



NEW SOUTH WALES
BAR ASSOCIATION®

NEW SOUTH WALES BAR ASSOCIATION BAR
EXAMINATION INFORMATION GUIDE

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1. BAR EXAMINATION

The distinctive feature of practice at the NSWBA is advocacy before the courts and tribunals. Accordingly, the Bar Council sets an exam in subjects related specifically to advocacy - legal ethics for barristers; aspects of evidence; and practice and procedure for barristers. Admission to the Supreme Court is *not* a pre-requisite for sitting the NSW Bar Examination, but it is necessary to pass this exam before commencing the Bar Practice Course. Candidates should familiarise themselves with the [Bar Association Examination Policy](#) and other professional development-related policies *before* registering. The NSW Bar Examination is offered twice a year - February and June.

2. REGISTRATION

Candidates are required to register online via our website. A fee of \$795.00 is payable upon completion of registration. This includes a \$100.00 licence fee paid to ExamSoft for the online component of the examination. *The registration fee is non-refundable.* Please ensure you have read the [Bar Association Examination Policy](#) and all relevant materials before registering. Candidates may apply to sit for the exam by clicking on the Online Registration link located at the bottom of the NSW Bar Examination homepage once opened.

All important dates can be found on the same homepage. At time of registration, candidates must elect if they will use their own laptop computer or wish to request that one be provided by the NSWBA.

At the time of registration, you must provide the following information:

- 1) Name - enter your full legal name as it appears on your ID;
- 2) Date of Birth;
- 3) Email address - Use an email address that has no expiry and that you check frequently as all communications from the NSW Bar will be sent only by email

A. Distance Candidates

Candidates may apply as 'distance candidates' if qualified by one of the following:

- 1) Candidates who live more than 100km's from Sydney city;
- 2) Candidates who reside Interstate;
- 3) Candidates who reside Overseas.

Candidates must select this preference at the time of registration and provide supportive documentation as proof of address. Both distance and Sydney candidates will sit the examination on the same day to their local times under the same examination conditions. Further information can be found [here](#).

3. EXEMPTIONS

Applications for exemption from the NSW Bar Examination should be directed to the Executive Director, in writing, detailing grounds for exemption supported by curriculum vitae. Specific guidelines for application are not provided. All applications are judged on their merits.

4. APPLICATION DEADLINES

All registrations must be completed within the published deadlines on the NSWBA website. An application is determined to be complete when it is electronically filed, and the registration fee is paid in full within the registration period. **There is no late application period.**

5. PAYMENT OF FEES

The only acceptable form of payment is a Visa, MasterCard and American Express online. The NSWBA does not accept credit card payments by hand, mail or phone. Fee waivers require an application to the Executive Director and are assessed individually. Please contact exams@nswbar.asn.au for more information.

6. TEST ACCOMMODATIONS

The NSWBA provides reasonable and necessary test adjustments to candidates who are qualified to take the NSW Bar Examination under the *Disability Discrimination Act 1992* (Cth). Candidates will need to apply at time of registration or by the close of registration with the required documentation. Please refer to the [NSW Bar Examination Policy](#). An outcome will be communicated with candidates via the registered email address.

7. ONLINE EXAMS

A. General Information

The NSW Bar Examination is delivered within our Sydney offices or alternate venue specified by the NSWBA, using of laptop computers to capture candidates' answers. This requires candidates to use their personal laptop computer, loaded with the designated ExamSoft software, to type their answers and submit their examination papers electronically. When candidates register for the examination, they must indicate whether they will provide their own laptop or request that one be provided for their use during the examination by the NSWBA. Shortly after the registration period has ended, candidates will receive an email from ExamSoft (barsupport@examsoft.com), with instructions for installing the software and registering your laptop computer. All subsequent laptop program communications will also be sent from ExamSoft. We strongly recommend that you add barsupport@examsoft.com to your contacts and safe senders list to ensure you receive all laptop related email communications.

The NSWBA's website will be updated with deadlines to register your laptop computer. These

deadlines are firm and cannot be waived or extended. Your failure to register your laptop before the relevant deadline will result in you forfeiting your right to sit the exam. Failure to follow these procedures does not constitute good cause for crediting or refunding your registration fee. Candidates who do not have access to a laptop computer and have requested that a laptop computer be provided by the NSWBA, will have an opportunity to sit with the registered laptop prior to the exam to practice and familiarise themselves with the device and software. The Professional Development Department will contact you after registrations have closed to make arrangements. If you do not receive an email from ExamSoft on the Tuesday following registration close, please contact us immediately on exams@nswbar.asn.au.

We strongly recommend that you watch the introduction to ExamSoft video: https://youtu.be/xThgat_frHs

For additional information about registering and using ExamSoft, please visit www.examsoft.com/support.

B. Risk

As is the case with the use of any technology, there are certain risks associated with use of laptop computers. In the event of any technical difficulties, laptop participants will be required to immediately switch to handwriting their answers. There are also risks associated with renting or borrowing a laptop for use on the NSW Bar Examination. It is imperative that laptop participants use dependable laptops and that they test the software on the laptop several times prior to examination day.

C. Software Vendor and Fee

The NSWBA has elected to use ExamSoft Worldwide's Exemplify© software as the security software for the NSW Bar Examination. There is a \$100 non-refundable technology fee that is included in the registration application. ExamSoft will handle the license registration, software download and qualification of laptop computers for use on the examination day.

D. System Requirements

All laptop participants must utilise a laptop which meets or exceeds the minimum system requirements as determined by ExamSoft. Please review the [Minimum System Requirements](#) needed to properly run Exemplify prior to enrolling in the laptop program.

The use of a wireless keyboard and/or a wireless mouse are not permitted at the NSW Bar Examination.

E. Foreign Language Packs

Applicants who have laptop computers with a foreign language pack should be sure that they

use a font that is recognised in Australia (e.g. Arial, Times New Roman or Courier). Your computer must be set to US English or Australian English, otherwise ExamSoft software will not work on your laptop computer.

8. EXAM SCHEDULE

Paper 1:

9.30am to 12.00pm (includes 30 minutes of reading time). During the morning session, candidates are given 30 minutes of reading time and 2 hours of examination time to answer the questions.

Paper 2:

2.00pm to 4.30pm (includes 30 minutes of reading time). In the afternoon session, candidates are given 30 minutes reading time and 2 hours of examination time to answer the questions.

Each exam question paper is 120 marks and is designed to be equivalent to approximately 120 minutes of writing time. One exam paper will examine the three topic areas in the context of civil proceedings and the other will examine the three topic areas in the context of criminal proceedings. All Sydney candidates must arrive at 8.30am for laptop setup.

9. EXAM LOCATION

The NSW Bar Examination is held at the NSW Bar Association or alternate venue specified by the NSWBA. Candidates can select to sit as 'Distance Candidates' at the time of registration and provide supportive documentation as proof of address. Details of the venue and invigilator must be provided at time of registration. Failure to provide details will result in a candidate being ineligible to sit as a distance candidate, requirements can be found [here](#). For further information please contact exams@nswbar.asn.au. The NSWBA suggests candidates make arrangements well in advance if travelling to Sydney upon confirmation of registration.

10. PHOTO IDENTIFICATION

All candidates must bring an official state/government issued photo ID to the examination, which will be checked at both sessions. Acceptable forms of ID include an Australian driver's licence, a passport, or other government issued photo ID. A non- Australian citizen who does not possess a driver's licence issued by an Australian state or territory must present a valid passport as identification. Candidates without photo ID will not be permitted into the examination room.

11. WITHDRAWAL FROM THE EXAMINATION

Should candidates decide to withdraw from the examination, they must notify the NSWBA as soon as possible: exams@nswbar.asn.au. The application fee is non-refundable except in limited circumstances. If approved for a refund you will be credited the registration fee less the \$100.00 ExamSoft licence fee.

12. APPLICATION FOR TRANSFER

If there are extenuating circumstances causing you to withdraw, you may request a transfer to the next available examination date. All such requests must be received to the Director, Professional Development (exams@nswbar.asn.au) and accompanied by supportive documentation. The application will be reviewed by the Director, Professional Development; they will determine an outcome via your registered email contact. Applications are reviewed on a case-by-case basis.

13. ABSENCE FROM EXAM OR ANY PART THEREOF

A. Absence: Applicants must appear for ALL sessions of the examination to be graded. An applicant who fails to appear for the first session of the examination shall not be admitted to a later session. Any examination papers submitted by an applicant who does not take the entire examination will not be graded, their application fee shall be forfeited, it will be counted as a "did not sit," and a new application must be filed for any future examination.

B. Lateness: No applicant will be admitted into the examination room once reading time commences.

14. PASSING THE BAR EXAM

The pass mark is 75 per cent overall.

Passing the NSW Bar Examination does not entitle you to a NSW barrister's Practising Certificate. The Bar Practice Course must be undertaken within 15 months of passing

the examination. Passing the NSW Bar Examination permits a candidate to apply for enrolment in the Bar Practice Course but does not guarantee that a candidate will be able to enrol in the Bar Practice Course of his or her choosing. Passing the NSW Bar Examination permits a candidate to apply for enrolment in the Bar Practice Course but does not guarantee that a candidate will be able to enrol in the Bar Practice Course of their choosing. Please refer to the [Bar Practice Course Policy](#) (updated October 2019), and, in particular, the capacity limits that apply for each course. There will be a limit of 54 place for each course.

Applicants are advised not to give notice of termination to employers until examination results and an offer of a place confirm entry to the full-time course. In addition to passing the NSW

Bar Examination, candidates must satisfactorily complete the NSW Bar Practice Course and Bar Council must approve your application for a practising certificate before a practising certificate will be issued.

15. PREPARING FOR THE BAR EXAM

The reading list for the NSW Bar Examination will be made available at the start of the registration period on the Bar Association Website. Candidates are encouraged to familiarise themselves with the reading list as early as possible.

The NSW Bar Examination is an open book examination. Candidates may bring any hard copy material with them to the examination. Candidates may mark, annotate, colour-code, highlight, tab, or organise their hard copy materials as they choose. Candidates are *not* permitted to bring electronic or soft copy materials with them to the examination.

In the 4-week period following the opening of registration for the NSW Bar Examination, the NSWBA will also offer introductory lectures and in-person tutorials. Lectures will be conducted in the NSWBA Common Room and will be open to the general public, including registered candidates and unregistered persons. Tutorials held during this period will similarly be public and open to both registered and unregistered persons.

In the 4-week period leading up to the NSW Bar Examination, the NSWBA will offer a second set of in-person tutorials. These are intended to provide more focused learning and will be open to registered candidates only.

The NSWBA does not endorse any Bar Examination preparation course provided by external organisations.

16. GRADING AND RESULTS

There is no appeal from the final grade once released to candidates. On the day of result release, candidates will receive their result to their registered email address.

17. FRAUD, DISHONESTY AND OTHER MISCONDUCT

A. General

Candidates for the NSW Bar Examination must not engage in conduct which involves fraud, dishonesty and other form of academic misconduct in connection with their application to sit and completion of the NSW Bar Examination.

B. Specific Misconduct

The Following Penalties Have Been Imposed for Misconduct Violations

- Nullification of examination results
- Disqualification from taking future exams
- Report to Professional Conduct

The following is prohibited:

- Using a prohibited item (mobile phone, computer file, smartwatch, etc.) after entering the examination room or while in the exam room
- Writing or typing anything after time is called including completing a word or sentence, crossing out or erasing information or answers, or adding identifying information (i.e. exam number)
- Copying or attempting to copy answers from another candidate or giving such information to another candidate.
- Removing or attempting to remove any examination material (question booklet, notes, instructions, etc.) from the exam room.
- Providing false or intentionally misleading information on any Bar Examination application including an application for test accommodations.

18. ORAL AND WRITTEN INSTRUCTIONS GIVEN AT THE EXAMINATION

Many problems can be avoided by listening to and reading the instructions given during the examination by the Chief invigilator. Some important exam day rules to remember are:

- No applicant will be admitted into the examination room once reading time commences.
- Once you enter the examination room, you may not leave it at any point except to use the restroom. Violation of this rule will prohibit re-entry into the exam room and could disqualify you from completing the exam.
- Do NOT remove examination materials from the exam room.
- After you leave the exam room, you may not re-enter until the next examination session.
- NO SMOKING is allowed during the exam.
- No applicant may leave their seat during the last 30 minutes of the session for any reason.
- Applicants may not remove their laptop from the testing room during the lunch break.
- Applicants who do not immediately stop writing or typing when time is called will be reported to the NSWBA.
- At the end of each session, all applicants must remain seated **until** exam question papers are collected, and the dismissal announcement is made from the Chief Invigilator.

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