

## Tutor Policy

1. The specified class of barrister approved by the Bar Council (as the designated local regulatory authority), for the purpose of section 50(1)(b)(i) of the *Legal Profession Uniform Law* (NSW) (***Uniform Law***) is a barrister who:
  - a. is a full-time practising New South Wales barrister, but need not be a member of the New South Wales Bar Association;
  - b. has continuously held a New South Wales barristers' certificate or a practicing certificate of another Australian jurisdiction for not less than seven years;
  - c. has not been appointed senior counsel at the beginning of the reader's reading period;
  - d. has not had conditions imposed on his or her practising certificates pursuant to the *Uniform Law* or the *Legal Profession Act 2004* (NSW) within the past ten years (other than the standard conditions applying to readers, crown prosecutors, public defenders, parliamentary counsel and academics);
  - e. is not within the following categories:
    - i. the subject of an adverse finding by the Administrative Decisions Tribunal, NSW Civil and Administrative Tribunal or the Supreme Court (**competent court or tribunal**);
    - ii. had a practising certificate cancelled or suspended;
    - iii. had a finding of professional misconduct or unsatisfactory professional conduct made by a competent court or tribunal, or by the Bar Council of the NSW Bar Association;
    - iv. otherwise been the subject of action that is within the definition of "disciplinary action" in s 148 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (there for the purposes of Part 12 of that Act) or s 576 of the *Legal Professional Act 2004* (NSW) (there for the purposes of Part 4.10 of that Act);
    - v. been convicted of a **serious offence** as defined in the *Uniform Law*; and
  - f. has attended a mandatory CPD session conducted by the Bar Association for Tutors.
2. A reader may have more than one tutor, in which event the reader must nominate one as the certifying tutor.
3. A barrister can only be the certifying tutor for one reader in each Bar Practice Course and cannot be the certifying tutor for two readers undertaking consecutive Bar Practice Courses.
4. A barrister can be a tutor for no more than two readers at any one time, provided that a departure from this requirement is permitted where:
  - a. a third reader has been granted an extension of time to complete their civil and criminal reading requirements but has not yet done so;
  - b. the period contemplated by that extension of time has not elapsed; and
  - c. the tutor is otherwise satisfied that the third reader is fit to practice as a barrister without restriction.
5. Noting the Practising Certificate Conditions for Readers, the Director, Professional Development will maintain a list of potential tutors for the information or potential readers.

6. The Bar Council may dispense with, or relieve against, the requirements in 1b, d, e, f, 3 and 4 in whole or in part on an application of the barrister or on its own motion.
7. The Bar Council delegates to the Bar Council Executive the authority to act on behalf of the Bar Council in respect of the power to dispense with, or relieve against, the requirements in 1d, e and f.
8. The Bar Council delegates to the Executive Director the authority to act on behalf of the Bar Council, in consultation with a member of the Bar Council Executive, the Director, Professional Development and/or a Senior Counsel member of the Education Committee as the Executive Director believes appropriate, in respect of applications:
  - a. to dispense with, or relieve against, the requirements in 3 or 4; and
  - b. to be a tutor where the barrister has continuously held a NSW barristers' practising certificate or a practicing certificate of another Australian jurisdiction for more than five but less than seven years, notwithstanding the requirement in 1b.