

Supreme Court (Admission) Amendment Rule (No. 1) 2015

Explanatory notes for SL 2015 No. 124

made under the

Supreme Court of Queensland Act 1991

General Outline

Short title

Supreme Court (Admission) Amendment Rule (No. 1) 2015

Authorising law

Section 85 of the *Supreme Court of Queensland Act 1991* (the Act)

Policy objectives and the reasons for them

Under section 85 of the Act, the Governor in Council may make rules of court, with the consent of the rules committee (a committee of magistrates and judges established by the Chief Justice of Queensland under the Act), including rules for the admission of persons to the legal profession under the *Legal Profession Act 2007*.

The objective of the *Supreme Court (Admission) Amendment Rule (No. 1) 2015* (Amendment Rule) is to amend the *Supreme Court (Admission) Rules 2004* (Rules) to improve procedures for the admission of persons to the legal profession in Queensland.

Achievement of policy objectives

The Amendment Rule provides for the issuing of guidelines by the Chief Justice under section 86 of the Act, to be applied when an application for admission to the legal profession is being assessed. The guidelines will incorporate criteria for approving academic qualifications, approving practical legal training requirements, and assessing overseas applications including requirements about proficiency in the English language. In issuing these guidelines the Chief Justice will have regard to any relevant recommendations of the national Law Admissions Consultative Committee (LACC). The issuing of guidelines will

enable changes recommended by the LACC to be more easily incorporated than the current approach under which LACC recommendations are attachments to the Rules.

The Amendment Rule will also:

- a. simplify the advertising requirements for admission applications so that applicants will only need to publish their intention to apply for admission in a publication approved by the Chief Justice under a practice direction, and not also in a newspaper;
- b. provide that relevant websites (of the court, the Bar Association of Queensland, the Queensland Law Society and the Incorporated Council of Law Reporting for the State of Queensland) will publish a notice advising how to find out who is applying for admission, and how an objection or inquiry can be made regarding an admission;
- c. address privacy issues relating to applicants so that their residential address will no longer be made public as part of their application process;
- d. for admissions sittings after 1 November 2015, lengthen the timelines in the Rules for the filing, display and giving of various admission related documents to ensure the Legal Practitioners Admissions Board has adequate time to process applications for admission;
- e. convert a number of “editor’s notes” to “notes” so they have the status of being part of the Rules and remove a redundant editor’s note; and
- f. make other minor or technical amendments.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

The Amendment Rule is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Rule will enhance relevant procedures for the admission of persons to the legal profession in Queensland, and will have no implementation costs.

Consistency with fundamental legislative principles

Allowing the Chief Justice to issue guidelines for matters previously set out in attachments to the Rules raises whether the Amendment Rule has sufficient

regard to the institution of Parliament, and to the rights and liberties of individuals (as regards the delegation of administrative power). However, section 86 of the Act specifically contemplates that the Chief Justice may issue guidelines about a matter prescribed under the Rules. It also provides certain protections about the making of these guidelines, in that, a guideline has no effect unless the Minister gives notice (as subordinate legislation) of the issuing of the guideline and copies of any guideline must be available for public inspection. These requirements ensure that sufficient regard is given to the institution of Parliament and to the rights and liberties of individuals.

Consultation

The rules committee has consented to the proposed amendments, which have been progressed at the request of the Legal Practitioners Admissions Board.

The Office of Best Practice Regulation was consulted and confirmed that the Amendment Rule is excluded from the Regulatory Impact Statement system.