

Legal Practice Board



Articles Training Program

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COURSE RULES



Articles Training Program

COURSE RULES

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COURSE RULES

1. Definitions and Application

1.1 In these rules unless the contrary intention appears each term in the left column of the table below has the meaning set out in the right column opposite it:

Act	Legal Practice Act 2003
Board	Legal Practice Board
Committee	The Admissions and Registrations Committee of the Legal Practice Board
Course	A course operated by the Articles Training Program and approved by the Board under the Legal Practice Board Rules
Director	Director of the Articles Training Program
Instructor	any person engaged in teaching in a Course, whether as lecturer, or workshop or seminar leader, and whether paid or otherwise
Skills, Values and Practice Areas	The skills, values and practice areas set out in Appendix B to the uniform admission rules prepared by the Law Admissions Consultative Committee and adopted by the Council of Chief Justices on 4 April 2002

1.2 These Rules apply to an articulated clerk enrolled in a Course.

2. Eligibility

2.1 A person is eligible to enrol in a Course if that person's articles are registered at the time of application for enrolment.

2.2 An articulated clerk who is enrolled in a Course and ceases to be employed as an articulated clerk before completing that Course:

- (a) must advise the Director of that fact; and
- (b) may continue the Course only by leave granted under this Rule.

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- 2.3 If an applicant for leave to attend a Course satisfies the Director that their circumstances are such that they are likely to perform satisfactorily in the Course, the Director may grant the applicant leave to commence or continue a Course.
- 2.4 If the Director declines an application for leave to enrol or continue in a Course under Rule 2.3 the articulated clerk may apply to the Committee for such leave.

3. Enrolment

- 3.1 An articulated clerk may apply to enrol in a Course by delivering to the Director such completed enrolment form or forms as the Director may require, together with the Course fee.

4. Fees

- 4.1 Fees for Courses are set by the Legal Practice Board and published on its website.
- 4.2 Subject to the next following sub-rule, an articulated clerk must pay the Course fee at the time of application for enrolment in a Course.
- 4.3 In exceptional circumstances and upon application being made by an articulated clerk, the Director may approve the payment of a Course fee by instalments and with or without conditions.
- 4.4 If, pursuant to these Rules, the Director required an articulated clerk to repeat a Course or a part of a Course or undertake further instruction or assessment tasks the Director will determine the appropriate fee to be paid.

5. Attendance

- 5.1 Unless excused under this rule, an articulated clerk must attend each class in a Course.
- 5.2 The Director may excuse attendance at a class, or from the consequences of having failed to attend a class, in whole or in part, and with or without conditions.
- 5.3 For the purposes of these rules, an articulated clerk attends a class who is present at the time the class is due to commence and remains continuously present unless and until excused by the Instructor having charge of the class.

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6. Conduct

- 6.1 An articulated clerk attending a Course must:
- (a) act fairly, honestly and courteously to other articulated clerks and all staff including Instructors;
 - (b) comply with the Legal Practice Board Rules and these rules;
 - (c) comply with the ethical standards of the legal profession;
 - (d) comply with any standards of conduct prescribed by the Director for the purposes of a Course; and
 - (e) attend diligently to the tasks required of the articulated clerk in the Course.
- 6.2 An articulated clerk who commits a breach of these rules commits misconduct.

7. Discipline

- 7.1 An Instructor who has reason to believe that an articulated clerk may be guilty of misconduct may:
- (a) if the alleged misconduct occurs in a class
 - (i) exclude the articulated clerk from the class, in which case the articulated clerk is deemed not to have attended the class; or
 - (ii) refer the matter to the Director; or
 - (iii) do both of the above;
 - (b) if the alleged misconduct does not occur in a class, refer the matter to the Director.
- 7.2 The Director may act under this rule without a reference from an instructor.
- 7.3 The Director shall, in accordance with these Rules, investigate and determine any allegation of misconduct made against an articulated clerk and make a determination as to whether or not the conduct amounts to misconduct.
- 7.4 Before making a determination pursuant to Rule 7.3, the Director must give an articulated clerk against whom an allegation of misconduct is made:
- (a) written notice of the alleged misconduct; and
 - (b) an opportunity to be heard in person (but not by a representative) as to both the allegation of misconduct and sanction.

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- 7.5 If, following investigation of an allegation of misconduct, the Director determines that an articulated clerk is guilty of misconduct the Director may do any one or more of the following:
- (a) issue the articulated clerk with a written reprimand
 - (b) require the articulated clerk to repeat a Course or part of a Course;
 - (c) require the articulated clerk to complete additional assessment tasks
 - (d) Require the articulated clerk to attend additional instruction sessions; or
 - (e) expel the articulated clerk from a Course.
- 7.6 If the Director issues a written reprimand to an articulated clerk under Rule 7.5(a) the Director must append a copy of that reprimand to any certificate issued in respect of that articulated clerk pursuant to Rule 9.
- 7.7 An articulated clerk against whom a determination of misconduct has been made under Rule 7.5 may appeal that determination to the Committee by giving notice in writing to the Committee, with a copy to the Director, within 7 days of being advised of the Director's determination.
- 7.8 A notice given in accordance with Rule 7.7 must contain the grounds for the appeal and the submissions made in support of the appeal.
- 7.9 The Committee will determine the appeal and in doing so may:
- (a) advise the articulated clerk's principal of the substance of the misconduct found and the determination of the Director;
 - (b) give the Director, the articulated clerk and the principal an opportunity to be heard;
 - (c) confirm, vary, or set aside the decision of the Director.
- 7.10 Notwithstanding rules 7.1 – 7.9 the Director may at any time refer any matter of misconduct or alleged misconduct on the part of an articulated clerk to the articulated clerk's Principal and/or the Committee.

8. Assessment Policy

- 8.1 The Director may publish statements of assessment policy, and once published any such statement has effect as if it were part of these rules.

9.

Certification

9.1 Following an articled clerk's completion of:

- (a) a Course, or;
- (b) any requirement imposed by the Director on an articled clerk pursuant to Rule 7.5 or Rule 9.2 (b)

the Director must determine whether the articled clerk has, through the training and assessment tasks undertaken, demonstrated understanding and competence in the Skills, Values and Practice areas taught and assessed in the Course. If the Director is so satisfied the Director shall issue the articled clerk and his or her principal with a certificate to that effect. The Director shall also send a copy of the certificate to the Committee.

9.2 If, following an articled clerk's completion of a Course, the Director is not satisfied the articled clerk has demonstrated understanding and competence in the Skills, Values and Practice Areas taught and assessed in the Course the Director must:

- (a) provide the articled clerk and his or her principal with written advice identifying the Elements of the Skills, Values and Practice Areas in which, in the opinion of the Director, the articled clerk has not demonstrated understanding and competence ;
- (b) Make arrangements with the articled clerk, and if necessary, his or her principal to enable the articled clerk to receive such additional training and assessment which, in the opinion of the Director, is required to enable the articled clerk to demonstrate understanding and competence in those Elements;

9.3 The arrangements the Director may make under Rule 9.2 include, but are not limited to:

- (a) Requiring the articled clerk to repeat a course or part of a course;
- (b) Requiring the articled clerk to complete additional assessment tasks;
- (c) Requiring the articled clerk to attend additional instruction sessions.

9.4 If an articled clerk or his or her principal disputes the Director's determination made under Rule 9.2 either may appeal that determination to the Committee by giving notice in writing to the Committee, with a copy to the Director, within 7 days of being advised of the Director's determination.

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- 9.5 A notice given in accordance with Rule 9.4 must contain the grounds for the appeal and the submissions made in support of the appeal.
- 9.6 The Committee will determine the appeal and in doing so may:
- (a) give the Director, the articled clerk and the principal an opportunity to be heard; and
 - (b) confirm, vary, or set aside the determination of the Director.
- 9.7 Notwithstanding rules 9.1 – 9.6 the Director may, at any time refer any matter of an articled clerk's understanding or competence in the Skills Values and Practice Areas to his or her principal and/or the Committee.

These Rules were updated and approved by the legal Practice Board on 7 May 2008.