UNIFORM ADMISSION RULES
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A. The rules are designed for the guidance of the Boards and other authorities administering the requirements for admission to practise in each jurisdiction and are recommended for adoption in each jurisdiction.

"Admitting authority" in these rules means the authority which in each jurisdiction has the duty to determine matters dealt with in these rules under the laws in force in that jurisdiction.

B. Admission of Local Applicants

1. A local applicant may be admitted to practise as a barrister and/or solicitor if he or she satisfied the admitting authority that the applicant:-

(a) is of good fame and character, and a fit and proper person to be admitted to practise;

(b) has completed the academic requirements for admission; and

(c) has complied with the practical requirements for admission.

2. A "local applicant" means a person applying for admission on the basis of academic and practical qualifications obtained in Australia.

3. The academic requirements for admission are:

(a) the completion of a tertiary academic course in Australia whether or not leading to a degree in law, which includes the equivalent of at least three years full-time study of law and which is recognised in at least one Australian jurisdiction as a sufficient academic qualification to practise law; and

(b) the completion of courses of study, whether as part of (a) or otherwise, which are recognised in at least one Australian jurisdiction for the purposes of academic qualifications to practise law as demonstrating understanding and competence in the following areas of knowledge:

- Criminal Law and Procedure;
- Torts;
- Contracts;
- Property both Real (including Torrens system land) and Personal;
- Equity (including Trusts);
- Administrative Law;
- Federal and State Constitutional Law;
- Civil Procedure;
- Evidence;
- Company Law;
- Professional Conduct (including basic trust accounting).
Appendix A sets out detailed descriptions of the areas of knowledge referred to in rule 3(b) which have been prepared for the guidance and assistance of admitting authorities.

4. The practical requirements for admission are the successful completion of -

(a) at least one year's articles of clerkship with a solicitor with whom articles may be served in the jurisdiction where admission is sought; or

(b) a practical legal skills training course in Australia which is recognised as satisfying the requirement for practical training and experience in legal skills for admission in the jurisdiction in which admission is sought; or

(c) a combination of a period of articles of clerkship and a practical legal skills course, which combination is recognised in the jurisdiction in which admission is sought as satisfying the requirement for practical training and experience in legal skills.

5. An admitting authority may grant such exemption as it considers proper from the requirements of 4, for applicants who -

(a) have had relevant experience in the practice of law in Australia to an extent which satisfied the admitting authority that such exemption should be granted; and

(b) without limiting the generality of the foregoing, have served as associates or clerks to judges.

C. Admission of New Zealand Practitioners

6. A person who has been admitted to practise in New Zealand for at least five years on the basis of New Zealand qualifications and has practised law in New Zealand for the five years preceding an application for admission, may be admitted to practice on condition that he or she satisfied the admitting authority, by affidavit, and in the case of 6.(b)(i) by annexing to an affidavit the written certificates there referred to, of the following:

(a) (i) that the applicant was admitted to practise in New Zealand and is currently entitled to practise there; and

(ii) that any condition placed on the applicant's admission by the Courts of New Zealand has been satisfied; and

(b) (i) that two persons presently on the roll of practitioners either in New Zealand or in the Australian jurisdiction to which application is made, have furnished written certificates stating that the applicant is of good fame and character and a fit and proper person to be admitted to the Australian jurisdiction;

(ii) that the applicant has not at any time been struck off the roll in New Zealand and is not presently subject to disciplinary enquiry or proceedings; and

(iii) either that the applicant has not been charged with any criminal offence or that the outcome of any such charge is disclosed.
7. A person who has been admitted to practice in New Zealand on the basis of New Zealand qualifications for admission but has been so admitted for less than five years or who has not practised law in New Zealand for the five years preceding an application for admission, may apply for a direction as to what additional requirements he or she must comply with. An applicant for such a direction must

(a) file an affidavit -

(i) stating the nature and details of the applicant's academic qualifications and practical experience;

(ii) providing evidence that the applicant has the academic qualifications relied on;

(iii) giving details of the applicant's admission in New Zealand;

(iv) stating that the applicant is currently entitled to practice in New Zealand, has not at any stage been struck off the roll of practitioners in New Zealand and is not presently subject to disciplinary enquiry or proceedings;

(v) describing the nature, range and character of the applicant's practice in New Zealand; and

(vi) stating whether the applicant has applied for admission in any other Australian jurisdiction and the result of any such application.

(b) File an affidavit from at least one person presently on the role of practitioners either in New Zealand or in Australia, with whom the applicant has been associated in practice, attesting that the applicant is of good fame and character and stating that the applicant is a fit and proper person to be admitted to practise in an Australian jurisdiction;

8. (a) The admitting authority must consider any application under 7. and direct what academic requirements must be complied with by the applicant. It must direct that the applicant undertake and complete such practical training and obtain such practical experience as it considers will put the applicant in a substantially similar position to a person who fulfills the requirements of 3. and 4.

(b) In later applying for admission, the applicant must file an affidavit -

(i) providing evidence of compliance with any directions given by the admitting authority in relation to academic qualifications and practical requirements;

(ii) stating that the applicant has not been charged with a criminal offence, or disclosing any such charge and its results;

(iii) disclosing any other matter bearing adversely on the applicant's fitness or propriety to be admitted to practice.

(c) In later applying for admission the applicant must also file either -
an affidavit from the applicant's principal, setting out
details of the period of articles, the nature of the
applicant's service and absences on leave and a
statement as to the applicant's fitness and propriety to be
admitted; or

(iii) a certificate of satisfactory completion of the practical
training course in the Australian jurisdiction; or

(iii) a statement from the practitioner with whom the
applicant has been employed pursuant to a direction given
under B(a) setting out the details, nature of service and
absences on leave of the applicant and a statement as to
the applicant's fitness and propriety to be admitted to
practise in the Australian jurisdiction.

9. An applicant who is a New Zealand practitioner and who has complied with the
requirements either of 3. or of 7. and 8. may be admitted to practise as if the
applicant complied with the requirements of 1.

D. Other Overseas Applicants

10. A person who holds a qualification obtained outside Australia which is
recognised as qualifying him or her to be admitted to practise in an overseas
jurisdiction but who is not admitted to practise in that jurisdiction may apply for
a direction as to what academic requirements must be complied with. An
applicant for such a direction shall file an affidavit setting out the dates, nature
and details of the applicant's academic qualifications and any practical
qualifications on which the applicant relies, and providing evidence that the
applicant has those qualifications.

11. The admitting authority must consider the application and direct what academic
requirements must be complied with and within what time such an applicant
must comply with the practical requirements for admission in rule 4.

12. A person who holds a qualification obtained outside Australia which is
recognised as qualifying him or her to be admitted to practise in an overseas
jurisdiction, and who is admitted to practise in that jurisdiction, may apply for a
direction as to what academic and practical requirements must be complied with.
The applicant must file with the application an affidavit:

(a) stating the nature and details of the applicant's academic qualifications
and practical experience;

(b) providing evidence that the applicant has the academic qualifications
relies on;

(c) giving details of the applicant's admission in the overseas jurisdiction;

(d) stating that the applicant is currently entitled to practise in that overseas
jurisdiction, has not, at any stage, been struck off the roll of practitioners
in that jurisdiction and is not presently subject to disciplinary enquiry or
proceedings;

(e) describing the nature, range and character of the applicant's practice in
the overseas jurisdiction;
(f) stating whether the applicant has applied for admission in any other
Australian jurisdiction and the result of any such application.

The applicant must also file an affidavit from at least one person presently on the
roll of practitioners either in New Zealand or in Australia, with whom the
applicant has been associated in practice, attesting to that person's fame and
caracter and stating whether the person is a fit and proper person to be
admitted to practise in the Australian jurisdiction.

13. The admitting authority must consider the application and direct what academic
requirements must be complied with and within what time by the applicant. It
must direct that the applicant undertake and complete such practical training and
obtain such practical experience as it considers will put the applicant in a
substantially similar position to a person who fulfills the requirements of 3. and 4.

14. An overseas applicant for admission must file an affidavit -
(a) providing evidence of compliance with any directions given by the
admitting authority in relation to academic qualifications and practical
requirements;
(b) stating that the applicant has not been charged with a criminal offence,
or disclosing any such charge and its results;
(c) disclosing any other matter bearing on the applicant's fitness or propriety
to be admitted to practise.

15. The applicant must also file such of the following as are applicable -
(a) an affidavit from the applicant's principal, setting out details of the period
of articles, the nature of the applicant's service and absences on leave
and a statement as to the applicant's fitness and propriety to be
admitted;
(b) a certificate of satisfactory completion of the practical training course in
that jurisdiction;
(c) a statement from the practitioner with whom the applicant has been
employed pursuant to a direction given under (13) setting out the details,
nature of service and absences on leave of the applicant and a statement
as to the applicant's fitness and propriety to be admitted to practise in
that jurisdiction.

16. The applicant must also file two certificates from persons presently on the roll of
practitioners in the Australian jurisdiction stating that the applicant is of good
fame and character and a fit and proper person to be admitted to practise.

17. If the applicant's native language is not English the applicant must satisfy the
admitting authority that he or she has a sufficient knowledge of written and
spoken English to practice in Australia.

18. An overseas applicant who has complied with the requirements of these rules
may be admitted to practise as if the applicant complied with the
requirements of 1.
Notes

1. It is recommended that consideration should be given to the establishment of a National Appraisal Committee -

   (a) to assess whether Australian law courses comply with the courses of study specified in rule 3.(b) and to achieve the objectives of rule 4, and to review from time to time the prescribed areas of study;

   (b) to assess and make recommendations upon the additional qualifications required of each overseas applicant for admission in Australia; and

   (c) to develop, administer and report on the results of an English language test for overseas applicants.

2. The members of the Consultative Committee will work together to develop uniform requirements for practical legal training for admission which, when and if adopted by the admitting authorities, will be applied in substitution for or modification of Rule 4 as the situation requires.

3. These rules have been prepared on the assumptions that in each set of rules there will both be an exempting rule and rules regulating mechanical matters such as filing of affidavits which will be much the same from jurisdiction to jurisdiction.
Appendix A sets out detailed descriptions of the areas of knowledge referred to in rule 3(b) which have been prepared for the guidance and assistance of admitting authorities.

Although the topics below 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 mentioned in the heading rather than in another suitable subject.

CRIMINAL LAW AND PROCEDURE

1. The definition of crime.
2. Elements of crime.
3. Alma 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 such breadth and depth as to satisfy the following guidelines:

The topics should provide knowledge of the general doctrines of the criminal law and particular examination of both offences against the person and against 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.
5. Compensation schemes.

OR

topics of such breadth and depth as to satisfy the following guideline:

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 and compensation schemes.

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

OR

topics of such breadth and depth as to satisfy the following guideline:

Some variation may be expected in the breadth and detail of the topics. In general, however, knowledge of the formal requirements for concluding 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 (ie fragmentation) of proprietary interests.
4. Creation and enforceability of proprietary interests.
5. Legal and equitable remedies.
7. Acquisition and disposal of proprietary interests.
8. Concurrent ownership.
10. Mortgages.

OR

topics of such breadth and depth as to satisfy the following guidelines:

The topics should include 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, eg fixtures, concurrent interests and more detailed treatment of such matters as sale of land, leases, mortgages, easements, restrictive covenants, etc.

EQUITY

1. (a) The nature of equity;
   (b) Equitable rights, titles and interests;
   (c) Equitable assignments;
   (d) Estoppel in equity;
   (e) Fiduciary obligations;
   (f) Unconscionable transactions;
   (g) Equitable remedies.

2. 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 such breadth and depth as 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 trust law should be dealt with: various kinds of trusts; the rights, duties, powers of trustees; the consequences of breach of trust, apart from trusts, the following equitable doctrines might be covered, for example, fiduciary obligations, equitable assignments, unconscionability and the 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. The incorporation process.
3. The 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 such breadth and depth as to satisfy the following guidelines:

The topics should include an analysis of incorporation and its effects, management and control of a company, the various methods of financing - by the issue of shares and by debt, and 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 level.
4. Grounds of judicial review.
5. Remedies.
7. Administrative Appeals Tribunal.
8. Statutory review.

OR

topics of such breadth and depth as 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 statutory regimes.

**FEDERAL AND STATE CONSTITUTIONAL LAW**

1. State 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 such breadth and depth as 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 relations 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.
7. Disposition without trial, including the compromise of litigation.
8. Extra-judicial determination of issues arising in the course of litigation.
10. Appeal.
11. Enforcement.

OR
topics of such breadth and depth as to satisfy the following guideline:

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

**EVIDENCE**

1. Introduction.
2. Competence and compellability.
3. Privilege.
4. The examination of witnesses.
5. Disposition and character.
7. The accused as a witness.
10. Opinion evidence and prior determination.
11. 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.
15. Corroboration.

**OR**

topics of such breadth and depth as to satisfy the following guideline:

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.

**PROFESSIONAL CONDUCT** (Including basic Trust Accounting)

Professional and personal conduct in respect of practitioners' duty:

(a) to the law;
(b) to the Courts;

(c) to clients, including a basic knowledge of the principles of trust accounting; and

(d) to fellow 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 practitioner's duty to the law, the Courts, clients and fellow practitioners and a basic knowledge of the principles of trust accounting.

The aims of the trust account segment of Professional Conduct are:

. to impart an understanding of the legal requirements on solicitors for dealing with trust property;

. to help students obtain a level of competence in, and understanding of, the recording requirements for trust accounts and other trust dealings.

Areas covered should include:

. Provisions of the relevant State or Territory legislation governing the legal profession which relate to the handling of trust money and other trust property;

. Legislative provisions which enable the proper identification of trust moneys;

. The ramifications of breach of trust;

. An overview of trust accounting systems;

. Methods of maintaining trust account records. This includes class exercises in recording of receipts, payments and direct payments of trust moneys and of investments (including mortgage investments) by solicitors on behalf of their clients;

. A detailed study of any relevant legislation, regulations or rules relating to trust accounting.