



NSW Bar Examination Reading List

Practice and Procedure

A. Core Reference Resources

- Hamilton, Lindsay and Webster, *NSW Civil Procedure Handbook 2025*, Lawbook Co, 2025

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 / 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)
- *Judiciary Act 1903* (Cth), ss 39, 39A, 39B, 78A, 78B, 79, 80
- *Federal Court of Australia Act 1976* (Cth)
- *Federal Court Rules 2011* (Cth)



- *Bail Act 2013* (NSW)
- *Crimes (Sentencing Procedure) Act 1999* (NSW)
- *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* (NSW), Pts 1 & 2
- *Jurisdiction of Courts (Cross-Vesting) Act 1987* (Cth)
Jurisdiction of Courts (Cross-Vesting) Act 1987 (NSW)

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

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

<http://www.legislation.nsw.gov.au/>

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

<https://www.legislation.gov.au>

Practice Notes

- Supreme Court (including Court of Appeal and Court of Criminal Appeal Practice Notes)
- District Court
 - Criminal Law: PN 31, 33, 34
 - Civil Law: all
- Federal Court (Federal Court Criminal Procedure will not be examined)
- Local Court Practice Notes Criminal Crim 1 and Committal Proceedings Comm 3

B. Other Recommended Resources

- *Criminal Law New South Wales*, Thomson Reuters (commentary service)
- *Criminal Procedure New South Wales*, Thomson Reuters (commentary service)
- Cairns, *Australian Civil Procedure*, 13th ed, Thomson Reuters, 2024

C. Case List for Practice and Procedure

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.

1. *Aon Risk Services Australia Ltd v ANU* (2009) 239 CLR 175; [2009] HCA 27



2. *Banque Commerciale SA (in liq) v Akhil Holdings Ltd* (1990) 169 CLR 279
3. *Brimson v Rocla Concrete Pipes Ltd* [1982] 2 NSWLR 937
4. *Bugmy v The Queen* (2013) 249 CLR 571; [2013] HCA 37
5. *Caleo v The Queen* (2021) 290 A Crim R 352; [2021] NSWCCA 179
6. *Cheng v Motor Yacht Sales Australia Pty Ltd t/a Boutique Boat Co* (2022) 108 NSWLR 342; [2022] NSWCA 118
7. *Commissioner of Railways v Small* (1938) SR (NSW) 564
8. *Cook (a pseudonym) v The King* (2024) 98 ALJR 984; [2024] HCA 26
9. *Coulton v Holcombe* (1986) 162 CLR 1
10. *Director of Public Prosecutions (NSW) v van Gestel* (2022) 109 NSWLR 136; [2022] NSWCCA 171
11. *Fox v Percy* (2003) 214 CLR 118; [2003] HCA 22
12. *General Steel Industries Inc v Commissioner of Railways (NSW)* (1964) 112 CLR 125
13. *GLJ v Trustees of Roman Catholic Church for Diocese of Lismore* (2023) 97 ALJR 857; [2023] HCA 32, [16]–[28]
14. *Hearne v Street* (2008) 235 CLR 125; [2008] HCA 36
15. *House v The King* (1936) 55 CLR 499
16. *Howey & Co Pty Ltd v Creative Projects International Pty Ltd* [1973] 2 NSWLR 898 (see also *Forster v Jododex Australia Pty Ltd* (1972) 127 CLR 421, 443–446)
17. *Lee v Lee* (2019) 266 CLR 129; [2019] HCA 28
18. *Moukballaletti v Director of Public Prosecutions (NSW)* [2016] NSWCCA 314
19. *National Employers' Mutual General Association v Waind* [1978] 1 NSWLR 372
20. *PJ v The King* (2023) 111 NSWLR 414; [2023] NSWCCA 105
21. *R v Belghar* (2012) 217 A Crim R 1; [2012] NSWCCA 86
22. *R v Borkowski* (2009) 195 A Crim R 1; [2009] NSWCCA 102
23. *R v Simmons; R v Moore (No 4)* (2015) 249 A Crim R 120; [2015] NSWSC 259
24. *Stanley v Director of Public Prosecutions (NSW)* (2023) 97 ALJR 107; [2023] HCA 3
25. *Suttor v Gundowda Pty Ltd* (1950) 81 CLR 418
26. *Tim Barr Pty Ltd v Narni Gold Coast Pty Ltd* (2009) 75 NSWLR 380; [2009] NSWSC 49; cf *In the matter of Alora Davies Developments 104 Pty Ltd* (2024) 114 NSWLR 77; [2024] NSWSC 335
27. *Treloar Constructions Pty Ltd v McMillan (No 2)* [2017] NSWCA 146
28. *Unicomb v Blais* (2024) 114 NSWLR 155; [2024] NSWSC 903



Aspects of Evidence

A. Legislation

- *Criminal Procedure Act 1986* (NSW), ss 3, 31, 279, 281, 294CA, 294CB, 295–306, 306A–306ZR (Note: All provisions of the *Criminal Procedure Act* are examinable. A number of the provisions between s 306A and 306ZR relate to criminal practice and procedure, and are examinable under that topic)
- *Evidence Act 1995* (Cth)
- *Evidence Act 1995* (NSW)

B. Texts

- Odgers, *Uniform Evidence Law*, 20th ed, Thomson Reuters, 2025
- Weinstein, Anderson, Marychurch and Wootton, *Uniform Evidence in Australia*, LexisNexis, 4th ed, 2023

C. 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.

1. *Australian Competition and Consumer Commission v Air New Zealand Limited (No 1)* (2012) 207 FCR 448, 467–71; [2012] FCA 1355, [89]–[104] (and *Gregg v The Queen* (2020) 355 FLR 348; [2020] NSWCCA 245 [Headnote] & [345]–[372])
2. *Browne v Dunn* (1893) 6 R 67
3. *Dasreef Pty Ltd v Hawchar* (2011) 243 CLR 588; [2011] HCA 21
4. *Director of Public Prosecutions v Roder (a pseudonym)* (2024) 98 ALJR 644; [2024] HCA 15
5. *Dyers v The Queen* (2002) 210 CLR 285; [2002] HCA 45
6. *Em v The Queen* (2007) 232 CLR 67; [2007] HCA 46
7. *Esso Australia Resources Ltd v Federal Commissioner of Taxation* (1999) 201 CLR 49; [1999] HCA 67
8. *Honeysett v The Queen* (2014) 253 CLR 122; [2014] HCA 29
9. *Hughes v The Queen* (2017) 263 CLR 338; [2017] HCA 20
10. *IMM v The Queen* (2016) 257 CLR 300; [2016] HCA 14
11. *Jones v Dunkel* (1959) 101 CLR 298
12. *Kadir v The Queen* (2020) 267 CLR 109; [2020] HCA 1
13. *Lang v The Queen* (2023) 278 CLR 323; [2023] HCA 29
14. *Lithgow City Council v Jackson* (2011) 244 CLR 352; [2011] HCA 36
15. *Lee v The Queen* (1998) 195 CLR 594; [1998] HCA 60



16. *Mann v Carnell* (1999) 201 CLR 1; [1999] HCA 66
17. *Mann v The King* [2023] NSWCCA 256
18. *Moore (a pseudonym) v The King* (2024) 98 ALJR 1119; [2024] HCA 30
19. *Nguyen v The Queen* (2020) 269 CLR 299; [2020] HCA 23
20. *Picker v The Queen* [2002] NSWCCA 78
21. *R v Bauer* (2018) 266 CLR 56; [2018] HCA 40
22. *R v Kneebone* (1999) 47 NSWLR 450; [1999] NSWCCA 279 (and *Mahmood v WA* (2008) 232 CLR 397; [2008] HCA 1)
23. *SH v The Queen* (2012) 83 NSWLR 258; [2012] NSWCCA 79
24. *Sio v The Queen* (2016) 259 CLR 47; [2016] HCA 32
25. *Smith v The Queen* (2001) 206 CLR 650; [2001] HCA 50
26. *Stanoevski v The Queen* (2001) 202 CLR 115; [2001] HCA 4
27. *TL v The King* (2022) 275 CLR 83; [2022] HCA 35



Ethics for Barristers

A. Legislation and other instruments

- *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)
- *Legal Profession Uniform General Rules 2015* (NSW), Pts 2.1, 3.3, 3.5 and r 72.
- [Supreme Court of NSW and NSW Bar Association Protocol for Dealing with Complaints of Judicial Conduct, October 2020](#)
- [District Court of NSW and NSW Bar Association Protocol for Dealing with Complaints of Judicial Conduct, November 2024](#)
- [Supreme Court Practice Note SC Gen 23: Use of Generative Artificial Intelligence \(Gen AI\), January 2025](#)

B. Articles

- [“Barristers’ Fees: Law and Practice” by Mark Brabazon SC, 2016](#)

C. New South Wales Bar Association Guidelines

- [Model Best Practice Guideline: Harassment, Discrimination & Bullying](#)
- [Model Best Practice Guideline: Grievance and Complaint Framework](#)
- [Model Best Practice Guideline: Guidance Materials for Harassment, Discrimination & Bullying](#)
- [Issues Arising from the Use of AI Language Models \(including ChatGPT\) in Legal Practice, 12 July 2023](#)

D. Case List

1. *A Solicitor v Council of the Law Society of New South Wales* (2004) 216 CLR 253; [2004] HCA 1 (see also more recently *Prothonotary of the Supreme Court of NSW v “A” (a pseudonym)* [2023] NSWCA 258)
2. *Attwells v Jackson Lalic Lawyers Pty Ltd* (2016) 259 CLR 1; [2016] HCA 16
3. *Barbaro v The Queen* (2014) 253 CLR 58; [2014] HCA 2 (*CMB v Attorney General for New South Wales* (2015) 256 CLR 346; [2015] HCA 9, [62]–[64])
4. *Bradley v Senior Constable Chilby* (2020) 281 A Crim R 336; [2020] NSWSC 145
5. *Chamberlain v Law Society of the Australian Capital Territory* (1993) 43 FCR 148



6. *Clyne v New South Wales Bar Association* (1960) 104 CLR 186
7. *Council of the Law Society of New South Wales v Parente* [2019] NSWCA 33
8. *Council of the Law Society of New South Wales v Sideris* [2025] NSWCA 159 (see also *di Suvero v Bar Association (LSD)* [2001] NSWADTAP 9)
9. *Council of the New South Wales Bar Association v Costigan* [2013] NSWCA 407
10. *Council of the New South Wales Bar Association v Dwyer* [2015] NSWCA 302 (see also more recently *Council of the New South Wales Bar Association v Mack* [2024] NSWCATOD 120)
11. *Council of the New South Wales Bar Association v EFA (A Pseudonym)* (2021) 106 NSWLR 383; [2021] NSWCA 339
12. *Council of the New South Wales Bar Association v Howen* [2008] NSWADT 147
13. *Council of the New South Wales Bar Association v Raphael* [2021] NSWCATOD 44
14. *Council of the New South Wales Bar Association v Sabade* [2007] NSWCA 145
15. *Council of the New South Wales Bar Association v Thorpe* [2020] NSWCATOD 133
16. *Council of the New South Wales Bar Association v Waterstreet (No 1)* [2024] NSWCATOD 47 and *(No 2)* [2025] NSWCATOD 4
17. *Gilham v The Queen* (2012) 224 A Crim R 22; [2012] NSWCCA 131, [99]–[157], [240]–[464], [670]–[676]*
18. *HT v The Queen* (2019) 269 CLR 403; [2019] HCA 40
19. *Hunter v The Queen* (1999) 105 A Crim R 223; [1999] NSWCCA 5
20. *Kaye v Woods (No 2)* (2016) 309 FLR 200; [2016] ACTSC 87
21. *Kelly v London Transport Executive* [1982] 1 WLR 1055; [1982] 2 All ER 842
22. *Legal Services Commissioner v Mullins* [2006] LPT 012 (Queensland)
23. *McKell v The Queen* (2019) 264 CLR 307; [2019] HCA 5
24. *New South Wales Bar Association v Cummins* (2001) 52 NSWLR 279; [2001] NSWCA 284
25. *New South Wales Bar Association v Evatt* (1968) 117 CLR 177
26. *New South Wales Bar Association v Meakes* [2006] NSWCA 340
27. *New South Wales Bar Association v Murphy* (2002) 55 NSWLR 23; [2002] NSWCA 138
28. *New South Wales Bar Association v Punch* [2008] NSWADT 78
29. *Nguyen v The Queen* (2020) 269 CLR 299; [2020] HCA 23
30. *R v Kneebone* (1999) 47 NSWLR 450; [1999] NSWCCA 279
31. *R v McIntyre* (2000) 111 A Crim R 211; [2000] NSWCCA 6
32. *R v Reardon (No 2)* (2004) 60 NSWLR 454; (2004) 146 A Crim R 475; [2004] NSWCCA 197*
33. *Re Davis* (1947) 75 CLR 409
34. *Re Glissan*, Legal Profession Disciplinary Tribunal, No. 13 of 1990
35. *Re Gould*, Legal Services Tribunal, No. 5 of 1997



36. *Wood v The Queen* (2012) 84 NSWLR 581; [2012] NSWCCA 21, [572]–[659], [673]–[705], [810]–[829]*
37. *Ziems v Prothonotary of the Supreme Court of New South Wales* (1957) 97 CLR 279

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

E. Supplementary sources

- Dal Pont, *Lanyers' Professional Responsibility in Australia and New Zealand*, 8th ed, Thomson Reuters, 2024
- Williams and Hammond, *Learning to Litigate*, Federation Press, 2022

Please Note:

The most critical information is the legislation, rules and relevant practice notes. There are a range of texts that provide commentary on these documents; for example, the white Civil Procedure Handbook and Peter Johnson's annotated criminal procedure text. Many candidates will likely find the annotations in such publications do help with their preparation and, at a pinch, might help to jog their memory of an issue during the exam. These resources can be purchased or used in libraries and will remain useful when you start at the bar.

However, access to the very comprehensive commentary found in looseleaf or online publications like Ritchie's is not needed to prepare for or pass the bar exam and a candidate who happens to have access to these resources will have no advantage over any other candidate who has access only to the more succinct commentary found in texts like those mentioned.

Also to note, a slightly older edition of any of the texts would probably suffice so long as candidates take care to identify any material changes made to the relevant legislation, rules and practice notes since its publication date.