

Version No. 004
Legal Practice (Admission) Rules 1999
S.R. No. 144/1999

Version incorporating amendments as at 14 March 2008

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The Council of Legal Education makes the following Rules:

PART 1—PRELIMINARY

1.01 Objectives

The objectives of these Rules are—

- (a) to provide for courses of study and other qualifications required for admission to the legal profession in Victoria; and

Rule 1.01(a)
amended by
S.R. No.
149/2005
rule 5(1).

- (b) to provide for service under articles.

1.02 Authorising provision

These Rules are made under section 337 of the **Legal Practice Act 1996**.

1.03 Commencement

These Rules come into operation on 1 January 2000.

1.04 Revocation

The Rules set out in Schedule 1 are **revoked**¹.

1.05 Definitions

- (1) In these Rules—

acceptable deponent, in relation to an applicant for admission, means a person (other than a person with whom the applicant has served under articles or served as a clerk) who—

Rule 1.05(1)
def. of
*acceptable
deponent*
inserted by
S.R. No.
20/2003
rule 5(1).

r. 1.05

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- (a) is described in section 107A of the **Evidence Act 1958** and who has known the applicant for not less than 12 months; or
 - (b) is or was employed at a recognised secondary or tertiary teaching institution and by whom the applicant has been taught for not less than the equivalent of one year of tertiary studies or one of the two final years of secondary studies;

accredited PLT provider means Leo Cussen Institute or any other institution accredited by the Council as the provider of practical legal training under rule 3.01;

approved institution means the University of Melbourne, Monash University, La Trobe University, Deakin University or an institution designated by the Council under subrule (3)(a);

admission means admission by the Supreme Court under the **Legal Profession Act 2004** as a lawyer;

articles means articles of clerkship entered into or served under these Rules;

Rule 1.05(1)
def. of
admission
substituted by
S.R. No.
149/2005
rule 5(2)(a).

Rule 1.05(1)
def. of
**barrister and
solicitor**
repealed by
S.R. No.
149/2005
rule 5(2)(b).

* * * * *

Commonwealth Government Office means an office listed in Schedule 2 or an office designated by the Council under subrule (3)(b);

eligible legal practitioner means an Australian legal practitioner—

- (a) whose practising certificate authorises him or her—
 - (i) to receive trust money; and
 - (ii) to engage in legal practice as a principal of a law practice (other than a multi-disciplinary partnership or a community legal centre); and
- (b) who is not a barrister;

employee practitioner means an Australian legal practitioner whose practising certificate authorises him or her to engage in legal practice as an employee of a law practice;

Faculty of Law means the faculty of law (by whatever name called) of an approved institution;

Law Degree means the degree of Bachelor of Laws, or equivalent qualification, conferred by an approved institution;

Leo Cussen Institute means Leo Cussen Institute established by the **Leo Cussen Institute Act 1972**;

Rule 1.05(1)
def. of
*eligible legal
practitioner*
substituted by
S.R. No.
149/2005
rule 5(2)(c).

Rule 1.05(1)
def. of
*employee
practitioner*
substituted by
S.R. No.
149/2005
rule 5(2)(d).

r. 1.05

Rule 1.05(1)
def. of
local applicant
amended by
S.R. No.
149/2005
rule 5(2)
(e)(i)(ii).

local applicant means a person—

- (a) who has not previously been admitted to the legal profession in any jurisdiction in Australia; and
- (b) who wishes to be admitted on the basis of academic qualifications and practical legal training obtained in Australia;

mutual recognition legislation means—

- (a) in the case of an interstate practitioner, the Mutual Recognition Act 1992 of the Commonwealth as adopted under section 4 of the **Mutual Recognition (Victoria) Act 1998**;
- (b) in the case of a New Zealand practitioner, the Trans-Tasman Mutual Recognition Act 1997 of the Commonwealth as adopted under section 4 of the **Trans-Tasman Mutual Recognition (Victoria) Act 1998**;

New Zealand practitioner means a person who is admitted and, at the time of application for admission under these Rules, is entitled to or eligible to practise as a legal practitioner in New Zealand;

overseas practitioner means a person who is admitted and, at the time of application for admission under these Rules, is entitled to or eligible to practise as a legal practitioner in a place outside Australia;

Principal means an eligible legal practitioner or other person with whom articles are being served in accordance with Division 2 of Part 3;

private practice means the practice of law as—

- (a) an eligible legal practitioner (other than an incorporated practitioner); or
- (b) a director of an incorporated practitioner; or
- (c) an employee practitioner (other than an employee of a legal practitioner in practice solely or predominantly as a barrister);

qualified overseas applicant means a person (other than an overseas practitioner)—

- (a) who has not previously been admitted to the legal profession in any jurisdiction; and
- (b) who wishes to be admitted on the basis of academic qualifications and practical legal training obtained wholly or principally outside Australia;

Rule 1.05(1)
def. of
qualified overseas applicant
amended by
S.R. No.
149/2005
rule 5(2)
(f)(i)(ii).

recognised secondary or tertiary teaching institution means—

- (a) a State school under the **Education Act 1958**; or
- (b) a school registered under Part III of the **Education Act 1958**; or
- (c) a TAFE college or university under the **Tertiary Education Act 1993**; or
- (d) an institution in another State or a Territory that provides education at the secondary or tertiary level; or
- (e) an institution that is approved by the Board of Examiners under subrule (4);

Rule 1.05(1)
def. of
recognised secondary or tertiary teaching institution
inserted by
S.R. No.
20/2003
rule 5(1).

Victorian Government Office means an office listed in Schedule 3 or an office designated by the Council under subrule (3)(c).

- (2) A reference in the definitions of ***New Zealand practitioner*** and ***overseas practitioner*** to a practitioner who is eligible to practice in New Zealand or in a place outside Australia includes a practitioner who does not have a current practising certificate in New Zealand or that place (as the case requires) but who would be entitled to obtain a certificate as a matter of course after applying for a certificate and paying the required fee.
- (3) For the purposes of these Rules, the Council may designate—
- (a) an institution in Victoria to be an approved institution;
 - (b) an office (including an office of a corporation established by the Commonwealth) to be a Commonwealth Government Office;
 - (c) an office (including an office of a corporation established by the State of Victoria) to be a Victorian Government Office.
- (4) For the purposes of these Rules, the Board of Examiners may approve an institution (whether in or outside Victoria) that provides education at the secondary or tertiary level to be a recognised secondary or tertiary teaching institution.

Rule 1.05(4)
inserted by
S.R. No.
20/2003
rule 5(2).

**PART 2—APPROVED ACADEMIC QUALIFICATIONS FOR
ADMISSION**

Pt 2 (Heading)
substituted by
S.R. No.
149/2005
rule 6(1)(a).

2.01 Approved academic qualifications

Rule 2.01
(Heading)
inserted by
S.R. No.
149/2005
rule 6(1)(b).

(1) The academic qualifications that are approved for admission in Victoria are—

Rule 2.01
amended by
S.R. No.
149/2005
rule 6(1)(c)(i)
(2) (ILA
s. 39B(2)).

(a) a Law Degree or a tertiary qualification obtained in Australia which includes the equivalent of at least 3 years full-time study of law and which is recognised in at least one Australian jurisdiction as satisfying the academic qualification requirements for admission in that jurisdiction; and

Rule 2.01(a)
amended by
S.R. No.
149/2005
rule 6(1)(c)(ii).

(b) successful completion of courses of study, whether as part of obtaining the qualification referred to in paragraph (a) or otherwise, which are recognised in at least one Australian jurisdiction as satisfying the academic qualification requirements for admission in that jurisdiction and which demonstrate an understanding of and competence in the following areas of knowledge—

Rule 2.01(b)
amended by
S.R. No.
149/2005
rule 6(1)(c)(ii).

- (i) criminal law and procedure;
- (ii) torts;
- (iii) contracts;
- (iv) property both real (including Torrens system land) and personal;

r. 2.02

- (v) equity (including trusts);
- (vi) administrative law;
- (vii) Federal and State constitutional law;
- (viii) civil procedure;
- (ix) evidence;
- (x) professional conduct (including basic trust accounting);
- (xi) company law.

Rule 2.01(2)
inserted by
S.R. No.
149/2005
rule 6(2).

- (2) The Board of Examiners may determine that an applicant is not required to satisfy the requirements specified in subrule (1)(b) if the Board of Examiners is satisfied that the applicant has an understanding of and competence in the areas of knowledge specified in that subrule.

2.02 Recognised courses

Rule 2.02(1)
amended by
S.R. No.
149/2005
rule 6(3)(a).

- (1) The courses of study for obtaining a Law Degree are recognised in Victoria as satisfying the approved academic qualifications for admission under rule 2.01(a).

Rule 2.02(2)
amended by
S.R. No.
149/2005
rule 6(3)(a).

- (2) The courses of study recognised in Victoria as satisfying the approved academic qualifications for admission under rule 2.01(b) are courses of study incorporating subjects endorsed by the Council under rule 2.03 as providing understanding of and competence in the areas of knowledge specified in rule 2.01(b).

2.03 Endorsement of subjects

- (1) The Council may endorse any subject in a course of study at an approved institution or any other institution as providing understanding of and competence in an area of knowledge specified in rule 2.01(b).

- (2) The Council may specify or vary the topics which it will treat as necessary parts of an area of knowledge specified in rule 2.01(b).
 - (3) The Council may at any time withdraw its endorsement of a subject.
 - (4) The Council must give written notice to an institution referred to in subrule (1) of—
 - (a) subjects in a course of study endorsed by the Council;
 - (b) any specification or variation of the topics the Council will treat as part of an area of knowledge specified in rule 2.01(b);
 - (c) withdrawal of endorsement of a subject.
 - (5) If a person commences a course of study incorporating a subject endorsed by the Council and satisfactorily completes the subject, the person is to be treated as having completed an endorsed subject despite withdrawal of endorsement after the person commenced the subject.
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**PART 3—PRACTICAL LEGAL TRAINING REQUIREMENTS
FOR ADMISSION**

Division 1—Practical legal training

3.01 Practical legal training

Rule 3.01(1)
amended by
S.R. No.
149/2005
rule 6(3)(b).

- (1) The practical legal training requirements for admission in Victoria to be completed after obtaining an academic qualification referred to in rule 2.01(a) are—
 - (a) either—
 - (i) service under articles in accordance with Division 2 for a period of at least one year; or
 - (ii) completion, in accordance with these Rules, of a course of practical legal training at an accredited PLT provider for a period of at least 6 months (including holidays) or any other period the Council may approve, and the issue of a certificate by the accredited PLT provider that the person has completed the course to the satisfaction of the provider; and
 - (b) completion, to the satisfaction of the Council and in accordance with any procedures determined by the Council, of any other practical legal training requirements determined by the Council under rule 3.02.
- (2) The Council may accredit any institution as an accredited PLT provider for the purposes of these Rules.

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- (3) The Council may—
- (a) withdraw accreditation of any accredited PLT provider; or
 - (b) impose any conditions that the Council considers appropriate on an accreditation; or
 - (c) vary any conditions imposed under paragraph (b).
- (4) The Council must give written notice to an institution referred to in subrule (2) of—
- (a) accreditation of the institution as an accredited PLT provider, any conditions on accreditation and any variation of those conditions;
 - (b) withdrawal of accreditation.

3.02 Determination of areas of practice

- (1) The Council may determine an area of practice to be a practical legal training requirement for the purposes of rule 3.01(1)(b).
- (2) Without limiting the Council's discretion as to determination of areas of practice under this rule, the Council may determine any one or more of the following areas of practice as practical legal training requirements—
 - (a) ethics and professional responsibility;
 - (b) work management;
 - (c) legal writing and drafting;
 - (d) interviewing and communication skills;
 - (e) negotiation and dispute resolution;
 - (f) legal analysis and research;
 - (g) advocacy.

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- (3) For the purposes of this rule, an area of practice may constitute or be relevant to any professional, ethical or business skill or practice or to any area of practice or procedure relating to a substantive area of law that the Council considers appropriate.
 - (4) The Council may specify or vary topics which it will treat as necessary parts of an area of practice.
 - (5) The Council must give written notice to an accredited PLT provider of—
 - (a) areas of practice determined by the Council to be a practical legal training requirement for the purposes of rule 3.01(1)(b);
 - (b) any specification or variation of topics the Council will treat as part of an area of practice.

3.03 Endorsement of courses of instruction

- (1) The Council may endorse any course of instruction (including, without limitation, any computer based course of instruction) in an area of practice determined under rule 3.02 and may approve any institution, firm or person as the provider of the course of instruction.
 - (2) The Council may—
 - (a) withdraw any endorsement of a course of instruction or approval of an institution, firm or person; or
 - (b) impose any conditions that the Council considers appropriate on an endorsement or approval; or
 - (c) vary any conditions imposed under paragraph (b).
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- (3) The Council must give written notice to an institution, firm or person referred to in subrule (1) of—
- (a) endorsement of a course of instruction or approval of the institution, firm or person, any conditions on endorsement or approval and any variation of those conditions;
 - (b) withdrawal of endorsement or approval.
- (4) If a person commences a course of instruction endorsed by the Council and satisfactorily completes the course, the person is to be treated as having completed an endorsed course despite withdrawal of endorsement or withdrawal of approval of the provider of the course after the person commenced the course.

3.04 Eligibility to undertake practical legal training

A person is eligible to undertake a course of practical legal training conducted by an accredited PLT provider for the purposes of these Rules if the person has obtained—

- (a) a Law Degree; or
- (b) other tertiary qualifications in law which the accredited PLT provider considers to be sufficient to enable the person to undertake the course.

3.05 Employment during training

- (1) Unless the Council determines otherwise (either generally, in the case of a particular accredited PLT provider, or in respect of a particular person), a person undertaking a course of practical legal training for the purposes of these Rules must not be engaged in any work (paid or unpaid) in any trade, business, occupation, employment or in a course of study at any time during the course

unless the person obtains the approval of the accredited PLT provider.

- (2) The accredited PLT provider may impose any terms and conditions it thinks fit on an approval under subrule (1).
- (3) If the accredited PLT provider imposes any terms and conditions on an approval and the person undertaking the course of practical legal training engages in work in any trade, business, occupation, employment or in a course of study, the person must satisfy the Board of Examiners before admission that the person has fulfilled the terms and conditions imposed.

3.06 Leave of absence during training

Unless the Council determines otherwise (either generally, in the case of a particular accredited PLT provider, or in respect of a particular person), a person undertaking a course of practical legal training for the purposes of these Rules must not be absent (other than because of illness) from the course without prior leave of the accredited PLT provider.

Division 2—Service under articles

3.07 Dispensation from service under articles

The Board of Examiners may grant dispensation from service under articles by a person if the person has—

- (a) completed a period of 8 years service in any one or more of—
 - (i) the offices in Victoria of the Supreme Court, County Court or Magistrates' Court; or

- (ii) the offices of any of the High Court of Australia, Industrial Relations Court of Australia, Federal Court of Bankruptcy, Federal Court of Australia, Family Court of Australia or other court determined by the Council; or
 - (iii) a Commonwealth Government Office or a Victorian Government Office; and
- (b) during the last 4 years of the period referred to in paragraph (a) has served for at least 12 months in a Commonwealth Government Office, the office of the Attorney-General of Victoria, Solicitor-General of Victoria, Victorian Government Solicitor, Solicitor for the Public Transport Corporation or other Victorian Government Office determined by the Council; and
- (c) obtains a certificate from the Law Institute or the Victorian Bar that the Law Institute or the Victorian Bar (as the case requires) is satisfied that during the last 4 years of the period referred to in paragraph (a) the person's duties and the work performed by the person have been such as to require a knowledge of the law and to give a training in the practice of the law which may reasonably be accepted in place of service under articles.

Rule 3.07(c)
amended by
S.R. No.
149/2005
rule 7.

3.08 Where articles are to be served

- (1) Articles for the purpose of these Rules may be served in Victoria or, with the approval of the Board of Examiners, in any other State or Territory of Australia or New Zealand or other overseas jurisdiction.

r. 3.09

- (2) The Board of Examiners may give its approval under subrule (1) subject to any conditions it thinks fit and any approval may be given on the basis that it extends to any period served prior to the time of application to the Board for its approval.

3.09 Persons with whom articles are to be served

- (1) Unless the Board of Examiners otherwise determines, articles served in Victoria must be served with a person who, for the whole period of the articles—
- (a) is an eligible legal practitioner who meets the requirements of rule 3.11(1); or
 - (b) is a person referred to in subrule (3); or
 - (c) is a person approved by the Council under rule 3.10 who is engaged in legal practice in Victoria.
- (2) Articles served in a jurisdiction outside Victoria must be served with a person who—
- (a) is an Australian legal practitioner; and
 - (b) is entitled to engage in legal practice in that jurisdiction as a principal of a law practice (other than a multi-disciplinary partnership or a community legal centre).
- (3) Subject to rule 3.11(3), articles may be served with—
- (a) the Victorian Government Solicitor; or
 - (b) the Solicitor for Public Prosecutions in Victoria; or
 - (c) an Australian lawyer who is designated by the Australian Government Solicitor as a senior executive who may act as a Principal; or

Rule 3.09(2)
substituted by
S.R. No.
149/2005
rule 8(1).

Rule 3.09(3)(c)
amended by
S.R. No.
149/2005
rule 8(2).

- (d) an Australian lawyer who holds a position approved by the Council in any Commonwealth Government Office or Victorian Government Office approved by the Council.

Rule 3.09(3)(d)
amended by
S.R. No.
149/2005
rule 8(2).

3.10 Approval of articles with other practitioners

- (1) A corporate practitioner², or other legal practitioner who is not otherwise entitled under these Rules to enter into articles as Principal under the articles, may apply to the Council for a direction that, or as to the extent to which, the qualifications, experience and practice of the practitioner may be regarded as sufficient to permit articles to be served with the practitioner.
- (2) An application under subrule (1) must be accompanied by an affidavit setting out particulars of—
- (a) the course or courses of legal study undertaken or completed by the practitioner; and
 - (b) the practitioner's experience of legal practice within and outside Victoria; and
 - (c) the experience in legal practice which it is expected an articulated clerk serving with the practitioner would obtain; and
 - (d) the range of legal practice to which an articulated clerk serving with the practitioner would be exposed; and
 - (e) the intended plan of training for the articulated clerk.

r. 3.11

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- (3) The Council may make any further inquiries it thinks fit in relation to an application under this rule as to—
- (a) the nature and adequacy of the practitioner's qualifications and experience in legal practice; and
 - (b) the nature and extent of the experience in legal practice likely to be obtained by any articled clerk serving with the practitioner; and
 - (c) the range of legal practice to which an articled clerk serving with the practitioner would be exposed.
- (4) Without limiting the Council's discretion in relation to an application under this rule, the Council may assess the application against the experience which an articled clerk would be expected to obtain and the range of legal practice to which an articled clerk would be expected to be exposed under articles served with an eligible legal practitioner.
- (5) A practitioner approved by the Council under this rule must not, except with the approval of the Board of Examiners, engage more than one articled clerk at any one time.

3.11 Requirements of Principal

- (1) Except with the approval of the Board of Examiners, an eligible legal practitioner must not enter into articles in Victoria as Principal under the articles unless the practitioner has been in private practice for a continuous period of not less than 5 years, during at least 2 years of which the legal practitioner has been in practice as an eligible legal practitioner.

Rule 3.11(1)
amended by
S.R. No.
149/2005
rule 9(1).

- (2) Except with the approval of the Board of Examiners—
- (a) an eligible legal practitioner must not engage more than 2 articled clerks at any one time; and
 - (b) the partners of a law firm or directors of an incorporated legal practice must not engage more than the following number of articled clerks at any one time—
 - (i) 4 articled clerks in the case of a law firm of 2 Australian legal practitioners or an incorporated legal practice with 2 legal practitioner directors;
 - (ii) 5 articled clerks in the case of a law firm of 3 Australian legal practitioners or an incorporated legal practice with 3 legal practitioner directors;
 - (iii) 6 articled clerks in the case of a law firm of 4 Australian legal practitioners or an incorporated legal practice with 4 legal practitioner directors;
 - (iv) in the case of a law firm of 5 or more Australian legal practitioners or an incorporated legal practice with 5 or more legal practitioner directors— 6 articled clerks and an additional articled clerk for each member of the law firm or each legal practitioner director of the incorporated legal practice (as the case requires) in excess of 5.
- (3) Each of the persons referred to in rule 3.09(3) must not engage more than 8 (or any greater or lesser number that the Council may in any case determine) articled clerks at any one time.

Rule 3.11(2)
substituted by
S.R. No.
149/2005
rule 9(2).

r. 3.12

3.12 Temporary employment in office of another Australian legal practitioner

Rule 3.12(1)
amended by
S.R. No.
149/2005
rule 9(3).

- (1) An articled clerk may, with the consent of the Principal, be employed temporarily in the office of another Australian legal practitioner for the purpose of gaining additional experience for a period or periods not exceeding a total of 3 months (or any greater period approved by the Board of Examiners).

Rule 3.12(2)
amended by
S.R. No.
149/2005
rule 9(3).

- (2) The other Australian legal practitioner must be a person with whom articles might have been served by the clerk under rule 3.09, 3.10 or 3.11.

Rule 3.12(3)
amended by
S.R. No.
149/2005
rule 9(3).

- (3) Any period exceeding the total period of employment with another Australian legal practitioner permitted by this rule is not to be considered as service under articles for the purpose of these Rules.

Rule 3.12(4)
amended by
S.R. No.
149/2005
rule 9(3).

- (4) In the relevant articles, all references to service with the Principal include the employment with another Australian legal practitioner permitted by this rule.

3.13 Employment outside articles

Rule 3.13(1)
amended by
S.R. No.
149/2005
rule 9(3).

- (1) During service under articles an articled clerk must not be engaged in any work (paid or unpaid) in any trade, business, occupation, or employment other than employment with the Principal or with any other Australian legal practitioner in whose office the articled clerk is employed temporarily under these Rules—

Rule 3.13(1)(a)
amended by
S.R. No.
149/2005
rule 9(3).

- (a) during hours outside the ordinary hours of business of the office of the Principal or of the Australian legal practitioner in whose office the articled clerk is temporarily employed, unless the articled clerk obtains the consent in writing of the Principal or, if

the Principal refuses consent, the approval of the Board of Examiners; or

- (b) during the ordinary hours of business of the office of the Principal or of the Australian legal practitioner in whose office the articulated clerk is temporarily employed, unless the articulated clerk obtains the consent in writing of the Principal and the approval of the Board of Examiners.

Rule 3.13(1)(b)
amended by
S.R. No.
149/2005
rule 9(3).

- (2) For the purposes of these Rules, any person who serves articles with an Australian legal practitioner under these Rules is to be taken to be employed by the Australian legal practitioner.

Rule 3.13(2)
substituted by
S.R. No.
149/2005
rule 9(4).

3.14 Leave of absence

- (1) As part of the period of service under articles, each articulated clerk may be allowed leave of absence—
- (a) on all days that are public holidays under the **Public Holidays Act 1993**; and
- (b) for the purposes of study and attendance at examinations, not exceeding 4 days in respect of each subject (being a subject which must be successfully completed as a pre-requisite to admission) in which the articulated clerk undertakes the examination prescribed by the relevant institution; and
- (c) in case of illness or injury, not exceeding 7 days; and
- (d) in addition, 20 days (or, in the case of an articulated clerk who is normally required to attend a Principal's office on Saturdays, 23 days).

r. 3.15

- (2) For the purpose of calculating the periods referred to in subrule (1)(d), any day (other than a Saturday, Sunday or public holiday under the **Public Holidays Act 1993**) on which the Principal's office is not open for business is to be counted.
- (3) Subrule (1) is subject to any applicable award or law relating to leave of absence.

Rule 3.14(3)
inserted by
S.R. No.
149/2005
rule 10.

3.15 Completion of service

- (1) An articled clerk may serve under articles, or under supplementary articles, for any further period necessary to complete the full period of service required by these Rules if, in addition to the leave of absence allowed under rule 3.14, the articled clerk has been absent from service—
 - (a) on duty for any period as a member of any naval, military, air, civil, or other force or service raised or formed by or under the authority of any Government for or in connection with the defence of Australia; or
 - (b) in case of illness, for any period not exceeding 3 months in any year of service; or
 - (c) for any further period not exceeding 30 days in any year of service with the consent of the Principal; or
 - (d) any further period with the consent of the Principal and the Board of Examiners.
- (2) Articles may be assigned from one Principal to another and a clerk may enter into supplementary articles if—
 - (a) the parties to the articles consent to the assignment or supplementary articles; and

- (b) except in the case of supplementary articles entered into under subrule (1), the Board of Examiners approves the assignment or supplementary articles.
- (3) The Board of Examiners may impose any conditions it thinks fit on granting approval for the assignment of articles or supplementary articles, including the service of an additional period.
- (4) Supplementary articles must state that the original service under articles has been terminated by consent, death, or otherwise (as the case requires).

3.16 Articles to be in prescribed form

Articles must be in the form set out in Schedule 4 or in any other form approved by the Board of Examiners.

3.17 Information required by Board of Examiners

Within one month after entering into articles (including supplementary articles), each applicant must produce to the Board of Examiners the following as applicable to the applicant—

- (a) the articles; and
- (b) an affidavit of verification of the articles in the form set out in Schedule 5; and
- (c) evidence that the applicant has obtained an academic qualification as required by rule 2.01(a); and
- (d) any evidence the Board of Examiners may require that the period of service under articles is sufficient in the applicant's case under these Rules; and
- (e) any other information that the Board of Examiners requires.

Rule 3.17(c)
amended by
S.R. No.
149/2005
rule 11(1)(a).

3.18 Approval of articles by Board of Examiners

- (1) The Board of Examiners, after consideration of the articles, affidavit and any evidence and other information—
 - (a) must approve the articles if the Board is satisfied that—
 - (i) the Principal is able to provide the applicant with proper training; and
 - (ii) the Principal is qualified to enter into articles; and
 - (iii) the articles comply with these Rules and have been properly executed by the parties;
 - (b) may refuse to approve the articles if the Board is not satisfied of the matters in paragraph (a).
 - (2) If the Board is not satisfied that the articles comply with these Rules or have been properly executed, the Board may give leave to the applicant to withdraw and re-submit the articles, within the period specified by the Board, incorporating any amendments necessary for compliance with these Rules.
 - (3) If the Board gives leave under subrule (2), the Board may approve the amended articles, on production of them within the specified period, together with an affidavit verifying the making of amendments.
 - (4) If the Board of Examiners approves the amended articles under subrule (3), any service under the articles before approval is to be considered service under articles for the purpose of these Rules.
 - (5) If the Board approves articles, it must certify the approval in the manner it determines.
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3.19 Termination of articles

On the application of the Principal or articled clerk, the Board of Examiners may terminate existing articles if the Board is satisfied that—

- (a) the articled clerk has ceased substantially to derive any benefit under the articles; or
 - (b) the articled clerk is not receiving proper training; or
 - (c) for any other reason it is appropriate to terminate the articles.
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PART 4—QUALIFICATIONS FOR ADMISSION

Division 1—Local applicants

Rule 4.01
revoked by
S.R. No.
149/2005
rule 11(1)(b).

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4.02 Notice of intention to apply for admission

Not less than one month (or any lesser time determined by the Board of Examiners) before the appointed day of Supreme Court sittings in which a local applicant intends to apply for admission, the local applicant must—

- (a) serve on the Secretary of the Board of Examiners a notice of intention to apply to be admitted in the form set out in Schedule 6; and
- (b) post a copy of the notice in the Supreme Court as designated by the Board.

4.03 Documents in support of admission

- (1) Not less than 21 days (or any lesser time determined by the Board of Examiners) before the appointed day of Supreme Court sittings in which a local applicant intends to apply for admission, the applicant must lodge with the Secretary of the Board of Examiners—
 - (a) if service under articles by the applicant is required by these Rules, an affidavit by the applicant's Principal of service under articles in the form set out in Schedule 7; and

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- (b) an affidavit by the applicant in support of the application in the form set out in Schedule 8 to which is annexed as required—
- (i) a certificate that the applicant has obtained the academic qualifications required by rule 2.01(a) and graduated from the relevant tertiary institution; and
 - (ii) a certificate that the applicant has completed a course of study, including any subjects endorsed by the Council, in the manner required by these Rules; and
 - (iii) if the applicant has completed a course of practical legal training under these Rules, a certificate that the applicant has completed the course to the satisfaction of the accredited PLT provider; and
 - (iv) two affidavits as to character in the form set out in Schedule 9 each made by an acceptable deponent; and
 - (v) in the case of a person to whom rule 3.07 applies, the certificate required under that rule; and
- (c) any other affidavits, certificates and information required by the Board of Examiners.
- (2) If the Board of Examiners requires, a local applicant must cause any certificate and other document the Board may require, including any certificate referred to in subrule (1)(b), to be provided directly to the Secretary of the Board by the institution or authority which provides or issues the certificate or document.

Rule 4.03(1)
(b)(i)
amended by
S.R. No.
149/2005
rule 11(1)(c).

Rule 4.03
(1)(b)(iv)
substituted by
S.R. No.
20/2003
rule 6(a).

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- (3) A certificate or document required to be provided under subrule (2) must be sent to the Secretary of the Board of Examiners by certified mail or by any other means approved by the Board.

Division 2—Qualified overseas applicants

4.04 Qualifications for admission

- (1) The qualifications for admission in Victoria of a qualified overseas applicant are—
- (a) that the applicant holds qualifications recognised in a jurisdiction outside Australia as meeting the requirements for admission in that jurisdiction (other than any requirements which the Council is satisfied either are of a formal or procedural nature or constitute legal training requirements of a predominantly or solely practical nature); and
 - (b) that the applicant complies with any directions given by the Council under rule 4.15; and
 - (c) that the applicant is of good reputation and character and a fit and proper person to be admitted; and
 - (d) that the applicant has a sufficient knowledge of written and spoken English to engage in legal practice in Victoria.
- (2) The Board of Examiners may require an applicant to pass an examination specified by the Board for the purposes of subrule (1)(d).

4.05 Application for directions

- (1) A qualified overseas applicant must apply to the Council for directions under rule 4.15 as to the extent (if any) to which his or her existing qualifications may be regarded as sufficient qualifications for admission without completion of further academic qualifications and practical legal training requirements.
- (2) Unless the Council otherwise determines, an application under subrule (1) must be accompanied by an affidavit (exhibiting each relevant certificate)—
 - (a) stating the nature and details of the qualified overseas applicant's academic and other qualifications; and
 - (b) providing evidence that the applicant has the qualifications on which he or she relies and that the qualifications meet all the requirements for admission in the jurisdiction in which he or she obtained the qualifications (other than any requirements, of which the applicant must provide adequate detail, that either are of a formal or procedural nature or constitute legal training requirements of a predominantly or solely practical nature); and
 - (c) stating whether the applicant has applied for admission in any other Australian jurisdiction and the result of the application; and
 - (d) setting out any additional information the Council requests.

Rule 4.05(1)
amended by
S.R. No.
149/2005
rule 11(1)(d).

Rule 4.05(2)(a)
amended by
S.R. No.
149/2005
rule 11(1)(d).

4.06 Documents in support of admission

- (1) After receiving directions under rule 4.15 and not less than 3 months (or any lesser time determined by the Board of Examiners) before the appointed day of Supreme Court sittings in which a qualified overseas applicant intends to apply for admission, the applicant must—
 - (a) serve on the Secretary of the Board of Examiners notice of intention to apply to be admitted in the form set out in Schedule 6; and
 - (b) post a copy of the notice in the Supreme Court as designated by the Board.
 - (2) Not less than one month (or any lesser time determined by the Board of Examiners) before the appointed day of Supreme Court sittings at which a qualified overseas applicant intends to apply for admission, the applicant must lodge with the Secretary of the Board of Examiners—
 - (a) if the applicant has served under articles, an affidavit by the applicant's Principal of service under articles in the form set out in Schedule 7; and
 - (b) an affidavit by the applicant in support of the application in the form set out in Schedule 8 to which is annexed as required—
 - (i) certificates evidencing that the applicant has obtained a degree in law and any other qualifications on which the applicant relies; and
 - (ii) a certificate that the applicant has successfully completed the relevant courses of study under rule 2.01(b) in accordance with any requirements prescribed by these Rules in respect of the applicant; and
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- (iii) if the applicant has completed a course of practical legal training under these Rules, a certificate that the applicant has completed the course to the satisfaction of the accredited PLT provider; and
- (iv) two affidavits as to character in the form set out in Schedule 9 each made by an acceptable deponent; and
- (c) any other affidavits, certificates and information required by the Board of Examiners.

Rule 4.06
(2)(b)(iv)
substituted by
S.R. No.
20/2003
rule 6(b).

Division 3—Interstate and New Zealand practitioners

4.07 Mutual recognition admissions

- (1) If an interstate lawyer or a New Zealand practitioner notifies the Supreme Court that he or she seeks registration in Victoria as a local lawyer under the mutual recognition legislation, the prothonotary of the Supreme Court must provide to the Board of Examiners the notice and accompanying documents required to be lodged with the Court under that legislation.
- (2) The Board of Examiners may make any inquiries it thinks fit concerning any notification of registration under this Division.
- (3) The Board of Examiners must—
 - (a) if it is satisfied that the notice and accompanying documents provided under subrule (1) comply with the requirements of the mutual recognition legislation, issue a certificate in the form set out in Schedule 11 certifying that the interstate lawyer or New Zealand practitioner (as the case requires)

Rule 4.07(1)
amended by
S.R. No.
149/2005
rule 11(2)(a).

Rule 4.07(3)(a)
amended by
S.R. No.
149/2005
rule 11(2)(b).

- appears to be entitled to be admitted to the legal profession in Victoria; or
- (b) if it is not so satisfied, refer the notice and accompanying documents to the Supreme Court for determination in accordance with the mutual recognition legislation.

Division 4—Overseas practitioners

4.08 Qualifications for admission

- (1) The qualifications for admission in Victoria of an overseas practitioner are—
- (a) that the practitioner complies with any directions given by the Council under rule 4.15; and
- (b) that the practitioner is of good reputation and character and a fit and proper person to be admitted; and
- (c) that the practitioner has a sufficient knowledge of written and spoken English to engage in legal practice in Victoria.
- (2) The Board of Examiners may require an applicant to pass an examination specified by the Board for the purposes of subrule (1)(c).

4.09 Application for directions

- (1) An overseas practitioner must apply to the Council for directions under rule 4.15 as to the extent (if any) to which his or her existing qualifications may be regarded as sufficient qualifications for admission without completion of further academic qualifications and practical legal training requirements.

Rule 4.09(1)
amended by
S.R. No.
149/2005
rule 11(3)(a).

(2) Unless the Council otherwise determines, an application under subrule (1) must be accompanied by—

(a) an affidavit (exhibiting each relevant certificate)—

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

Rule 4.09(2)
(a)(i)
amended by
S.R. No.
149/2005
rule 11(3)(a).

(ii) providing evidence that the applicant has the academic qualifications on which he or she relies; and

Rule 4.09(2)
(a)(ii)
amended by
S.R. No.
149/2005
rule 11(3)(a).

(iii) giving details of the applicant's admission in the overseas jurisdiction on the basis of which he or she is seeking admission in Victoria; and

(iv) stating that any condition imposed on the applicant's admission by the admitting authority in the overseas jurisdiction has been satisfied; and

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

(vi) describing the nature, range and character of the applicant's practice in the overseas jurisdiction or elsewhere; and

r. 4.10

- (vii) stating whether the applicant has applied for admission in any other Australian jurisdiction and the result of the application; and
- (viii) stating either that the applicant has not been charged with a criminal offence in any country or disclosing the outcome of any such charge; and
- (ix) setting out any additional information the Council requests; and
- (b) an affidavit from at least one person, presently on the roll of practitioners in the overseas jurisdiction and with whom the applicant has been associated in practice—
 - (i) providing details of that association; and
 - (ii) attesting that the applicant is of good reputation and character.

Rule 4.09
(2)(b)(ii)
amended by
S.R. No.
20/2003
rule 7(a)(i).

Rule 4.09
(2)(b)(iii)
revoked by
S.R. No.
20/2003
rule 7(a)(ii).

* * * * *

4.10 Documents in support of admission

- (1) After receiving directions under rule 4.15 and not less than 3 months (or any lesser time determined by the Board of Examiners) before the appointed day of Supreme Court sittings in which an overseas practitioner intends to apply for admission, the overseas practitioner must—
 - (a) deliver to the Board of Examiners a statement in the form set out in Schedule 10; and

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- (b) deliver to the Board two affidavits as to character in the form set out in Schedule 9 each made by an acceptable deponent; and
- (c) serve on the Secretary of the Board notice of intention to apply to be admitted in the form set out in Schedule 6 and post a copy of the notice in the Supreme Court as designated by the Board; and
- (d) deliver to the Board any other affidavits, certificates and information required by the Board.
- (2) Not less than one month (or any lesser time determined by the Board of Examiners) before the appointed day of Supreme Court sittings in which an overseas practitioner intends to apply for admission, the overseas practitioner must lodge with the Secretary of the Board of Examiners—
- (a) an affidavit of qualifications in the form set out in Schedule 12; and
- (b) if the practitioner has completed a course of practical legal training under these Rules, a certificate that he or she has completed the course to the satisfaction of the accredited PLT provider; and
- (c) if the practitioner has completed a period of employment as a law clerk with an Australian legal practitioner in compliance with a direction given by the Council, an affidavit by the Australian legal practitioner in the form set out in Schedule 13.

Rule 4.10(1)(b)
substituted by
S.R. No.
20/2003
rule 7(b).

Rule 4.10(2)(c)
amended by
S.R. No.
149/2005
rule 11(3)(b)
(i)(ii).

r. 4.11

Division 5—Consideration of applications

4.11 Consideration of applications

- (1) The Board of Examiners must—
- (a) consider each application under this Part;
and
 - (b) give the applicant a certificate and recommendation in the form set out in Schedule 14 if it appears to the Board that the applicant is eligible for admission and is a fit and proper person to be admitted.
- (2) The Board of Examiners, before providing a certificate under subrule (1), may require an applicant—
- (a) to provide any further evidence that the Board thinks fit in relation to any matter relevant to the Board's consideration; or
 - (b) to appear in person before the Board.

Rule 4.11(1)(b)
substituted by
S.R. No.
149/2005
rule 11(3)(c).

Rule 4.12
revoked by
S.R. No.
149/2005
rule 11(3)(d).

* * * * *

4.13 Council or Board may make inquiries

The Council or the Board of Examiners may make any inquiries it thinks fit concerning any application under this Part, including inquiries in relation to—

- (a) in the case of an application by an overseas practitioner or a qualified overseas applicant, the system of jurisprudence of the overseas jurisdiction in which the applicant has been admitted or in which the applicant obtained the qualification that forms the basis on which the applicant seeks the Council's directions; and

- (b) the nature and adequacy of the applicant's academic qualifications, practical legal training and experience in the practice of law; and
- (c) the fitness of the applicant to be admitted in Victoria.

Rule 4.13(b)
amended by
S.R. No.
149/2005
rule 11(3)(e).

4.14 Council or Board may act on advice of others

- (1) If it thinks fit, the Council or the Board of Examiners may act in respect of the matters referred to in rule 4.13—
 - (a) on the written advice of the Attorney-General, the Solicitor-General or the dean of a Faculty of Law; or
 - (b) on the report of a committee appointed by the Council.
- (2) In deciding whether any subject completed anywhere by any applicant under this Part provides the applicant with an understanding of and competence in any area of knowledge or in a topic which is part of an area of knowledge, the Council, a committee of the Council or the Board of Examiners may act (but are not obliged to act) on the advice of the dean of a Faculty of Law.

4.15 Directions by Council

- (1) In relation to any application under section 4.05 or 4.09 for directions, the Council may direct that—
 - (a) the qualifications of the applicant are such that the applicant ought to be admitted without completing any further academic qualifications or practical legal training requirements for admission; or

Rule 4.15(1)(a)
amended by
S.R. No.
149/2005
rule 11(3)(e).

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Rule 4.15(1)
(b)(i)
amended by
S.R. No.
149/2005
rule 11(3)(e).

(b) the qualifications of the applicant are such that the applicant ought to be admitted—

- (i) after completion of any further academic qualifications or practical legal training requirements that the Council may specify (whether or not these requirements also form part of the qualifications required of a local applicant); or
- (ii) in the case of an overseas practitioner, after service as a law clerk with a person who is eligible under these Rules to engage an articulated clerk; or

(c) the qualifications of the applicant are not sufficient for admission.

(2) The Council may dispense with, or vary, either generally or in respect of any case and on any conditions it thinks fit, the performance or observance of any requirement if it considers that the dispensation or variation does not substantially diminish the value of the qualifications or training required by these Rules.

Rule 4.15(3)
amended by
S.R. No.
149/2005
rule 11(3)(e).

(3) Without limiting the Council's discretions under subrules (1) and (2), an applicant for directions (other than an applicant whose qualifications are determined not to be sufficient qualifications for admission) may be required to meet any further academic qualification or practical legal training requirements that would, in the Council's opinion, place the applicant in a substantially similar position to a local applicant meeting the requirements set out in rules 2.01 and 3.01.

4.16 Specification of time for application for admission

The Council or the Board of Examiners may specify a time within which an applicant under this Part must apply for admission.

Division 6—Application to alter requirements under rules

4.17 Alteration of requirement by Board of Examiners

- (1) On the application of a person seeking admission, the Board of Examiners may, subject to any conditions it thinks fit—
 - (a) enlarge or abridge the time required by any of these Rules for doing any act or taking any proceeding; and
 - (b) subject to subrule (4)—
 - (i) dispense with the performance or observance of any requirement in these Rules; or
 - (ii) vary any requirement in these Rules—

to the extent that the Board considers that such enlargement, abridgment, dispensation or variation does not materially diminish or, if the applicant complies with any conditions imposed by the Board under this rule, will not materially diminish, the value of the qualifications or training required by these Rules.
- (2) The Board of Examiners may not dispense with compliance with the provisions in these Rules relating to the period of service under articles so as to abridge the period of service by more than 3 months.
- (3) The Board of Examiners may only dispense with or vary the requirements in rule 2.01(b) in accordance with subrule (1) if, in circumstances resulting from a change in the areas of knowledge specified in that rule, it would be unfair to the applicant not to do so.

Legal Practice (Admission) Rules 1999
S.R. No. 144/1999
Part 4—Qualifications for Admission

r. 4.17

- (4) To the extent that a determination of the Board of Examiners under this rule in respect of a person seeking admission is inconsistent with a direction of the Council under rule 4.15 in respect of that person, the direction of the Council prevails.
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PART 5—GENERAL

5.01 Service of notices

- (1) If a rule requires an applicant to serve, produce or deliver a notice or other document on or to the Board of Examiners or the Secretary of the Board, the applicant must sign the notice or document and serve, produce or deliver the notice or document in person, unless—
 - (a) it is inconsistent with the rule to do so; or
 - (b) the Board of Examiners does not require it.
- (2) All notices to be served on or documents to be produced or delivered to the Board of Examiners or Leo Cussen Institute may be served, produced or delivered to the Secretary of the Board or to the Executive Director of Leo Cussen Institute (as the case requires).

PART 6—TRANSITIONAL AND SAVINGS PROVISIONS

6.01 Definitions

In this Part—

former Board means the Board of Examiners established under Part II of the Rules of the Council of Legal Education 1993;

former Council means the Council of Legal Education established under Part II of the **Legal Profession Practice Act 1958**;

former rules means the Rules of the Council of Legal Education 1993 and includes any revoked rules made by the former Council under the **Legal Profession Practice Act 1958**.

6.02 Saving of determinations, etc. under former rules

Any determination, direction, endorsement, certificate, specification, permission or approval made or issued by the former Council or former Board under the former rules—

- (a) continues to have effect as if the former rules had not expired or been revoked; and
- (b) in so far as that determination, direction, endorsement, certificate, specification, permission or approval could be made or issued by the Council or Board of Examiners under these Rules, has effect as if it had been made or issued by the Council or Board and may be revoked or varied by the Council or the Board, as the case requires.

6.03 Compliance with former rules

- (1) Except as provided in subrule (3), a person who, before the commencement of these Rules, has complied with and continues to comply with any requirements imposed under the former rules is to be taken to comply with any corresponding requirements under these Rules.
- (2) Without limiting subrule (1), a person who has complied with and continues to comply with rule 13 of the former rules is to be taken to comply with rule 3.01 of these Rules.
- (3) A person who, before the commencement of these Rules, has complied with the requirements under Part III of the former rules but before that commencement has not applied for admission under Part IV of those rules, may only apply for admission in accordance with the procedures set out in Part 4 of these Rules.

6.04 Resolution of issues arising under former rules

The Council or the Board of Examiners, on the application of a person or its own initiative, may make any determination or direction it considers necessary to resolve any issues arising as a result of the operation of these Rules and the expiry or revocation of the former rules.

Legal Practice (Admission) Rules 1999
S.R. No. 144/1999

Sch. 1

SCHEDULES

SCHEDULE 1

Rule 1.04

RULES REVOKED

<i>Name</i>	<i>S.R. Number</i>
Rules of the Council of Legal Education (Amendment No. 1) 1994	56/1994
Rules of the Council of Legal Education (Amendment No. 2) 1994	98/1994
Rules of the Council of Legal Education (Amendment No. 3) 1994	11/1995
Rules of the Council of Legal Education (Amendment No. 1) 1995	127/1995
Rules of the Council of Legal Education (Amendment No. 1) 1996	153/1996
Rules of the Council of Legal Education (Amendment No. 1) 1999	14/1999

SCHEDULE 2

Rule 1.05

COMMONWEALTH GOVERNMENT OFFICES

The office in Victoria of the Attorney-General or Solicitor-
General of the Commonwealth of Australia

The office of the Australian Government Solicitor

SCHEDULE 3

Rule 1.05

VICTORIAN GOVERNMENT OFFICES

The offices of—

Attorney-General of Victoria

Solicitor-General of Victoria

Victorian Government Solicitor

Solicitor for the Public Transport Corporation

Solicitor to the Insurance and Superannuation Commissioner

Australian Securities and Investments Commission

Regional Office Victoria of the Australian Securities and
Investments Commission

State Trustees Limited

Director of Public Prosecutions

Victoria Legal Aid

Registrar of Titles

President of the Victorian Civil and Administrative Tribunal

Chief Parliamentary Counsel

SCHEDULE 4

Rule 3.16

ARTICLES

Date:

Parties:

1. [*Name of Principal*] ("Principal");
2. [*Name of Articled Clerk*] ("Articled Clerk").

1. Duration of Articles

- 1.1. The duration of Articles is the period of [12 months] commencing on the date of these Articles and any further period the Articled Clerk may be required to serve under the Legal Practice (Admission) Rules 1999.

2. Responsibility of Principal

- 2.1. The Principal must use best endeavours to ensure that—
 - (a) the Articled Clerk is properly and thoroughly instructed in the practice and profession of a legal practitioner;
 - (b) the Articled Clerk gains practical experience in the business transacted in the Principal's office;
 - (c) the Articled Clerk is given every opportunity to participate, under appropriate supervision, in advising clients and in drafting documents; and
 - (d) the Articled Clerk is adequately instructed (including as may be required under the Legal Practice (Admission) Rules 1999) in the following—
 - (i) ethics and professional responsibility; and
 - (ii) work management; and
 - (iii) legal writing and drafting; and
 - (iv) interviewing and communication skills; and
 - (v) negotiation and dispute resolution; and
 - (vi) legal analysis and research; and

Sch. 4

(vii) advocacy; and

(viii) in any other areas prescribed by the Council of Legal Education.

2.2. The Principal must allow the Articled Clerk to attend courses held during office hours in any subjects in which the Articled Clerk is required to qualify before being admitted.

2.3. If the Articled Clerk has properly performed the obligations referred to in clause 3.1 throughout the period of Articles and is qualified to be admitted to practise, the Principal must use best endeavours to ensure that the Articled Clerk is admitted to practise.

3. Responsibility of Articled Clerk

3.1. The Articled Clerk must undertake the responsibilities and tasks given by or at the direction of the Principal consistently with clause 2.1 diligently and in good faith to the best of the Articled Clerk's ability.

4. Employment Contract

4.1. To the extent that any terms of any employment contract otherwise entered into between the Principal and the Articled Clerk are inconsistent with these Articles, the terms are void and of no effect.

Executed by the parties as a Deed.

Signed sealed and delivered by

and

in the presence of:

}
}
}

SCHEDULE 5

Rule 3.17(b)

PRINCIPALS—AFFIDAVIT VERIFYING ARTICLES

In the Supreme Court of Victoria

In the matter of an articulated clerk

I, [*name of Principal*] of [*address*], make oath and say as follows:

1. [*Name of articulated clerk*] of [*address of articulated clerk*] ("articled clerk") has been articulated to me under articles dated [*date of articles*] from that date for a period of [*state the period*].
2. To the best of my knowledge, information and belief, the articulated clerk has completed the requirements for a Law Degree or other academic qualifications accepted by the Council of Legal Education.
3. At the time of execution of the articles I was, and since that time have remained, competent under the Legal Practice (Admission) Rules 1999 to have a clerk articulated to me.

If Principal is a member of a firm or a director of an incorporated practitioner, add:

4. At the time of execution of the articles, *I and the other partners of the law firm of which I am a partner/*I and the other legal practitioner directors of the incorporated legal practice of which I am a legal practitioner director complied with the restriction under the Legal Practice (Admission) Rules 1999 in respect of the number of clerks who may be articulated to me.

**Sch. 5 cl. 4
substituted by
S.R. No.
149/2005
rule 12(1)(a).**

(*Strike out whichever does not apply)

Sworn, &c.

Sch. 6

Sch. 6
amended by
S.R. No.
149/2005
rule 12(1)(b).

SCHEDULE 6

Rules 4.02(a), 4.06(1)(a), 4.10(1)(c)

**ALL APPLICANTS FOR ADMISSION—NOTICE OF INTENTION
TO APPLY FOR ADMISSION**

In the Supreme Court of Victoria

To the Board of Examiners

1. I [*name in full, address and designation*] give notice that I intend to apply on [*date*] to be admitted to the legal profession.
2. I am—
 - *a local applicant making application under Division 1 of Part 4 of the Legal Practice (Admission) Rules 1999
 - *a qualified overseas applicant making application under Division 2 of Part 4 of the Legal Practice (Admission) Rules 1999
 - *an overseas practitioner making application under Division 4 of Part 4 of the Legal Practice (Admission) Rules 1999.
3. For the purposes of my admission to practise I will—
 - *swear the required oaths
 - *make the required affirmations.
4. My date of birth is [*date*].
5. My telephone number during business hours is [*telephone number*].

(*Strike out whichever does not apply)

[Date]

State clearly: Mr./Mrs./Miss/Ms

(Signature of Applicant)

SCHEDULE 7

Rules 4.03(1)(a), 4.06(2)(a)

Sch. 7
amended by
S.R. No.
20/2003 rule 8.

PRINCIPALS—AFFIDAVIT OF SERVICE UNDER ARTICLES

In the Supreme Court of Victoria

In the matter of [*name of applicant*], an applicant for admission

I, [*name in full*] of [*address*], make oath and say:

1. Under articles dated [*date of articles*], [*name of articulated clerk*] ("applicant") has been my articulated clerk from that date to [*date of completion*] inclusive.
2. To the best of my knowledge, information and belief, the applicant did not at any time during the articles engage in any work (paid or unpaid) in any trade, business, occupation or employment other than employment with me except [*give particulars of any other employment*].

If applicable, add:

- 2A. With my consent, for the purpose of gaining additional experience, the applicant was employed temporarily by [*name of other Australian legal practitioner*] an Australian legal practitioner ("the practitioner") from [*date of commencement of employment*] to [*date of termination of employment*]. The practitioner has informed me that the practitioner continued throughout that period—
 - (a) to be on the roll of lawyers kept in [*name of State/Territory*]; and
 - (b) to hold an Australian practising certificate; and
 - (c) to engage in legal practice in Victoria.

Sch. 7 cl. 2A
substituted by
S.R. No.
149/2005
rule 12(1)(c).

During that period, the applicant was absent (or not absent):
[*if absent, set out particulars required in other clauses of affidavit*].

3. The applicant was absent from employment on account of illness on the following occasions: [*specify occasions*].

Legal Practice (Admission) Rules 1999
S.R. No. 144/1999

Sch. 7

If applicable, add:

- 3A. The applicant was absent on duty as a member of a naval, military, air, civil or other force or service on the following occasions: [*specify occasions*].
4. During the articles my office was open for business on every day except Saturdays, Sundays and public holidays, and the following occasions: [*specify occasions*].
5. In addition to Saturdays, Sundays and public holidays and the occasions mentioned above the applicant has been absent with my prior consent, on the following occasions: [*specify occasions*].
6. Except as set out, the applicant was not absent from my office and employment during the articles.
7. [State whether the applicant has completed the articles to the Principal's satisfaction and whether the Principal considers that the applicant is a fit and proper person to be admitted to the legal profession in Victoria and disclose any other matters which the Principal considers should be disclosed to the Board of Examiners.]
8. [State whether the Principal has discharged the obligations of the Principal under the articles.]
9. Throughout the articles I continued—
 - (a) to be on the roll of lawyers kept in [*name of State/Territory*]; and
 - (b) to hold an Australian practising certificate; and
 - (c) to engage in legal practice in Victoria; and
 - (d) to be competent under the Legal Practice (Admission) Rules 1999 to engage an articled clerk.

Sch. 7 cl. 7
amended by
S.R. No.
149/2005
rule 12(1)(d).

Sch. 7 cl. 9(a)
substituted by
S.R. No.
149/2005
rule 12(1)(e).

Sch. 7 cl. 9(b)
substituted by
S.R. No.
149/2005
rule 12(1)(e).

Sch. 7 cl. 9(c)
substituted by
S.R. No.
149/2005
rule 12(1)(e).

Sworn, &c.

[Note: If the articles are served elsewhere than in Victoria this form should be altered accordingly.]

SCHEDULE 8

Rules 4.03(1)(b), 4.06(2)(b)

**Sch. 8
amended by
S.R. No.
20/2003 rule 8.**

**LOCAL APPLICANTS OR QUALIFIED OVERSEAS APPLICANTS—
AFFIDAVIT IN SUPPORT OF APPLICATION FOR ADMISSION**

In the Supreme Court of Victoria

In the matter of [*name of applicant*], an applicant for admission

I, [*name in full*] of [*address*] in the State of Victoria make oath and say:

1. I am aged [*number*] years, having been born at [*place of birth*] on [*date of birth*].
2. Produced to me at the time of swearing this affidavit and marked ("A", "B", &c.) are the documents required to prove my qualifications and fitness to be admitted.
3. I have read the affidavit of [*name of Principal*] sworn on [*date*] as to my service under Articles.
4. I am the person named in the documents and affidavit referred to in clauses 2 and 3 and the statements in those documents and that affidavit so far as they relate to me are true and correct.
5. I have caused to be posted in the Supreme Court on [*date*] a notice of my intention to apply for admission as required by the Legal Practice (Admission) Rules 1999.
6. I have fully complied with the Legal Practice (Admission) Rules 1999.
7. I have made full disclosure in writing to the Board of Examiners of every matter which is relevant to consideration of my fitness for admission to the legal profession, this disclosure (if any) including but not being confined to any formal charges of criminal offences [*if otherwise, state particulars*].
8. [Include any other information relevant to the consideration of the application by the Board of Examiners].

**Sch. 8 cl. 7
amended by
S.R. No.
149/2005
rule 12(1)(f).**

Legal Practice (Admission) Rules 1999
S.R. No. 144/1999

Sch. 8

Sworn, &c.

[Note: If an applicant has received a certificate that the applicant has completed a course of practical legal training in accordance with the Legal Practice (Admission) Rules 1999, clause 3 will not be required and the words "and that affidavit" will not be required in clause 4.]

SCHEDULE 9

Rules 4.03(1)(b)(iv), 4.06(2)(b)(iv), 4.10(1)(b)

Sch. 9
substituted by
S.R. No.
20/2003 rule 9.

AFFIDAVIT AS TO CHARACTER

In the Supreme Court of Victoria

In the matter of [*name of applicant*], an applicant for admission

I, [*name in full*] of [*address*] make oath and say that:

1. My occupation is [*occupation of deponent*].
2. I have known [*name of applicant*] of [*address of applicant*] ("*applicant*") for [*number*] years.
3. The circumstances in which I have known the applicant throughout that time are [*details of the nature of acquaintance of deponent with applicant*].
4. I believe the applicant is of good reputation and character.

Sworn, &c.

SCHEDULE 10

Rule 4.10(1)(a)

**STATEMENT OF OVERSEAS PRACTITIONER APPLYING FOR
ADMISSION**

In the Supreme Court of Victoria

To the Board of Examiners

1. My full name is [*full name of practitioner*].
2. My address is [*address*].
3. I intend to apply for admission to the legal profession on [*date*].

4. I am aged [*number*] years, having been born at [*place of birth*] on [*date of birth*].
5. On [*date*] I was admitted to practise in [*jurisdiction*].
6. *I am still practising as [a legal practitioner or as the case may be] [*give particulars*].
*I ceased to practise as [a legal practitioner or as the case may be] on [*date*].
7. Apart from an application in respect of my admission to practise as mentioned in clause 5, I have made the following other applications for admission to practise with the following results: [*State dates and places of other applications, results and reasons for any refusals. If no other applications have been made, omit this clause*].

(*Strike out whichever does not apply)

[Date]

[Signature of Applicant]

Sch. 10 cl. 3
amended by
S.R. No.
149/2005
rule 12(1)(f).

SCHEDULE 11

Rule 4.07(3)(a)

Sch. 11
amended by
S.R. No.
149/2005
rule 12(1)(g).

**MUTUAL RECOGNITION APPLICANTS—CERTIFICATE OF
BOARD OF EXAMINERS**

In the Supreme Court

I, [*name of Secretary*], Secretary of the Board of Examiners, certify—

- (a) that the notice under the Mutual Recognition Act 1992 (Cth)/Trans-Tasman Mutual Recognition Act 1997 (Cth) was lodged with me on [*date*] by [*name of applicant*]; and
- (b) that [*name of applicant*] has complied with the provisions of Division 3 of Part 4 of the Legal Practice (Admission) Rules 1999 and the provisions of—
 - *the Mutual Recognition Act 1992 (Cth) (as adopted under section 4 of the **Mutual Recognition (Victoria) Act 1998**)
 - *the Trans-Tasman Mutual Recognition Act 1997 (Cth) (as adopted under section 4 of the **Trans-Tasman Mutual Recognition (Victoria) Act 1998**); and
- (c) that the applicant appears to be entitled to be admitted to the legal profession

[Court Stamp]

[Signed]

[Date]

SCHEDULE 12

Rule 4.10(2)(a)

**OVERSEAS PRACTITIONER APPLICANTS—AFFIDAVIT AS TO
QUALIFICATIONS FOR ADMISSION**

In the Supreme Court of Victoria

In the matter of

I, *[name in full]* of *[address]* in the State of Victoria make oath and say:

1. I was born at *[place of birth]* on *[date of birth]* and was on *[date]* admitted in *[jurisdiction]* as a legal practitioner.
2. I have not done or committed any act or thing which could cause my name to be struck off the roll of *[name roll of legal practitioners in jurisdiction in which legal practitioner admitted]*.
3. To the best of my knowledge, information and belief my name still remains on the roll of *[name roll of legal practitioners in jurisdiction in which legal practitioner admitted]*.
4. Produced to me at the time of swearing this affidavit and marked ("A", "B", &c.) *is a true copy/are true copies of my original admission certificate and (if applicable) my practising certificate which *is/are now valid and in my possession (or as the case may be).
5. I am the person named in the *document/documents referred to in clause 4.
6. I served on the Board of Examiners and posted in the Supreme Court on *[date]* the notice of intention to apply for admission as required by the Legal Practice (Admission) Rules 1999 and have in all respects complied with the Rules.
7. The application preceding my admission referred to in clause 1 *is/is not the only application that I have at any time made for admission to practise in any place outside Victoria.

Legal Practice (Admission) Rules 1999
S.R. No. 144/1999

Sch. 12

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8. The details and results of applications made by me for admission to practise outside Victoria (other than the application preceding my admission (or enrolment) referred to in clause 1) are as follows:
[If clause 7 states that other applications have been made, state dates and places of the other applications, results and reasons for any refusals. If clause 7 states that no other applications have been made, omit this clause.]
9. I have made full disclosure in writing to the Board of Examiners of every matter which is relevant to consideration of my fitness for admission to the legal profession, this disclosure (if any) including but not being limited to any formal charges of criminal offences
[if otherwise, state particulars].

**Sch. 12 cl. 9
amended by
S.R. No.
149/2005
rule 12(1)(h).**

(*Strike out whichever does not apply)

Sworn, &c.

Sch. 13

Sch. 13
amended by
S.R. No.
20/2003 rule 8.

SCHEDULE 13

Rule 4.10(2)(c)

**OVERSEAS PRACTITIONER APPLICANTS—AFFIDAVIT OF
EMPLOYMENT AS A LAW CLERK**

In the Supreme Court of Victoria

In the matter of [*name of applicant*], an applicant for admission

I, [*name in full*] of [*address*], make oath and say as follows:

1. [*Name in full of law clerk*] ("applicant") began employment ("the employment") with me as a law clerk in my practice at [*full address of practice*] on [*date*] and continued in that employment until [*date*].
2. The applicant has informed me that the employment was undertaken by the applicant under a direction from the Council of Legal Education dated [*date*] made under the Legal Practice (Admission) Rules 1999.
3. During the period of the employment the applicant was absent from office only on the following occasions—
 - (a) [*number*] days sick leave [*dates*];
 - (b) [*number*] days recreation leave [*dates*];
 - (c) [*number*] days (other than Saturdays, Sundays and public holidays on which my office was closed) [*dates*];
 - (d) [*number*] days study leave [*dates*].
4. To the best of my knowledge, information and belief, the applicant did not at any time during the employment engage in any work (paid or unpaid) in any trade, business, occupation or employment other than employment with me except [*give particulars of any other employment*].
5. During the whole of the period of employment, I properly and thoroughly instructed the applicant in the practice and profession of a legal practitioner.
6. The applicant completed the period of employment to my satisfaction, and I consider the applicant to be a fit and proper person to be admitted to the legal profession in Victoria.

Sch. 13 cl. 6
amended by
S.R. No.
149/2005
rule 12(1)(i).

Legal Practice (Admission) Rules 1999
S.R. No. 144/1999

Sch. 13

7. During the whole period of the employment I continued—

(a) to be on the roll of lawyers kept in [name of State/Territory]; and

**Sch. 13 cl. 7(a)
substituted by
S.R. No.
149/2005
rule 12(1)(j).**

(b) to hold an Australian practising certificate; and

**Sch. 13 cl. 7(b)
substituted by
S.R. No.
149/2005
rule 12(1)(j).**

(c) to engage in legal practice in Victoria; and

**Sch. 13 cl. 7(c)
substituted by
S.R. No.
149/2005
rule 12(1)(j).**

(d) to be competent under the Legal Practice (Admission) Rules
1999 to engage an articled clerk.

Sworn, &c.

Sch. 14

Sch. 14
substituted by
S.R. No.
149/2005
rule 12(2).

SCHEDULE 14

Rule 4.11(1)(b)

**ALL APPLICANTS (OTHER THAN MUTUAL RECOGNITION
APPLICANTS)—CERTIFICATE AND RECOMMENDATION OF
BOARD OF EXAMINERS**

In the Supreme Court of Victoria

In the matter of

We certify that [*name in full of applicant*] of [*address of applicant*] (the
"applicant") is eligible for admission to the legal profession in Victoria and
we believe the applicant to be a fit and proper person to be admitted.

And we so recommend to the Supreme Court.

Dated

Members of the Board of Examiners

Dated: 17 December 1999

J. H. PHILLIPS, *C.J.*

G. HAMPEL, *J.*

BERNARD G. TEAGUE, *J.*

JOHN COLDREY, *J.*

G. R. D. WALDRON, *Chief Judge*

L. S. OSTROWSKI, *Judge*

JACOB I. FAJGENBAUM, *Q.C.*

S. D. CLARK

ENDNOTES

1. General Information

The Legal Practice (Admission) Rules 1999, S.R. No. 144/1999 were made on 17 December 1999 by the Council of Legal Education under section 337 of the **Legal Practice Act 1996**, No. 35/1996 and came into operation on 1 January 2000: rule 1.03.

Despite the repeal of the **Legal Practice Act 1996**, these Rules continue in force as if made under the **Legal Profession Act 2004**—see section 8.2.1(Schedule 2 clause 8.15(3)).

The Legal Practice (Admission) Rules 1999 will sunset 10 years after the day of making on 17 December 2009 (see section 5 of the **Subordinate Legislation Act 1994**).

Legal Practice (Admission) Rules 1999
S.R. No. 144/1999

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the Legal Practice (Admission) Rules 1999 by statutory rules, subordinate instruments and Acts.

Legal Practice (Admission) (Amendment) Rules 2003, S.R. No. 20/2003

Date of Making: 19.2.03

Date of Commencement: 1.3.03: rule 3

Legal Practice (Admission) (Amendment) Rules 2005, S.R. No. 149/2005

Date of Making: 28.11.05

Date of Commencement: 12.12.05: rule 3

3. Explanatory Details

¹ Rule 1.04: The Rules of the Council of Legal Education 1993 (S.R. No. 201/1993) expire on 31 December 1999 by virtue of clause 41(4) of Schedule 2 to the **Legal Practice Act 1996**.

² Rule 3.10(1): A *corporate practitioner* is defined in section 3 of the **Legal Practice Act 1996** as a legal practitioner who engages in legal practice as an employee of a person or body other than a firm or another legal practitioner.