

Supreme Court (Admission) Amendment Rule 2020

Explanatory notes for SL 2020 No. 50

made under the

Supreme Court of Queensland Act 1991

General Outline

Short title

Supreme Court (Admission) Amendment Rule 2020

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, with the consent of the Rules Committee (established under section 89 of the Act), may make rules about the admission of persons to the legal profession under the *Legal Profession Act 2007*, including fees relating to admission.

Part 3 of the *Supreme Court (Admission) Rules 2004* (the Admission Rules) provides for the process for admission to the legal profession. In addition to providing for the application for admission, part 3 also makes provision for admission (rule 17), the oath of office (rule 18) and the roll (rule 19).

The objective of the *Supreme Court (Admission) Amendment Rule 2020* (the Amendment Rule) is to amend the Admission Rules to allow the Chief Justice to make a practice direction providing for an alternative process for admission to the legal profession. The practice direction may remove or modify a requirement under part 3 of the Admission Rules if the Chief Justice considers the requirement should be removed or modified because of exceptional circumstances.

An example of exceptional circumstances is the public health emergency involving COVID-19. Matters that could be dealt with in the practice direction include whether attendance at court is required and the arrangements for the oaths and the signing of the roll.

Achievement of policy objectives

The policy objective is achieved by amending the Admission Rules to allow the Chief Justice to make a practice direction providing for an alternative process for admission to the legal profession if the Chief Justice considers a requirement under part 3 of the Admission Rules should be removed or modified because of exceptional circumstances.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the policy 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 assist in the effective and expeditious completion of court processes for admission to the legal profession.

There are no costs associated with the implementation of the Amendment Rule.

Consistency with fundamental legislative principles

The Amendment Rule is consistent with fundamental legislative principles.

Consultation

The Rules Committee has consented to the making of the Amendment.

The Department of Justice and Attorney-General has self-assessed the Amendment Regulation to be excluded from further regulatory impact analysis under exclusion category (j) of the *Queensland Government Guide to Better Regulation* as it is a regulatory proposal relating to the administration of courts and tribunals.