



NEW SOUTH WALES  
BAR ASSOCIATION

## INDIGENOUS BARRISTERS' TRUST THE MUM SHIRL FUND

### SUPPORT AVAILABLE FOR FIRST NATIONS 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 New South Wales Bar Association under the tab "Becoming a Barrister - Admission": <https://nswbar.asn.au/becoming-a-barrister/admission>

The New South Wales 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 First Nations person who wants to apply to the Trust for funds or participate in any program run by the Bar 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 of Civil Law and Criminal Law, separate exams which are held on the same day. Exams are conducted online with software downloaded onto a candidate's laptop or a hired one with fees payable.



The online examination process is supervised by the Bar Association.

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. Study Group lists are distributed at the end of the registration process.

**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 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 four 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 – as there is no time to do any other work.

Registrations for the course are only accepted within 15 months once the Bar exams have been passed and that includes three Bar Practice Courses immediately following passing the Bar Exam.

## 12 MONTH READING PERIOD

Once the Bar Practice 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 cost associated with the professional outfit of robes, Bar jacket, jabots and wig is one of the costs the Trustees will cover.

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		\$4,200
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		\$795
UTS preparation course (3 days full time)		\$2400
Laptop hire for exam		\$100
Textbooks		\$500-\$800

## During first year

Description	Cost	Total cost
Practising certificate plus Bar Association membership	\$337+ \$46	\$383
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 plus Bar Association membership	\$845 + \$114	\$969
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 [ibt@nswbar.asn.au](mailto:ibt@nswbar.asn.au) or call the New South Wales Bar Association at 02 9232 4055.