NSW Bar Examination Reading List

Practice and Procedure

A. Core Reference Resources

- Hamilton, Lindsay, Morahan and Webster, *NSW Civil Procedure Handbook 2019*, Lawbook Co, 2017

Commentary services (available online and in hard copy)

- *Ritchie's Uniform Civil Procedure (NSW)* / LexisNexis Butterworths
  OR
  *Civil Practice and Procedure: Uniform Civil Procedure* / Thomson Reuters

- *Practice and procedure, High Court and Federal Court of Australia.* / LexisNexis Butterworths
  OR
  *Australian High Court and Federal Court Practice* / CCH Australia Limited
  OR
  *Federal Court Practice* / Geoffrey A. Flick / Thomson Reuters

- *Criminal Practice and Procedure NSW* / LexisNexis Butterworths

Legislation

- *Civil Procedure Act 2005 (NSW)*

- *Criminal Procedure Act 1986 (NSW)*

- *Uniform Civil Procedure Rules 2005 (NSW)*

- *Supreme Court Act 1970 (NSW)*

- *Supreme Court Rules 1970 (NSW)*

- *District Court Act 1973 (NSW)*

- *District Court Rules 1973 (NSW)*

- *Local Court Act 2007 (NSW)*

- *Local Court Rules 2009 (NSW)*
• Federal Court of Australia Act 1976 (Cth)
• Federal Court Rules 2011 (Cth)
• Bail Act 2013 (NSW)
• Crimes (Sentencing Procedure) Act 1999

Up to date copies of the legislation can be obtained from the internet.

For State legislation go to the NSW Legislation Web page at:


For Commonwealth legislation go to the Federal Register of Legislation Web page at:


Practice Notes

• Supreme Court (excluding Court of Appeal and Court of Criminal Appeal Practice Notes)
• District Court
• Federal Court (Federal Court Criminal Procedure will not be examined).
• Local Court Practice Notes Criminal Crim 1 and Committal Proceedings Comm 2.

B. Other Recommended Resources

• Criminal law New South Wales, Thomson Reuters (commentary service)
• Criminal procedure New South Wales, Thomson Reuters (commentary service)
PLEASE NOTE:
There is no case list for practice and procedure. To the extent that candidates are required to know and understand legal principles in answering questions in the exam, the exam will only be testing a candidate’s knowledge of the authorities to the extent that the relevant principle/s are extracted and stated in the various services and associated commentaries.

Aspects of Evidence

Legislation

- Criminal Procedure Act 1986 (NSW) ss 3, 31, 279, 281, and 293-306ZI
- Evidence Act 1995 (Cth)
- Evidence Act 1995 (NSW)

Texts

- Williams N, Anderson J, Marychurch J Roy J, Uniform Evidence in Australia, LexisNexis Butterworths, 2015 or 2nd ed, 2017

Case List

The Cases Reading List is not a complete list of all cases necessary to read for the purpose of the exam. It is provided to give candidates some guidance only. Please note: copies of the cases are NOT permitted in the examination.

1. R v Kneebone (1999) 47 NSWLR 450
3. Browne v Dunn (1893) 6 R 67
5. Smith v The Queen (2001) 206 CLR 650
7. Papakosmas v The Queen (1999) 196 CLR 298
8. Esso Australia Resources Ltd v Commissioner of Taxation (1999) 201 CLR 49
9. Mann v Carnell (1999) 201 CLR 1
10. Stanoevski v The Queen (2001) 202 CLR 115
11. Jones v Dunkel (1959) 101 CLR 298
12. Dyers v The Queen (2002) 210 CLR 283
14. Lithgow City Council v Jackson (2011) 244 CLR 352; [2011] HCA 36
15. Honeysett v The Queen (2014) 253 CLR 122; [2014] HCA 29
17. Em v The Queen (2007) 232 CLR 67; [2007] HCA 46
18. IMM v The Queen (2016) 257 CLR 300; [2016] HCA 14
20. Australian Crime Commission v Stoddart (2011) 244 CLR 554
22. The Queen v Dennis Bauer (a pseudonym) [2018] HCA 40
23. Harrinton-Smith on behalf of The Wongatha People v State of Western Australia [2003] 130 FCR 424
24. McPhillamy v The Queen [2018] HCA 52
Ethics for Barristers

Legislation

- *Legal Profession Uniform Law* (NSW)
- *Legal Profession Uniform Law Application Act 2014* (NSW) – ss. 10 and 11
- *Legal Profession Uniform Conduct (Barristers) Rules 2015* (NSW)

Articles


Case List

25. Ziems v Prothonotary of the Supreme Court of New South Wales (1957) 97 CLR 279
27. New South Wales Bar Association v Evatt (1968) 117 CLR 177
29. Glissan, James Lindsay, Re, Legal Profession Disciplinary Tribunal, No. 13 of 1990
34. R v McIntyre (2000) 111 A Crim R 211
35. di Suvero v Bar Association (LSD) [2001] NSWADTAP 9
37. New South Wales Bar Association v Murphy (2002) 55 NSWLR 23
38. New South Wales Bar Association v Bryson [2003] NSWADT 19
39. Bryson v New South Wales Bar Association (LSD) [2003] NSWADTAP 29
40. Prothonotary of the Supreme Court of NSW v P [2003] NSWCA 320
42. Legal Services Commissioner v Mullins [2006] LPT 012 (Queensland)
43. New South Wales Bar Association v Meakes [2006] NSWCA 340
44. *The Council of the New South Wales Bar Association v Sahade* [2007] NSWCA 145
45. *Council of the New South Wales Bar Association v Howen* [2008] NSW ADT 147
46. *Council of the New South Wales Bar Association v Costigan* [2013] NSWCA 407
48. *Attwells v Jackson Lalic Lawyers Pty Ltd* [2016] HCA 16
49. *Council of the NSW Bar Association v Dwyer* [2015] NSWCA 302
50. *Re Davis* (1947) 75 CLR 409
51. *Wood v R* (2012) 84 NSWLR 581 – Paragraphs 572 to 659, 673 to 705 and 810 to 829

* Please ensure that you read the medium neutral citation for these cases as the reported cases do not fully reproduce the judgments as they relate to professional ethics.

54. *New South Wales Bar Association v Punch* [2008] NSWADT 78

**Supplementary sources**