which the names of the persons admitted at the admission sittings are to be entered on the roll.

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**21 Application for conditional admission to be made unconditional**

- (1) A person who complies with the conditions of the person's conditional admission to the legal profession may apply to the Court of Appeal for the person's admission to be made unconditional.
- (2) The person must apply to the court no later than 21 days before the first admission sittings after the period of conditional admission ends.
- (3) An affidavit in the approved form must be filed at least 28 days before the person applies for the conditional admission to be made unconditional.
- (4) Also, the person must give a copy of the application and the affidavit to the board, the bar association and the law society within 10 days after the relevant document is filed.

**22 Removal from roll of person conditionally admitted**

- (1) This rule applies if a person who is conditionally admitted for a period has not applied to the Court of Appeal for unconditional admission within 21 days before the first admission sittings of the court after the period of conditional admission ends.
- (2) The registrar may remove the person's name from the roll.
- (3) In this rule—  
*conditionally admitted* includes conditionally admitted under the previous admission rules.

**23 Seniority**

The seniority of a person who is admitted to the legal profession must be decided according to the order in which the person signed the roll.

## Part 4 Miscellaneous provisions

### 24 Appeal from registrar's decision under mutual recognition legislation

- (1) A decision of the registrar in relation to the admission of a person under a mutual recognition Act as a lawyer in Queensland is not subject to appeal or review by the court or the Court of Appeal.

*Note—*

Under the *Mutual Recognition Act 1992* (Cwlth), section 34 and the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth), section 33, a person may apply for the review of a decision of a local registration authority in relation to its functions under that Act.

- (2) Subrule (1) applies despite the *Uniform Civil Procedure Rules 1999*, rules 791 and 792.
- (3) In this rule—

*mutual recognition Act* means—

- (a) the *Mutual Recognition Act 1992* (Cwlth); or
- (b) the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth).

### 25 Appeal

- (1) An applicant who is dissatisfied with a decision of the board or a previous board, whether under these rules or the previous admission rules, may appeal to the Court of Appeal against the decision.
- (2) The appeal must be filed within 42 days after the date of the decision.

### 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 21 days.
- (3) Also, subrule (1) is subject to rule 38.

## **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.

## **27A Alternative process in exceptional circumstances**

- (1) This section applies if the Chief Justice considers a requirement under part 3 relating to admission to the legal profession should be removed or modified because of exceptional circumstances, including, for example, a public health emergency.
- (2) The Chief Justice may make a practice direction providing for an alternative process for admission to the legal profession.
- (3) If the practice direction is inconsistent with a rule of court, the practice direction prevails to the extent of the inconsistency.

# **Part 5 Repeal and transitional provisions for SL No. 110 of 2004**

## **Division 1 Definitions for part 5**

### **28 Definitions for pt 5**

In this part—

*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.

## **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) 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 to the legal profession under the *Legal Profession Act 2007*.
- (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 to the legal profession under the *Legal Profession Act 2007* if the 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; or
- (b) are approved practical legal training under rule 7 or 7A.
- (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;
- (b) part 3, other than rules 14B, 15(d)(3) to (6) and (e), 17, 19, 26(a) and 30;
- (c) rules 36 and 37;
- (d) rules 52, 55 and 56;
- (e) schedule 2.
- (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.

### **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).

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## **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 to the legal profession—
  - (a) the repealed solicitors rules, rule 17(2)(a)(i), 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 to the legal profession under the *Legal Profession Act 2007*.
- (3) Completion of the training mentioned in a relevant rule is, for the person, approved practical legal training requirements for admission to the legal profession under the *Legal Profession Act 2007*.
- (4) Subrules (2) and (3) are in addition to the things that, for the person—

[r 38]

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- (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;
    - (ii) part 4, divisions 1 and 2 other than to the extent that they relate to a judge’s clerk;
    - (iii) rules 94 to 96;
    - (iv) schedule 2; 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, 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 2007* who is principally engaged in practice in Queensland.



[r 42]

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- (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 according to the relevant performance criteria set out in that appendix; and



*Note—*

That appendix was set out in attachment 2 of these rules before the attachment was omitted by the *Supreme Court (Admission) Amendment Rule (No. 1) 2015*.

- (d) certifies that, to the best of the former master's knowledge—
  - (i) the information given in the form is correct; and
  - (ii) the person is a suitable person to be admitted to the legal profession.

#### **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).
- (2) Completion of the course is, for the person, approved practical legal training requirements for admission to the legal profession under the *Legal Profession Act 2007*.

#### **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 2007*.
- (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.

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

### **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.

## **Part 6                              Transitional provision for Uniform Civil Procedure and Other Rules Amendment Rule (No. 1) 2006**

### **53            Conditional admission of overseas-registered foreign lawyer under former r 20**

- (1) This rule applies if, immediately before the commencement, an overseas-registered foreign lawyer is conditionally admitted to the legal profession for a period on condition that during the period the lawyer engages in legal practice in Australia for a period of, or periods totalling, a particular length (the *Australian practice condition*).
- (2) On commencement of this rule—
  - (a) the lawyer is taken to have complied with the Australian practice condition; and

- (b) the period of the lawyer's conditional admission ends.
- (3) However, if the lawyer's conditional admission is subject to another condition that has not been complied with on the commencement of this rule—
  - (a) subrule (2)(b) does not apply; and
  - (b) the period of the lawyer's conditional admission ends on the earlier of the following days—
    - (i) the day the lawyer complies with the other condition;
    - (ii) the day the period of the lawyer's conditional admission would have ended if this rule had not been made.

## **Part 7    Transitional provisions for Supreme Court (Legal Practitioner Admission) Amendment Rule (No. 1) 2007**

### **54            Outdated references**

In an Act or document—

- (a) a reference to the *Legal Profession Act 2004* is, if appropriate in the context, taken to be a reference to the *Legal Profession Act 2007*; and
- (b) a reference to admission under the *Legal Profession Act 2004* as a legal practitioner is, if appropriate in the context, taken to be a reference to admission to the legal profession under the *Legal Profession Act 2007*.

### **55            Registrar's decision under mutual recognition legislation**

- (1) This section applies to a decision of the registrar made before the commencement date in relation to the admission of a

person under a mutual recognition Act as a legal practitioner in Queensland.

(2) Rule 24 applies in relation to the decision as if it were a decision of the registrar in relation to the admission of a person under a mutual recognition Act as a lawyer in Queensland.

(3) In this section—

*commencement date* means the date of commencement of this rule.

*mutual recognition Act* see rule 24(3).

## **Part 8** **Transitional provision for Supreme Court (Admission) Amendment Rule (No. 1) 2008**

### **56 Notices of intention to apply for admission and objections to admission**

The *Supreme Court (Admission) Amendment Rule (No. 1) 2008*, rules 4 and 5 do not apply to an admission applied for at an admission sittings of the Court of Appeal or the court at a relevant place before 1 July 2008.

## **Part 9** **Transitional provisions for Supreme Court (Admission) Amendment Rule (No. 1) 2015**

### **57 Definitions for pt 9**

In this part—

*amendment rule* means the *Supreme Court (Admission) Amendment Rule (No. 1) 2015*.

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*former*, for a provision of these rules, means the provision as in force before the commencement.

## **58 Former rules continue until admission guidelines issued**

- (1) The former rule mentioned in column 1 continues to apply in relation to a matter until the admission guidelines mentioned in column 2 are issued—

### **Column 1**

former rule 6

former rules 7 and 7A

former rules 8 and 9

### **Column 2**

guidelines under rule 9AA(1)(a)

guidelines under rule 9AA(1)(b)

guidelines under rule 9AA(1)(c)

- (2) For the purposes of applying subrule (1), these rules apply with necessary changes.

## **59 Approved academic qualifications and practical legal requirements—Australia**

- (1) The amendment of these rules by the amendment rule does not affect—
- (a) an approval of a tertiary course under former rule 6; or
  - (b) an approval of a course under former rule 7.
- (2) Also, former rule 7A continues to apply in relation to—
- (a) a person who, at the commencement, has started but not completed supervised workplace experience or approved supplementary training under the rule; and
  - (b) a person who, at the commencement, has completed supervised workplace experience or approved supplementary training mentioned in the rule but has not been admitted to the legal profession under the *Legal Profession Act 2007*.
- (3) For the purposes of applying subrule (1) or (2), these rules apply with necessary changes.

(4) In this rule—

*commencement* means—

- (a) if, at the commencement of this rule, former rule 7A continues to apply under rule 58(1)—the day former rule 7A stops applying under rule 58(1); and
- (b) otherwise—the commencement of this rule.

## **60 Approved academic qualifications and practical legal requirements—foreign country**

(1) The amendment of these rules by the amendment rule does not affect—

- (a) an approval of academic qualifications under former rule 8; or
- (b) an approval of legal training requirements under former rule 9.

(2) Also, when deciding whether to approve academic qualifications for rule 8(1), in relation to a person who has started but not completed academic qualifications in a foreign country at the commencement, the board may take into account matters the board could have taken into account under former rule 8(2).

(3) Further, when deciding whether to approve legal training requirements for rule 9(1), in relation to a person who has started but not completed legal training requirements in a foreign country at the commencement, the board may take into account the matters the board could have taken into account under former rule 9(2).

(4) For the purposes of applying subrule (1), (2) or (3), these rules apply with necessary changes.

(5) In this rule—

*commencement* means—

- (a) if, at the commencement of this rule, former rules 8 and 9 continue to apply under rule 58(1)—the day former rules 8 and 9 stop applying under rule 58(1); and

(b) otherwise—the commencement of this rule.

## Schedule 1 Dictionary

rule 4

***admission guidelines*** means guidelines issued by the Chief Justice under rule 9AA.

***approved supplementary training*** means the requirements of—

- (a) a part of a course that is 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 board;

that the board considers provides an understanding of, and competence in, a particular skill, value or practice area set out in the admission guidelines under rule 9AA(1)(b) at a level that meets the performance criteria mentioned in the guidelines for each element for the skill, value or practice area.

***court's internet website*** means the internet website administered by the Supreme Court Library for the court and other courts.

***overseas-registered foreign lawyer*** has the same meaning as in the *Legal Profession Act 2007*, section 163.

***previous admission rules*** means—

- (a) the *Barristers' Admission Rules 1975*; or
- (b) the *Solicitors' Admission Rules 1968*.

***required understanding and competence*** means an understanding of, and competence in, the skills, values and practice areas set out in the admission guidelines under rule 9AA(1)(b) at a level that meets the performance criteria mentioned in the guidelines for each element for each skill, value or practice area.

***roll*** means the local roll under the *Legal Profession Act 2007*, section 37.



*trainee* see rule 9B.

*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