

TASMANIAN LEGAL PRACTICE COURSE

Conducted by Centre for Legal Studies Ltd (ACN 079 628 390)

HANDBOOK 2012

Graduate Diploma in Legal Practice

University of Tasmania (UTAS)

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1. STAFF AND PRINCIPAL INSTRUCTORS

STAFF

Hugh Murray, LL.B	Course Director
Tom Cox, LL.B	Deputy Director
Naomi Bryant, LL.B	Deputy Director
Kate Mills, LL.B	Executive Officer
Miriam Short	Administrative Assistant
Helen Squier	Assistant

PRINCIPAL INSTRUCTORS

The Honourable Justice Alan Blow, OAM	Supreme Court Practice & Advocacy
Magistrate Peter Dixon	Magistrates Court Practice & Advocacy
Mr Mike Harris	Trust & Office Accounting
Mr Phillip Kimber	Commercial & Corporate Practice
Mr Hugh Murray	Property Law Practice
Ms Frances Di Giovanni, Mr Philip Theobald & Anna Grant	Family Law Practice and Procedure
Mr Des Polden	Skills, Ethics & Professional Responsibility

and a panel of visiting judicial officers, practitioners and professional persons

2. COURSE DIRECTOR'S WELCOME TO TRAINEES

On behalf of the Board of Directors of the Centre for Legal Studies Ltd and the Tasmanian Legal Practice Course instructors and staff I offer you a very warm welcome to the 2012 Course, and I congratulate you on being awarded your Law Degree. You should be very proud of your achievement.

I also congratulate you for choosing to attend this Course, rather than one of the many other similar courses on offer in Australia. You have chosen well because this is a good Course. Its content is compliant with the applicable Australian standards, and the training you will receive at it will be high quality. Even if you do not go on to practice law after its conclusion the training given to you will be very useful to you - particularly the training in drafting and advocacy.

The Course is, in many important respects, very different from the undergraduate law course you have completed, and it may help you to settle into it if I were to highlight its main features in this message.

The work you will do will require you to continue your study of, and expand your knowledge of substantive law, but the emphasis will (as the name of the Course suggests) be on training you in the practice of the law. Mostly it will involve you in solving legal problems, drafting letters and legal documents, and preparing for, and making oral applications and submissions to judges, magistrates and others. It will also involve you in interviewing members of the public. In short, the work you do at the Course will emulate the work legal practitioners undertake in law firms, and it will be just as demanding and intense. It will be just as interesting and challenging as work in a law firm as well.

You have probably already noted that attendance at the Course is compulsory for three days of the week only. That does not mean, however, that you will be able to do all your work during those three days. You will need to spend time on your work during the other four days if you are to meet the numerous dead-lines, and at the same time produce work of an acceptable standard.

Your work will not be given marks, in percentage terms, or otherwise. It will be assessed against the standard required of an entry level lawyer, and if it is of that standard it will be awarded a "pass". Feed-back will be given to you by your instructors on a great deal of the work you do, and work that is not up to the standard may well need to be corrected or re-done.

There will be no exams for you to worry about, but there will be days during which you will have to undertake (assessable) work with no assistance from others. The work given to you will be taken at random from any one or more of the various Course units and because of that you will not be able to "cram" for it. To produce acceptable work given to you on those days (and, in fact, on all other days as well) you will need to work conscientiously and steadily from the commencement of, and throughout the Course.

Your instructors will be legal practitioners, judges and magistrates – not academics. All of them are very experienced in their various fields, and almost everything they say to you during instruction sessions will be relevant to your work and useful to you. They will all approach their task of instructing you with enthusiasm, and they will be keen to ensure as far as possible that you successfully complete the Course.

Lectures such as those you attended at the undergraduate level will be kept to a minimum. They will be necessary (for instance, to introduce new areas of work), but you will find that many instruction periods will be formatted as workshops, or briefing and debriefing sessions, and are directly related to the work you are doing at that time, or are about to do. Informal discussions with your instructors about your work will supplement formal instruction periods, and you will be encouraged to discuss the work you are doing amongst yourselves. In essence your training at the Course may be equated with the “in-house” training received by practitioners in many law firms.

If after reading what I have said you are left with the impression that your attendance at the Course will be more like working as a legal practitioner in a law firm than attending university as a student, then that impression would be quite correct! And if, from the outset, you were able to think of your attendance at it in terms of it being “my first six months as a legal professional”, rather than as “my last six months as a university student”, then I am confident you will adjust much more quickly and easily to the Course work. I am confident too, that if you were able to adopt a “professional” mind-set towards the Course and to the work you do here your chances of gaining satisfying employment in the legal profession or in some other field would be significantly enhanced.

I wish you every success during the next six months, and I look forward to working with you.

Hugh S Murray



Course Director

3. OVERVIEW OF TLPC AND RELEVANT ORGANISATIONS

TASMANIAN LEGAL PRACTICE COURSE (TLPC)

The TLPC is a six month professional and practical training course offered at the standard of Graduate Diploma.

Its objective is –

“To ensure that aspiring practitioners have the essential knowledge, values, attitude and skills to practice law competently.”

The TLPC’s address and contact details are -

“Centre for Legal Studies”
Centre for the Arts Building
37 Hunter Street, Hobart
Telephone (03) 6226 4394
Fax (03) 6226 4398
Email tas.legalpractice@utas.edu.au

The coordinators and instructors at the TLPC are Judges, Magistrates, practising lawyers and other professionals whose services are arranged and provided by Centre for Legal Studies Ltd.

CENTRE FOR LEGAL STUDIES LTD (CFLS)

The CFLS is a “not for profit” company whose membership is made up from nominees of the University of Tasmania’s Law Faculty, the Law Society of Tasmania, and the Board of Legal Education. Currently the CFLS members are –

Mr Tim Bugg (Chair)
The Honourable Justice Alan Blow, OAM
Mr Peter Bowen
Professor Kate Warner
Mr Graeme Jones
Mr Martyn Hagan (Executive Officer)

The CFLS is funded by the University of Tasmania through fees paid by those who attend the TLPC.

The sole function of the CFLS is to conduct the TLPC.

UNIVERSITY OF TASMANIA (UTAS) AND ITS LAW SCHOOL

As well as funding the CFLS and its involvement in the administration of the TLPC, UTAS generally, and its Law School in particular, provide direct assistance to the TLPC in other ways.

UTAS provides the TLPC premises, and its staff is directly responsible for the TLPC enrolment process. It provides instructors and other human resources from time to time as required, and it provides full access to its libraries, on-line research facilities, and the MyLO support resource.

LAW SOCIETY OF TASMANIA (LS)

The LS houses the CFLS central office in its premises at 28 Murray Street, Hobart, and most of the CFLS's administrative work is carried out by LS staff.

The LS subsidises some of the TLPC's activities, and it makes its web-site available for the dissemination of TLPC information to the profession.

Most of the instructors at the TLPC are members of the LS.

BOARD OF LEGAL EDUCATION (BLE)

The BLE is a Tasmanian statutory body operating under Part 7.2 of the *Legal Profession Act 2007* (LPA). Its members are a Supreme Court judge, UTAS academic staff, Law Society president, and others appointed under Section 605 of the LPA.

An important function of the BLE is "to approve courses of practical instruction on the duties of an Australian legal practitioner" under Section 606 of the LPA.

Another important function of the BLE is to decide whether or not a person has satisfactorily completed "approved practical legal training requirements" (from a course it has approved) for the purposes of Section 25 of the LPA (that Section provides in part that a person is not eligible to be admitted to the legal profession unless they have completed such training, AND has attained academic qualifications that are approved by the BLE).

The BLE approved the TLPC some years ago under the (then) equivalent of Section 606 of the LPA, and the approval continues under that Section in 2012.

Should any trainee have any doubts as to the suitability for admission of their academic qualifications they should contact the BLE without delay.

The BLE is located at 28 Murray Street, Hobart, and may be contacted on 03 6234 4133

AUSTRALASIAN PROFESSIONAL LEGAL EDUCATION COUNCIL (APLEC)

APLEC is an organisation made up of Australian, New Zealand, and other Pacific nations' institutions which conduct Legal Practice Courses. Its main object is

“the furtherance of legal education and of the work and interests of those engaged in professional legal education in Australasia and elsewhere.”

CFLS is a member of APLEC, as are approximately twenty other similar institutions in Australia, New Zealand and the Pacific. There are no bodies conducting Legal Practice Courses like the TLPC in Australia which do not operate under the APLEC umbrella.

LAW ADMISSIONS CONSULTATIVE COMMITTEE (LACC)

LACC is an Australia wide body consisting of representatives of the Law Admitting Authority in each Australian jurisdiction, the Committee of Australian Law Deans, APLEC, and the Law Council of Australia.

One of LACC's main roles is “... the accreditation and appraisal of academic and Practical Legal Training institutions and courses.”

The BLE is the “Law Admitting Authority” representing Tasmania on LACC.

APLEC, BLE, LACC and TLPC

APLEC's main activity over some few years was to develop curriculum content, and set competency standards for the adoption by Legal Practice Courses operating in Australia. LACC had an input into that process.

In 2002 LACC gave its final approval to the curriculum content and competency standards settled by APLEC, and called the “NATIONAL COMPETENCY STANDARDS FOR ENTRY LEVEL LAWYERS” (NCS).

CFLS adopted the NCS and designed the TLPC to ensure as far as possible that it complied with them in all respects. If it had done otherwise, and if it were not to continue to strive to ensure compliance with them, it is unlikely that the TLPC would retain its “approved course” status with the BLE, or remain “accredited” by LACC.

4. QUALIFICATIONS ON PASSING

If a person (“trainee”) successfully completes the TLPC then the Course Director will advise the BLE and UTAS of that, and –

- subject to the other requirements of Section 25 of the LPA being met, the BLE will issue a “Board of Legal Education Certificate” to that trainee, and
- subject to all other UTAS requirements being met, UTAS will award the trainee with a “Graduate Diploma in Legal Practice.”

5. ENROLMENT

The Admissions Office of UTAS administers enrolments in the TLPC, and it, in conjunction with the UTAS Faculty of Law determines whether an applicant is to be enrolled, and the conditions (if any) which will apply to that enrolment. CFLS does not have a formal role to play in the process.

The basic requirements for an unconditional enrolment are that an applicant must have a Law Degree from UTAS or another approved University AND have passed those subjects prescribed as being a pre-requisite to admission as a legal practitioner in Tasmania.

The “prescribed” subjects are set out in the *Legal Profession (Board of Legal Education) Rules, 2010*, *Rule 4*, and *Schedule 1* attaching to those Rules (it should be noted, however, that both the BLE, and the Supreme Court have a discretion to permit a person who does not strictly comply with the prescribed subjects to be admitted, and that this is recognised by UTAS when considering enrolment applications).

Trainees should read *Rule 4* and *Schedule 1* carefully, and if any trainee (or prospective trainee) has any doubt at all as to the sufficiency of their ademic qualifications, they should contact the TLPC Course Director, the UTAS Faculty of Law, or the BLE immediately.

TLPC FEES

The TLPC is offered to eligible students as a Commonwealth Supported Place (CSP) course, meaning that fees are now HECS-based. To verify your eligibility to access a CSP you should consult the website: www.goingtouni.gov.au.

The fee for the 2012 Tasmanian Legal Practice Course is \$8,480 for domestic students.

6. COURSE OVERVIEW, REQUIREMENTS AND INFORMATION ABOUT ASSESSMENT AND ATTENDANCE

OVERVIEW

The following courses (“Units”) will be taught at the 2012 TLPC -

<u>UTAS Unit Codes</u>	<u>Unit Title</u>
LCA 101	Civil Litigation Practice - Supreme Court Practice and Advocacy (Incorporating Tribunal Practice; Workers Compensation, Industrial Relations Practice and Mental Health Advocacy)
LCA 102	Criminal Law Practice – Magistrates’ Court Practice and Advocacy
LCA 103	Commercial and Corporate Practice
LCA 104	Property Law Practice (Incorporating Conveyancing Practice; Land Use Practice and Wills and Estate Practice)
LCA 105	Trust & Office Accounting
LCA 106	Family Law Practice, Procedure & Advocacy
LCA107	Skills, Ethics and Professional Responsibility

The content and format of each Unit is set out in the “Unit Outline” booklet published in conjunction with this handbook, as are the objectives to be achieved in each Unit, and the competency standards applicable to each.

When reading the Unit Outline booklet trainees should note that -

- Each Unit is broken down into sub-units called “Modules”.
- In each Unit the competency standards applicable to it are made up of a number of “elements”, and that for each element there are a number of “performance criteria”.
- Each of the Units LCA 101, LCA 102, LCA 103, LCA 104 and LCA 106 (“practice units”) has its own discrete set of competency standards and in that sense each stands alone but that

- Each of the practice units also incorporates the competency standards applicable to Units LCA 105 and LCA 107.
- All competency standards (their elements and performance criteria) are those required under the NCS.

ASSESSMENT

General

Subject to attendance requirements being met, a trainee may expect to satisfactorily complete the TLPC if they demonstrate that they have complied with the competency standards for each Unit.

Assignments

Each Unit Outline sets out in general terms the assignments (both written and oral) which will be undertaken by trainees during the course of the TLPC, and trainees should note that all assignments undertaken will be assessed against the relevant competency standards.

Trainees should also note, however, that in some cases successfully completing a particular assignment will count towards the successful completion of the TLPC, and in some cases it will not.

Those assignments which must be successfully completed by a trainee as a pre-requisite to completing the TLPC satisfactorily will be “summatively” assessed, and those which do not will be “formatively” assessed.

By way of explanation -

- “Summative” assessment is the formal assessment of whether or not a trainee has demonstrated the achievement of the competency standards relevant to the assignment, and
- “Formative” assessment is the on-going assessment or feedback in the training process by which a trainee first identifies their personal initial levels of competence and understanding, and then learns from that feedback what is required and how to improve their competency.

In all the Unit Outlines the nature of the assessment of performance in assignments is addressed, and in some, the assessment is expressed as being either “summative” or “formative”. Where this is not the case the Unit Coordinator will clarify the position before the commencement of the assignment.

Practical Tasks

Towards the middle and towards the conclusion of the TLPC a series of practical tasks will be undertaken by trainees under examination conditions.

Those tasks will –

- take at least 3 hours to complete
- be summatively assessed
- be “open book”, and
- be of a type which an entry level lawyer might be expected to undertake in their “day to day” practice in a legal office.

The tasks to be undertaken will be formulated “at random” from more than one of the TLPC Units.

Tests

Some Unit instructors may require trainees to undertake informal tests from time to time, and these tests may be summatively assessed.

Pass Marks

No assessment process at the 2012 TLPC will involve the awarding of “marks”, in percentage terms, or otherwise. Marks may be relevant to school and university assessment processes, but they are not relevant in the context of work undertaken at the TLPC. That is because in legal practice, service to clients is not measured in percentage terms, but in being efficient and effective.

A trainee’s work at the TLPC either meets the competency standard of an “entry level lawyer”, or it does not – and that is how their work will be assessed.

WORK EXPERIENCE

In weeks 16 and 17 of the TLPC (21 May – 1 June) each trainee will spend two weeks in a private legal firm or government department, or other organisation employing legal practitioners. This is a compulsory component of the TLPC, and is specified as such in the NCS.

The NCS require trainees to complete 90 hours of workplace training during the Course and it is for trainees to ensure, and demonstrate that they comply with this requirement. Trainees may either complete 90 hours of workplace training during their work experience

fortnight or by combining their hours of work experience with volunteer or paid work at a workplace which employs legal practitioners.

During the work experience fortnight trainees attend the Magistrate's Court for one day and will observe proceedings with the assistance and guidance of a Magistrate.

If a trainee has already arranged post-graduation employment it is usual for them to spend work experience time with their employer. The TLPC will arrange work experience placements for all trainees who are unable to arrange that for themselves.

It is possible for a trainee to undertake work experience outside Tasmania and any trainee who wishes to do so should discuss that with the Course Director.

ATTENDANCE

The 2012 TLPC commences on Friday, 3 February 2012 and concludes on Thursday, 2 August 2012.

Attendance at all lectures, workshops and practical sessions on Tuesdays, Wednesdays and Thursdays during each week of each semester is compulsory. On occasions trainees may be required to be in attendance at the Supreme Court, Magistrates Court and Family Court until 6.00pm – or later.

Lunch is between 1.00pm and 2.00pm.

Attendance is also compulsory on some Mondays and Fridays in order, for example, to accommodate the Leo Cussen Workshop (Friday, 1 March, 2012), conveyancing settlements and the Family Law Practice Interactive File's Interim Hearings (see the "Key Dates" section further on in this handbook).

Attendance at the TLPC premises ("Centre") is not only welcomed on the "non-compulsory" Mondays and Fridays, it is encouraged.

One of the pre-conditions of the BLE's approval of the TLPC is that trainees be required to attend AT ALL TIMES WHEN IT IS COMPULSORY TO DO SO and for that, and other reasons, attendance is closely monitored.

TRAINEE SIGNATURES

At the commencement of the TLPC trainees are asked to enter signatures in the register held by the Executive Officer to ensure identification of written work and other documents.

ABSENCE

The Course Director may excuse a trainee from compulsory attendance if circumstances (such as illness) warrant it, however, those circumstances will be rare, and the Course Director has a discretion to require documentary evidence explaining an absence.

REMEDIAL WORK

If a trainee's performance in any component of the TLPC is unsatisfactory or if a trainee has missed work through absence, arrangements may be made for the trainee to do whatever is appropriate to be brought "back up to speed". This additional work must be completed within any specified time limit.

If a trainee fails any work summatively assessed they may be required to undertake additional or remedial work or to re-do the work.

TIMETABLE

A working TLPC timetable will be made available to trainees at the commencement of the course. Every effort will be made to ensure that it is accurate, and every effort will be made by TLPC coordinators and instructors to comply with it.

Trainees should be aware, however, that on occasions, Judges, Magistrates and members of the legal profession involved with the TLPC may be prevented from attending at the appointed time due to Court, and other work commitments occurring unexpectedly. In such cases notice of a timetable change will be given to trainees immediately.

GENERAL CONDUCT & PUNCTUALITY

One of the competency standards of the "Skills, Ethics and Professional Responsibility" Unit is -

"Element 6: Acting courteously

Performance Criteria

- The lawyer has competently demonstrated professional courtesy in all dealings with others."

If a trainee fails to demonstrate compliance with Element 6, then they run the real risk of failing the TLPC.

Discourtesy to staff, visiting lecturers, instructors and to other trainees is deemed to be unacceptable behaviour. This includes late arrival to lectures and other instruction sessions with no valid excuse.

DRESS CODE

Trainees will regularly be appearing in the Supreme Court, Magistrates Court and Family Court where appropriate professional dress must be worn.

Professional dress standards are mandatory on all compulsory attendance days – unless the Course Director advises otherwise. Neat Casual dress is acceptable on all other days.

ACADEMIC MISCONDUCT

Ordinance 9 made by the UTAS Council in 1992 applies to TLPC trainees, and trainees are strongly advised to read it fully, and carefully.

It is relevant to note at this point that –

- Ordinance 9 defines “academic misconduct” as including

“...cheating, plagiarism and other conduct by which a student -

(a) seeks to gain, for themselves or for any other person, any academic advantage or advancement to which they or that other person are not entitled; or

(b) improperly disadvantages any other student.”

It is also relevant to note at this point that the LPA “disclosure” provisions (summarised below) would require a trainee to disclose any conviction under Ordinance 9 obtained at the TLPC, and MOST PROBABLY ALSO AN ALLEGATION of academic misconduct as well.

Academic misconduct committed at the TLPC arguably militates against a trainee’s chances of admission as a practitioner far more seriously than, say, academic misconduct committed in their first year at University.

It should also be noted that the UTAS School of Law (and therefore the TLPC) may submit a trainee’s work to a plagiarism checking service and obtain a report on possible instances of plagiarism. Works may also be included in a reference database. It is a condition of this arrangement that the original author’s permission is required before a work within the database may be viewed.

GRIEVANCE PROCEDURES

Staff and visiting instructors are committed to excellence in the delivery of their Units and they are equally committed to the concepts of equal opportunities and the creation of an atmosphere conducive to learning and participation. If any trainee feels that there is a failing in that regard in some way, the matter should be taken up with the Unit Coordinator. If that were to fail to resolve the issue then it should be taken up with the Course Director.

Trainees should also note that UTAS “Student Grievance Procedures” may apply to a specific issue and that procedure is to be found via the UTAS web-site.

7. TECHNOLOGY

COMPUTERS

There are some lap-tops installed at the Centre for use by trainees, all of which have Windows software. They are connected to laser printers of reasonable quality, and wireless connection devices have been installed on all floors of the Centre.

Because there is an insufficient number of installed computers, trainees should bring, and use their own lap-tops. These will have direct access to the UTAS web-site research, e-mail and other facilities, and the TLPC's own sites and directories via the TLPC's servers.

On registering at the Centre trainees will be given a log on ID and password to use in conjunction with their UTAS email address, and the TLPC's IT director will give trainees a detailed briefing on the use of the facility.

TELEPHONES

The School of Art is provided with public telephones for the use of students and trainees. There is a gold telephone in the hallway which leads to the main area of the Centre.

PHOTOCOPYING

There is a photocopier for the use of trainees situated on level 2 of the Centre. Photocopying is charged at the rate of 10 cents per A4 copy.

Trainees will be allocated a Personalised Identification Number to use the photocopier. That PIN is a trainee's UTAS student ID number and it will be both the user number and password for the copier.

Once a month trainees will be invoiced for their photocopy use and will need to pay the invoice within 14 days. If accounts become overdue, the facility may be withheld from a trainee until payment is made.

Other machines, operated by cards, are located at the School of Art library.

FAX

There is no facsimile machine for trainee use.

If an urgent fax must be sent, the CFLS staff will provide that service. In that event, faxing will be charged at the rate of 10 cents per page.

8. LIBRARY, RESEARCH FACILITIES AND MyLO

LIBRARY

The Centre is equipped with a very small library. Materials are funded from surplus budget (if any). Numbers of duplicate copies are few, and their speed of replacement is slow.

Trainees are asked to adhere to the usual rules of library etiquette.

A sign-out sheet is available at the CFLS Reception and must be filled out. Books may be borrowed for 2 hours at a time and must only be used within the Centre.

Trainees are permitted, where necessary, to use the Andrew Inglis Clerk Library at the Supreme Court and also have full use of the UTAS Law School library.

ON-LINE RESEARCH FACILITIES

Trainees have full access to the Web, and to the UTAS research facilities, and other data bases.

MyLO & Server

While the TLPC does not use MyLO for the dissemination of lectures, all referenced materials will be made available through the MyLO support service and on the Centre's server.

9. GENERAL INFORMATION

CAFETERIA, WATER COOLERS & DRINK DISPENSERS

The School of Art cafe is open during the UTAS undergraduate semesters from Monday to Friday 8.30am – 3.30pm.

A water cooler is located in the kitchenette at the Centre.

It is the trainees' responsibility to ensure the water bottles are kept filled.

There is a coin operated Coke and snack machine and a hot drinks vending machine on the far side of the cafeteria.

WORKING AREAS

Each trainee will have their own working area complete with lockable filing cabinet within a shared office. Keys for cabinets are available from the TLPC Executive Officer upon payment of a refundable \$20 key deposit.

PARKING

UTAS provides a limited number of permits to TLPC trainees for parking in the metered UTAS car park at the Eastern end of the building.

Application forms can be collected from the CFLS reception two weeks prior to the commencement day.

Applications for a permit can only be made from 8.30am on Commencement Day (3 February, 2012) and must be made in person, with a trainee having photo ID (preferably in the form of a UTAS student ID), to the Centre for the Arts Security Office.

WHEELCHAIR ACCESS

There is wheelchair access from the sliding doors towards the eastern end of the Centre for the Arts building in Hunter Street. Assistance would be required however to enter the Centre for Legal Studies from the Arts section of the building.

SECURITY

Trainees are asked to take responsibility for their own personal items.

Trainees are also asked to be vigilant in respect to visitors to the Centre bearing in mind that a legal practice is operated from it and so clients will be entering from time to time.

If for any reason it is necessary to call the security officer (who is situated at the reception desk at the main entrance to the Centre for the Arts), then trainees should use the TLPC telephones situated on the TLPC reception desk and in the offices of the Course Director, the

Deputy Directors and Executive Officer. These are buff coloured telephones and Security's PABX number is 7600.

FIRE

The Course Director and the Executive Officer are designated "Fire Wardens" and each trainee must follow their directions in the event of an emergency. Fire extinguishers are provided and emergency exits are marked. It is important that trainees familiarise themselves with all exits from the Centre.

FIRST AID

A basic first aid kit is kept in the kitchen at the Centre. There is a first aid room next to the Dechaineux (main) lecture theatre. Any injuries must be reported to TLPC staff immediately, or alternatively to the security office next to the building entrance.

KITCHENETTE

Trainees will be granted access to the Centre's kitchenette with a specifically designated trainee area within.

Trainees are provided with a fridge, kettle, toasted sandwich maker and some implements.

It is recommended that trainees provide their own supplies and utensils.

It is important to note that the basic rules of common courtesy and respect are expected by the trainees in their use of this space.

10. ADMISSION AS A LEGAL PRACTITIONER

A trainee who successfully completes the 2012 TLPC may expect to be admitted as a practitioner in August, 2012.

Most applications will be heard on the same day in the Supreme Court in Hobart, however, it is possible for a trainee to have their application dealt with at another time, or at the Launceston or Burnie Courts.

Provided a trainee has successfully completed the TLPC and has all of the other statutory pre-requisites, they may apply for admission at any time in the future subject to any future legislative changes.

The admission process is a formal, and somewhat lengthy one, and as in past years guidance and assistance with it will be given to trainees by TLPC instructors, and staff from the Supreme Court registry. However, it is the responsibility of each trainee to be aware of the legislative provisions and the relevant law, and to complete the paperwork, comply with the timeframe and other requirements, file and serve documents and to pay the filing fee (currently \$150.00) to the Supreme Court.

The following is a summary of the legislation relevant to admission, and a little of the law relating to “disclosure”, and “good fame and character”. It is a guide only but trainees should read it carefully, and at their earliest opportunity. Matters needing to be noted quite urgently have been printed in CAPITALS!

LPA PROVISIONS

Section 31 provides (amongst other things) that a person may apply to the Supreme Court to be admitted to the legal profession in Tasmania (no other Court in Tasmania has the jurisdiction to admit a person as a practitioner).

Section 23 states that the primary purpose of the relevant sections is to ensure that only persons who have

- appropriate academic qualifications, and
- practical legal training,
- and who are otherwise fit and proper persons to be admitted

are qualified for admission to the legal profession.

Section 25 addresses the “academic”, and “practical legal training” qualifications and specifies them as essential pre-requisites to admission.

Section 26 requires the Court to determine if an applicant is “fit and proper” to be admitted, and that in doing so it must consider –

- each of the “suitability matters” in relation to the applicant to the extent a “suitability matter” is appropriate, and
- any other matter it considers “relevant”.

Section 9 lists the following as “suitability matters” –

- whether the applicant -
 - is “currently of good fame and character”
 - is, or has been an insolvent under administration
 - has been convicted of an offence.

(If an applicant has been convicted of an offence then the Court is required to consider –

- the nature of the offence, and
- how long ago it was committed, and
- the applicant’s age when it was committed).

Section 30 requires that an applicant publish notice of their intention to make an application for admission.

Section 31 requires that an applicant must serve a copy of their application on the Legal Profession Board (established under Section 589 of the LPA) and the Law Society.

The Section also empowers the Supreme Court to refer any application to the BLE and to request that the BLE provide a recommendation on the applicant’s eligibility for admission.

SUPREME COURT AMENDMENT (ADMISSION) RULES 2008 STATUTORY RULES 2008, No. 141 (“Rules”)

These Rules have been made under the Supreme Court Civil Procedure Act 1932 and amend the Supreme Court Rules 2000 by inserting a new *Division 2AA in Part 32*.

The Rules flesh out the relevant provisions of the LPA and impose further requirements on applicants for admission.

Rule 783AC requires that a notice of intention to apply for admission must be published in two Tasmanian newspapers, not less than one month and not more than three months prior to the hearing of the application.

Rule 783AD requires that an application for admission must be commenced by an Originating Application (not intended to be served) to the Court. Not less than 14 days

before the hearing of an application for admission the applicant must file and serve the Originating Application on both the Legal Profession Board and the Law Society.

Rule 783AE imposes a requirement that an application for admission must be accompanied by TWO AFFIDAVITS AS TO CHARACTER IN THE PRESCRIBED FORM, EACH MADE BY AN ACCEPTABLE DEPONENT.

The “prescribed form” is Form 57BC contained in Supreme Court Forms Amendment Rules (No.3) 2008 Statutory Rules 2008, No.142 (those Rules also contain other prescribed forms relevant to the admission procedure).

“Acceptable Deponents” are identified in Rule 783AA and include -

- a Commissioner for Declarations pursuant to Section 12 of the Oaths Act 2001 (Tasmania) who has known the applicant for not less than 12 months, or
- a person who is, or was, employed at a secondary or tertiary teaching institution and taught the applicant for not less than the equivalent of one year of tertiary studies, or one of two final years of secondary studies.

A person who is married to, or in a significant relationship with, or is a close blood relative of the applicant IS NOT an “acceptable deponent”.

Rule 783AE also requires that the application be accompanied by an AFFIDAVIT BY THE APPLICANT IN THE PRESCRIBED FORM ADDRESSING EACH OF THE “SUITABILITY MATTERS” AND ADDRESSING ANY “RELEVANT MATTER”.

The affidavit must be accompanied by a POLICE REPORT setting out the applicant’s CRIMINAL RECORD (if any). Please note that such reports may take a number of weeks to obtain from Tasmania Police and so they should be applied for at the earliest appropriate opportunity.

Rule 783AB defines a “Relevant Matter” as a matter other than a “suitability matter” WHICH A REASONABLE APPLICANT MAY CONSIDER WOULD AFFECT WHETHER OR NOT THE COURT BELIEVES THE APPLICANT IS A FIT AND PROPER PERSON FOR ADMISSION.

The Rule sets out examples of “relevant matters” and one is -

IF THE APPLICANT IS, OR HAS BEEN, THE SUBJECT OF DISCIPLINARY ACTION, HOWEVER DESCRIBED, ARISING OUT OF CONDUCT IN ATTAINING ACADEMIC QUALIFICATIONS OR COMPLETING PRACTICAL LEGAL TRAINING.

OTHER PROVISIONS

The provisions summarised above are the main ones governing admission, however, there are others, in both the LPA and the Rules, and it is strongly recommended that trainees identify, and read them.

“DISCLOSURE” & “GOOD FAME & CHARACTER”

The legislation summarised above clearly imposes an obligation upon a person seeking admission to disclose to the Court obvious matters such as conviction of a crime, and bankruptcy (“suitability matters”). By Sections 9 and 26 of the LPA and Rules 783AB and 783AE of the Rules it is also clear that the Legislature intended that an applicant disclose ALL MATTERS which COULD militate against the conclusion that they are of good fame and character and a fit and proper person to be admitted. That is in line with relevant case law.

In *Re Evatt* (1987) 92 FLR 380 at 383 the Full Court of the Supreme Court of the ACT said:-
“We state unequivocally that it is not for an applicant to decide what is or is not relevant to place before the Court on the question of whether that person is a fit and proper person to be admitted to practice. The applicant’s duty is to place before the Court any matter that might reasonably be regarded by the Court as touching on the question of fitness to practice.”

This passage was approved by the Court of Appeal in Queensland in *Barristers Board v Chan* (QSC Unrep BC 200101113).

Further, in *Re Del Castillo* (Unrep ACT SC BC 9806643) the Court said:

“It is common throughout Australia for applicants for admission to legal practice to disclose quite minor charges. Those standards are to be encouraged. Applicants need not fear that the Court would seek to substitute a demand for perfection for the requirement that fitness to practice be demonstrated by showing good fame and character.”

Because the obligation of disclosure is placed squarely upon the applicant, the Supreme Court necessarily proceeds upon trust that all relevant matters have been disclosed. It is for this reason that a failure to disclose relevant information will almost certainly, upon discovery, lead to an application on the part of the Legal Profession Board that the non-disclosing practitioner be struck off. One illustration of this is the NSW Court of Appeal decision of *Dawson v The Law Society of NSW* (BC8901279). Another is the case of *Re Legal Profession Act 2004; re OG a lawyer [2007] VSC 520 (14 December, 2007)*.

Each trainee should READ THE FOLLOWING DECISIONS -

Law Society of Tasmania v Richardson (2003) TASSC 9
Re Legal Profession Act 2004; re OG a lawyer [2007]VSC 520
Re AJG [2004]QCA 88, and
Re Liveri [2006]QCA 152

Trainees will receive general instruction from the TLPC Course Director about their obligation to disclose matters relevant to their admission. However, it is strongly suggested that if a trainee has any concern at all about their own position, they should obtain formal legal advice as soon as possible (the Course Director would be pleased to assist arranging that advice if needed).

11. POST GRADUATE EMPLOYMENT

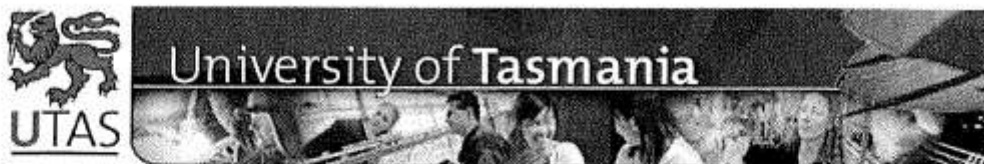
The TLPC does not have any responsibility to find positions for its trainees when they graduate - that is their own responsibility. However, TLPC staff will post all advertisements for positions on the general notice board at the Centre as soon as received, and mail can be received at the Centre for trainees wishing to have firms correspond with them there.

Further, TLPC staff at the Centre will do what they can to encourage practitioners to employ graduate trainees and will make time available to employment candidates for interview at the firms and will make space available at the Centre for firms to interview candidates.

Trainees are encouraged to apply for employment in Tasmania or interstate as soon as possible.

KEY DATES 2012

MONTH	WEEK	DATE	EVENT
FEBRUARY		Friday 3 rd	Course Commences – Term 1 Induction & Introduction Official Opening of the New Legal Year
FEBRUARY	1	Monday 6 th	Induction & Introduction Cont.
FEBRUARY	2	Monday 13 th	ROYAL HOBART REGATTA DAY PUBLIC HOLIDAY
FEBRUARY	2	Thursday 16 th	Young Lawyers “Beer & Pizza”
MARCH	4	Thursday 1 st	Leo Cussen Skills Workshop
MARCH	4	Friday 2 nd	Leo Cussen Skills Workshop
MARCH	5	Friday 9 th	UTAS Careers Fair
MARCH	6	Monday 12 th	EIGHT HOURS DAY PUBLIC HOLIDAY
MARCH	6	Tuesday 13 th	TLPC Census Date
MARCH	6	Friday 16 th	Job Application & CV Preparation & Interview Technique Workshop (Vol)
MARCH	8	Friday 30 th	PLP Transaction #1 - Settlement
APRIL	9	Thursday 5 th	Cocktail Party Term 1 Concludes
APRIL	10	Monday 9 th – Friday 13 th	EASTER
APRIL	11	Tuesday 17 th	Term 2 Commences
APRIL	11	Thursday 19 th	Mid-Course Practical Tasks
APRIL	12	Wednesday 25 th	ANZAC DAY
APRIL	12	Friday 27 th	CCP Transaction # 1 – Settlement
MAY	13	Friday 4 th	FLP Interactive File – FLC Interim Hearings
MAY	16	Monday 21 st – Friday 25 th	WORK EXPERIENCE
MAY/JUNE	17	Monday 28 th – Friday 1 st	WORK EXPERIENCE
JUNE	19	Monday 11 th	QUEEN’S BIRTHDAY HOLIDAY
JUNE	19	Friday 15 th	PLP Transaction #2 - Settlement
JULY	22	Friday 6 th	CCP Transaction # 2 – Settlement
JULY	23	Wednesday 11 th	Practical Tasks
JULY	23	Thursday 12 th	Practical Tasks
JULY/ AUGUST	26	Tuesday 31 st , Wednesday 1 st	HM Risdon Prison Tour
AUGUST	26	Thursday 2 nd	Course Concludes
AUGUST		Friday 24 th	Admissions



Health and Safety Advice for Students

Welcome to UTAS! We take seriously our responsibility to ensure a healthy and safe learning environment for all students, visitors and others. Please read this leaflet and keep it for future reference as it outlines health and safety advice and information. Important telephone numbers are listed at the end of this brochure.

The University is a workplace and covered by Tasmania's health and safety laws. Under these laws, as a student, you have a responsibility to yourself and others to undertake your activities at UTAS in a safe manner. Failing to follow UTAS safety policies and procedures or acting in a way that puts others at unacceptable risk can lead to investigations. Investigations may have serious consequences for persons found to have neglected their duty of care. In this respect all employees, students, contractors and visitors are responsible for:

- Co-operating with instructions, supporting and promoting occupational health and safety within University workplaces and whilst engaged in University activities.
- Acting and encouraging others to act in a healthy and safe manner.
- Reporting or rectifying any unsafe conditions or acts that come to their attention.

Please note that you have a legal obligation to comply with OH&S laws and safety instructions, and that breaches can have serious consequences including fines being imposed on individuals.

To ensure that you undertake your activities in a safe manner please note the following:

If you notice a hazard

Hazards should be reported immediately to prevent incident and injury. Hazards can be reported either on-line or via a form at <http://www.human-resources.utas.edu.au/health-and-safety/oh-and-s-forms>

If you become ill or injured on campus

- Seek assistance from a member of staff. In the case of emergency contact security on 7600 (Hobart), 3336 Launceston and Burnie.
- Ensure your illness or injury is adequately treated. UTAS has qualified first aid officers in most areas.
- Report your injury or illness. Accidents/Incidents can be reported either on-line or via a form at <http://www.human-resources.utas.edu.au/health-and-safety/oh-and-s-forms>
- Claims for reimbursement of medical expenses related to these injuries may be available through your student body.

If you are injured on industry placement, field trip or off-campus performance

- Follow incident / injury reporting procedures within the particular workplace.

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Health and Safety Advice for Students

- Ensure the incident/ injury has been reported, as soon as practicable, to your placement coordinator/lecturer or contact a UTAS staff member.
- Claims for reimbursement of medical expenses related to these injuries may be available through your student body.

If there is an emergency

- If you are the first person at the scene of an emergency, ensure your own safety and ring the relevant Emergency contact numbers 7600 (Hobart), 3336 Launceston and Burnie.
- In the event of an evacuation you should remain calm and follow the directions of staff members.
- Assemble at the assembly point nearest to the evacuation site and await further instructions from fire wardens.

If you feel intimidated or in danger

- Contact Security to report immediate threats.
- Harassment and Discrimination Contact Officers can also provide support and assistance. A full list can be found at http://www.admin.utas.edu.au/hr/eo/harass_contacts.html
- The University's student counselling service may also be able to assist – see their webpage at: <http://www.studentservices.utas.edu.au/counselling/>

There are policies to help ensure your health and safety

These are available at the HR website at:

<http://www.human-resources.utas.edu.au/health-and-safety/oh-and-s-policies-and-procedures>

Some particularly relevant policies include:

- Smoke-free Area Policy at http://www.human-resources.utas.edu.au/_data/assets/pdf_file/0019/8740/smoke_free.pdf
- Laboratory Safety at http://www.human-resources.utas.edu.au/_data/assets/pdf_file/0020/8714/laboratory.pdf
- OH&S Responsibilities of Managers, Staff & Students at <http://www.human-resources.utas.edu.au/health-and-safety/oh-and-s-information/oh-and-s-responsibilities-of-managers,-staff-and-students>



Health and Safety Advice for Students

Lecture length is normally limited to 1 hour of continuous seated time. A 5-minute stretch break should be included each hour. This is to prevent muscular fatigue and blood circulation problems. Should you have any specific health requirements you should report this to your lecturer.

Teaching spaces are not to be overcrowded. Your lecturer will ask that you do not sit in aisles or place bags or personal belongings in passageways. Should safe access or egress be compromised, then alternate teaching arrangements will need to be made.

Speed Limits on all campuses must be observed (normally 10 kph).

OH&S Contact numbers

Hobart: 6226 7509

Launceston and Burnie: 6324 3275

Security contact numbers

Hobart: Urgent - 6226 7600 Non-Urgent - 6226 2046

Launceston and Burnie: Urgent - 6324 3336 Non-Urgent - 6324 3444

Student Counselling Services

Hobart: 6226 2697

Launceston: 6324 3787

Burnie: 6430 4949