

STATUTORY RULES.

1908. No. 35.

IN THE HIGH COURT OF AUSTRALIA.

RULES OF COURT.

As of Monday, the sixteenth day of March, A.D. 1908.

It is ordered as follows:—

1. These Rules may be cited as the Practitioners Admission Rules. Short title.
2. In addition to the persons entitled to practise in Federal Courts as barristers and solicitors by virtue of the *Judiciary Act* 1903, persons may become entitled so to practise upon compliance with the provisions of these Rules. Admission of Federal practitioners
3. There shall be a Board called the Commonwealth Practitioners Board constituted as follows:— The Board.

The members of the Board shall be the Attorney-General, the Secretary to the Attorney-General's Department, the Principal Registrar, and such practising barristers or solicitors as the Chief Justice may from time to time appoint by writing under his hand.

Three members of the Board shall form a quorum.

The Board may delegate all or any of its powers to a Committee or Committees consisting wholly or in part of members of the Board.
4. The Board shall appoint a Secretary. Secretary.
5. A person desirous of being admitted to practise in Federal Courts as a barrister and solicitor by virtue of these Rules must first be admitted by the Board as a Federal student-at-law. Students-at-law.
6. The following persons only shall be eligible for admission as Federal students-at-law, that is to say natural-born or naturalized British subjects who are either— Qualification of students-at-law.
 - (a) Graduates in arts, law, medicine or science, who in some University in the British Dominions, or in some other University approved by the Board, have obtained their degree after examination:
 - (b) Persons who have passed a preliminary examination which is recognised by the Board as sufficient.

The following examinations may be so recognised, that is to say:—
An examination in Latin, English, Geometry, Algebra, History, and some one of the following subjects, namely—

- (a) Greek,
- (b) The French Language and Literature,
- (c) The German Language and Literature,
- (d) Logic,

which is conducted by any University or Board constituted under the law of any State, so that the standard of proficiency required be not inferior to the standard required for the purposes of Matriculation in some University in the Commonwealth, so far as the same is applicable to those subjects respectively.

Application for admission as students-at-law.

7. A person desiring to become a Federal student-at-law must send or deliver to the Secretary of the Board a written notice in Form 1 in the Schedule to these Rules, together with certificates in the Forms 2 and 3 and satisfactory evidence of having obtained such degrees or of having passed such examinations as aforesaid, which shall be submitted to the Board or a Committee thereof duly appointed for that purpose.

Admission.

8. If the Board or Committee are satisfied, they shall admit the applicant as a student-at-law, and he shall thereupon sign in a book, which shall be kept for that purpose in the Registry of the High Court in each State, a declaration in Form 4 in the Schedule, and the Board shall then grant him a certificate, in Form 5, of his admission as a student-at-law.

Duration of studentship-at-law.

9. A student-at-law shall not be admitted as a barrister and solicitor before the expiration of a period, reckoned from the time of his admission, as a student-at-law, which shall be as follows:—

- i. If at that time he was a graduate in laws, one year :
- ii. If at that time he was a graduate in arts, medicine, or science, two years :
- iii. In any other case three years.

Students-at-law to reside in Commonwealth

10. During studentship, the student-at-law must be a *bonâ fide* resident within the Commonwealth.

Intermediate and Final Examinations.

11. Before admission as a barrister and solicitor, the student-at-law must produce to the Board certificates of having passed two further examinations, called respectively the Intermediate Examination and the Final Examination, or evidence that he is entitled to dispensation from such examinations as hereinafter prescribed.

Evidence of passing Intermediate Examination.

12. Certificates of having passed examinations in the following subjects, that is to say: Jurisprudence (including Roman Law) and Constitutional History and Law, conducted by any University or Board constituted under the laws of any State, so that the standard of proficiency required for passing such examination be such as the Board may recognise as sufficient, shall be deemed sufficient evidence of having passed the Intermediate Examination.

Time for Intermediate Examination.

13. A student-at-law may pass the Intermediate Examination at any time after his admission as such student.

Time for Final Examination.

14. The space of one year at least must intervene between the passing of the Intermediate and the passing of the Final Examination.

Subjects of Final Examination.

15. The subjects of the Final Examination shall be as follows:—

Section i.—The Law of Real and Personal Property, Equity, Admiralty, Insolvency, Probate, and Divorce.

Section ii.—The Law of Contracts, the Law of Torts, Criminal Law, the Law of Evidence.

Section iii.—Private International Law.

Section iv.—The Constitutions of the Commonwealth and the States, the Statutes of the Commonwealth, the Jurisdiction and Practice of the High Court.

Evidence of passing Final Examination.

16. Certificates of having passed examinations in any of the subjects in Sections i. and ii., conducted by any University or Board constituted under the laws of any State, shall be sufficient evidence of having passed the Final Examination in those subjects.

Provided that the standard of proficiency required for passing such examination is recognised by the Board as sufficient.

The examination in the subjects mentioned in section iv. shall be conducted by persons appointed by the Board for that purpose.

17. A student-at-law who is a graduate in laws of any University in the British Dominion shall not be required to pass the Intermediate Examination, nor to pass in sections I., II., and III. of the Final Examination. Exemption from examination.

A student-at-law desiring to take advantage of this Rule must submit to the Board evidence of his exemption at or before the time at which he would otherwise have been required or permitted to pass the examination.

18. When the Board is satisfied that a student-at-law has passed any examination, or is entitled to exemption from any examination, they shall deliver to him a certificate to that effect. Certificate.

19. Every student-at-law shall, during the period of his studentship, attend the sittings of the High Court held in the State in which he is from time to time present as often as it is reasonably practicable for him to do so. Students-at-law to attend High Court.

20. A Students' Attendance Book shall be kept at each Registry of the High Court, and every student attending the Court shall sign his name in the book on each occasion of his attendance. Students' Attendance Book.

21. If the Board is not satisfied that a student-at-law has complied with the provisions of Rule 19, they may refuse to allow him to come up for Final Examination for such period as they may think fit, and may impose such conditions as to his future attendance in Court as they may think fit. Defining time for Final Examination.

22. When a student-at-law has passed his Final Examination, the Board shall, upon his application, proceed to consider whether he is entitled to admission as a barrister and solicitor under these Rules, for which purpose they may require him to furnish such evidence as they think fit. If the Board are satisfied, they shall grant him a certificate in Form 8. and thereupon he shall be entitled, upon payment of the prescribed fee, and upon motion made in open Court at any sitting of the High Court at which he is present, to be admitted as a barrister and solicitor of the High Court. Upon admission he shall sign a roll to be kept for that purpose. Admission.

23. A student-at-law dissatisfied with any decision of the Board may appeal to the High Court or a Justice, and the Court or Justice may allow or dismiss the appeal or make such order as may be just. Appeal from Board.

24. The High Court may, upon motion in open Court, order the name of a student-at-law to be removed from the list of students-at-law, or order the name of a barrister and solicitor admitted under these Rules to be struck off the roll, or order a barrister and solicitor to be suspended from practice for such period and on such terms as may be just. Removal and suspension.

25. The following fees shall be payable under these Rules:—

Fees.

	£	s.	d.
On application for Certificate of Admission as a student-at-law	5	5	0
On application for Certificate of passing (or exemption from) Intermediate Examination	1	1	0
On application for Final Examination in section iii.	5	5	0
On application for Certificate of having passed Final Examination	1	1	0
On application for Certificate for admission as a barrister and solicitor	52	10	0

26. All fees shall be paid to the Secretary of the Board, and shall be applied under the direction of the Board in defraying any expenses incurred in the execution of these Rules, including any fees paid to examiners appointed by them. Application of fees.

THE SCHEDULE.

FORM 1.

Notice of desire to become a student-at-law.

To the Commonwealth Practitioners Board.

I, _____, of (*add residence and occupation*)
 hereby declare that I am desirous to become a student-at-law for the purpose of being admitted to practise as a barrister and solicitor in the High Court of Australia.

The particulars given below are true to the best of my knowledge and belief.

Dated the _____ day of _____ 19

(Signed)

- (1) Name of candidate:
- (2) Residence:
- (3) Occupation:
- (4) Name of father:
- (5) Residence of father:
- (6) Profession or calling of father:
- (7) Date and place of birth:

FORM 2.

Certificate of three householders to accompany Form 1.

To the Commonwealth Practitioners Board.

We, the undersigned householders, resident in _____, certify that we have known _____, who now resides at _____ for _____ years.

We believe him to be a person of good fame and character, and to be a fit person to be admitted as a student-at-law of the High Court of Australia.

Dated this _____ day of _____ 19

(Signed)

A.B.
C.D.
E.F.

FORM 3.

Certificate by two practising barristers or solicitors on the Commonwealth Registry, to accompany Form 2.

To the Commonwealth Practitioners Board.

We certify that we know _____, and that we believe him to be a fit person to be admitted as a student-at-law of the High Court of Australia.

Dated this _____ day of _____ 19

(Signed)

A.B.
C.D.

Practising Barristers or Solicitors of the said Court.

FORM 4.

Declaration.

I, _____, do sincerely promise that I will obey the Rules of the High Court of Australia, so far as they may apply to me.

Dated this _____ day of _____ 19____
(Signed)

FORM 5.

Board's Certificate of Admission as student-at-law.

This is to certify that A.B., of _____, has complied with the Rules as to the admission of students-at-law of the High Court of Australia.

Dated this _____ day of _____ 19____
C.D.

Secretary of the Commonwealth Practitioners Board.

FORM 6.

Board's Certificate as to Intermediate or Final Examinations.

This is to certify that A.B., of _____, has passed the _____ examination prescribed by the Rules relating to the admission of barristers and solicitors to practise in the High Court of Australia.

Dated this _____ day of _____ 19____
C.D.

Secretary of the Commonwealth Practitioners Board.

FORM 7.

Board's Certificate as to Exemption from Examination or from Examination in Certain Subjects.

This is to certify that A.B., of _____, has satisfied the Board that he is entitled to exemption from the Intermediate Examination (or the Final Examination in sections i. and ii.) under the Rules relating to the admission of barristers and solicitors to practise in the High Court of Australia.

Dated this _____ day of _____ 19____
C.D.

Secretary of the Commonwealth Practitioners Board.

FORM 8.

Board's Certificate of Compliance with Rules

This is to certify that A.B., of _____, has complied with the Rules relating to the admission of barristers and solicitors to practise in the High Court of Australia.

Dated this _____ day of _____ 190
C.D.

Secretary of the Commonwealth Practitioners Board.



S. W. GRIFFITH, C.J.
EDMUND BARTON, J.
R. E. O'CONNOR, J.
ISAAC A. ISAACS, J.
HY. B. HIGGINS, J.

J. W. O'HALLORAN,
Deputy Registrar.