



NEW SOUTH WALES  
BAR ASSOCIATION

# INDIGENOUS BARRISTERS' TRUST THE MUM SHIRL FUND

## SUPPORT AVAILABLE FOR INDIGENOUS LAWYERS COMING TO THE NSW BAR

### BACKGROUND

The Indigenous Barristers' Trust The Mum Shirl Fund was set up in 2001 with the principal objective of providing financial and other support and advice to all Aboriginal and Torres Strait Islander lawyers who wanted to become barristers in NSW.

The Trust has deductible gift recipient status following a successful action in the Federal Court: *Trustees of the Indigenous Barristers' Trust v Commissioner of Taxation* [2002] FCA 1474, (2002) 127 FCR 63.

### ESSENTIAL REQUIREMENTS

To become a barrister, a law graduate needs to be admitted as a lawyer in an Australian jurisdiction. Significant general information on coming to the Bar can be found at the website of the NSW Bar Association under the tab "Coming to the Bar":

<http://www.nswbar.asn.au/coming-to-the-bar>

The NSW Bar Association uses the definition of Aboriginal people and Torres Strait Islanders as adopted by the High Court in the Tasmanian Dams Case (*Commonwealth v Tasmania* (1983) 158 CLR 1) which is a three part test:

- (i) a person must be of Aboriginal or Torres Strait Island descent,
- (ii) who identifies as an Aboriginal person or a Torres Strait Islander, and
- (iii) who is accepted by the relevant community as an Aboriginal person or a Torres Strait Islander.

Any Indigenous person who wants to apply to the Trust for funds or participate in any program run by the Association must supply either:

- a certificate of Aboriginality, if they hold one, or
- a letter of support from an Elder in their community (a sample letter is set out in Attachment A)

### BAR EXAMS

The first formal step is passing the two Bar exams combining the topics of Aspects of Evidence, Practice and Procedure and Legal Ethics.



These exams are held in February and June each year. There is a cut off for registrations a few weeks before the date of each exam.

Before sitting those exams, there are examination tutorials and seminars offered by the Bar Association. These are essential to attend.

There are also preparation courses run by external providers, such as the course offered twice a year by the **University of Technology Sydney**. Each course runs for a day, usually at a weekend or across several evenings. The Trust is not endorsing this course, just suggesting that it is worth considering.

The Bar Association provides some information to enable candidates to organise their own **study groups** where groups of lawyers planning to sit the Bar exams work together on problems and the topic areas likely to be examined.

**Resources** helpful in exam preparation include an evidence text book and the UCPR. When a candidate registers for the examination they are provided with a full list of resources and materials including past papers, case lists and a recommended reading list.

A minimum of one to two weeks study time is recommended.

## BAR PRACTICE COURSE

For full details – see the Bar Association website at:  
<http://www.nswbar.asn.au/coming-to-the-bar/bar-practice-course>

In summary, there are two Bar practice courses for readers each year. You must attend and complete the Bar practice course before commencing practice.

Each course runs for 4 weeks from 9:00 am to 6.30 pm each week day and involves moots on two Saturdays. Further preparation is required during the evenings and over weekends.

The courses run late April – May and late August- September.

A practising certificate is issued, with restrictions. These include that readers are not permitted to do any legal work during the course – and there is no time to do any other work.

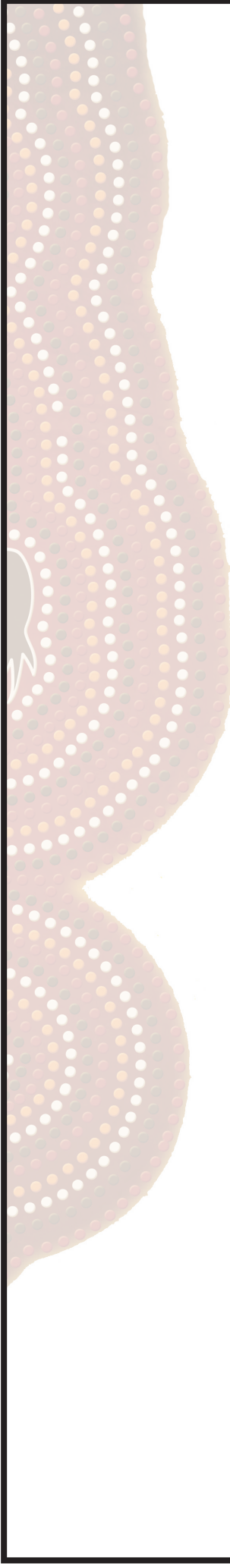
Registrations for the course are only accepted once the two Bar exams have been passed within 10 months of the commencement of the course.

## 12 MONTH READING PERIOD

Once the Bar course is successfully completed, then a reader moves into Chambers and is supervised for 12 months by one or more tutors who are barristers with more than seven years' experience.

The Trustees will provide advice and assistance in locating suitable tutors. It is usual to have two tutors from different areas of practice.

Depending on the type of law that the reader wants to practice, the Trustees will discuss suitable Chambers and assist the reader in identifying appropriate opportunities.



A reader has ongoing commitments including appearing in court with another barrister in a range of different matters and attending ongoing seminars run by the Bar Association.

The costs associated with the professional outfit of robes, Bar jacket, jabots and wig is one of the costs the Trustees will consider.

The cost of Chambers for the reading period and related costs will also be considered as will practising certificate costs, professional indemnity insurance and some computer hardware and software.

## YEARS 2 - 5

After completion of the reader's year, the Trustees will continue to provide support and advice to assist in building up your practice and extending the range of instructing solicitors and briefing opportunities.

## FINANCIAL SUPPORT

The Trustees consider each application on its merits, depending on the circumstances of each applicant. Full details of amounts sought and the basis for them, need to be set out.

A copy of the application form and the required letter of support from an Elder of your community is attached.

The Trustees anticipate that the funding applications will be done in stages, for example, enrolling for the Bar exams and attending the UTS course, Bar Practice Course and related costs, the reading year and then later years.

It is anticipated that any person coming to the NSW Bar with the support of the Trust will have some funds of their own to meet their personal living expenses for housing, food, family expenses, health insurance, etc.

It can take between three to six months or longer to receive payment once work has been performed. A reader must have some of their own personal funds to cover this period, unless there is an unanticipated personal emergency.

Also, a barrister will be responsible for their own payments to the ATO. The Trustees will assist with access to professional advice and suggest best practice such as specialised accounting software for barristers such as Silq or general accounting software.

Set out on the next page are examples of the costs the Trustees would consider meeting.

## For Bar Practice Course

| Description                                        | Cost | Total cost |
|----------------------------------------------------|------|------------|
| Bar Practice Course                                |      | \$3,800    |
| Practising certificate for course                  |      | \$176      |
| Professional indemnity insurance for course period |      | \$30       |
| Robes etc., wig, blue bag                          |      | \$2,000    |
| Computer hardware and software                     |      | \$3,000    |
| Printing course material                           |      | \$200      |

## Before commencing practice

| Description            | Cost                                          | Total cost  |
|------------------------|-----------------------------------------------|-------------|
| Bar exams – 3 subjects | \$250 x 3                                     | \$750       |
| UTS preparation course | Evidence & P&P - \$540 each<br>Ethics - \$390 | \$1470      |
| Textbooks              |                                               | \$500-\$800 |

## During first year

| Description                                                 | Cost                    | Total cost |
|-------------------------------------------------------------|-------------------------|------------|
| Practising certificate & Bar Association membership         | \$257 + \$133           | \$390      |
| Chambers including clerk's fee and library and photocopying | Up to \$2,000 per month | \$24,000   |
| Professional indemnity insurance                            |                         | \$255      |
| Stationery and business cards                               | \$300 + \$100           | \$400      |
| Mobile phone                                                | \$50 per month          | \$600      |
| Silq (computer software)                                    | \$33 per month          | \$396      |

## Years 2 – 5

| Description                                                 | Cost                            | Total cost |
|-------------------------------------------------------------|---------------------------------|------------|
| Practising certificate & Bar Association membership         | \$828 + \$133                   | \$961      |
| Chambers including clerk's fee and library and photocopying | Approximately \$2,500 per month | \$30,000   |
| Professional indemnity insurance                            |                                 | \$2,600    |
| Mobile phone                                                | \$50 per month                  | \$600      |
| Silq                                                        | \$33 per month                  | \$396      |
| Accountant                                                  | \$500 per quarter               | \$2,000    |

For further information and advice, contact **Ting Lim** (02) 9232 4055 or [tlim@nswbar.asn.au](mailto:tlim@nswbar.asn.au)