

Supreme Court (Admission) Amendment Rule 2022

Explanatory notes for SL 2022 No. 187

Made under the

Supreme Court of Queensland Act 1991

General Outline

Short Title

Supreme Court (Admission) Amendment Rule 2022

Authorising law

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

Policy objectives and the reasons for them

Section 85(1)(b) of the Act empowers the Governor in Council to make rules including rules for the admission of persons to the legal profession under the *Legal Profession Act 2007*. Section 85(2) of the Act provides that a rule made by the Governor in Council under section 85 of the Act may only be made with the consent of the Rules Committee.

The *Supreme Court (Admission) Rules 2004* (the Rules) provide for the approval by the Chief Justice and the Legal Practitioners Admissions Board (the Board) of the academic qualifications and the practical legal training (PLT) requirements for admission to the legal profession.

Admitting authorities in other Australian jurisdictions have introduced additional admission requirements for the holders of stale qualifications (i.e academic or PLT qualifications in law more than five years old).

The *Supreme Court (Admission) Amendment Rule 2022* (Amendment Rule) provides for similar requirements to apply in Queensland. This will promote a nationally consistent approach and will prevent applicants circumventing the stale qualification provisions in other jurisdictions by applying for admission in Queensland.

Achievement of policy objectives

The Amendment Rule will insert new rules 6A, 7AA and 7B into the Rules requiring applicants for admission who have stale qualifications to refresh or renew previously completed academic and PLT qualifications in law, as determined by the Board.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the policy objectives of the authorising law.

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 have the benefit of ensuring the currency of qualifications for admission to the legal profession. There may be additional costs for applicants with stale qualifications associated with renewing or refreshing their qualifications should they choose to seek admission into the profession.

Consistency with fundamental legislative principles

The Amendment Rule is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

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

The amendments have been the subject of consultation between the Rules Committee and the Board.

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