



# ACT BAR ASSOCIATION

---

## ACT Bar Association Reading Program

---

### DEFINITIONS

1. In these Rules for the Reading Program, unless the context requires otherwise:

**Bar Council** has the meaning in the *Legal Profession Act 2006*.

**Bar Exams** means the examinations required by the NSW Bar Association to be passed prior to a person undertaking the NSW Bar Practice Course.

**Note:** Those exams cover ethics (currently called “Legal Ethics for Barristers”), rules of evidence (currently called “Aspects of Evidence”), and procedure (currently called “Practice and Procedure for Barristers”) or such other names as may be given to those exams from time to time.

**Civil Reading** means 10 days undertaken by the Reader in which the Reader participates with a Tutor, or barrister approved by the Tutor, in the following:

- (a) not less than five (5) days in final hearings;
- (b) not more than three (3) days for opposed interlocutory matters, including applications for leave to appeal;
- (c) not more than three (3) days before a Tribunal, Arbitrator or an Inquiry (including a Coronial Inquiry);
- (d) not more than three (3) days for the hearing of appeals;

- (e) not more than three (3) days for preparation towards a final hearing that proceeds to a final hearing;
- (f) not more than one (1) day participating in a mediation, as long as the mediation lasts for more than 3 hours.

**CPD** means Continuing Professional Development and includes any educational courses provided by a Law Society or Bar Association and may be provided under the name of Continuing Legal Education (CLE) or such similar title.

**Criminal Reading** means 10 days undertaken by the Reader in which the Reader participates with a Tutor, or barrister approved by the Tutor in the following:

- (a) not less than five (5) days in criminal trials;
- (b) not more than three (3) days in committal proceedings;
- (c) not more than three (3) days reading on either hearing of appeals or applications for (special) leave to appeal;
- (d) not more than three (3) days for preparation of criminal trials, such days only counting if the matter proceeds to trial;
- (e) any day set aside for trial, a committal or an appellate hearing which does not proceed or lasts less than two (2) hours does not count towards a day of criminal reading.

**Licensing body** means the entity authorised by the *Legal Profession Act 2006* to issue a barrister's practising certificate.

**NSW Bar Practice Course** means the course approved by the NSW Bar Association for readers in New South Wales.

*Note: Details of the NSW Bar Association Reading Program are available through the NSW Bar Association ([www.nswbar.asn.au](http://www.nswbar.asn.au))*

**Reading Period** means the period defined in the Rules.

**Rule** means a rule of the ACT Bar Association Rules.

**Tutor** means a barrister approved by the Bar Council to supervise and teach a reader the skills to engage in legal practice as a barrister.

## **READING**

2. A person is eligible to apply to the Bar Council to become a Reader if the person:
  - (a) is admitted as a legal practitioner in the Australian Capital Territory;
  - (b) has passed each of the Bar exams within the preceding 12 months; and
  - (c) nominates, at the time of applying to become a Reader, one or more eligible people to act as the person's Tutor.
3. The Bar Council will consider a person's application to become a Reader at its next available Council meeting and will advise the person within 7 days of that meeting of its decision.
4. A Reader must—
  - (a) Unless the Bar Council approves otherwise, during the first 6 months of the Reading Period, complete the NSW Bar Practice Course;
  - (b) for the first 3 months of the Reading Period, not appear as a barrister in any court or tribunal except with the approval of the Reader's Tutor; and
  - (c) undertake all necessary activities the Reader's Tutor needs to certify the Reader has attained the skills to engage in legal practice as a barrister;
  - (d) comply with any instruction or direction given by the Tutor with respect to the Reader's practise as a barrister; and
  - (e) comply with any CLE requirements prescribed by the licensing body.

## **EXEMPTIONS**

5. A person may, when applying to become a Reader, seek an exemption from some or all of the requirements of the Reading Program.
6. An applicant seeking an exemption must:
  - (a) demonstrate, with appropriate evidence, the prior learning or experience that would justify the Bar Council granting an exemption; and
  - (b) provide a letter from a barrister nominated to be the applicant's tutor that explains—
    - (i) why, in the barrister's opinion, the Bar Council should exempt the applicant from undertaking some or all of the Reading Program;

- (ii) the parts of the Reading Program the barrister believes the applicant should be granted an exemption.
- 7. An exemption may be granted subject to any condition the Bar Council thinks fit, including a condition that the applicant is to obtain further qualifications or training.

#### **EXTENSIONS TO THE READING PERIOD**

- 8. A Reader may apply to the Bar Council for an extension of the Reader's Reading Period.
- 9. A Reader, in applying to the Bar Council for an extension must—
  - (a) state the reasons requiring the need for the extension;
  - (b) include a written statement from the Reader's Tutor supporting the application for extension.
- 10. The Bar Council may, on such terms and conditions as it thinks fit, grant an extension to the Reading Period for up to a further 24 months.
- 11. Bar Council will apply a late fee of \$750.00 if an extension of the Reader's Reading Program is requested. The fee can be waived in exceptional circumstances.

#### **TUTORS**

- 12. A barrister is eligible to be a Reader's Tutor if the barrister:
  - (a) is not Senior Counsel; and
  - (b) has been a barrister for at least 7 years, or has had the relevant experience the Bar Council considers appropriate; and
  - (c) has no more than one other Reader;
- 13. A Tutor must, with all reasonable skill and diligence, instruct their Reader in:
  - (a) the art of advocacy;
  - (b) barristers' work;
  - (c) the proper conduct of a barrister's practice;
  - (d) the ethical standards required of a barrister, including complying with the Bar Rules; and
  - (e) the Reading Program;

14. A Tutor must:
- (a) make arrangements for the Reader to attend the Tutor in chambers to be shown, and to assist in, chamber work from time to time;
  - (b) make arrangements for the Reader to appear with the Tutor in court as an observer;
  - (c) ensure that the Reader is attending to any necessary or appropriate courses of instruction arranged by the ACT Bar Association or the Australian Bar Association;
  - (d) introduce the Reader to the Tutor's colleagues; and
  - (e) assist the Reader in the Reader's professional development as a barrister.

#### **READERS' FUND**

15. The Readers' Fund is established by the ACT Bar Association for the purposes of financially assisting Readers at the ACT Bar who, having passed the NSW Bar (or other approved) exams, intend to practise primarily in the ACT (for at least a period of 12 months after completion of the Reading Program) with the costs of undertaking the NSW Bar Practice Course, or such other course as the Bar Council approves.
16. The Bar Council may pay the sum of \$2,000, or such other sum as it determines from time to time, to each Reader at the ACT Bar who applies to the Bar Council and who satisfies the Bar Council that they:
- (a) intend to complete the NSW Bar Practice Course or such other Course as the Council approves within the following 6 months; and
  - (b) Intend to practise primarily in the ACT for at least 12 months following their completion of the Reading Program.
17. A person is only eligible for one payment from the Readers' Fund.
18. Unless the Bar Council decides otherwise in special circumstances, a person will be expected to repay funds paid to them from the Readers' Fund if they:
- (a) do not successfully complete the NSW Bar Practice Course or such other Course as the Council approves within 6 months of receiving the funds; or
  - (b) do not successfully complete the Reading Program within 12 months of receiving the funds or within such longer period as is covered by an extension of the Readers' Reading Period approved by the Bar Council under these rules; or
  - (c) do not practise primarily in the ACT for at least 12 months following their completion of the Reading Program.

19. The Chief Executive Officer of the Bar Association must widely publicise the availability of the Readers' Fund and the process for applying for funds, including to those who may be considering joining the ACT Bar.

## COMPLETION

20. A Reader has satisfied the *reading requirements* if the Reader has completed—
- (a) the Reading Program; and
  - (b) the Reading Period.
21. When the Reader has satisfied the reading requirements, each Tutor for that Reader, to the extent the Tutor can do so, must certify that the Reader has:
- (a) performed satisfactorily as a Reader;
  - (c) is fit to hold a barrister certificate without the conditions imposed upon a barrister who is a Reader;
  - (d) satisfactorily applied a barrister's ethical obligations to the Reader's practice;
  - (e) satisfactorily demonstrated an understanding and application of evidence law.
  - (f) drafted two civil originating pleadings to the Tutor's satisfaction; and
  - (g) drafted at least two advices to a standard that satisfies the Tutor.
22. Prior to an Unrestricted Barrister's Practising Certificate being issued, a Reader must provide to the ACT Bar Council:
- (a) a Certificate of Attendance for each day of Civil Reading,
  - (h) a Certificate of Attendance for each day of Criminal Reading,
  - (i) a letter from each of the Reader's Tutors setting out the matters specified in clause 20 above, and
  - (j) a letter of completion or equivalent from the NSW Bar Practice Course.
23. A Certificate of Attendance must be signed by each barrister with whom the Reader appeared for Civil Reading and Criminal Reading days and set out:
- (a) the name of the matter,
  - (b) the nature of the matter,
  - (c) the court in which the matter was heard or listed to be heard;
  - (d) the nature of the Reader's participation,
  - (e) the category of the matter in terms of the Civil or Criminal Reading as the case may be, and

- (f) the number of days for which the Reader participated.
- 24. The Bar Council may, at its discretion, ask the Reader and any Tutor of the Reader to provide such further information as the Bar Council reasonably requires so that the Bar Council can determine whether the Reader has satisfactorily completed the Reading Program.
- 25. Where the Bar requests further information, that information must be supplied within 14 days of that request being given.

#### **CONDITIONS**

- 26. The Bar Council will recommend to the licensing body that each Reader's Practising Certificate be endorsed with words to the following effect:
  - “The holder of this Practising Certificate is subject to the conditions and restrictions imposed upon Barristers undertaking the Reading Program pursuant to Rules of the *Legal Profession (Barrister) Rules 2006*”.
- 27. The Bar Council may recommend to the issuing authority that a Reader's barrister's practising certificate be endorsed with any condition the Bar Council considers necessary.

#### **EXCEPTIONS TO TIME LIMITATIONS FOR FORMER PROSECUTORS**

- 28. A former Prosecutor at the ACT Office of Director of Public Prosecutions will be eligible for an unrestricted Barrister practise certificate in circumstances where;
  - 1) the candidate is admitted to legal practice; and
    - a. the candidate has been employed by the Office of the Director of Public Prosecutions and in that capacity has been a member of the ACT Bar Association and held a Government Lawyer Barrister practising certificate continuously for a period of not less than 5 years; and
    - b. as a practising prosecutor, the candidate has predominantly appeared in the Supreme Court of the ACT or the ACT Court of Appeal for not less than 5 years; and
    - c. the candidate is given a satisfactory performance reference by the ACT Director of Public Prosecutions; and
    - d. the candidate has at any time successfully completed the NSW Bar Exams; and
    - e. the candidate has continuously been employed as a practising prosecutor at the ACT Office of the Director of Public Prosecutions in the period between successful completion of the NSW Bar Exam and the relevant date; and
    - f. the candidate has at any time successfully completed the NSW Bar Course; and
    - g. the candidate has continuously been employed as a practising prosecutor at the ACT Office of the Director of Public Prosecutions between successful completion of the NSW Bar Course and the relevant date; and

- h. the candidate has at any time either successfully completed or received exemption under section 7 of the ACT Bar Association Reading Program for criminal readership; and
  - i. the candidate has continuously been employed as a practising prosecutor at the ACT Office of the Director of Public Prosecutions between successful completion or exception for criminal readership and the relevant date; and
  - j. the candidate has at any time either successfully completed or received exemption under section 7 of the ACT Bar Association Reading Program for civil readership; and
  - k. the candidate has continuously been employed as a practising prosecutor at the ACT Office of the Director of Public Prosecutions between successful completion or exception for civil readership and the relevant date.
- 2) the relevant date is the date the former Prosecutor makes application for the next stage of advancement of the relevant qualification for an unrestricted practise certificate.

27 March 2023