

Queensland



Subordinate Legislation 1995 No. 347

Supreme Court of Queensland Act 1991

SOLICITORS' ADMISSION AMENDMENT RULE (No. 1) 1995

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Short title

1. This rule may be cited as the *Solicitors' Admission Amendment Rule (No. 1) 1995*.

Rules amended

2. This rule amends the *Solicitors' Admission Rules 1968*.

Replacement of r 1

3. Rule 1—

omit, insert—

'Short title

'1. These rules may be cited as the *Solicitors' Admission Rules 1968*.'

Amendment of r 2

4.(1) Rule 2, definitions “**Court**”, “**First Schedule**”, “**Form**”, “**Judge's Associate**”, “**Judge's Clerk**”, “**Minister**” and “**Second Schedule**”—

omit.

(2) Rule 2—

insert—

“**approved form**” means a form approved by the Board.

“**Judge's associate**” mean an associate to a Judge of—

- (a) the High Court of Australia; or
- (b) the Court; or
- (c) the District Courts of Queensland; or
- (d) the Federal Court of Australia.

“**Judge's clerk**” means a person who is a clerk to a Master of the Court.’.

Amendment of r 3**5. Rule 3(1)—**

omit.

Insertion of new r 3A**6. After rule 3—**

insert—

‘Forms

‘**3A.** The Board may approve forms for use under these rules.’.

Insertion of new rr 15A and 15B**7. Part 3, division 1—**

insert—

‘Definitions

‘**15A.** In this division—

“**admitting authority**” means—

- (a) for Queensland—the Board and the Judges; or
- (b) for another State—the entity responsible for admitting lawyers to practice in the State.

“**core subjects**” means the subjects in a State approved, by the admitting authority for the State, as providing a person with an understanding of, and competence in, the areas of knowledge mentioned in schedule 2.

“**recognised academic course**” means—

- (a) an approved degree in law; or
- (b) an academic course at a tertiary institution in a State other than Queensland (whether or not leading to a degree in law) that—
 - (i) includes the equivalent of at least 3 years full-time study of law; and
 - (ii) has been approved, by the admitting authority for the State,

as providing a sufficient academic qualification to practice law.

‘Approval of core subjects and courses

‘15B.(1) This rule applies to the admitting authority for Queensland.

‘(2) The authority may approve a subject to be a core subject for these rules if it is satisfied the subject provides a person who completes it with an understanding of, and competence in, an area of knowledge mentioned in schedule 2.

‘(3) The authority may, under subrule (2), approve 2 or more subjects to be (if they are all completed) core subjects for an area of knowledge.

‘(4) The authority may approve an academic course to be a recognised academic course for these rules if it is satisfied the course provides a person completing it with a sufficient academic qualification to practise law.’.

Amendment of r 17

8.(1) Rule 17, before subrule (1)—

insert—

‘(1A) A person is qualified for admission if the person has—

- (a) completed a recognised academic course; and
- (b) for the areas of knowledge mentioned in schedule 2—completed core subjects for the areas (whether or not as part of a recognised academic course) or otherwise satisfied the Board the person has an understanding of, and competence in, the areas; and
- (c) completed the practical training specified in subrule (2).’.

(2) Rule 17(1), from ‘A candidate’ to ‘ethics; and’—

omit, insert—

‘The practical training that qualifies a person for admission is—’.

(3) Rule 17(1)(c), from ‘In the case’ to ‘the following’—

omit, insert—

‘for a person who is enrolled in, or has completed, an approved

degree in law at a tertiary institution in Queensland—starting, and completing to the satisfaction of the Board, within the 3 years before applying for admission, any of the following periods of practical training’.

(4) Rule 17(1)(d), from ‘In the case’ to ‘the following’—

omit, insert—

‘for a person who is enrolled in, or has completed, an approved degree in law at a tertiary institution in Queensland—starting, and completing to the satisfaction of the Board, within the 4 years before applying for admission, any of the following periods of practical training’.

(5) Rule 17(1)(e)—

omit, insert—

‘(e) for a person who is enrolled in, or has completed, an approved degree in law at a tertiary institution in Queensland—serving, immediately before applying for admission, not less than 8 years as a managing clerk in the office of a solicitor.’.

(6) Rule 17(1)(f), ‘Institute’—

omit, insert—

‘University’.

(7) Rule 17(2), ‘paragraphs (c) (d) (e) and (f) of sub-Rule 1 of this rule’—

omit, insert—

‘subrule (2)’.

(8) Rule 17(1)(c) to (f)—

renumber as rule 17(1)(a) to (d).

(9) Rule 17(1A) to (2)—

renumber as rule 17(1) to (3).

Amendment of r 30

9.(1) Rule 30(1), 'in Form 1'—

omit, insert—

'in the approved form accompanied by the fee mentioned in schedule 1'.

(2) Rule 30(1)(b), 'sufficient certificates'—

omit, insert—

'a certificate in the approved form'.

(3) Rule 30(1)(b), 'and shall be in Form 29 or as near thereto as circumstances will allow'—

omit.

Amendment of r 31

10. Rule 31, 'such consent in Form 2'—

omit, insert—

'consent'.

Amendment of r 33

11. Rule 33, 'such consent in Form 2 of Form 3 as the case may require'—

omit, insert—

'consent'.

Amendment of r 36

12.(1) Rule 36(1), 'Supreme Court of Queensland'—

omit, insert—

'Court or the District Courts of Queensland'.

(2) Rule 36(2)—

omit, insert—

‘(2) Service as a Judge’s clerk—

- (a) may be to 1 or more Master of the Court; and
- (b) must be completed in a way that satisfies the Master or each Master.’.

Amendment of r 39

13. Rule 39(1), ‘Form 4’—

omit, insert—

‘the approved form’.

Amendment of r 40

14.(1) Rule 40(1), ‘in Form 30’—

omit, insert—

‘in the approved form’.

(2) Rule 40(3), ‘such consent in Form 31’

omit, insert—

‘consent’.

Omission of pt 5 (The Solicitors’ Board Examinations)

15. Part 5—

omit.

Amendment of r 68

16.(1) Rule 68(1)(a)(i) and (b), ‘in Form 13’—

omit, insert—

‘in the approved form’.

(2) Rule 68(2), ‘containing answers to the questions set forth in Form 14’—

omit, insert—

‘, in the approved form, about the candidate’s compliance with rule 17’.

(3) Rule 68(2), ‘containing answers to the questions set forth in Form 15, 16 or 17, whichever may be applicable,’—

omit, insert—

‘, in the approved form,’.

(4) Rule 68(3), ‘containing answers to the questions set forth in Form 18,’—

omit, insert—

‘, in the approved form, about the candidate’s compliance with rule 17’.

(5) Rule 68(3), ‘containing answers to the questions set forth in Form 19’—

omit, insert—

‘, in the approved form,’.

(6) Rule 68(4)(a), ‘certificate’—

omit, insert—

‘certificate, in the approved form,’.

(7) Rule 68(4)(a), ‘in Form 20’—

omit.

(8) Rule 68(5A)(a)(i), ‘certificate’—

omit, insert—

‘certificate, in the approved form,’.

(9) Rule 68(5A)(a)(i), ‘in Form 20’—

omit.

(10) Rule 68(5B)(b), ‘in Form 18A’—

omit, insert—

‘in the approved form’.

(11) Rule 68(5B)(c), ‘Sufficient certificates’—

omit, insert—

‘a certificate, in the approved form,’.

(12) Rule 68(5B)(c), ‘and shall be in Form 29 or as near thereto as circumstances will allow’—

omit.

(13) Rule 68(6)(b), ‘containing the several allegations specified in Form 21’—

omit, insert—

‘in the approved form’.

Amendment of r 69

17. Rule 69, ‘in Form 22’—

omit.

Amendment of r 72

18. Rule 72, ‘in Form 23’—

omit.

Amendment of r 75

19. Rule 75(2)—

omit, insert—

‘(b) file in the Court office—

- (i) an affidavit in the approved form; and
- (ii) a copy of the certificates submitted to the Board; and’.

Amendment of r 76

20. Rule 76(1), ‘in Form 25’—

omit, insert—

‘in the approved form’.

Amendment of r 76B (Application for admission)

21. Rule 76B(1)(a), ‘in form 25A’—

omit, insert—

‘in the approved form’.

Amendment of r 76C (Issue and filing of certificate of compliance)

22. Rule 76C(c), ‘in form 22’—

omit.

Amendment of r 76I (Certificate of admission)

23. Rule 76I, ‘in form 23’—

omit.

Amendment of r 76P (Certificate of admission)

24. Rule 76P, ‘in form 23’—

omit.

Replacement of pt 8 (Transitional provisions)

25. Part 8—

omit, insert—

‘PART 8—TRANSITIONALS

‘Application for admission before 1 January 1998

‘**77.(1)** This section applies to a person who applies for admission before 1 January 1998.

‘(2) The person may qualify for admission if the person would have been qualified for admission under these rules if rule 17 was not amended by the *Solicitors' Admission Amendment Rule (No. 1) 1995* or any later amendment.

‘Expiry of part

‘78. This part expires on 1 January 1999.’.

Amendment of r 89

26. Rule 89, ‘the First Schedule’—

omit, insert—

‘schedule 1’.

Amendment of r 93

27. Rule 93, ‘the form or to the effect of Form 27’—

omit, insert—

‘the approved form’.

Insertion of new r 97A

28. Part 10—

insert—

‘Numbering and renumbering of rules

‘97A. In the next reprint of these rules produced under the *Reprints Act 1992*, the provisions of these rules must be numbered and renumbered as permitted by the *Reprints Act 1992*.’.

Omission of pt 11 (Candidates qualifying for admission under “The Legal Practitioners Act, 1881 to 1965” or any amendment thereof)

29. Part 11—

omit.

Replacement of schs 1–2**30. Schedules 1 and 2—***omit, insert—***‘SCHEDULE 1****‘FEES**

rules 30 and 89

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- | | |
|---|---|
| <p>‘1. Application for Board’s consent to enter articles of clerkship</p> <p>2. Application for admission—</p> <p> (a) for a person applying for conditional admission under rule 74</p> <p> (b) for a person previously admitted as a solicitor or barrister of the court</p> <p> (c) for a person with 1st class honours in a degree in law from a tertiary institution</p> <p> (d) for a person with 2nd class honours, division 2A in a degree in law from a tertiary institution</p> <p> (e) for any other person</p> | <p>20.00</p> <p>350.00</p> <p>125.00</p> <p>NIL</p> <p>150.00</p> <p>300.00</p> |
|---|---|

‘SCHEDULE 2**‘AREAS OF KNOWLEDGE**

rules 15A and 15B

- ‘1.** Criminal law and procedure
- 2.** Torts

3. Contracts
4. Property, both real (including Torrens system land) and personal
5. Equity (including trusts)
6. Administrative law
7. Federal and State constitutional law
8. Civil procedure
9. Evidence
10. Company law
11. Professional conduct (including basic trust accounting)'.

Insertion of new rule headings

31. Immediately before a rule mentioned in the schedule, column 1 insert the rule heading set out opposite in the schedule, column 2.

SCHEDULE**INSERTION OF RULE HEADINGS**

section 31

column 1	column 2
Rule	Heading
2	Definitions
3	Commencement
4	Establishment of Board
5	Board members
6	Vacancy in Board
7	Chairperson of Board
8	Quorum
9	Board may make regulations
10	Secretary
11	Meetings of Board
12	Special meeting of Board
13	Adjournment of meeting
14	Notice of motion to rescind or amend resolution etc
15	Minutes
16	Qualifications for admission
17	Admission of person with approved degree in law
18	Solicitors' Board examinations
19	Eligibility for examinations
20	Who articles of clerkship may be served with

SCHEDULE (continued)

- 21 Abridgment of period of service under articles of clerkship
- 22 Articles of clerkship to be continuous
- 23 Articled clerk may perform service with town agent
- 24 Period of service on death of master
- 25 Service in defence force may be included in period of articles
- 26 Service of clerk articled to Crown Solicitor etc.
- 27 Service of clerk articled to former Deputy Crown Solicitor
- 28 Articles of clerkship entered into with Crown Solicitor etc
- 29 Board's consent to be obtained before entering into articles
- 30 Application for consent to enter into articles
- 31 Board may consent to articles
- 32 Solicitor etc may only have 2 clerks
- 33 Transfer or assignment of articles
- 34 Articles and assignment of articles to be registered
- 35 Inquiry into allegations about person
- 36 Service as Judge's associate or clerk
- 37 Board may abridge period of service
- 38 Service in defence force may be included in service
- 39 Application to Board about service as Judge's associate or clerk
- 40 Application to Board about service as managing clerk
- 41 Service as managing clerk in solicitors' firm
- 42 Service to be continuous other than with Board's approval
- 67 Admission to practise

SCHEDULE (continued)

- 68 Application for admission
- 69 Board may issue certificate of compliance with rules
- 70 Inquiry into allegations about person
- 71 Barrister-at-law admitted as solicitor
- 72 Applicant for admission to attend Court etc
- 73 Seniority of solicitors
- 73A General power of Board
- 73B Board may refer allegations to Court
- 73C Board may require evidence to be given on oath
- 73D Specific powers of Board
- 73E Board to be constituted by 3 or more members
- 74 Admission of persons admitted as solicitors in other jurisdictions
- 75 Application for admission
- 76 Admission to be conditional
- 87 Fee to be paid to secretary
- 89 Admission fee
- 90 Refund of admission fee
- 92 Appeal against Board's decision
- 93 How appeal to be made
- 94 Court or Board may extend or abridge time
- 95 Court may grant exemption
- 96 Board may apply to Court or Judge for advice
- 97 Publication of Board's determinations and decisions

ENDNOTES

1. Made by the Governor in Council on 7 December 1995.
2. Notified in the gazette on 8 December 1995.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.