

LEGAL PROFESSION ACT 1987
BARRISTERS AND SOLICITORS ADMISSION RULES 1989

NEW SOUTH WALES



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The following amendments were made by the Barristers and Solicitors Admission Boards on 22 June 1993:

RULES 64–66

These rules are rescinded and the following rules substituted:

64. Subject to Rule 67, any candidate who, without prior leave of the Legal Qualifications Committee, fails to sit for examination in at least two subjects in any two successive sessions shall be excluded from taking any further examination prescribed by these Rules.
65. Subject to Rule 67, a candidate who has passed the examinations in all subjects except one and fails to sit for examination in the remaining subject at least once in any two successive sessions shall be excluded from taking any further examination in the remaining subject.
66. Subject to Rule 67, a candidate who fails any subject a second time shall be excluded from taking any further examination prescribed by these Rules.

RULES 82–88

These rules are rescinded and the following rules substituted:

82. The Legal Qualifications Committee and the Law Extension Committee shall be vigilant to detect any cases of cheating in examinations or in home assignments (in this Part referred to as academic misconduct).

83. (1) Where an allegation of academic misconduct is made against a student-at-law, the Executive Officer shall, unless he or she is of the view that the allegation is frivolous, put the allegation to the student-at-law and request the student-at-law to show cause in writing within 14 days why he or she should not be dealt with under Rule 84.
- (2) The Executive Officer shall refer the allegation, and any response by the student-at-law, to the Committee.
84. (1) The Committee shall consider any allegation of academic misconduct referred to it by the Executive Officer, and any response by the student-at-law, and may decide that:
- (a) the allegation is not substantiated;
 - (b) the allegation is substantiated, but that no action should be taken in respect of the allegation; or
 - (c) an oral hearing should be held in respect of the allegation.
- (2) Where the Committee decides that an oral hearing should be held, the procedure for the hearing shall be as close as practicable to the procedure set out in Part X.
- (3) The Committee may, after considering the allegations, any response of the student-at-law, and any report of a hearing committee, decide that:
- (a) the allegation is not substantiated;
 - (b) the allegation is substantiated but that no action should be taken in respect of the allegation;
 - (c) the allegation is substantiated and that:
 - (ca) the student-at-law be admonished or reprimanded;
 - (cb) the student-at-law be refused admission to further examinations for a defined period; or
 - (cc) the matter be reported to the Board.
85. Upon any matter coming before the Board under Rule 84 (3)
- (c) (cc) the Board may decide that:
- (a) no action be taken;
 - (b) the student-at-law be admonished or reprimanded;
 - (c) the student-at-law be refused admission to further examinations for a defined period; or
 - (d) the admission of the student as a student-at-law be cancelled.

86. A student-at-law aggrieved by a decision of the Committee under Rule 84 (3) (c) (ca) or Rule 84 (3) (c) (cb) may apply to the Board for a review of the decision.
87. (1) Where an allegation of misconduct, not being academic misconduct under Rule 82, is made against a student-at-law, the Executive Officer shall, unless he or she is of the view that the allegation is frivolous, put the allegation to the student-at-law and request the student-at-law to show cause in writing within 14 days why he or she should not be dealt with under Rule 88.
- (2) The Executive Officer shall refer the allegation, and any response by the student-at-law, to the Board.
88. (1) The Board shall consider any allegation of misconduct referred to it by the Executive Officer under Rule 87 (2), and any response by the student-at-law, and may decide that:
- (a) the allegation is not substantiated;
 - (b) the allegation is substantiated, but that no action should be taken in respect of the allegation; or
 - (c) an oral hearing should be held in respect of the allegation.
- (2) Where the Board decides that an oral hearing should be held, the procedure for the hearing shall be as close as practicable to the procedure set out in Part X.
- (3) The Board may, after considering the allegation, any response of the student-at-law, and any report of a hearing committee, decide that:
- (a) the allegation is not substantiated;
 - (b) the allegation is substantiated but that no action should be taken in respect of the allegation;
 - (c) the allegation is substantiated and that:
 - (ca) the student-at-law be admonished or reprimanded;
 - (cb) the admission of the student as a student-at-law be cancelled.

FORM 10 (A)

Delete Point 1 and substitute in its place:

In support of such application I furnish a certificate of admission and a certificate of good standing and/or a current practising certificate from the admitting or regulatory authority in my home state/country, as prescribed in Rules 94 (b) (c) (d) (e) (g) or (h).

P. O'TOOLE,
Executive Officer, Barristers and Solicitors Admission Boards.
