

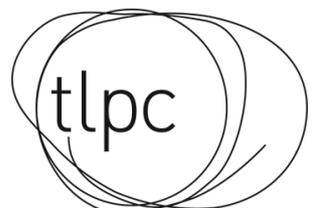
TASMANIAN LEGAL PRACTICE COURSE

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

HANDBOOK 2015

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
Naomi Bryant, LL.B	Deputy Director
Tom Cox, LL.B	Deputy Director
Gisou Agahi, LL.B	Executive Officer
Eve Morris LL.B	Deputy Executive Officer
Keshni Thaver, LL.B	Administrative Officer
Helen Squier	Administrative Officer

PRINCIPAL INSTRUCTORS

The Honourable Justice Shan Tennent	Supreme Court Practice & Advocacy
Magistrate Catherine Rheinberger	Magistrates Court Practice & Advocacy
Mr Mike Harris	Trust & Office Accounting
Mr Phillip Kimber, Mr Tim Tierney & Mr Hugh Murray	Commercial & Corporate Practice
Mr Hugh Murray	Property Law Practice
Mrs Frances Di Giovanni, Mr Philip Theobald & Mrs Anna Grant	Family Law Practice and Procedure
Mr Hugh Murray	Skills, Ethics & Professional Responsibility

and a panel of visiting judicial officers, practitioners and other professionals.

2. COURSE DIRECTOR'S WELCOME

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 2015 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.

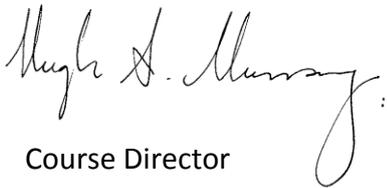
Your instructors will be legal practitioners, judges and magistrates – not academics. All of them are very experienced in their various fields, and almost everything they say to you during instruction sessions will be relevant to your work and useful to you. They will all approach their task of instructing 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

A handwritten signature in cursive script that reads "Hugh S. Murray". The signature is written in black ink and is positioned to the left of the typed name "Course Director".

Course Director

3. OVERVIEW OF TASMANIAN LEGAL PRACTICE COURSE 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 enable trainees to acquire and demonstrate an appropriate understanding of, and competence in, each element of the skills, values and practice areas set out in the National Professional Legal Training Competency Standards for Entry Level Lawyers.”

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 AM (Chair)
The Honourable Justice Shan Tennent
Mr Peter Bowen
Mr Graeme Jones
Mr Luke Rheinberger (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 members are 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, IT Support, and MyLO resources.

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 2015.

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

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.”

APLEC's main activity over some years was to develop curriculum content and set competency standards for the adoption by Legal Practice Courses operating in Australia.

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.

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).

A review of the NCS was completed by APLEC in 2013 following extensive consultation. As a result the NCS have been amended and the revised NCS commence on 1 January 2015 (NCS 2015).

CFLS adopted the NCS and NCS 2015 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 academic 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: <http://studyassist.gov.au/sites/studyassist/help-payingmyfees/hecs-help/pages/hecs-help-welcome>

6. COURSE OVERVIEW, REQUIREMENTS AND INFORMATION (INCLUDING ASSESSMENT AND ATTENDANCE)

OVERVIEW

The following courses (“Units”) will be taught at the 2015 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, and Industrial Relations Practice)
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
LCA 107	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 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 2015 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 15, 16, and 17 of the TLPC (11 May – 29 May) each trainee will spend three 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 “the equivalent of at least 15 days workplace experience, comprising seven working hours each day” during the Course and it is for trainees to ensure, and demonstrate that they comply with this requirement.

During work experience, trainees attend the Magistrates’ Court for one day to 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 2015 TLPC commences on Friday, 30 January 2015, and concludes on Thursday, 30 July 2015.

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 usually between 1.00pm and 2.00pm.

Attendance is also compulsory on some Mondays and Fridays in order, for example, to accommodate the Leo Cussen Workshops (Friday, 13 February), 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.

ATTENDANCE REGISTER

Trainees must sign an Attendance Register at the commencement and conclusion of each day and should be aware that a copy of that Register may be required to be sent to the BLE.

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 weekly timetable is distributed to trainees every Thursday for the following week. 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 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 attire 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

TELEPHONES

The Centre for the Arts is provided with public telephones for the use of students and trainees. There is a blue pay telephone situated opposite the vending machines in the cafeteria and a white phone near the Arts security office, which can be used to dial internal UTAS numbers free of charge.

COMPUTERS

There are three laptops at the Centre for use by trainees, all of which have Windows software.

Because there is an insufficient number of computers, trainees should bring, and use their own laptops. Your laptop will be setup to have direct access to the UTAS wireless network through U-Connect, and access to CFLS printers.

PHOTOCOPYING AND PRINTING

There is a photocopier for the use of trainees situated on level 2 of the Centre, and various printers on each level. Photocopying and printing is charged at the rate of 11 cents per A4 copy.

The photocopy and printing system is operated by UTAS Copying and Printing Service (CAPS).

A valid UTAS student ID card will be required to use the printers and the photocopier. Trainees can recharge their UTAS student ID cards at the Carrington Smith Arts Library in the Centre for the Arts building, or via CAPS online - <http://www.utas.edu.au/library/libraries/print-copy-scan>.

The cost of copying and printing is deducted from the credit you have added to your CAPS account.

All issues relating to printing and photocopying should be directed to UTAS service desk, by calling 6226 1818, or dialing 1818 if using the white phone near the Arts security office. Alternatively you can email service desk - service.desk@utas.edu.au.

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 50 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 library 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, the UTAS research facilities, and other databases.

MyLO

While the TLPC does not use MyLO for dissemination of lectures, all reference materials will be made available through the MyLO support service.

MyLO will also be used as a tool for trainees to submit tasks, undertake tests, quizzes, surveys, and for instructors to publish results in most units, whether it be formative or summative assessment.

9. GENERAL INFORMATION

CAFETERIA, WATER COOLERS, URN, & VENDING MACHINES

Trainees should note that The School of Art Café will open Late February 2015, from 8.30am – 3.30pm, and will be closed during UTAS semester breaks.

A water cooler and an urn is located in the kitchenette at the Centre. It is the trainees' responsibility to ensure they 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 drawers/filing cabinet within a shared office. Keys for the drawers/filing cabinets are available from the TLPC reception upon payment of a refundable \$20 key deposit.

PARKING

UTAS provides 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 trainee piegon holes, on commencement day, Friday 30th January.

Applications for a permit must be made in person, with a valid photo ID (preferably in the form of a UTAS student ID).

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 desks and in the offices of the Course Director, and the Deputy Directors. These are buff coloured telephones and Security's PABX number is 7600.

FIRE

The Course Director is the designated “Fire Warden” and each trainee must follow his direction in the event of an emergency. The meeting assembly area is located on Hunter Street opposite the Arts School.

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. All security officers are trained in first aid.

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, sandwich maker, microwave 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 trainees in their use of this space.

Each office will have a team leader who is in charge of the cleaning roster for their designated week.

10. ADMISSION AS A LEGAL PRACTITIONER

A trainee who successfully completes the 2015 TLPC may expect to be admitted as a practitioner on 21 August, 2015.

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 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

Legal Profession Act (Tas) 2007

- 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 admittedare 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” (refer to Appendix 1 of LACC Guidelines)
 - whether the person -
 - 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 the offence was committed; and
 - the person’s age when the offence 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 Form 3 (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”).

The following is the guidelines set by the LACC in 2013:

LAW ADMISSIONS CONSULTATIVE COMMITTEE¹ DISCLOSURE GUIDELINES FOR APPLICANTS FOR ADMISSION TO THE LEGAL PROFESSION

1. PURPOSES OF THESE GUIDELINES

An applicant for admission is required to satisfy the Admitting Authority that the applicant is “currently of good fame and character”.² In all jurisdictions other than South Australia, the relevant Act also requires the Admitting Authority to consider whether the applicant is “a fit and proper person” for admission to the legal profession.³ Both these tests reflect the overarching requirements of the pre-existing common law.

The purposes of these Guidelines are:

- (a) to bring home to applicants that Admitting Authorities and Courts place a duty and onus squarely on each applicant to disclose to the Admitting Authority any matter that could influence the Admitting Authority’s decision about whether the applicant is “currently of good fame and character” and “a fit and proper person”; and
- (b) to remind applicants that failure to do so, if subsequently discovered, can have catastrophic consequences for an applicant. An applicant might either be refused admission, or struck off the roll, if the applicant has been admitted without making a full disclosure.

There are many judicial explanations of what the phrase “fit and proper person” means in different contexts.⁴ For example:

The requirement for admission to practice (*sic*) law that the applicant be a fit and proper person, means that the applicant must have the personal qualities of character which are necessary to discharge the important and grave responsibilities of being a barrister and solicitor. A legal practitioner, upon being admitted to practice, assumes duties to the courts, to fellow practitioners as well as to clients. At the heart of all of those duties is a commitment to honesty and, in those circumstances when it is required, to open candour and frankness, irrespective of self interest or embarrassment. The entire administration of justice in any community which is governed by law depends upon the honest working of legal practitioners who can be relied upon to meet high standards of honesty and

¹ LACC’S Charter is approved by the Council of Chief Justices which also appoints its Chairman. LACC is not, however, a committee of the Council, nor does it act on the Council’s behalf.

² *Legal Profession Act 2007* (Tas) section 9(1)(a)

³ *Legal Profession Act 2007* (Tas) section 31(6)(b)

⁴ *Frugtniet v Board of Examiners* [2002] VSC 140; *Frugtniet v Board of Examiners* [2005] VSC 332; *XY v Board of Examiners* [2005] VSC 250; *Australian Broadcasting Tribunal v Bond* (1990) 170 CLR 321; *Re Legal Profession Act 2004*; *re OG, a lawyer* [2007] VSC 520; *Ziems v The Prothonotary of the Supreme Court of New South Wales* (1957) 97 CLR 279; *Incorporated Law Institute of NSW v Meagher* (1909) 9 CLR 655; *Re Lenehan* [1948] HCA 45; *Re Evatt*; *Ex Parte NSW Bar Association* (1967) 67 SR (NSW) 236; *In the matter of an application for admission as a legal practitioner* [2004] SASC 426; *In re Davis* [1947] 75 CLR 409; *New South Wales Bar v Murphy* (2002) 55 NSWLR 23; *New South Wales Bar Association v Cummins* (2001) NSWLR 279; *New South Wales Bar Association v Hamman* [1999] NSWCA 404; *Prothonotary of the Supreme Court of NSW v P* [2003] NSWCA 320; *Prothonotary of the Supreme Court v Alcorn* [2007] NSWCA 288; *New South Wales Bar Association v Einfeld* (2009) 259 ALR 278; *In the matter of the Legal Practitioners Act 1970 and in the matter of an application by Hinds* [2003] ACTSC 11; *In the matter of an application for admission as a practitioner* [1997] SASC 6487; *Jackson (previously known as Subramaniam) v Legal Practitioners Admission Board* [2006] NSWSC 1338; *Legal Services Board v McGrath* [2010] VSC 266

ethical behaviour. It is the legal practitioner who is effectively the daily minister and executor in the administration of justice when advising clients, acting for clients, certifying documents, and making presentations to courts, governments, other professionals, and so on. The level and extent of trust placed in what legal practitioners say or do is necessarily high and the need for honesty is self evident and essential.⁵

2. STATUS OF THESE GUIDELINES

These Guidelines do not, and cannot, diminish or supplant in any way an applicant's personal duty to disclose any matter which may bear on the applicant's fitness for admission. They merely provide information about how Admitting Authorities and Courts approach the requirement of disclosure. They also give examples of matters which an applicant might otherwise overlook when deciding what to disclose.

It is important to understand that any matter bearing on an applicant's fitness should be disclosed, whether or not that matter is mentioned in these Guidelines. It is thus prudent to err on the side of disclosing, rather than concealing, information which may turn out to be relevant in the eyes of an Admitting Authority or a Court.

In Tasmania the Admitting Authority is the Supreme Court of Tasmania.

3. RELEVANT PRINCIPLES

Admitting Authorities apply the following principles when determining an applicant's fitness for admission:

- (a) The onus is on an applicant to establish fitness.
- (b) The statutory test is cast in the present tense – whether an applicant “*is currently* of good fame and character” and, except in South Australia, “*is* a fit and proper person”. Past conduct, though relevant, is not decisive.
- (c) The candour demonstrated in any disclosure by an applicant is highly relevant when determining present fitness. High standards are applied in assessing the candour of any disclosures. Full and frank disclosure is essential, although in most circumstances disclosure of past indiscretions will not result in an applicant being denied admission.
- (d) An applicant's present understanding and estimation of the applicant's past conduct is relevant.
- (e) If an applicant makes a full disclosure of a condition relevant to the applicant's capacity and demonstrates that the condition is appropriately managed, it is highly unlikely that the disclosure will lead to an adverse assessment of the applicant's suitability for admission.

⁵ *Frugtniet v Board of Examiners [2002] VSC 140* per Pagone, J

4. THE DUTY OF DISCLOSURE

An applicant for admission is required to disclose, in the application, any matter which might be relevant to the Admitting Authority considering whether the applicant is currently of good fame and character and is a fit and proper person for admission to the legal profession. The applicant *must* state whether any of the suitability matters set out in **Appendix 1** apply to the applicant. This requirement reflects the statutory obligation of the Admitting Authority.

Further, any *other* matter that might be relevant to a decision by an Admitting Authority or a Court about whether the applicant is a fit and proper person for admission should also be disclosed. Recent cases demonstrate that the Courts believe there is an increasing expectation that any matters relevant to the assessment of an applicant's honesty will be disclosed.

If an applicant discloses no matters relevant to fitness for admission, the application must contain the following statement:

I have read and understood the Disclosure Guidelines for Applicants for Admission to the Legal Profession. I am and always have been of good fame and character and am a fit and proper person to be admitted and I have not done or suffered anything likely to reflect adversely on my good fame and character or on whether I am a fit and proper person. I am not aware of any matter or circumstance that might affect my suitability to be admitted as an Australian lawyer and an officer of the Court.

Unfortunately it is not possible to provide applicants with an exhaustive list of all matters which can turn out to be relevant to assessing whether an applicant is currently of good fame and character, or a fit and proper person for admission, and which therefore should be disclosed.

Stated in general terms, however, the duty of disclosure extends to *any* matter which reflects negatively on the applicant's honesty, candour, respect for the law or ability to meet professional standards. An applicant should provide a full account of any such matter in the applicant's disclosure, including a description of the applicant's conduct. The description should not be limited merely to listing criminal charges or other consequences of the conduct. As already noted, there is an increasing expectation that *any* matters relevant to assessing an applicant's honesty will be disclosed.

An applicant should also avoid editing, or selecting only those matters which the *applicant* believes should be relevant to the decision to be made by the Admitting Authority. Rather, an applicant should disclose every matter that might fairly assist the Admitting Authority or a Court in deciding whether the applicant is a fit and proper person.

Revealing more than might strictly be necessary counts in favour of an applicant - especially where the disclosure still carries embarrassment or discomfort. Revealing less than may be necessary distorts the proper assessment of the applicant and may itself show an inappropriate desire to distort by selecting and screening relevant facts.⁶

⁶ *Frugtniet v Board of Examiners* [2002] VSC 140, per Pagone J.

5. MATTERS WHICH AN APPLICANT MAY NEED TO DISCLOSE

The following are examples of matters which an applicant may need to disclose in addition to the statutory matters set out in **Appendix 1**:

(a) Criminal conduct

An obligation to disclose a criminal *charge*, as distinct from a criminal conviction, may arise, even if charges were subsequently withdrawn or the applicant was acquitted. The fact that an applicant's character has been brought into question may be sufficient to give rise to a need to disclose in the eyes of an Admitting Authority or a Court.

It is usually inadequate for an applicant disclosing criminal conduct merely to list the relevant charges and convictions. An applicant needs to explain, in the applicant's own words, the circumstances giving rise to the charge or conviction.

Whether or not a criminal charge (as distinct from a conviction) should be disclosed will depend on the circumstances. If the charge did not proceed for a technical reason, such as the expiration of a time limit, disclosure *may* be required. On the other hand, if the charge was denied and the matter did not proceed because of an acknowledged lack of evidence, disclosure may not be necessary.

An applicant should carefully consider whether the facts giving rise to a criminal charge are such that an Admitting Authority might reasonably regard them as relevant in assessing the applicant's suitability for admission.

An applicant should carefully consider whether it is prudent to disclose an offence, even if spent convictions legislation applies to that offence. Where spent convictions legislation does not apply, an applicant should declare any offence of which the applicant has been convicted.

(b) Intervention orders and apprehended violence orders

(c) Infringement Offences

Offences resulting in a court-ordered fine or other sanction or else an administrative penalty, such as traffic or public transport offences, may need to be disclosed in circumstances where the frequency or number of fines, or the failure to pay fines, may give rise to concern in the eyes of an Admitting Authority or a Court about the applicant's respect for the law.

(d) Traffic Offences

See item (c) above.

(e) Academic Misconduct

Academic misconduct may need to be disclosed. It will generally be prudent to disclose such conduct whether or not a formal finding was made or a record of the incident retained by the relevant organisation.

Academic misconduct includes, but is not limited to, plagiarism, impermissible collusion, cheating and any other inappropriate conduct, whereby the applicant has sought to obtain an academic advantage either for the applicant or for some other person.

(f) General Misconduct

An applicant may need to disclose misconduct which occurred in a workplace, educational institution, volunteer position, club, association or in other circumstances, if such conduct may reflect on whether the applicant is a fit and proper person to be admitted to the legal profession.

General misconduct may include, but is not limited to, offensive behaviour, workplace or online bullying, property damage, sexual harassment or racial vilification.⁷

(g) Making a false statutory declaration

(h) Social security offences

(i) Tax Offences

(j) Corporate insolvency or penalties and offences relating to a corporate entity where the applicant was a director or responsible officer.

6. CERTIFICATES OF CHARACTER

Please also note that any person who supplies a certificate of character to support an application:

- (a) must be aware of any disclosure of the type mentioned above that is made by the applicant; and
- (b) must attest to that knowledge in the person's certificate of character.

Because of the privacy implications of disclosures about an applicant's capacity, a person who supplies a certificate of character need not be aware of any disclosure about the applicant's capacity: see item 7.

⁷ By way of illustration, in *XY v Board of Examiners* [2005] VSC 250, Habersberger, J found that an applicant was under a duty to disclose that a volunteer position had been terminated as a result of making offensive remarks to a fellow worker and that she was also required to disclose property damage she had caused at a meditation retreat, notwithstanding that charges were not laid.

7. DISCLOSURES ABOUT CAPACITY

An Admitting Authority is also required to consider whether an applicant has the present capacity to carry out the tasks of a legal practitioner. At common law, the principle is as follows:

To be a fit and proper person for admission to the legal profession an applicant must possess the capacity to make the judgments necessary to meet appropriate professional standards in legal practice or otherwise *'discharge the important and grave responsibilities of being a barrister and solicitor'*.⁸

The requirement of capacity is separate and distinct from the requirement that an applicant be a fit and proper person or of good fame and character.

The Legal Profession Acts variously describe matters relating to an applicant's capacity as "suitability matters" about which an Admitting Authority must satisfy itself, in the following ways:

- (a) whether the person is currently unable satisfactorily to carry out the inherent requirements of practice as an Australian legal practitioner;⁹
- (b) whether the person is currently unable to carry out the inherent requirements of practice as an Australian legal practitioner;¹⁰
- (c) whether the person currently has a material inability to engage in legal practice;¹¹
- (d) whether the person currently has a material mental impairment.¹²

The precise statutory obligation thus depends on the relevant legislation in the jurisdiction in which an applicant seeks admission.

On the other hand, it is not clear that these various statutory statements displace the underlying common-law principles. Furthermore, in deciding whether an applicant is a fit and proper person, in addition to each of the suitability matters prescribed by statute, most Admitting Authorities must also consider: any other matter it considers relevant.¹³

In New South Wales, the corresponding provision is in discretionary, rather than mandatory, terms.¹⁴ In the Australian Capital Territory, there is an unlimited discretion to consider other relevant matters.¹⁵

⁸ *Frugetnie v Board of Examiners* [2002] VSC 140 per Pagone J.

⁹ *Legal Profession Act 2007* (Tas) section 9(m).

¹⁰ *Legal Profession Act 2008* (WA) section 8(m).

¹¹ *Legal Profession Act* (NT) section 11(1)(m).

¹² *Legal Profession Act 2004* (Vic) section 1.2.6 (1)(m).

¹³ *Legal Profession Act 2007* (Tas) section 26(1)(b).

¹⁴ *Legal Profession Act 2004* (NSW) section 25(1)(b).

At common law, an applicant who is otherwise qualified to practise is presumed to have capacity to practise unless the contrary is established. Nevertheless, quite apart from making disclosures which respond to the particular statutory “suitability matter” relevant to an applicant’s capacity in each jurisdiction, it will often be prudent for an applicant to disclose any other matters which an Admitting Authority might think relevant when assessing an applicant’s present capacity to engage in legal practice.

Matters which an applicant might disclose include any condition which might affect the applicant's present ability to engage in legal practice - such as physical impairment, mental illness or addictions.

An Admitting Authority assesses each applicant’s capacity individually, in the light of the applicant’s particular disclosures and any other supporting information. Such information should include any historical or current medical evidence submitted by the applicant. For this reason, if an applicant discloses a condition which an Admitting Authority may consider relevant to the applicant’s present capacity to practise law, it will be prudent also to provide a report from an appropriately-qualified medical practitioner relevant to the condition disclosed. If an applicant seeks to demonstrate that the relevant condition is appropriately managed and stable, a certificate to that effect from one or more of the applicant's treating medical practitioners would greatly assist an Admitting Authority.

Except for the purposes of the administration of the *Legal Profession Act*, an Admitting Authority must not disclose any personal or medical evidence disclosed to it by or on behalf of an applicant.

For privacy reasons, a disclosure about capacity may be made in a separate statutory declaration lodged with an application.

8. SUITABILITY MATTERS PRESCRIBED BY THE LEGAL PROFESSION ACT

An applicant must disclose any matter relevant to a suitability matter prescribed by the *Legal Profession Act* in the jurisdiction where admission is sought. The suitability matters prescribed for Tasmania are set out in **Appendix 1**.

9. FORM OF DISCLOSURE

Any disclosure which an applicant is required to make must be included either in the applicant's affidavit or statutory declaration applying for a compliance certificate or, in the case of a disclosure about capacity, in a supplementary affidavit or statutory declaration, if the applicant prefers. Each disclosure should be supported by any available supporting documents, to corroborate the disclosure. Each such document should be made an exhibit to the affidavit or statutory declaration.

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

¹⁵ *Legal Profession Act 2006 (ACT)* section 22(2).

APPENDIX 1
SUITABILITY MATTERS PRESCRIBED BY
THE LEGAL PROFESSION ACT (Tas) 2007, s9

As noted in items 4 and 8 of the Guidelines, the Admitting Authority (in Tasmania the Supreme Court of Tasmania) is required to satisfy itself about each of the following matters in relation to each applicant. Accordingly an applicant needs to disclose anything that the Admitting Authority might consider relevant when satisfying itself about each of these matters.

Suitability matters

- (1) Each of the following is a "suitability matter" in relation to a natural person:
- (a) whether the person is currently of good fame and character;
 - (b) whether the person is or has been an insolvent under administration;
 - (c) whether the person has been convicted of an offence in Australia or a foreign country, and, if so –
 - (i) the nature of the offence; and
 - (ii) how long ago the offence was committed; and
 - (iii) the person's age when the offence was committed;

Note. The rules may make provision for convictions that must be disclosed by an applicant and those that need not be disclosed.

- (d) whether the person engaged in legal practice in Australia –
 - (i) when not admitted to the legal profession, or not holding a practising certificate, as required under this Act or a previous law of this jurisdiction that corresponds to this Act or under a corresponding law; or
 - (ii) if admitted to the legal profession, in contravention of a condition on which admission was granted; or
 - (iii) if holding an Australian practising certificate, in contravention of a condition of the certificate or while the certificate was suspended;
- (e) whether the person has practised law in a foreign country –
 - (i) when not permitted by or under a law of that country to do so; or
 - (ii) if permitted to do so, in contravention of a condition of the permission;
- (f) whether the person is currently subject to an unresolved complaint, investigation, charge or order under any of the following:

(i) this Act or a previous law of this jurisdiction that corresponds to this Act;

(ii) a corresponding law or corresponding foreign law;

(g) whether the person –

(i) is the subject of current disciplinary action, however expressed, in another profession or occupation in Australia or a foreign country; or

(ii) has been the subject of disciplinary action, however expressed, relating to another profession or occupation that involved a finding of guilt;

(h) whether the person's name has been removed from –

(i) a local roll, and has not since been restored to or entered on a local roll; or

(ii) an interstate roll, and has not since been restored to or entered on an interstate roll; or

(iii) a foreign roll;

(i) whether the person's right to engage in legal practice has been suspended or cancelled in Australia or a foreign country;

(j) whether the person has contravened, in Australia or a foreign country, a law about trust money or trust accounts;

(k) whether, under this Act, a law of the Commonwealth or a corresponding law, a supervisor, manager or receiver, however described, is or has been appointed in relation to any legal practice engaged in by the person;

(l) whether the person is or has been subject to an order, under this Act, a law of the Commonwealth or a corresponding law, disqualifying the person from being employed by, or a partner of, an Australian legal practitioner or from managing a corporation that is an incorporated legal practice;

(m) whether the person is currently unable to satisfactorily carry out the inherent requirements of practice as an Australian legal practitioner.

(2) A matter is a suitability matter even if it happened before the commencement of this section.

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 circulate all advertisements for positions as soon as received.

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.

12. UTAS HEALTH AND SAFETY ADVICE FOR STUDENTS

Welcome to University of Tasmania. We take seriously our responsibility to ensure a healthy and safe learning environment for all students, visitors and others. Please read this information and keep it for future reference as it outlines health and safety advice and information including important telephone numbers.

As the University is a workplace it is covered by 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. How can you achieve this?

If you notice a hazard

Hazards should be reported immediately to prevent incident and injury. Hazards can be reported either online at <http://www.utas.edu.au/work-health-safety/> or use the University's Safety Hazard Form located at <http://www.utas.edu.au/work-health-safety/whs-forms>.

If you become ill or injured on campus

- Seek assistance from a member of staff.
- In the case of emergency contact 000 and advise security on 7600 (Hobart), 3336 Launceston and Burnie and Rozelle 0402 696 321.
- Ensure your illness or injury is adequately treated. The University has qualified First Aiders in most areas.
- Report your injury or illness. This can be done using the University on-line Notify an Incident or Near Miss Form which can be found on the web at: <http://www.utas.edu.au/work-health-safety> or use the University's Notification of Incident/Injury Form
- 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.
- Ensure the incident/ injury has been reported, as soon as practicable, to your placement coordinator/lecturer or contact a University 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, first ensure your own safety.
- Ring Emergency Services for police, fire brigade and ambulance on 000.
- If you call 000, please contact Security as soon as possible at 7600 (Hobart), 3336 Launceston and Burnie and Rozelle 0402 696 321 so that they can arrange to meet and direct emergency services to the location.

- In the event of an evacuation you should remain calm and follow the directions of staff members.
- Assemble at the designated 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. If it is an emergency situation contact Emergency Services at 000
- Harassment and Discrimination Contact Officers can also provide support and assistance. A full list can be found at http://www.human-resources.utas.edu.au/_data/assets/pdf_file/0014/8150/Information-for-Workplace-behaviour-Contact-Officers-Feb-14.pdf
- The University's student counselling service may also be able to assist – see their webpage at: <http://www.utas.edu.au/students/counselling>

There are policies to help ensure your health and safety

These are available at the WHS website [policies and standards](#)

Some particularly relevant policies include:

- Smoke-free Area Minimum Standard Smoke Free Area Minimum Standard
- Laboratory, Workshops and Studios Safety Laboratory, Workshops and Studios Safety Minimum Standard
- WHS Responsibilities of Managers, Staff & Students [Responsibilities Minimum Standard](#)

Your health safety and wellbeing

- 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).

Emergency Services

All areas: 000

Note: if using a University telephone, you must dial '0' before dialling 000 to obtain an outside line.

University Security

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

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

Rozelle: 0402 696 321

Student Counselling Services

Hobart: 6226 2697

Launceston: 6324 3787

Burnie: 6430 4949

WHS Unit

All areas 03 6226 6298

Email: health.safety@utas.edu.au

13. RESILIENCE AND WELL-BEING

Your resilience and well-being is important to us.

Please read these beneficial Fact Sheets concerning Resilience and Well-being developed by UTAS Student Services at: <http://www.utas.edu.au/students/fact-sheets>

- Alcohol and Drug Abuse
- Building Resilience and Succeeding
- Building Self Esteem
- Controlling Procrastination
- Counselling Information for Students
- Cross Cultural Awareness and Communication
- Depression
- Financial Management
- Grief and Loss
- Improving your Sleep
- Normal Healthy Eating and Eating Disorders
- Stress Management
- Time Management

14. KEY DATES 2015

WEEK	DATE	MONTH	EVENT
	Friday 30 th January	JANUARY	Course Commences Welcome & Introduction Official Opening of the Legal Year
2	Thursday 12 th – Friday 13 th	FEBRUARY	Leo Cussen Skills Workshop
4	Friday 27 th	FEBRUARY	Reception Prison Tour
6	Monday 9 th	MARCH	Census Date
6	Thursday 12 th	MARCH	TLPC Cocktail Party
8	Friday 27 th	MARCH	PLP Transaction 1 Settlements
9	Wednesday 1 st	APRIL	Planning Direction Hearings
9	Thursday 2 nd	APRIL	CCP Transaction 1 Settlements
9	Friday 3 rd	APRIL	Good Friday
10	Monday 6 th – Friday 10 th	APRIL	TLPC Easter Break
11	Tuesday 14 th	APRIL	TLPC Resumes
12	Tuesday 21 st	APRIL	Trust and Office Accounting Test
12	Thursday 23 rd	APRIL	Mid-Course Practical Tasks
14	Friday 8 th	MAY	FLP Interim Hearings (Federal Circuit Court)
15,16,17	Monday 11 th – Friday 29 th	MAY	Work Placements
18	Wednesday 3 rd – Friday 5 th	JUNE	Professor Lyons Advocacy Workshops
20	Wednesday 17 th	JUNE	Workers Compensation Hearings (Montagu)
20	Friday 19 th	JUNE	PLP Transaction 2 Settlements
21	Tuesday 23 rd	JUNE	PLP Practical Tasks
21	Wednesday 24 th	JUNE	Workers Compensation Hearings (Pedder)
21	Thursday 25 th	JUNE	Mediations - Supreme Court (Montagu)
21	Thursday 25 th	JUNE	Land Titles Office and Deeds Registry Tours (Pedder)
21	Friday 26 th	JUNE	CCP Transaction 2 Settlements
22	Thursday 2 nd	JULY	Mediations - Supreme Court (Pedder)
22	Thursday 2 nd	JULY	Land Titles Office and Deeds Registry Tours (Montagu)
24	Tuesday 14 th – Wednesday 15 th	JULY	Practical Tasks
26	Tuesday 28 th – Wednesday 29 th	JULY	Risdon Prison Tours
26	Thursday 30 th	JULY	Course Concludes
26	Friday 31 st	JULY	Celebratory Dinner
	Friday 21 st	AUGUST	Admissions

15. ADMISSION TIMELINE 2015

Admission Date: Friday, 21 August 2015

Action	Time Requirement	Suggested Timing	Last Possible Dates
Apply for a report from the Commissioner of Police setting out your national criminal record. NB National police record check not finger print check See rule 783AE(1)(a)(iii)(C) of the <i>Supreme Court Rules 2000 (SC Rules)</i>	Approx processing time: 4 weeks (20 working days) see http://www.police.tas.gov.au/services-online/police-history-record-checks/ Must not be prepared more than 6 months before the date of the swearing of the applicant's affidavit.	From May 2015	6 th July 2015
Identify and obtain the consent of two 'acceptable deponents' to provide affidavits as to character. see <i>SC Rules 783AA</i>	None specified	Now	7 th August 2015
Originating Application to be filed Form 3 (intended to be served) See <i>SC Rules 783AD(1)</i>	After your 1 st lecture and with sufficient time to comply with service time-limits	After 1 st lecture on 2 nd June 2015	7 th August 2015
Draft affidavits See SC website: http://www.supremecourt.tas.gov.au/practice_and_procedure/board_of_examiners	Have your draft affidavits ready for your second lecture on Admissions on 8 th July 2015	After 1 st lecture on 2 nd June 2015	
Notice of intention to apply for admission in the prescribed form must be published in 2 Tasmanian newspapers See <i>Supreme Court Forms Rules 2000 (Form 57BA)</i> See <i>SC Rules 783AC</i>	Not less than one month, or more than 3 months before the listing of the application	Any time from 21 st May. We will aim for Saturday 4 th July	18 th July 2015
Supporting affidavits to be filed ie an affidavit in support of the application (form 57BB) including annexures; and two affidavits as to character (Form 57BC) See <i>SC Rules 783AE(1)</i>	Any time after the notice of intention to apply has been advertised and you have your certificate, but with sufficient time to comply with service time-limits	30 th July 2015 or ASAP thereafter	7 th August 2015
Oath (unsigned) to be lodged (Form 57BG) See s.34 of <i>Legal Profession Act 2007</i> and <i>SC Rules 783AJ</i>	Prior to date of application. As a matter of convenience at the same time as supporting material is filed	30 th July 2015 or ASAP thereafter	7 th August 2015
Law Society & Legal Profession Board to be served with sealed copies of your application & supporting material See <i>SC Rules 132, 133, 135 & 783AD(2)</i>	Not less than 14 days before the application is to be heard	On the day the sealed copies of your documents are returned to you by the Court.	7 th August 2015
Affidavit of Service to be filed (Form 57BF) See <i>SC Rules 783AH</i>	Not less than 7 days before the application is to be heard	On the day the Law Society and Legal Profession Board are served	14 th August 2015
Judge's Papers to be filed SC Practice Direction 16 of 2005	At least 2 clear days before hearing	On the day your affidavit of service is filed	18 th August 2015

Note that successful trainees will be presented their Board of Legal Education certificates on 30th July 2015.

The last possible dates for filing are not recommended in the case of admissions. The Court receives a large number of admission applications from local applicants at around the same time. There are often errors which need to be corrected in admission documents before the application can go ahead. Ensure all your documents are filed as soon as possible so that the registry of the Court has sufficient time to process them and omissions or unexpected delays can be accounted for.