

NORTHERN TERRITORY OF AUSTRALIA
LEGAL PROFESSION ADMISSION RULES 2007

As in force at 1 May 2016

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 May 2016

LEGAL PROFESSION ADMISSION RULES 2007

Rules under the *Legal Profession Act 2006*

Part 1 Preliminary matters

1 Citation

These Rules may be cited as the *Legal Profession Admission Rules 2007*.

Part 2 Interpretation

2 Definitions

In these Rules:

articled clerk means a person serving under articles.

articles means articles of clerkship.

Board means the Admission Board.

certificate of good fame and character, see rule 3.

competency standards, see Schedule 4, item 5.

Court means the Supreme Court.

local applicant means a person applying for admission to the legal profession on the basis of academic qualifications and practical training and experience obtained in Australia.

overseas applicant, see rule 12.

principal, for an articled clerk, means the person with whom the articled clerk enters into articles.

registered, for an overseas applicant, see section 170 of the Act.

3 Certificate of good fame and character

- (1) A certificate of good fame and character for an applicant may be given by a person:
 - (a) who is of standing in the community; and
 - (b) who has known the applicant for at least 3 years; and
 - (c) who is not closely related to the applicant by blood or marriage.
- (2) The certificate must:
 - (a) specify the name, address and occupation of the person giving the certificate; and
 - (b) specify the period during which, and the circumstances in which, the person giving the certificate has known the applicant; and
 - (c) acknowledge any matter that might adversely affect the question of whether the applicant is a fit and proper person to be admitted; and
 - (d) specify whether, in the opinion of the person giving the certificate, the applicant is of good fame and character.

Example for subrule (2)(c)

If the applicant has been convicted of an offence, the certificate must specify the person giving the certificate is aware of the conviction.

- (3) In this rule:

applicant means a person applying:

- (a) to the Court under Part 4 for admission as a local lawyer; or
- (b) to the Board under Part 6 for approval of entry into articles.

4 Approved academic qualifications

- (1) For section 10(1) of the Act, the approved academic qualifications for admission is the completion of a tertiary academic course in Australia, whether or not leading to a degree in law, that:
 - (a) includes the equivalent of at least 3 years full-time study of law; and

- (b) subject to subrule (2), requires a satisfactory level of knowledge and understanding of the areas of knowledge specified in Schedule 3.
- (2) If a local applicant has completed a tertiary academic course in Australia that does not include the study of ethics and professional responsibility, the applicant need not acquire a satisfactory level of knowledge and understanding of that area of knowledge but must do so when completing the practical requirement for admission.

5 Approved practical legal training requirements

- (1) For section 10(2) of the Act, the approved practical legal training requirements for admission is the completion, at the level of competence required by the competency standards:
 - (a) of a course approved by the Board; or
 - (b) of:
 - (i) at least one year of articles; and
 - (ii) if required under rule 28 – a supplementary course approved by the Board.
- (2) Before approving a course or supplementary course for completion by a local applicant, the Board:
 - (a) must have regard to Schedule 4, items 1 to 4; and
 - (b) must be satisfied the course will provide the applicant with the practical training required to enable the applicant to achieve the level of competence required by the competency standards; and
 - (c) may take into account that a corresponding authority in another jurisdiction has recognised the particular course as one which will enable an applicant for admission in that jurisdiction to achieve the level of competence required by the competency standards.
- (3) Before approving a course the employer of an articled clerk offers the clerk wholly or partly in-house, the Board may require the clerk's employer or principal to provide the Board with the information necessary to satisfy itself as required by subrule (2)(b).
- (4) In this rule:

course means a course or program of practical legal training or tuition.

Part 3 Local roll of lawyers and oath before admission

6 Entries on roll

- (1) If a person who is admitted to the legal profession satisfies the Registrar that the person intends to practise in the Territory exclusively as a barrister and independently of another legal practitioner, the Registrar must enter the appropriate notation with the person's name on the local roll.
- (2) On written application by the barrister, the Registrar must remove the notation entered with the barrister's name.

7 Oath before admission

- (1) Before being admitted to the legal profession, a person must take an oath in the form in Schedule 1, administered by a judge of the Court or a person specified in subrule (2) or (3).
- (2) If the person applies under the *Mutual Recognition Act 1992* (Cth) to be registered in the Territory and elects not to appear in person before the Court to be admitted to the legal profession, the oath must be administered by a Registrar of the Supreme Court of another jurisdiction or another officer of that Court designated by the Board.
- (3) If the person applies under the *Trans-Tasman Mutual Recognition Act 1997* (Cth) to be registered in the Territory and elects not to appear in person before the Court to be admitted to the legal profession, the oath must be administered by the Registrar of the High Court of New Zealand or another officer of that Court designated by the Board.
- (4) If the oath is administered under subrule (2) or (3), the signature on the form in Schedule 2 of the officer who administered the oath is sufficient proof that the person taking the oath has complied with the subrule.
- (5) A person who elects under subrule (2) or (3) not to appear in person before the Court must, when taking the oath, sign the form in Schedule 2 for insertion in the local roll.
- (6) On signing the form, the person is taken to have signed the local roll.

Part 4 Admission of local lawyers

Division 1 Applications for admission as local lawyer

8 Application by originating motion

An application to the Court for admission as a local lawyer must be made by originating motion accompanied by the relevant affidavits and other documents specified in Division 2 or in a direction under Division 3.

9 Notice of application

If an application for admission as a local lawyer is made to the Court, the Board:

- (a) must give notice of the application to the Law Society; and
- (b) may give notice of the application:
 - (i) in the form of a public notice; or
 - (ii) to any entities that, in the opinion of the Board, have an interest in the application.

Division 2 Local applicants

10 Affidavit and documents to accompany application

- (1) An application for admission made by a local applicant must be accompanied by an affidavit:
 - (a) specifying that the applicant is of good fame and character; and
 - (b) addressing each of the other suitability matters specified in section 11(1)(b) to (m) of the Act.
- (2) The following documents must be annexed to the affidavit:
 - (a) evidence of the applicant's academic qualifications;
 - (b) a certificate that the applicant has acquired a satisfactory level of knowledge and understanding of:
 - (i) the areas of knowledge specified in Schedule 3; or
 - (ii) if, as part of a course approved under rule 5, the applicant has completed training in both trust and office accounting and ethics and professional responsibility –

the areas of knowledge specified in Schedule 3 except the area of ethics and professional responsibility;

- (c) evidence of the applicant's practical training and experience;
- (d) certificates of good fame and character given by at least 2 persons;
- (e) any other document relevant to the application.

11 Section 31 declaration

- (1) An application to the Board under section 31(1) of the Act for early consideration of the suitability of a person for admission must:
 - (a) be made in the approved form; and
 - (b) be accompanied by certificates of good fame and character of the applicant given by at least 2 persons.
- (2) If the Board makes a declaration under section 31 of the Act, the affidavit accompanying the application for admission must:
 - (a) specify:
 - (i) a declaration under section 31 of the Act has been made by the Board for the applicant; and
 - (ii) since the making of the declaration, nothing has occurred to adversely affect the question of whether the applicant is a fit and proper person to be admitted; and
 - (b) have annexed:
 - (i) a copy of the application under section 31(1) of the Act; and
 - (ii) a copy of the declaration; and
 - (iii) the documents specified in rule 10(2).

Division 3 Overseas applicants

12 Application of Division

This Division applies to the following persons (an **overseas applicant**):

- (a) a person who has completed in a foreign country a tertiary academic course relevant to the legal profession;

- (b) a person who is registered in a foreign country, other than New Zealand.

13 Application for direction

- (1) Before making an application for admission, the overseas applicant must apply to the Board for directions as to whether the applicant is required to obtain further academic qualifications or practical training and experience in order to be eligible for admission to the legal profession.
- (2) If the applicant is a person mentioned in rule 12(a), the applicant must give the Board a statutory declaration:
 - (a) specifying:
 - (i) the nature and details of the applicant's academic qualifications and practical training and experience; and
 - (ii) whether the applicant has applied for similar directions or for admission in another jurisdiction and, if so, the result of the application; and
 - (b) to which is annexed original or authenticated documentary evidence that the applicant has the academic qualifications and practical training and experience detailed.
- (3) If the applicant is a person mentioned in rule 12(b), the applicant must give the Board a statutory declaration:
 - (a) specifying:
 - (i) the nature and details of the applicant's academic qualifications and practical training and experience; and
 - (ii) the nature, range, duration and character of the applicant's practice in the foreign county; and
 - (iii) whether the applicant has applied for similar directions or for admission in another jurisdiction and, if so, the result of the application; and
 - (iv) each of the matters required to be specified by section 189(2) of the Act; and
 - (b) to which is annexed:
 - (i) original or authenticated documentary evidence that the applicant has the academic qualifications and practical training and experience detailed; and

- (ii) original or authenticated documentary evidence of the applicant's registration in the foreign country.

14 Directions by Board

- (1) In considering the application, the Board must ensure the qualifications, training and experience required of the applicant equate as closely as is reasonably practicable with those required of a local applicant.
- (2) After considering the application, the Board may:
 - (a) refuse to give a direction if the overseas applicant has made a similar application or applied for admission in another jurisdiction; or
 - (b) give one of the following directions:
 - (i) the applicant is required to obtain further practical legal training or experience or further academic qualifications (or both) as specified by the Board;
 - (ii) the applicant may make an application for admission.
- (3) When giving a direction under subrule (2)(b), the Board may exempt the applicant from the requirements of:
 - (a) section 29(1)(b) of the Act to the extent the applicant has engaged in relevant studies in the foreign country to the satisfaction of the Board; and
 - (b) section 29(1)(c) of the Act to the extent the applicant has completed a period of relevant service with a government department or other government agency to the satisfaction of the Board.

Example for subrule (3)(b)

Relevant service includes service in courts administration.

- (4) If the Board gives a direction that the applicant may apply for admission, the Board must give the applicant directions about:
 - (a) the affidavit; and
 - (b) any documents the applicant is required to give to the Court with the application.

15 Board may make further inquiries

- (1) To assist the Board to give appropriate directions to the overseas applicant, the Board may make the inquiries it considers appropriate about any of the following matters:
 - (a) the system of jurisprudence of the foreign country in which the applicant obtained qualifications or is registered (or both);
 - (b) the applicant's academic qualifications;
 - (c) the nature and adequacy of the applicant's training and experience in legal practice;
 - (d) the applicant's suitability to be admitted to the legal profession.
- (2) If the Board considers it appropriate, it may submit the results of its inquiries to any of the following persons or bodies for advice on any of the matters mentioned in subrule (1):
 - (a) the Attorney-General or the Solicitor-General for the Territory;
 - (b) the Dean or Associate Dean of a Faculty or School of Law;
 - (c) a corresponding authority in Australia;
 - (d) a committee appointed by the Board to give that advice.

16 Knowledge of English language required

- (1) This rule applies to an overseas applicant whose first language is not English.
- (2) Subject to subrule (3), the overseas applicant must satisfy the Board that, within 2 years immediately preceding the date of the application for admission, the applicant:
 - (a) completed the IELTS Test; and
 - (b) obtained at least the specified score for each of the following components of the IELTS Test:
 - (i) 8.0 for writing;
 - (ii) 7.5 for speaking;
 - (iii) 7.0 for reading;
 - (iv) 7.0 for listening.

- (3) The Board may exempt the applicant from the requirements of subrule (2) if the applicant satisfies the Board that:
- (a) the applicant:
 - (i) completed the IELTS Test and obtained the scores required by subrule (2)(b) earlier than 2 years immediately preceding the date of the application for admission; and
 - (ii) since completing the IELTS Test, has continuously held a practising certificate and continuously been engaged in legal practice in a country where English is the native or first language; or
 - (b) the applicant:
 - (i) has, in a country where English is the native or first language, undertaken both of the following:
 - (A) the final 2 years of secondary education;
 - (B) a tertiary academic course, taught in the English language, to obtain the academic qualifications on which the applicant relies for admission; and
 - (ii) was resident in the country for the whole of the period of study undertaken in accordance with subparagraph (i).
- (4) The applicant must meet the costs of completing an IELTS Test and providing the Board with evidence of compliance with this rule.
- (5) In this rule:

IELTS Test means the International English Language Testing System Academic Module Test.

Part 5 Disclosure of matters affecting suitability for admission

17 Definitions

In this Part:

excluded offence means:

- (a) an offence for which the criminal record is a spent record; or

- (b) an offence for which:
 - (i) a person has been convicted in another jurisdiction; and
 - (ii) the criminal record would be a spent record had the person been similarly convicted in the Territory; or
- (c) an offence that is spent as defined in section 85ZM(2) of the *Crimes Act 1914* (Cth);
- (d) an offence under the *Traffic Act 1987* other than an offence for which the maximum penalty is a term of imprisonment; or
- (e) an offence relating to the parking of a motor vehicle.

offence includes a tax offence.

spent record, see section 3(1) of the *Criminal Records (Spent Convictions) Act 1992*.

18 Convictions that must be disclosed

- (1) An application under these Rules for admission to the legal profession or for a declaration under section 31 of the Act, must disclose if the applicant has been convicted of an offence, other than an excluded offence.

Note for subrule (1)

A conviction does not include a situation in which a person is issued with an infringement notice and the person has expiated the offence by payment of the penalty shown on the notice.

- (2) Subrule (1):
 - (a) applies to a conviction even if other persons are prohibited from disclosing the identity of the offender; and
 - (b) extends to an offence committed before the commencement of these Rules.

Part 6 Articles of clerkship

19 Entry into articles

- (1) A person may enter into articles with any of the following persons:
 - (a) a local legal practitioner who holds a current unrestricted practising certificate and is practising as a solicitor or as a barrister and solicitor;

- (b) the Chief Executive Officer of the department primarily responsible to the Minister administering the Act;
 - (c) the Director of Public Prosecutions as defined in the *Director of Public Prosecutions Act 1990*
 - (d) the Director of Legal Aid as defined in the *Legal Aid Act 1990*;
 - (e) an AGS lawyer as defined in section 55I of the *Judiciary Act 1903* (Cth) acting in that capacity;
 - (f) the Commonwealth Director of Public Prosecutions as defined in the *Director of Public Prosecutions Act 1983* (Cth) or a person nominated by the Director and approved by the Board.
- (2) A person who has entered or is about to enter into articles with a person mentioned in subrule (1) must apply to the Board for approval to do so.
- (3) The application for approval must be in accordance with the form approved by the Board and accompanied by the documents specified in rule 20.
- (4) The Board may approve the entry into articles only if the Board is satisfied:
- (a) the applicant has attained the approved academic qualifications for admission specified in rule 4; and
 - (b) the applicant is of good fame and character; and
 - (c) the person with whom the applicant proposes to enter or has entered into articles is a person mentioned in subrule (1); and
 - (d) the articles or proposed articles, together with any supplementary course required under rule 28(1), will enable the applicant to achieve the level of competence required by the competency standards.

20 Documents to accompany application for approval

- (1) An application for approval of entry into articles must be accompanied by:
- (a) evidence of the applicant's academic qualifications; and
 - (b) a certificate that the applicant has acquired a satisfactory level of knowledge and understanding of the areas of knowledge specified in Schedule 3; and

- (c) certificates of good fame and character of the applicant given by at least 2 persons; and
 - (d) a copy of the articles or proposed articles.
- (2) The Board may require the applicant to provide one or more additional certificates of good fame and character of the applicant if the Board considers the circumstances warrant it.

21 Articles to be lodged with Board

A person who enters into articles must lodge the articles with the Secretary to the Board not later than 14 days after the date on which the articles are signed or within a further time allowed by the Board.

22 Effective date of articles and period of service

- (1) Subject to subrule (2), the effective date of articles is the date the articles are signed.
- (2) If articles are signed more than 90 days before the date on which the Board approves the entry into articles, the effective date of the articles is 90 days before the date of approval.
- (3) If articles are entered into before an application for approval is made under rule 19 and the Board refuses to give approval, the articles have no effect under these Rules.
- (4) Articles are taken to contain a provision requiring the articulated clerk to render service in accordance with the articles for 12 months from the effective date but the Court may, on application, order that the period of service be reduced.
- (5) If a person has rendered service as an associate or a clerk to a Judge, the period for which the person is required to serve under articles is reduced by the lesser of the following periods:
 - (a) a period equal to one-half of the service as an associate or clerk to the Supreme Court Judge;
 - (b) 6 months.

23 Certain principals not to have more than 2 articulated clerks

A person mentioned in rule 19(1)(a) must not be the principal of more than 2 articulated clerks at the same time.

24 Additional training during service under articles

With the prior approval of the Board, an articled clerk may receive tuition or training from a person mentioned in rule 19(1) in addition to the tuition or training received from the articled clerk's principal.

25 Assignment of articles

- (1) Articles may be assigned to a person mentioned in rule 19(1) if all parties consent to the assignment and the Board gives its approval.
- (2) The articled clerk must lodge the assignment with the Secretary to the Board not later than 14 days after the date the assignment is signed or within the further time allowed by the Board.

26 New articles

- (1) This rule applies to an articled clerk if, before the end of the period during which the clerk is required to serve under articles (the **original articles**):
 - (a) the principal dies or ceases to practise as a solicitor or as a barrister and solicitor; or
 - (b) the articled clerk is otherwise unable to complete service under the original articles.
- (2) The clerk may enter into articles (the **new articles**) with another person mentioned in rule 19(1) if the Board gives its approval.
- (3) The new articles must contain a provision requiring the articled clerk to render service in accordance with the new articles for a period equal to the remaining period of service under the original articles.
- (4) The clerk must lodge the new articles with the Secretary to the Board not later than 14 days after the date the new articles are signed or within a further time allowed by the Board.

27 Certificate of completion of clerkship

- (1) If at the end of an articled clerk's period of service the articled clerk requests it, the principal must give the articled clerk a certificate specifying whether, in the principal's opinion:
 - (a) the service of the articled clerk was satisfactory throughout the period of service; and
 - (b) the articled clerk attained the level of competence required by the competency standards.

- (2) If the principal states that the service of the articled clerk was not satisfactory throughout the whole period of service, or that the articled clerk did not achieve the level of competence required by the competency standards, the principal must include the reasons for the statement.

28 Requirement to complete supplementary course

- (1) The Board may require an articled clerk to complete a supplementary course approved by the Board.
- (2) To assist the Board in deciding whether to require an articled clerk to complete a supplementary course, the Board may require the articled clerk or the articled clerk's employer or principal to give to the Board details of:
- (a) the nature and scope of the legal work undertaken, or likely to be undertaken, by the articled clerk during articles; and
 - (b) the extent of the supervision and training provided or intended to be provided to the articled clerk.

Part 7 Repeal and transitional matters

Division 1 Repeal and transitional matters for Legal Profession Admission Rules

29 Definitions

In this Division:

commencement date means the date on which these Rules commence.

repealed rules means the *Legal Practitioners Admission Rules 2003* as in force immediately before the commencement date.

30 Repeal

The following subordinate legislation is repealed:

- (a) *Legal Practitioners Admission Rules 2003* (Subordinate Legislation No. 58 of 2003);
- (b) *Legal Practitioners Admission Amendment Rules 2005* (Subordinate Legislation No. 40 of 2005).

31 Admission and articles

- (1) The repealed Rules continue to apply in relation to the following matters as if these Rules had not commenced:
 - (a) an application for admission to practise made under Part 3, Division 1 of the repealed Rules that has not been dealt with by the Court before the commencement date;
 - (b) an application for directions made under Part 3, Division 3 of the repealed Rules that has not been dealt with by the Board before the commencement date;
 - (c) an application for admission to the legal profession made under these Rules after the commencement date by a person who applied for directions mentioned in paragraph (b).
- (2) If a person considers he or she has suffered special prejudice as a result of the commencement of these Rules, the person may apply to the Court for relief and the Court may make the orders it considers appropriate in the circumstances.

Division 2 Transitional matters for Legal Profession Admission Amendment Rules 2015

32 Special prejudice

- (1) If a person considers that the person has suffered special prejudice as a result of the commencement of the amending Rules, the person may apply to the Court for relief and the Court may make the orders it considers appropriate in the circumstances.
- (2) In this rule:

amending Rules means the *Legal Profession Admission Amendment Rules 2015*.

Schedule 1

rule 7(1)

OATH

I, *[full name]*, *[promise/swear etc. as required by Oaths, Affidavits and Declarations Act 2010]* that I will well and honestly conduct myself in the practice of my profession as a lawyer of the Supreme Court of the Northern Territory according to the best of my knowledge and ability.

[So help me God! or as appropriate]

Schedule 2

rule 7(4) and (5)

ROLL OF LAWYERS OF THE SUPREME COURT OF THE NORTHERN TERRITORY

I, *[full name]*, sign the Roll of Lawyers of the Supreme Court of the Northern Territory.

Dated

SIGNATURE

DO NOT DETACH LABEL

[Adhesive Label]

This signature is of no effect until the order of the Board has been made and the signature inserted in the Roll by the Registrar.

Oath administered and signing of the Roll witnessed

Dated

Signed: Principal Registrar/Registrar/Designated Officer

[Stamp]

Schedule 3

rule 4(1)(b)

ACADEMIC REQUIREMENT – AREAS OF KNOWLEDGE

Although topics are grouped for convenience under the headings of particular areas of knowledge, there is no implication that a topic needs to be taught in a subject covering the area of knowledge in the heading rather than in another suitable subject.

CRIMINAL LAW AND PROCEDURE

1. Definition of crime.
2. Elements of crime.
3. Aims of the criminal law.
4. Homicide and defences.
5. Non-fatal offences against the person and defences.
6. Offences against property.
7. General doctrines.
8. Selected topics chosen from:
 - attempts
 - participation in crime
 - drunkenness
 - mistake
 - strict responsibility.
9. Elements of criminal procedure. Selected topics chosen from:
 - classification of offences
 - process to compel appearance
 - bail
 - preliminary examination
 - trial of indictable offences.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The topics should provide knowledge of the general doctrines of the criminal law and in particular examination of offences against both the person and property. Selective treatment should also be given to various defences and to elements of criminal procedure.

TORTS

1. Negligence, including defences.
2. A representative range of torts (other than negligence) and their defences.
3. Damages.
4. Concurrent liability.
5. Compensation schemes.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The potential compass of this area is so large that considerable variation might be anticipated. At the very least, there should be a study of negligence and of a representative range of torts, with some consideration of defences and damages and of alternative methods of providing compensation for accidental injury. Examples of these topics are: concurrent liability; defamation; economic torts; nuisance; breach of statutory duty; compensation schemes.

CONTRACTS

1. Formation, including capacity, formalities, privity and consideration.
2. Content and construction of contract.
3. Vitiating factors.
4. Discharge.
5. Remedies.
6. Assignment.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

Some variation may be expected in the breadth and detail of the topics. In general, however, knowledge of the formal requirements, including contracts, capacity, the content and interpretation of contracts, their performance and discharge, available remedies, together with an understanding of the broad theoretical basis of contract, would be expected.

PROPERTY

1. Meaning and purposes of the concept of property.
2. Possession, seisin and title.
3. Nature and type (i.e. fragmentation) of proprietary interests.
4. Creation and enforceability of proprietary interests.
5. Legal and equitable remedies.
6. Statutory schemes of registration.
7. Acquisition and disposal of proprietary interests.
8. Concurrent ownership.
9. Proprietary interests in land owned by another.
10. Mortgages.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The topics should provide knowledge of the nature and type of various proprietary interests in chattels and land, and their creation and relative enforceability at law and in equity. Statutory schemes of registration for both general law land and Torrens land should be included. A variety of other topics might be included, e.g. fixtures; concurrent interests; more detailed treatment of such matters as sale of land, leases, mortgages, easements and restrictive covenants.

EQUITY

1. Nature of equity.
2. Equitable rights, titles and interests.
3. Equitable assignments.
4. Estoppel in equity.
5. Fiduciary obligations.
6. Unconscionable transactions.
7. Equitable remedies.
8. Trusts, with particular reference to the various types of trusts and the manner and form of their creation and variation. The duties, rights and powers of trustees should be included, as should the consequences of breach of trust and the remedies available to, and respective rights of, beneficiaries. (It is expected that about half the course will be devoted to trusts.)

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The topics should cover the elements of trust law, equitable doctrines apart from those relating to trusts, and equitable remedies. The following aspects of trusts law should be dealt with: various kinds of trusts; the rights, duties and powers of trustees; the consequences of breach of trust. Apart from trusts, the following equitable doctrines might be covered: fiduciary obligations; equitable assignments; unconscionability; confidential information. The remedies of specific performance, injunction, declaration and damages in equity should be included. (It is expected that about half the course will be devoted to trusts.)

COMPANY LAW

1. Corporate personality.
2. Incorporation process.
3. Corporate constitution.
4. Company contracts.
5. Administration of companies and management of the business of companies.
6. Duties and liabilities of directors and officers.
7. Share capital and membership.
8. Members' remedies.
9. Company credit and security arrangements.
10. Winding up of companies.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The topics should include the following: an analysis of incorporation and its effects; management and control of a company; the various methods of financing – by the issue of shares and debt; the processes of winding up a company.

ADMINISTRATIVE LAW

1. Organisation and structure of the administration.
2. Administrative law theory.
3. Common law and statutory avenues of judicial review at Commonwealth and State or Territory level.
4. Grounds of judicial review.
5. Remedies.
6. Crown immunity.
7. Administrative Appeals Tribunal.
8. Statutory review.
9. Freedom of information.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The topics should not only embrace traditional common law remedies concerning judicial review of administrative action, but should also cover the range of Commonwealth and State or Territory statutory regimes.

COMMONWEALTH, STATE AND TERRITORY CONSTITUTIONAL LAW

1. State and Territory constitutions and constitutional systems.
2. The Commonwealth Constitution and constitutional system.
3. The constitution and operation of the legislature, executive and judiciary.
4. The relationship between the different institutions of government and the separation of powers.
5. The relationship between the different levels of government.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The topics should include knowledge of the major principles of both the relevant State or Territory Constitution and the Commonwealth Constitution, including the relationship between the different Commonwealth and State or Territory laws. A general knowledge of the scope of both State or Territory and Commonwealth Constitutions is required, although the topics will differ in the depth of treatment of specific heads of power, particularly in the Commonwealth sphere.

CIVIL PROCEDURE

1. Court adjudication under an adversary system.
2. The cost of litigation and the use of costs to control litigation.
3. Service of originating process, as foundation of jurisdiction, including service out of the relevant State or Territory and choice of forum.
4. Joinder of claims and parties, including group proceedings and the defence of prior adjudication as instances of the public interest in avoiding a multiplicity of proceedings and inconsistent verdicts.
5. Defining the questions for trial – pleadings, notices to admit and other devices.
6. Obtaining evidence – discovery of documents, interrogatories, subpoena and other devices.
7. Disposition without trial, including the compromise of litigation.
8. Extra judicial determination of issues arising in the course of litigation.
9. Judgment.
10. Appeal.
11. Enforcement.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The topics should embrace the general study of rules of civil procedure relevant in the State or Territory. Rules concerning the following should all be included: jurisdiction; the initiation and service of process; the definition of issues through pleadings; judgment; enforcement.

EVIDENCE

1. Introduction.
2. Competence and compellability.
3. Privilege.
4. The examination of witnesses.
5. Disposition and character.
6. Similar fact evidence.
7. The accused as a witness.
8. Burden and standard of proof.
9. Documentary evidence.
10. Hearsay:
the exclusionary rule
the common law and statutory exceptions.
12. Admissions and confessions in criminal cases.
13. Illegally obtained evidence and confirmation by subsequent fact.
14. Res gestae.
15. Corroboration.

OR

Topics of sufficient breadth and depth to satisfy the following guidelines.

The topics should include examination of both the sources and acceptability of evidence, including rules concerning the burden and standard of proof and technical rules concerning such matters as hearsay, admissions and confessions, illegally obtained evidence and res gestae.

ETHICS AND PROFESSIONAL RESPONSIBILITY

Professional and personal conduct in respect of a legal practitioner's duty to:

- (a) the law; and
- (b) the Courts; and
- (c) clients, including a basic knowledge of the principles relating to the holding of money on trust; and
- (d) fellow legal practitioners.

OR

Topics of such breadth and depth as to satisfy the following guidelines.

The topics should include knowledge of the various pertinent rules concerning a legal practitioner's duty to the law, the Courts, clients and fellow legal practitioners and a basic knowledge of the principles relating to the holding of money on trust.

Schedule 4

rule 5

PRACTICAL LEGAL TRAINING COMPETENCY STANDARDS FOR ENTRY LEVEL LAWYERS

1 BACKGROUND

In 2002, Admitting Authorities finally endorsed proposed national *Practical Legal Training Competency Standards for Entry-level Lawyers*, which were recommended to them by the Law Admissions Consultative Committee (**LACC**).

The *Standards* had been jointly developed by the Australasian Practical Legal Education Council (**APLEC**) and LACC and sought to describe the observable performance in several key areas relating to legal practice, required of entry level lawyers at the point of admission to the legal profession.

Subsequent changes in both the training of lawyers and legal practice led LACC in 2010 to seek the assistance of APLEC and other stakeholders to undertake a review of the *Standards*. APLEC undertook a review, which was completed in 2013 following extensive consultation. This Schedule is based on suggestions made by APLEC, as a result of that review.

One of the most significant changes in the intervening years is that, in several jurisdictions, many intending lawyers now obtain their PLT qualifications through PLT courses, conducted by PLT providers, rather than through serving a period as an articled clerk, to which service the *Standards* did not apply. In other jurisdictions, instead of articles, intending legal practitioners can choose either to undertake a PLT course or to engage in SWT in a legal office. In one jurisdiction, intending lawyers still undertake articles but also are required to undertake a program of assessment conducted by a PLT provider, to assess whether they have attained each of the prescribed competencies. Whichever form of PLT is now followed, all applicants are required to demonstrate that they have attained prescribed competence in the Skills, Practice Areas and Values summarised in item 3 and set out in detail in item 5 below.

Another significant change is that, since 2000, all jurisdictions other than the Australian Capital Territory have developed means of accrediting and monitoring PLT courses and the performance of PLT providers. In those jurisdictions which allow SWT, means of approving and monitoring performance of SWT providers are also being developed.

Such procedures enhance the possibility that entry level lawyers will all have attained the various competencies prescribed by, or under, this Schedule.

2 INTERPRETATION

2.1 Definitions

In this Schedule:

Admitting Authority means the body responsible in a jurisdiction for approving the content of either or both of PLT courses and SWT.

applicant means an applicant for admission to the legal profession.

PLT means Practical Legal Training.

PLT course means a PLT course approved by an Admitting Authority, conducted by a PLT provider.

PLT provider means a body authorised by an Admitting Authority of a jurisdiction to provide a PLT course in that jurisdiction.

programmed training means structured and supervised training activities, research and tasks, each with comprehensive assessment.

State includes a Territory.

SWT means supervised workplace training and includes articles of clerkship.

SWT provider means a body providing SWT in a jurisdiction.

workplace experience means supervised employment in a legal office, or supervised paid or unpaid placement in a law or law-related environment.

2.2 Interpretation of item 5

The following principles apply when interpreting item 5:

- (a) An **Element** describes a relevant competence that an applicant is required to demonstrate in relation to the relevant prescribed Skill, Practice Area or Value.
- (b) A **Performance criterion** sets out an activity by reference to which an applicant's achievement of an appropriate level of competence in the corresponding Element may be demonstrated. An applicant may, however, demonstrate the requisite achievement in relation to an Element:

- (i) by attaining some, but not all, of the relevant Performance criteria nominated in item 5 for that Element; and
 - (ii) by attaining equivalent Performance criteria in the course of undertaking another Practice Area set out in item 5.
- (c) Where a Performance criterion refers to an action which can only be performed by a person who has both been admitted to the legal profession and holds a practising certificate, the requisite competency may be demonstrated by satisfactorily completing a simulated exercise offered, and assessed in accordance with item 4.5(a), by a PLT provider or SWT provider.
- (d) Where a Performance criterion provides for a competency to be demonstrated by observing something:
- (i) the entry level lawyer must document in writing and critically evaluate what has been observed; and
 - (ii) the resulting record must be assessed by the relevant PLT provider or SWT provider in accordance with item 4.5(a),
- before the relevant Performance criterion can be satisfied.
- (e) The expression of particular Elements, Performance criteria or Explanatory Notes in relation to a Skill, Practice Area or Value is not intended either:
- (i) to limit the way in which that Skill, Practice Area or Value is taught; or
 - (ii) to prevent either wider or more detailed training in that Skill, Practice Area or Value.

3 REQUIREMENTS FOR APPLICANTS FOR ADMISSION

3.1 Required competencies

- (a) Every applicant is required to satisfy the Admitting Authority that the applicant has achieved the prescribed competence in the Skills, Compulsory and Optional Practice Areas and Values set out in item 5 and summarised as follows:

Skills

Lawyer's Skills
Problem Solving
Trust and Office Accounting
Work Management and Business Skills

Compulsory Practice Areas

Civil Litigation Practice
Commercial and Corporate Practice
Property Law Practice

Optional Practice Areas

Subject to paragraph (b), any 2 of:

Administrative Law Practice
Banking and Finance
Consumer Law Practice
Criminal Law Practice
Employment and Industrial Relations Practice
Family Law Practice
Planning and Environmental Law Practice
Wills and Estates Practice

Values

Ethics and Professional Responsibility

- (b) Paragraph (a) applies to every applicant who has undertaken PLT in Australia, whether by completing a PLT course, undertaking SWT, or any combination of the 2 approved by the relevant Admitting Authority.

3.2 When PLT may be commenced

- (a) An applicant may commence PLT:
- (i) if SWT – only after the applicant has completed an academic qualification in law leading to admission to the legal profession; or
 - (ii) if a PLT course that is not integrated with the applicant's academic qualification in law – only after the applicant has completed an academic qualification in law leading to admission to the legal profession, unless the applicant has no more than 2 academic subjects to complete:
 - (A) neither of which is one of the academic requirements for admission; and
 - (B) for which the applicant must be enrolled while undertaking the PLT course;

and the applicant has received the prior permission of the Admitting Authority to commence the PLT course.

- (b) Despite paragraph (a), an applicant may undertake an integrated program of academic study and PLT that:
 - (i) requires the equivalent of three years' full-time academic study of law, apart from the time required to undertake the PLT components of the program; and
 - (ii) has been recognised by the relevant Admitting Authority for the purposes of preparing students for admission to the legal profession.

4 REQUIREMENTS FOR EACH FORM OF PLT

4.1 Programmed training and workplace experience

PLT must comprise both programmed training and workplace experience as follows:

- (a) for a graduate diploma:
 - (i) programmed training appropriate to the diploma; and
 - (ii) the equivalent of at least 15 days' workplace experience;
- (b) for a training course other than a graduate diploma – the equivalent of at least 900 hours' duration, comprising:
 - (i) at least 450 hours' of programmed training; and
 - (ii) at least 15 days' workplace experience;
- (c) for SWT – the equivalent of at least 12 months' full-time work which includes a minimum of at least 90 hours' of programmed training.

For the purposes of paragraphs (a) and (b), one day comprises 7 working hours.

4.2 Common requirements

The requirements in items 4.3 to 4.6 apply to both PLT courses and SWT.

4.3 Level of training

PLT must be provided at a level equivalent to post-graduate training and build on the academic knowledge, skills and values about the law, the legal system and legal practice which a graduate of a first tertiary qualification in law should have acquired in the course of that qualification.

4.4 Qualification of instructors and supervisors

A person instructing or supervising an applicant while acquiring competence in any Skill, Practice Area or Value must:

- (a) either have substantial current or recent experience in practising law or have comparable relevant qualifications or experience; and
- (b) comply with any other relevant legislative or regulatory requirements in the relevant jurisdiction.

4.5 Assessment of applicants

- (a) Each form of PLT must employ comprehensive methods, appropriate to post-graduate training, of:
 - (i) assessing an applicant's competence; and
 - (ii) certifying whether or not an applicant has demonstrated the requisite level of competence;

in each relevant Skill, Practice Area and Value.

- (b) Wherever practicable, an applicant's competence in any Practice Area should be assessed in a way that allows the applicant, at the same time, to further develop and to demonstrate competence in, relevant Skills and Values.

4.6 Resilience and wellbeing

All PLT providers and SWT providers should:

- (a) make applicants aware of the importance of personal resilience in dealing with the demands of legal practice; and
- (b) provide applicants with appropriate access to resources that will help them develop such resilience; and
- (c) provide applicants with information about how and where to seek help in identifying mental health difficulties and in dealing with their effects; and
- (d) make applicants aware of the benefits of developing and maintaining personal well-being in their professional and personal lives; and
- (e) provide applicants with information about how and where to find resources to help them develop and maintain such well-being.

5 COMPETENCY STANDARDS

Item 2.2 sets out particular principles in interpretation that apply to items 5.1 to 5.16.

5.1 Administrative Law Practice

Descriptor: An entry level lawyer who practises in administrative law should be able to:

- (a) obtain information for clients under freedom of information legislation and otherwise; and
- (b) seek review of administrative decisions; and
- (c) represent parties before courts and administrative tribunals.

Element

Performance criteria

The applicant has competently:

- | | | |
|---|--|---|
| 1 | Obtaining information | <ul style="list-style-type: none"> • identified whether "freedom of information" or "right to information" legislation applies to the situation • identified the specific legislation under which the information may be obtained • taken the steps required under that legislation • identified and taken any other practical steps required to obtain the information |
| 2 | Obtaining review of administrative decisions | <ul style="list-style-type: none"> • concluded correctly that the decision may be reviewed • identified and advised the client, or participated in or observed discussions with the client about, alternative means of obtaining a review • completed all preparation required by law, good practice and the circumstances of the matter • represented the client effectively at, or participated in or observed, any mediation, hearing or other review forum, where this is appropriate and permitted |

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- | | | |
|---|-----------------------|---|
| 3 | Representing a client | <ul style="list-style-type: none"> • identified all alternative means of obtaining redress and discussed them with the client • completed all preparation required by law, good practice and the circumstances of the matter • represented the client effectively at, or participated in or observed, any mediation, hearing or other proceeding, where this is appropriate or permitted |
|---|-----------------------|---|

Explanatory notes

This competency standard applies to both State and Federal administrative law and practice and to proceedings before both State and Federal courts and tribunals.

In the Performance criteria for Elements 2 and 3, "preparation" includes drafting written submissions.

5.2 Banking and Finance

Descriptor: An entry level lawyer who practises in Banking and Finance should be able to demonstrate competence in advising clients on some of the common ways to finance commercial transactions and they should be able to demonstrate competence in drafting simple loan agreements and associated security documents, and in taking the actions required to perfect those securities.

Element

Performance criteria

The applicant has competently:

- | | | |
|---|----------------------------|--|
| 1 | Preliminary investigations | <ul style="list-style-type: none"> • identified one or more ways of financing a borrower's proposal and identified the securities available to a financier in the situation • undertaken any necessary preliminary searches and inquiries to investigate issues of ownership, title and the capacity of any party to enter into the proposed financial arrangement • identified any consents to, or notifications of, the proposed financial arrangement required by existing financial or contractual arrangements |
|---|----------------------------|--|

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|---|---------------|--|
| 2 | Planning | <ul style="list-style-type: none"> • identified any requirements imposed on the financier by law, in respect of the proposed financial arrangement |
| 3 | Documentation | <ul style="list-style-type: none"> • planned the steps to be taken to effect the proposed arrangement including identifying and recording any critical dates, identifying any necessary searches and inquiries and identifying the required documentation • drafted the relevant loan and security documents • informed the borrower of their obligations in relation to the arrangement including any personal obligations under any guarantees • complied with any legislative requirements relating to the proposed arrangement |
| 4 | Due Diligence | <ul style="list-style-type: none"> • undertaken any further searches and inquiries required and advised the client what experts need to be engaged for due diligence (accountants etc.) |
| 5 | Finalisation | <ul style="list-style-type: none"> • had the transaction documentation executed, and (if necessary) stamped and registered according to law and good practice |

Explanatory notes

An applicant may not demonstrate competence in this optional practice area by submitting the same or similar work, to work that the applicant submits to demonstrate competence in the Commercial and Corporate Practice area.

5.3 Civil Litigation Practice

Descriptor: An entry level lawyer should be able to conduct civil litigation in first instance matters in at least one State court of general jurisdiction, in a timely and cost-effective manner.

Element	Performance criteria
	The applicant has competently:
1	Assessing the merits of a case and identifying dispute resolution <ul style="list-style-type: none"> • assessed the strengths and weaknesses of both the claimant's and opponent's cases • identified the facts and evidence required to support the claimant's case

	alternatives	<ul style="list-style-type: none"> • advised the client of relevant rights and remedies in a way that a reasonable client could understand • identified means of resolving the case, having regard to the client's circumstances • where possible, confirmed in writing any instructions given by the client in response to initial advice • identified and complied with the relevant limitation period
2	Advising on costs of litigation	<ul style="list-style-type: none"> • identified any litigation funding options and a means of reducing or recovering costs • identified alternative types of costs orders and how they may be affected by formal and informal offers of compromise and the manner of conducting the litigation • advised the client of relevant cost considerations in a way that a reasonable client could understand
3	Initiating and responding to claims	<ul style="list-style-type: none"> • identified an appropriate claim or defence • identified a court of appropriate jurisdiction • identified the elements of the claim or defence according to law • followed procedures for bringing the claim or making the defence in accordance with the court's rules and in a timely manner • drafted all necessary documents in accordance with those procedures
4	Taking and responding to interlocutory and default proceedings	<ul style="list-style-type: none"> • identified any need for interlocutory steps according to the court's rules • followed procedures for taking those steps in accordance with the court's rules in a timely manner • drafted all necessary documents in accordance with those procedures and rules
5	Gathering and presenting evidence	<ul style="list-style-type: none"> • identified issues likely to arise at the hearing • identified evidence needed to prove the client's case or disprove the opponent's case, according to the rules of evidence

- identified various means of gathering evidence and used at least one of them to gather evidence
 - presented, or observed the presentation of, that evidence according to law and the court's rules
- 6 Negotiating settlements
- conducted, participated in or observed, settlement negotiations
 - identified any revenue and statutory refund implications
- 7 Taking action to enforce orders and settlement agreements
- properly documented any settlement reached
 - identified available means of enforcing the order or settlement according to law and the court's rules
 - followed procedures relevant to the chosen means of enforcement in a timely manner

Explanatory notes

This competency standard applies to first instance civil litigation in local lower and higher courts of a State, having general jurisdiction, and in the Federal Court.

In the Performance criteria for Element 1, "means of resolving the case" includes the following:

- negotiation;
- mediation;
- arbitration;
- litigation;
- expert appraisal.

In the Performance criteria for Element 5, "means of gathering evidence" includes the following:

- statements from witness;
- notices to admit;
- discovery;
- subpoena;
- expert reports;
- certified official records, banker's books and similar documents.

In the Performance criteria for Element 5, reference to presenting evidence includes presenting evidence as follows:

- orally on oath;
- by affidavit;

- by video or telephone link.

In the Performance criteria for Element 7, "means of enforcement" includes the following:

- execution process including attachment of debts;
- taxation or assessment of costs;
- oral examination.

5.4 Commercial and Corporate Practice

Descriptor: An entry level lawyer should be able to:

- conduct standard commercial transactions such as the sale and purchase of a small business; and
- understand the relevant risks associated with such a transaction for both parties; and
- set up simple business structures using entities such as companies, trusts and partnerships; and
- provide basic advice on finance and securities and on the obligations of companies and their officers; and
- appreciate the type of advice needed to assess the revenue implications of standard commercial transactions.

Element

Performance criteria

The applicant has competently:

- | | | |
|---|------------------------------------|--|
| 1 | Conducting commercial transactions | <ul style="list-style-type: none"> • identified the nature of the transaction • undertaken sufficient searches and inquiries to investigate any relevant issues of title to real or personal property • drafted documents, had them executed, and (if necessary) certified, stamped and registered, according to law and good practice • obtained or given any necessary consents to, or notifications of, the transaction required by law |
|---|------------------------------------|--|

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|---|--------------------------------------|--|
| 2 | Setting up commercial structures | <ul style="list-style-type: none">• selected a structure that will achieve the client's objectives• drafted all documents required to set up the structure (including establishing any discrete entities that will form part of the structure)• had the documents executed and (if necessary) certified, stamped and registered, according to law and good practice• informed the client of any continuing obligations in relation to the structure, and, where the structure involves a corporation, of the continuing obligations of the company and its officers |
| 3 | Dealing with loans and securities | <ul style="list-style-type: none">• identified one or more types of financial arrangements and securities available to the borrower and lender• informed the borrower and lender of their immediate, continuing, and potential liabilities under any proposed financing and security arrangements• drafted loan or security documents which reflect the agreement between lender and borrower• had the loan or security documents executed and (if necessary) stamped and registered, according to law and good practice |
| 4 | Advising on revenue law and practice | <ul style="list-style-type: none">• identified in a general way the possible revenue implications of the client's proposed venture or arrangement• referred the client to experts for more comprehensive or detailed advice, where appropriate |

Explanatory notes

In Element 2 and the Performance criteria for Element 2 "structure" includes the following:

- basic trusts;
- private companies;
- partnerships;
- joint ventures;
- franchise arrangements.

In Element 3 and the Performance criteria for Element 3 "securities" includes the following:

- personal property security agreements;
- chattel leases;
- loans agreements;
- guarantees, including guarantees from spouses.

In the Performance criteria for Element 4, "revenue implications" includes the following:

- stamp duties;
- income tax;
- capital gains tax;
- GST;
- fringe benefits tax;
- land and property taxes.

5.5 Consumer Law Practice

Descriptor: An entry level lawyer who practises in consumer law should be able to:

- (a) advise clients on the procedures and remedies available in relation to consumer protection complaints and disputes; and
- (b) represent the client in any related negotiations or proceedings.

Element	Performance criteria
	The applicant has competently:
1 Obtaining information	<ul style="list-style-type: none"> • identified consumer protection complaint or dispute as one to which consumer protection legislation applies • identified the relevant legislation and any applicable case law • identified any possible common law remedies
2 Drafting documents	<ul style="list-style-type: none"> • drafted any documents required, in accordance with the client's instructions and the relevant legislation
3 Initiating and responding to claims	<ul style="list-style-type: none"> • identified the appropriate forum for initiating or responding to a claim

- initiated a claim or taken action to oppose a claim in accordance with the rules and procedures of the relevant court or tribunal, in a timely manner
 - obtained all necessary evidence and drafted all necessary documents in accordance with those rules
- 4 Representing the client
- identified all possible means of resolving the consumer protection complaint or dispute to the satisfaction of the client and discussed them with the client, or participated in or observed, such discussions
 - completed all necessary preparation in accordance with the law, good practice and the circumstances of the matter
 - represented the client effectively at, or participated in or observed, any negotiation, mediation, hearing or other proceedings
- 5 Taking action to implement outcomes
- documented any order or settlement properly and explained it to the client in a way which a reasonable client could understand
 - identified any procedures necessary to enforce the order or settlement and implemented them in a timely manner

Explanatory notes

This competency standard applies to the practice of consumer law under both State and Federal consumer protection legislation and codes.

In the Performance criteria for Element 1, "consumer protection dispute" includes a dispute relating to the following:

- competition and consumer legislation;
- misleading and deceptive conduct;
- motor car traders;
- domestic building contracts;
- consumer credit;
- guarantees;
- residential tenancies.

In the Performance criteria for Element 1, "consumer protection legislation" includes State and Federal consumer legislation and codes concerning the following:

- competition and consumer law;

- misleading and deceptive conduct;
- motor car traders;
- domestic building contracts;
- consumer credit;
- residential tenancies.

In the Performance criteria for Element 3, "court or tribunal" includes the following:

- Federal courts;
- State courts;
- statutory tribunals;
- industry complaint panels;
- industry ombudsman.

5.6 Criminal Law Practice

Descriptor: An entry level lawyer who practises in criminal law should be able to advise clients before arrest, seek bail, make pleas, participate in minor contested hearings and assist in preparing cases for trial.

Element

Performance criteria

The applicant has competently:

- | | | |
|---|-------------------|--|
| 1 | Providing advice | <ul style="list-style-type: none">• identified the client's legal rights and legal powers of the police or other prosecutors or investigators in relation to a criminal matter• informed the client of those rights and powers in a way that a reasonable client could understand• identified the legal elements of any offence with which the client is charged• where possible, confirmed in writing any instructions given by the client in response to initial advice• implemented the client's instructions, when it is appropriate in the circumstances to do so |
| 2 | Applying for bail | <ul style="list-style-type: none">• identified the client's options and communicated them to the client in a way a reasonable client could understand• helped the client to make an informed decision about which option to select |

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|---|--|--|
| 3 | Making pleas | <ul style="list-style-type: none">• made, or been involved in the process of making, or observed, an application for bail or taken other action effectively in the circumstances• fully advised the client of any bail conditions• identified the client's options and communicated them to the client in a way a reasonable client would understand• identified and gathered all material useful to the plea, according to law and good practice• presented, or been involved in the process of presenting, or observed the presentation of, the plea in an effective and persuasive manner, having regard to the circumstances of the case• advised the client fully of the outcome in a way a reasonable client could understand |
| 4 | Representing a client in minor matters | <ul style="list-style-type: none">• completed all preparation required by law, good practice and the circumstances of the case• represented, or been involved in representing the client, or observed the client being represented, effectively at a contested hearing |
| 5 | Assisting to prepare cases for trial | <ul style="list-style-type: none">• identified and gathered the evidence needed to support the client's case• identified and briefed, or been involved in briefing, appropriate experts (including counsel) having regard to good practice and the requirements of the case |

Explanatory notes

In the Performance criteria for Element 1, "criminal matter" includes the following:

- traffic offences;
- domestic violence and apprehended violence orders;
- drink driving;
- drug offences.

5.7 Employment and Industrial Relations Practice

Descriptor: An entry level lawyer who practises in the area of employment and industrial relations should be able to:

- (a) advise clients on the relevant law and procedures; and
- (b) represent clients in negotiations; and
- (c) initiate and respond to applications in relevant State and Federal courts and tribunals.

Element	Performance criteria
	The applicant has competently:
1 Assessing the merits of the dispute and identify the dispute resolution alternatives	<ul style="list-style-type: none"> • identified the relevant facts • assessed the strengths and weaknesses of the dispute according to the relevant law • identified all means of resolving the dispute, having regard to the client's circumstances
2 Advising client on procedures	<ul style="list-style-type: none"> • advised the client of means of avoiding a dispute, where appropriate • advised the client of available steps to strengthen the client's position
3 Commencing negotiations	<ul style="list-style-type: none"> • explored opportunities for a negotiated settlement, subject to the client's instructions • represented, or been involved in representing, the client, or observed the client being represented, effectively at any negotiations
4 Initiating and responding to proceedings	<ul style="list-style-type: none"> • identified the appropriate jurisdiction • initiated or opposed, or been involved in initiating or opposing, a claim or observed the initiation or opposition of a claim, in accordance with the rules of the relevant court or tribunal, in a timely manner • obtained all necessary evidence and drafted all necessary documents in accordance with those rules

- | | | |
|---|-------------------------------------|--|
| 5 | Representing the client | <ul style="list-style-type: none">• completed all preparation required by law, good practice, and the circumstances• represented, or been involved in representing the client, or observed the client being represented, effectively at any mediation, hearing or other forum |
| 6 | Taking action to implement outcomes | <ul style="list-style-type: none">• properly documented any order or settlement and explained it to the client in a way which the client can understand• identified and implemented, or been involved in identifying and implementing, any procedures required to enforce the order or settlement |

Explanatory notes

This competency standard applies to the practice of employment and industrial relations law at both State and Federal levels.

In the Performance criteria for Elements 1 and 2, "dispute" includes the following:

- award negotiations;
- an industrial dispute relating to an individual employee or to a workplace or industry;
- an equal employment opportunity or anti-discrimination claim;
- a claim for unfair dismissal.

In the Performance criteria for Element 1, "means of resolving the dispute" includes the following:

- negotiation;
- mediation;
- conciliation;
- arbitration;
- litigation.

In the Performance criteria for Element 2, "means of avoiding a dispute" and "steps to strengthen the client's position" include the following:

- altering internal employment practices and procedures;
- revising employment contracts;
- entering or revising enterprise bargaining agreements;
- altering individual employment contracts;
- taking disciplinary proceedings;
- allowing industrial representation.

5.8 Ethics and Professional Responsibility

Descriptor: An entry level lawyer should act ethically and demonstrate professional responsibility and professional courtesy in all dealings with clients, the courts, the community and other lawyers.

Element	Performance criteria
The applicant has competently:	
1 Acting ethically	<ul style="list-style-type: none"> • identified any relevant ethical dimension of a particular situation • taken action which complies with professional ethical standards in that situation
2 Knowing when to raise ethical problems with others	<ul style="list-style-type: none"> • identified circumstances in which matters relating to the ethical conduct of legal practice should be brought to the attention of others • identified with whom different matters of this type should be raised (for example, employers, professional associations, legal services boards, police) • learned about relevant protocols, institutional procedures and difficulties, associated with raising such matters with others
3 Discharging the legal duties and obligations of legal practitioners	<ul style="list-style-type: none"> • identified any duty or obligation imposed on the lawyer by law in a particular situation • discharged that duty or obligation according to law and good practice
4 Complying with professional conduct rules	<ul style="list-style-type: none"> • identified any applicable rules of professional conduct • taken action which complies with those rules
5 Complying with fiduciary duties	<ul style="list-style-type: none"> • recognised and complied with any fiduciary duty, according to law and good practice
6 Avoiding conflicts of interest	<ul style="list-style-type: none"> • identified any potential or actual conflict, as soon as is reasonable in the circumstances • taken effective action to avoid a potential conflict or, where a conflict has already arisen, dealt with it in accordance with law and good practice, or been involved in the process of doing one or more of those things

- | | | |
|---|---|--|
| 7 | Acting courteously | <ul style="list-style-type: none">• taken, or been involved in the process of taking, appropriate action, where applicable, to prevent such a conflict arising in the future |
| 8 | Complying with rules relating to the charging of fees | <ul style="list-style-type: none">• demonstrated professional courtesy in all dealings with others• identified any rules applying to charging professional fees• complied with those rules, where they are relevant• maintained file notes and records in accordance with law and good practice |
| 9 | Being aware of the importance of pro bono contributions | <ul style="list-style-type: none">• recognised the importance of pro bono contributions to legal practice• identified various means whereby lawyers may provide pro bono contributions• where necessary, used resources provided by professional or community organisations to facilitate pro bono contributions• identified when a client with insufficient resources may be entitled to legal aid, or assistance from professional or community organisations |

Explanatory notes

The purpose of this standard is to assist entry level lawyers to adopt ethical habits in legal practice to ensure that they effectively and appropriately discharge their obligations to the court, to the legal profession and to clients by:

- acting ethically; and
- observing general and statutory law relating to the duties and obligations of legal practitioners; and
- observing written and unwritten rules of professional conduct; and
- observing written and unwritten rules of professional courtesy.

In the Performance criteria for Element 3, "duty or obligation" includes the following duties and obligations:

- of confidentiality;
- to maintain competence;
- to act honestly;
- not to mislead the court;
- not to pervert the course of justice or the due administration of justice.

In Element 6, "conflicts of interest" include conflicts between the following:

- joint venture partners;
- directors and shareholders of a company;
- trustees and beneficiaries in a family trust;
- parties to any transaction where the interests of the parties may differ.

5.9 Family Law Practice

Descriptor: An entry level lawyer who practises in family law should be able to:

- (a) advise and take action in relation to parenting matters, property settlements, spouse maintenance and child support problems; and
- (b) identify appropriate dispute-resolution processes for such matters, in the light of the client's circumstances and concerns; and
- (c) advise clients on pre-action procedures.

Element	Performance criteria
	The applicant has competently:
1	<p>Advising on matters relating to children and property</p> <ul style="list-style-type: none"> • elicited information necessary to identify the client's options • informed the client of all relevant available options, in a way that a reasonable client could understand • identified any pre-action procedures that apply to the matter • taken any steps necessary to enable the client to obtain access to those procedures
2	<p>Representing a client in matters relating to children and property</p> <ul style="list-style-type: none"> • prepared, or been involved in preparing, or observed the preparation of, either an application for interim, final or consent orders relating to a matter concerning children or property, or a response to such an application • pursued, or been involved in the pursuit of, the case in accordance with good practice for the chosen dispute resolution process

- identified and explained, or been involved in identifying and explaining, to the client the revenue implications of any proposed settlement
- documented and acted upon, or been involved in documenting and acting upon, any results of the chosen dispute resolution process, in accordance with law and good practice

Explanatory notes

This competency standard applies to children and property matters arising from the breakdown of marriages or other domestic relationships, rather than the dissolution of marriage. It includes the following:

- responsibility for parenting, including residence of and contact with, children;
- property settlements;
- spouse maintenance;
- child support;
- domestic violence orders;
- injunctions and sole-use orders;
- de facto proceedings.

5.10 Lawyer's Skills

Descriptor: An entry level lawyer should be able to demonstrate oral communication, legal interviewing, advocacy, negotiation, dispute resolution, letter writing and drafting skills.

Element

Performance criteria

The applicant has competently:

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| 1 | Communicating effectively | <ul style="list-style-type: none"> • identified the purpose of a proposed communication, the most effective way of making it, and the content of the proposed communication • presented thoughts, advice, and submissions in a logical, clear, succinct and persuasive manner, having regard to the circumstances and the person or forum to whom they are made |
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| 2 | Cross-cultural awareness | <ul style="list-style-type: none">• identified and appropriately dealt with verbal and non-verbal aspects of cross-cultural communication• taken any follow-up action in accordance with good practice• demonstrated awareness of difficulties of communication attributable to cultural differences, their possible effect on a client's dealings with lawyers, the police, courts, government and legal agencies, and the desirability of cross-cultural communications training for all lawyers |
| 3 | Interviewing clients | <ul style="list-style-type: none">• prepared for the interview properly, having regard to relevant information available before the interview and all known, relevant circumstances• conducted, participated in conducting or observed, the interview, using communication techniques appropriate to both the client and the context• ensured that the client and lawyer have both obtained all the information which they wanted from the interview in a timely, effective and efficient way, having regard to the circumstances• ensured that the lawyer and client left the interview with a common understanding of the lawyer's instructions (if any) and any future action that the lawyer or client is respectively to take• make a record of the interview that satisfies the requirements of law and good practice• taken, or participated in taking, any follow-up action in a timely manner |
| 4 | Writing letters | <ul style="list-style-type: none">• identified the need for, and purpose of, the letter• written the letter in plain English that conveys its purpose clearly and could be understood by the person to whom it is sent, acting reasonably |

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| 5 | Drafting other documents | <ul style="list-style-type: none">• identified the need for, and purpose, of the document• devised an effective form and structure for the document having regard to the parties, the circumstances, good practice, plain English principles and the relevant law• drafted the document effectively having regard to the parties, the circumstances, good practice, plain English principles and the relevant law• considered whether the document should be settled by counsel• taken every action required to make the document effective and enforceable in a timely manner and according to law (such as execution by the parties, stamping, delivery and registration) |
| 6 | Negotiating settlements and agreements | <ul style="list-style-type: none">• prepared, or participated in the preparation of the client's case properly having regard to the circumstances and good practice• identified the strategy and tactics to be used in negotiations and discussed them with and obtained approval from the client, or been involved in or observed that process• carried out, been involved in or observed, the negotiations effectively having regard to the strategy and tactics adopted, the circumstances of the case and good practice• documented any resolution as required by law or good practice and explained it, or been involved in the process of explaining it, to the client in a way a reasonable client could understand |
| 7 | Facilitating early resolution of disputes | <ul style="list-style-type: none">• identified the advantages and disadvantages of available dispute resolution options and explained them to, or been involved in explaining them to, the client• performed in the lawyer's role, or been involved in or observed that performance, in the dispute resolution process effectively, having regard to the circumstances |

- 8 Representing a client in a legal forum
- documented any resolution as required by law or good practice and explained it, or been involved in explaining it, to the client in a way a reasonable client could understand
 - observed the etiquette and procedures of the forum
 - organised and presented in an effective, strategic way:
 - factual material; and
 - analysis of relevant legal issues; and
 - relevant decided cases
 - presented and tested evidence in accordance with the law and good practice
 - made submissions effectively and coherently in accordance with law and good practice

Explanatory notes

Assessment of competence for this standard should require the entry level lawyer to synthesise or combine the above skills and apply them in one or more specific legal contexts.

In the Performance criteria for Element 2, "difficulties of communication attributable to cultural differences" includes difficulties of communication encountered by Indigenous people.

In the Performance criteria for Element 7, "dispute resolution options" includes the following:

- negotiation;
- mediation;
- arbitration;
- litigation;
- expert appraisal.

In Element 8, "Representing" refers to appearing, being involved in appearing, or observing another appearing, on behalf of a client in a court, tribunal or other legal forum on a matter, including:

- an aspect of preliminary or pre-trial civil or criminal proceedings; and
- an aspect of first instance trial advocacy in a simple matter; and
- leading evidence-in-chief, cross-examination and re-examination; and
- making submissions.

5.11 Planning and Environmental Law Practice

Descriptor: An entry level lawyer who practises in planning and environmental law should be able to:

- (a) advise, and generally assist, clients on the relevant law and planning process; and
- (b) apply for approvals and consents under relevant planning legislation; and
- (c) object to applications; and
- (d) initiate or defend planning or environmental actions.

Element	Performance criteria
	The applicant has competently:
1 Assessing the merits of the matter and advising the client	<ul style="list-style-type: none"> • obtained full instructions from the client • analysed the facts in accordance with the relevant law • obtained and clarified any relevant technical information • advised, or been involved in advising, the client of any rights and obligations of the client and potential penalties if obligations are not observed • identified, or been involved in identifying, all options and developed a plan of action in accordance with the client's instructions • alerted, or been involved in alerting, the client to the need to identify the commercial, political and public relations implications of any proposed action
2 Preparing planning applications or objections	<ul style="list-style-type: none"> • identified and analysed relevant provisions of the appropriate planning scheme • identified any appropriate grounds of objection • prepared either an application for development or other planning approval, or an objection to such an application • identified any need to obtain plans or other information

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| 3 | Initiating or responding to environmental claims | <ul style="list-style-type: none">• identified the appropriate forum for initiating or responding to a claim• initiated or opposed, or been involved in initiating or opposing, a claim in accordance with the rules of the relevant court or tribunal, in a timely manner• obtained all necessary evidence and drafted all necessary documents in accordance with those rules |
| 4 | Representing the client in resolving a planning matter or environmental claim | <ul style="list-style-type: none">• identified appropriate means of resolving the matter to the satisfaction of the client and discussed them, or been involved in discussing them, with the client• completed all preparation required by law and good practice• represented, or been involved in representing, or observed the representation of, the client effectively in any negotiation, mediation, hearing or other proceedings |
| 5 | Implementing outcomes | <ul style="list-style-type: none">• properly documented any order or settlement and explained, or been involved in explaining it to the client in a way which a reasonable client could understand• identified and carried out any procedures to enforce the order or settlement in a timely manner |

Explanatory notes

This competency standard applies to the practice of planning and environmental law under both common law and State and Federal legislation.

In Element 4, "planning matter or environmental claim" includes the following:

- an application for, or an application for exemption from the need for, a permit, licence, approval or other authority;
- an objection, appeal or application for review of a decision, relating to such an application;
- a prosecution for breach of relevant planning or environmental legislation;
- a civil action relating to either or both a planning and environmental matter.

5.12 Problem Solving

Descriptor: An entry level lawyer should be able to:

- (a) investigate and analyse facts and law; and
- (b) provide legal advice; and
- (c) solve legal problems.

Element	Performance criteria
	The applicant has competently:
1 Analysing facts and identifying issues	<ul style="list-style-type: none"> • identified and collected all relevant facts as far as is practicable • analysed the facts to identify any existing or potential legal issues • distinguished relevant facts from other facts, if the matter so requires
2 Analysing law	<ul style="list-style-type: none"> • identified any questions of law raised by the matter • researched those questions of law properly, having regard to the circumstances • identified and interpreted any relevant statutory provisions and applied them appropriately to the facts
3 Providing legal advice	<ul style="list-style-type: none"> • applied the law to the facts of the matter in an appropriate and defensible way • given, or been involved in giving, the client advice in a way which a reasonable client could understand • identified any developments that might affect the accuracy of previous advice and told, or been involved in telling, the client about the effect of those developments
4 Generating solutions and strategies	<ul style="list-style-type: none"> • identified the problem and the client's goals as fully as is practicable • investigated the facts and legal issues as fully as is practicable • developed creative options and strategies to meet the client's objectives

- identified the advantages and disadvantages of pursuing each option or strategy
- assisted, or been involved in assisting, the client to choose between those options in a way consistent with good practice
- developed a plan to implement the client's preferred option
- acted, or been involved in acting, to resolve the problem in accordance with the client's instructions and the lawyer's plan of action
- remained open to new information and ideas and updated advice to the client where necessary

Explanatory notes

In Element 2, "Analysing law" includes:

- (a) researching legal issues by using:
 - law libraries;
 - online searches;
 - electronic databases;
 - legal citators and digests; and
- (b) applying principles of precedent and statutory interpretation.

5.13 Property Law Practice

Descriptor: An entry level lawyer should be able to:

- (a) convey, lease and mortgage real property; and
- (b) provide general advice on standard matters arising under local government, planning, environmental or other legislation relating to land use in the relevant State.

Element

Performance criteria

The applicant has competently:

- 1 Transferring title
 - identified the nature of the interest being dealt with, pursuant to the pre-eminent title system in the relevant jurisdiction
 - prepared, commented on and advised, or been involved in advising, on an appropriate contract of sale or other type of agreement for

- transferring the relevant interest in land; and had it executed according to law and good practice
 - undertaken sufficient searches and inquiries to investigate title, any issues about land use and responsibility for outgoings
 - drafted an appropriate instrument of transfer or conveyance and had it executed and (if necessary) stamped and registered, according to law
 - obtained or given any consents to, or notifications of, the transfer or conveyance, according to law
 - arranged for the instrument to be executed and (if necessary) stamped and registered, as required by law
- 2 Creating leases
- made and obtained all searches and consents required by law and good practice
 - drafted, commented on and advised, or been involved in advising, on a lease in a form allowed by law, reflecting the agreement between lessor and lessee and protecting their respective interests
 - arranged for the lease to be executed and (if necessary) stamped and registered, according to law
- 3 Creating and releasing mortgages
- made and obtained all searches and consents required by law and good practice
 - drafted, commented on and advised, or been involved in advising, on an effective instrument to create or release the security, reflecting the agreement between the grantor and grantee and protecting their respective interests
- 4 Advising on land use
- identified any planning scheme or other statutory provisions regulating the relevant use
 - advised, or been involved in advising, the client generally about processes to be followed to obtain permission for, or to object to, the use as the case requires

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| 5 | Advising on revenue implications | <ul style="list-style-type: none"> • identified the revenue implications of any transaction and advised, or been involved in advising, the client accordingly |
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Explanatory notes

In Element 1, "Transferring title" refers to title pursuant to the pre-eminent title system in the relevant jurisdiction.

In the Performance criteria for Element 1, "contract of sale" includes a contract of sale subject to special conditions.

In Element 2, "Creating leases" refers to residential tenancies or leases and standard commercial leases.

In Element 3, "mortgages" includes any other relevant security over land.

In Element 4, "Advising on land use" includes advising on issues relating to the following:

- town planning schemes;
- local government by-laws;
- environment and heritage legislation;
- revenue and tax legislation.

5.14 Trust and Office Accounting

Descriptor: An entry level lawyer should have sufficient knowledge, skills and values to maintain trust and general account records according to law and good practice, to the extent usually permitted and expected of an employed solicitor.

Element

Performance criteria

The applicant has competently:

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| 1 | Understand relevant fiduciary and other duties | <ul style="list-style-type: none"> • identified and applied: <ul style="list-style-type: none"> – general law fiduciary and other duties; codified duties and duties to supervise and report in relation to trust monies; and – duties and obligations of maintaining a trust account |
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| 2 | Receiving money | <ul style="list-style-type: none">• dealt with money received from or on behalf of a client, as required by law and good practice• where the law and good practice requires money to be deposited in a trust account or general account, recorded the deposit as required by law and good practice• issued any receipt required by law and good practice |
| 3 | Making outlays | <ul style="list-style-type: none">• made any outlay from the correct account, according to law and good practice• recorded the outlay as required by law and good practice |
| 4 | Rendering costs | <ul style="list-style-type: none">• demonstrated an ability to comply with regulations relating to disclosure of costs and a client's rights relating to costs• calculated the costs in accordance with law, good practice and any agreement between the lawyer and client• added to the bill all outlays made by the firm for which the client is responsible• accounted to the client for any money received from the client on account of costs and outlays, as required by law and good practice• drafted the bill and delivered it in accordance with law and good practice |

Explanatory notes

This competency standard applies to trust and general accounting and to rendering bills of costs. It requires a general knowledge of solicitors' trust account law and practice and costs regulation in the relevant jurisdiction and an understanding of the general principles of maintaining trust and office records.

5.15 Wills and Estates Practice

Descriptor: An entry level lawyer who practises in wills and estates should be able to draft wills, administer deceased estates and take action to solve problems about wills and estates.

Element	Performance criteria
	The applicant has competently:
1 Drafting wills	<ul style="list-style-type: none">• advised the client of issues, options, and potential problems that might arise in respect of the client's testamentary intentions• obtained instructions reflecting the client's informed and independent wishes, which can be effectively implemented• drafted a will reflecting the client's instructions• identified any issues of testamentary capacity and resolved them in accordance with law and good practice• ensured that the client executed the will in accordance with law• given any necessary follow up advice to the client
2 Administering deceased estates	<ul style="list-style-type: none">• obtained a grant of probate or letters of administration where required• identified the debts and assets of the estate• gathered in the estate or transferred or transmitted assets directly to beneficiaries, as appropriate, having regard to the law, good practice, and the circumstances• discharged the estate's debts, distributed specific gifts and the residue and ensured that the executors have been released of their obligations in a timely fashion
3 Taking action to resolve wills and estates problems	<ul style="list-style-type: none">• identified the nature of the problem properly, having regard to the law of the jurisdiction• identified the client's options for dealing with the problem, having regard to the law of the particular jurisdiction and the client's circumstances• explained the options to the client in a way a reasonable client could understand• taken action to resolve the problem in accordance with the client's instructions

Explanatory notes

In the Performance criteria for Element 1, "follow up advice" includes advice on the following:

- the effects of marriage on a will;
- the effects of divorce on a will;
- storage options for a will;
- revocation of a will;
- modification of a will;
- associated documents such as enduring powers of attorney.

In Element 3, "wills and estates problems" include problems of the following:

- testamentary capacity;
- construction;
- validity of the will;
- validity of gifts;
- assets outside the jurisdiction;
- revenue issues;
- family provision;
- mutual wills;
- trusts;
- informal wills;
- testamentary directions.

5.16 Work Management and Business Skills

Descriptor: An entry level lawyer should be able to manage workload, work habits, and work practices in a way that ensures that clients' matters are dealt with in a timely and cost effective manner.

Element	Performance criteria
	The applicant has competently:
1 Managing personal time	<ul style="list-style-type: none"> • used a diary or another system to record time limits or deadlines and to assist in planning work • identified conflicting priorities as they arise and managed the conflict effectively • used available time effectively, to the benefit of the lawyer's clients and employer

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| 2 | Managing risk | <ul style="list-style-type: none">• conducted each matter in a way that minimises any risk to the client, lawyer or firm arising from missed deadlines, negligence or failure to comply with the requirements of the law, a court or other body• recognised the limits of the lawyer's expertise and experience and referred the client or matter to other lawyers, counsel or other professionals, as the circumstances require |
| 3 | Managing files | <ul style="list-style-type: none">• used a file management system to ensure that work priorities are identified and managed, client's documents are stored in an orderly and secure manner, and to alert the lawyer to any need to follow up a matter or give it other attention• rendered timely bills, in accordance with law and any agreement between the lawyer and client, which set out the basis for calculating the lawyer's fees• accurately recorded all communications and attendances, with details of dates and times |
| 4 | Keeping client informed | <ul style="list-style-type: none">• communicated with the client during the course of the matter as frequently as circumstances and good practice require• confirmed oral communications in writing when requested by the client or required by good practice• dealt with the client's requests for information promptly• informed the client fully of all important developments in the matter, in a way which a reasonable client could understand |
| 5 | Working cooperatively | <ul style="list-style-type: none">• worked with support staff, colleagues, consultants and counsel in a professional and cost effective manner |
| 6 | Self-management | <ul style="list-style-type: none">• Demonstrated an ability to manage work and personal issues consistent with principles of resilience and wellbeing |

Explanatory notes

The purpose of this standard is to assist entry level lawyers to adopt good work habits in legal practice to ensure that:

- clients do not suffer loss or damage from a lawyer missing deadlines or neglecting matters; and
- clients are kept informed regularly and fully of the progress of their matters; and
- clients' matters are dealt with in a cost effective manner.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2**LIST OF LEGISLATION*****Legal Profession Admission Rules (SL No. 30, 2007)***

Notified	29 August 2007
Commenced	29 August 2007

Legal Profession Admission Amendment Rules 2008 (SL No. 23, 2008)

Notified	27 August 2008
Commenced	27 August 2008

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 <i>Oaths, Affidavits and Declarations Act 2010</i> (Act No. 39, 2010) and Gaz G7, 16 February 2011, p 4)

Legal Profession Admission Amendment Rules 2015 (SL No. 26, 2015)

Notified	14 October 2015
Commenced	14 October 2015

Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 <i>Local Court (Repeals and Related Amendments) Act 2016</i> (Act No. 9, 2016) and Gaz S34, 29 April 2016)

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: rr 1, 17, 19, 29 and 30 and sch 1.

4 LIST OF AMENDMENTS

r 2	amd No. 26, 2015, r 3
r 4	amd No. 23, 2008, r 6
r 5	amd No. 26, 2015, r 4
pt 3 hdg	amd Act No. 40, 2010, s 202
r 7	amd Act No. 40, 2010, s 202
r 10	amd No. 23, 2008, r 3
r 11	amd No. 23, 2008, r 6
r 16	sub No. 23, 2008, r 4
r 18	amd No. 23, 2008, r 6
r 22	amd Act No. 8, 2016, s 45
pt 7	
div 1 hdg	ins No. 26, 2015, r 5
r 29	amd No. 26, 2015, r 6
pt 7	
div 2 hdg	ins No. 26, 2015, r 7
r 32	ins No. 26, 2015, r 7
sch 1 – 2	amd Act No. 40, 2010, s 202
sch 3	amd No. 23, 2008, r 5
sch 4	sub No. 26, 2015, r 8