



Schedule 1 – BPC Policy

Bar Practice Course Policy

Legal Profession Uniform Law (NSW) section 50 (1) (a) 25 February 2016

- 1) No person shall be accepted into the Bar Practice Course until he or she has passed all the NSW Bar Examination, to the standard and according to the requirements as applicable under the current examinations policy of the Bar Council.
- 2) In order to be permitted to participate in the Bar Practice Course, a candidate must have passed the NSW Bar Examination within a period of 15 months prior to the commencement of the course in question. Applications for extensions of examination currency beyond that period should be addressed to the Director, Professional Standards and Support.
 - 2A) The Bar Council may from time to time:
 - a) fix a fee which must be paid by persons applying to undertake the Bar Practice Course;
 - b) fix the maximum number of persons who may undertake the Bar Practice Course; and
 - c) fix the dates upon which the Bar Practice Course will commence and finish.
 - 2B) Priority for each Bar Practice Course will be determined as follows:
 - (a) First, to Indigenous applicants, and International visitors who have been invited by the Association to participate in that Course; and
 - (b) Secondly, subject to (c), in accordance with the date on which an applicant applied for entry to the Course in accordance with the method of application nominated by the Bar Association, such that earlier applicants will be afforded priority over later applicants. (The current method of application nominated by the Bar Association is the completion of an online application form. A link to the relevant form will be emailed to all candidates who have passed a recent Bar Exam and not yet enrolled in a Bar Practice Course shortly after the release of results of each Bar Exam. Candidates who pass a Bar Exam are able to apply for any of the three Bar Practice Courses following their receipt of results),
 - (c) In the event that a particular Course becomes oversubscribed by reason of applications made by candidates on the same date, then as between candidates making applications on that day, priority shall be determined by a random selection conducted by the Bar Association.
 - 2C) In fixing the maximum number of persons who may undertake the Bar Practice Course, the Bar Council will have regard to the objective of the Course to prepare readers for practice at the Bar and the maintenance of acceptable educational and professional standards in the presentation, instruction and conduct of the Course.
- 3) In order to complete satisfactorily the Bar Practice Course a reader must, to the satisfaction of the Course Director and Director, Professional Standards and Support:

- a) Punctually attend all sessions in the Bar Practice Course unless exempted or excused by prior arrangement.
 - b) Satisfactorily prepare written material, as prescribed during the course.
 - c) Satisfactorily prepare and present applications before the court for each of the practical sessions.
 - d) Satisfactorily conduct a series of discrete short hearings.
 - e) Satisfactorily perform an examination in chief of a witness and a cross examination of a witness in the advocacy sessions.
 - f) Satisfactorily conduct conferences with witnesses for the purposes of the final trial.
 - g) Satisfactorily prepare and present a case for hearing at the final trial.
- 4) Where the reader has failed satisfactorily to complete the Bar Practice Course the reader will be required to:
- a) Complete such further assessment or assessments as prescribed by the Course Director and Director, Professional Standards and Support; and/or
 - b) Undertake all, or part, of the next Bar Practice Course.
- 5) The Bar Council may dispense with, or relieve against, compliance with any of the foregoing requirements, in whole or in part, either before or after the occasion for compliance arises. .
- 6) FURTHER RESOLVED that the Bar Council delegate to the Executive Director the authority to act on behalf of the Bar Council, in consultation with the members of the Bar Council Executive and the Education Committee as the Executive Director believes appropriate, in respect of the matters noted above.

Schedule 2 –Practising Certificate Conditions for Readers

1. Reading Programme

The holder of this certificate ('the Reader') must do the following:

- a. Read with at least one but not more than two barristers for not less than 12 months (the reading period). The Reader must choose each of these barristers from a list kept by Bar Council (a barrister so chosen is a tutor).

The reading period:

- i) begins on the date this certificate is issued;
 - ii) may include the period of the Bar Practice Course; and
 - iii) ends when all tutors certify that the Holder is fit to practise without restriction;
- b. Complete the Bar Practice Course, to the satisfaction of Bar Council;
 - c. Within six months of commencing the reading period:
 - i) participate with a leader in a total of at least 10 days of preparation, conferences and hearing(s) of criminal proceedings ('criminal reading') according to the requirements for criminal reading as approved by Bar Council; and
 - ii) participate with a leader in a total of at least 10 days of preparation, conferences and hearing(s) of civil proceedings ('civil reading') according to the requirements for civil reading as approved by Bar Council;
 - d. Meet the requirements of the Bar Council's Continuing Professional Development program.

For the purposes of these conditions a leader is defined as a barrister who is senior counsel or who has more than five years experience as a barrister and holds an unrestricted practising certificate.

2. Practice rights during and prior to satisfactorily completing the Bar Practice Course

The Reader has no right of practice during the period of the Bar Practice Course.

Prior to completing the Bar Practice Course to the satisfaction of Bar Council:

- a. the Reader must not appear in any court or tribunal except if led by a barrister who holds a current practising certificate without readers restrictions; and
- b. the Reader may undertake opinion work for a solicitor, with the prior consent in writing of a tutor.

3. Reading with Tutor

During the reading period, the Reader must do the following:

- a. Attend on the tutor(s), appear as an observer with the tutor(s) and comply with the reasonable directions of the tutor(s);
- b. Study diligently:
 - i) the art of advocacy;
 - ii) the general work and practice as a barrister, including drafting documents, advising clients and dealing with solicitors, clients, witnesses and the public; and
 - iii) the proper conduct and ethics of a barrister;

c. Study under the tutor(s), including reading and discussing briefs with the tutor.

4. Practice rights after satisfactorily completing the Bar Practice Course but prior to the completion of both criminal and civil reading requirements

After completing the Bar Practice Course to the satisfaction of Bar Council but prior to satisfactory completion of both the criminal and civil reading requirements:

- a. within six months of commencing reading the Reader may not appear in any court or tribunal except :
 - i) if led by a barrister who holds a current practising certificate without readers' restrictions, or
 - ii) with a tutor's approval for each such appearance.
- b. where the Reader has failed satisfactorily to complete their criminal and civil reading within six months of commencing reading (as required by condition 1(c)) the Reader:
 - i) must apply to the Director, Organisation & Development for a formal extension of the Holder's civil and criminal reading period, and
 - ii) may appear in any court or tribunal only with a tutor's prior written approval for each such appearance; or
 - iii) if led by a barrister who holds a current practising certificate without readers' restrictions.

5. Practice rights after satisfactorily completion of both the Bar Practice Course and criminal and civil reading requirements

After receipt of certification of the completion of both the Bar Practice Course and the criminal and civil reading requirements to the satisfaction of Bar Council, the Reader may appear in any court or tribunal without being led and, subject to condition 6, without a tutor's approval for the particular appearance.

6. Direct client access restriction before completing the reading period

The Reader must not during the reading period accept a brief from a person other than a solicitor without a tutor's written approval for the particular brief.

Exception: This restriction does not apply if the Reader held an unrestricted solicitor's practising certificate immediately before being issued with this certificate, or in cases where the Reader is participating in the Duty Barrister Schemes conducted in the Local Court or the District Court.