

**BAR READERS' COURSE
SPECIFIED TIME, ATTENDANCE, EXEMPTION & DEFERRAL POLICY**

March 2020

This policy replaces section 2 of the Bar Readers' Course Exemption Policy, May 2009 and the Bar Readers' Course, Specified Time, Attendance & Deferral Policy, March 2016.

1. BAR READERS' COURSE

- 1.1 Clause 5(1)(b) of the Constitution provides that membership of The Western Australian Bar is conditional upon an applicant having completed, or having undertaken to complete within a time specified by Bar Council, any Bar Readers' Course (BRC) prescribed by Bar Council from time to time, subject to any exemption granted by Bar Council;
- 1.2 The BRC comprises four modules:
1. Ethics and Practice;
 2. Jurisdiction and Procedure;
 3. Evidence; and
 4. Advocacy.
- 1.3 The Advocacy module is completed by undertaking the Essential Trial Advocacy Course (ETAC).
- 1.4 The BRC and ETAC are conducted once each year, and are only open to members or prospective members of The WA Bar.

2. SPECIFIED TIME

- 2.1 Where an undertaking has been given to complete the BRC, it is expected that, unless written approval to defer completion has been granted by Bar Council, members are required to complete all four modules of the first BRC offered after commencing practise exclusively as a barrister.
- 2.2 Bar Council is mindful of the difficulties that attending all four modules of the BRC during the same year may present for some members, for example those members who have family commitments. In such circumstances, Bar Council is willing to accommodate members who wish to spread completion of the four modules over 2 years.
- 2.3 Members seeking to extend the time for completion of the BRC should apply in writing to Bar Council setting out the reasons for seeking deferral and the timeframe within which the member seeks to complete each of the modules.

- 2.4 Where a member wishes to complete the four modules over 2 years, he or she should ordinarily do so over 2 consecutive years. Bar Council will not, except in exceptional circumstances, agree to a member completing the BRC over more than 2 consecutive years after the member commences practice exclusively as a barrister.

3. ATTENDANCE

- 3.1 Subject to any exemption granted by Bar Council, participants are required to attend all seminars in each module of the BRC. Participants will be required to sign a registration sheet as a record of attendance at each seminar.
- 3.2 If, for very good reason, a participant is unable to attend a particular seminar, prior notice must be given by email to the Executive Officer. In the event of an unexpected absence from a seminar, participants are required to provide a written explanation for the absence to the Executive Officer, the following day.
- 3.3 In the event that a participant is absent from more than one seminar in a particular module, The WA Bar will not certify that the participant has successfully completed that module of the BRC. Participants will be required to attend the particular seminar/s from which they were absent, in the following year's BRC. Certification of successful completion of that module will then be provided.

4. EXERCISE OF THE POWER TO EXEMPT IN RESPECT OF THOSE APPLICANTS FOR MEMBERSHIP

- 4.1 The determination of any application for exemption from the BRC or any module of the course will take into account the following general principles:
- 4.1.1 to ensure that all members of The WA Bar understand the nature, responsibilities and mode of practice of an independent barrister in Western Australia;
 - 4.1.2 to ensure that all members of The WA Bar are familiar with the history, objects, Constitution and the Western Australian Barristers' Rules;
 - 4.1.3 to ensure that all members of The WA Bar have achieved the standards set in the BRC;
 - 4.1.4 the desirability of achieving the objects of the BRC in the maintenance and improvement of the professional skill level of members of The WA Bar and the having regard to competition for legal services within the national legal profession;
- 4.2 The following are general rules that will guide determination of any application for exemption from the BRC or any module of the course by Bar Council:
- 4.2.1 no applicant seeking membership of The WA Bar will be exempted from completing the Ethics module except if the applicant is a long standing member of another Australian Bar;

- 4.2.2 exemption from other modules will only be considered and granted in respect of applicants who can demonstrate that they have recent substantial experience as counsel in the conduct of significant litigious matters or, in the case of the ETAC module, who have recently completed a trial advocacy course of equivalent or higher standard.

5 DEFERRAL

- 5.1 Application to defer completion of one or more modules of the BRC must be made in writing to Bar Council.
- 5.2 The BRC runs from May to July each year, concluding with the ETAC module. Members who have undertaken to complete the BRC are expected, where possible, to give priority to their obligation to complete the course over other professional obligations.
- 5.3 The ETAC module is held in Perth and Adelaide in alternative years.
- 5.4 An application for deferral must set out the date or dates by which the member seeks to complete the relevant module or modules and the reason deferral is sought. The applicant should also provide any relevant material in support of the application.
- 5.5 An application for deferral should, if possible, be made a reasonable time prior to the commencement of the relevant module.
- 5.6 An application for deferral will only be granted in respect of applicants who can demonstrate a genuine and valid reason or reasons for the deferral sought and having regard to the undertaking given to The WA Bar to complete the Bar Readers' Course within the time specified by Bar Council.
- 5.7 Bar Council will generally regard the existence of genuine family or domestic commitments as a valid reason for deferral of a particular module, particularly the ETAC module when it is held in Adelaide. However, a member should recognise that if he or she is granted approval to defer completion of the ETAC module when held in Perth, he or she will ordinarily be expected to complete it the following year in Adelaide, subject only to exceptional circumstances.
- 5.8 Professional obligations and non-essential travel arrangements assumed or made after the member became aware of the date or dates of the relevant modules will not ordinarily be regarded as a genuine and valid reason for deferral including of the ETAC module.
- 5.9 Financial hardship will not ordinarily be regarded as a genuine and valid reason for deferral including of the ETAC module. Members are expected, when joining The WA Bar, to ensure they are in a position to complete the BRC.
- 5.10 Where a member provides an undertaking to complete the BRC or any particular module or modules by a particular time, the member should be cognisant of his or her professional obligations associated with providing an undertaking.