



Frequently Asked Questions

Bar Practice Course Applications and Eligibility Requirements

Q1. Am I eligible to apply for the pre-course exams and course?

One application form covers both the pre-course examinations and Bar Practice Course. Applicants must be eligible for admission or admitted as a legal practitioner in Australia **as at the closing date and time of applications**. Evidence of admission or eligibility of admission is required. Applicants who do not meet this criterion will not have their application considered or accepted.

Please refer to the *Information for Applicants* booklet for details.

Q2. I am a very experienced legal practitioner. Is it possible to be exempted from the course or the exams?

The Bar Association of Queensland (BAQ) is the regulatory body which governs the requirements of practice as a barrister. The pre-course examinations and the Bar Practice Course are compulsory unless otherwise determined by the BAQ. All enquiries concerning matters of a regulatory nature must be directed to the Chief Executive, BAQ (chiefexec@qldbar.asn.au).

Q3. I am currently undertaking my practical legal training course. Can I apply for the Bar Practice Course?

No. Applicants must be eligible for admission or admitted as a legal practitioner in Australia as at the closing date and time of applications. Evidence of admission is required at the time of application.

Please refer to the *Information for Applicants* booklet for details.

Q4. How long is the course and do I have to attend all sessions?

The Bar Practice Course is a full-time, six (6) week course (including days, nights and weekends). Satisfactory completion of the Course requires attendance and satisfactory participation in all sessions. The Bar Practice Course is held twice per year. The course is not offered on a part-time basis. Past Pupils have found it useful to take at least one week off before the course commences to prepare for the course, including undertaking prior reading and starting assessment.

Please refer to the *Information for Applicants* booklet for details.

Q5. How do I apply? What do I have to submit with my application?

The eligible applicant must complete an application form and pay the prescribed pre-course examination fee by the due date and time. Evidence of eligibility must be provided with the application. The fee is not refundable or transferable. Late applications will not be accepted.

The application form is a statutory declaration and must be signed by the applicant and witnessed by an authorised person. Incomplete applications will not be accepted.

Please refer to the *Information for Applicants* booklet for details.

Q6. Can you tell me what the fees are and what happens if I withdraw from the exams?

The information regarding the pre-course examination fees, the course fees and consequences of withdrawing from the examinations or the Bar Practice Course may be found in the *Information for Applicants* booklet. The fees are subject to change.

Pre-Course Examinations

Q7. How many exams do I have to sit? Do I have to pass all three exams?

There are three (3) examinations: Practice and Procedure; Evidence; and Legal Ethics for Barristers. The applicant must pass all three examinations (as per the examination policy) before being considered for a place in a Bar Practice Course. The pass mark is 65% for each examination.

Please refer to the *Information for Applicants* booklet for details.

Q8. Are there past papers or tutorials?

No. The Examiners will not be providing past papers or past answers. There are no tutorials.

Q9. How do I know what to study for the exam?

BAQ provides the reading lists for each of the examinations. The reading lists are located in the *Information for Applicants* booklet at Appendices A, B and C. BAQ staff cannot assist applicants with locating the prescribed materials. The onus is on the applicant to obtain the reading lists and the materials.

Q10. Are there any updates to the reading lists?

The reading lists are subject to change. The BAQ Examiners update the reading lists. The *Information for Applicants* booklet is then amended to reflect the changes. The changes are noted by providing the date of the latest amendment and the amendments are shown in mark-up. It is your responsibility to regularly check the booklet in case there are updates.

Q11. How much time do I have to devote to study?

BAQ Examiners do not provide any timeframe or give direction on the amount of study you should undertake. The examinations are set and marked by BAQ Examiners.

The examinations have a specific practical orientation to practice, commonly referred to as the “toolkit” of practice.

Q12. Are the examinations held on one day? Do we have any breaks during the day?

All examinations are currently held on one day. The examinations are held in Brisbane. The details of the examination location, room and the timetable are emailed to applicants closer to the examination date.

There are breaks scheduled in the timetable.

Q13. I am an Australian legal practitioner but working overseas at the moment. Do I have to sit the examinations in Brisbane?

All applicants must sit the examinations in Brisbane at the venue determined by the Bar Association of Queensland.

Overseas or interstate/intrastate applicants who have extenuating circumstances may provide a written submission to the Bar Practice Course Management Committee for their consideration regarding the examinations. The discretion however always remains with the Bar Practice Course Management Committee.

Please refer to the *Information for Applicants* booklet for details.

Q14. Do I have an applicant number? What do I need to take with me to the examinations? What am I allowed in the exam room?

All applicants are assigned and given an applicant number prior to the examinations. This number is unique to the applicant. The applicant number will be emailed to you with the examination timetable. It is important that you provide us with an email address that you frequently access as this is the main source of communication.

You will need to bring pen/s, identification and your letter showing your examination number. Please bring your own water bottle.

You are not permitted to bring paper into the examination room. BAQ provide the examination answer booklets. You will be asked by the Invigilator to place all personal items (bags, phones, etc.) in an annex. Personal items are not permitted in the examination room.

You are permitted only the prescribed unmarked and unannotated materials in the examination room and on your allocated examination desk. It is important that you refer to the *Information for Applicants* booklet for the specific details about the prescribed materials. It is permissible to tab/tag (with unmarked paper) the material, and/or highlight the material. If an applicant fails to comply with the requirements (as set out in the booklet) the applicant is deemed to fail the examinations. The Invigilator will check each applicant's materials for compliance.

Once the prescribed materials are checked, the materials are not permitted to leave the examination room. If you wish to study for other examinations later in the day you will need to have a spare copy of the material with your personal belongings.

Q15. What is the format of the examination? How much is each exam paper worth? What are the marks per question? What is the pass mark for each paper? How many questions will there be in each of the exam papers?

The examination will not be an academic exercise but rather will examine applicants on their skills befitting a practitioner. The Examiners have focused on ensuring that the examination format will consist of a "toolkit" approach enabling the applicant to demonstrate a level of knowledge relevant to practice.

Applicants should answer the questions demonstrating knowledge befitting a practitioner. A working knowledge of Evidence, Ethics, and Practice and Procedure is critical to practise as a Barrister. The reading lists address the matters a future barrister needs to know for both the Bar Practice Course and to undertake practice.

The applicant must pass all three examinations. The pass mark for each examination is 65%. Each examination paper is worth 100% of the marks for each unit. As stated above, each examination paper will have multiple questions. Marks for each question or part will be indicated on each examination paper. Applicants should use their perusal time to allocate wisely the time to answer each question or part (taking into account the marks allocated).

The examination papers will not contain multiple choice questions. The examination questions are all problem based, short answer questions or short "essay" questions. In the past (and this should be considered as a guide only):

- The Evidence Paper consisted of five parts some of which have sub-questions. All questions were compulsory.

- The Practice and Procedure examination contained 12 questions, some of which had sub- questions. All questions were compulsory.
- The Ethics examination consisted of Part A and Part B questions, some of which had sub- questions. All questions were compulsory.

The question format stated above is subject to change.

Q16. Will the materials be checked for compliance? Can the permitted materials remain in the room for all three examinations?

Yes. The Invigilator personally checks each applicant’s materials. The timetable provides time for this process at the beginning of the examination day. All permitted materials are to remain in the room for all three examinations and are available for all three examinations. However, once the materials are checked by the Invigilator, the permitted materials may not be taken out of the room until the conclusion of the final examination.

Q17. What materials can be taken into the exam?

Please refer to the *Information for Applicant* booklet and the comments above.

Electronic materials and devices will not be permitted in the examination room.

Only unmarked copies and unannotated copies of materials are permitted. It is permissible however to tab/tag (with unmarked paper) the material, and/or highlight the material. You cannot write on the materials.

You may collate the material in an unmarked folder or bound the material.

There is no requirement to purchase the permitted materials from a government printer or bookshop. Applicants can print copies from sites such as the Queensland government website, Austlii, the Federal Court website or the Bar Association website.

If you are only permitted to take a specified section of an Act into the examination room, and when printing the relevant material it shows another section, please redact that other section (i.e., by using a black marker pen).

Q18. What level of detail are candidates expected to have, from memory, of those parts of the UCPR and Federal Court Rules for the purposes of the evidence exam?

Except for where specific rules have been referred to on the reading list, the evidentiary facilitations supplementarily afforded by the *Uniform Civil Procedure Rules 1999* and *Federal Court Rules 2011* are to be a matter of familiarity rather than ready reference in the examination. It is not anticipated that the evidentiary facilitations and discretions in Rules of Court will be an independent focus of examination: rather, a level of familiarity befitting a practitioner will be required.

Q19. The practice and procedure reading list refers to rules from the UCPR and annotated materials providing commentary and case law. What level of knowledge of cases and rules are applicants expected to have?

Reference to the academic materials – i.e., annotations – is a matter of learning and informs the applicant. Annotated rules will not be permitted in the examination. How much of leading authority(s) should be cited as a sufficient answer to the question will be a function of the particular examination. As a guide only, citation of leading authority would be beneficial but not necessarily requisite in order to give a correct answer and, in the great majority of cases, a correct answer will not involve any discussion of a line of authority or the pedigree of a particular statutory provision (this is the “toolkit”, in action.) Citation of the appropriate statutory provisions (including, where applicable, rules) will ordinarily suffice but the applicant’s knowledge of and the application of such provisions will, of course, be informed by the broader study of authority, particularly that distilled in the reading lists. That is a very conventional approach.

The general approach in relation to the use of authority(s) for the ethics and evidence examination will be similar to that described for the practice and procedure examination.

Q20. When do I find out the results?

The Invigilator will inform you of important dates on the day of the examination. Generally applicants can expect to be notified of results approximately five weeks after sitting the examination. This is subject to change depending on the availability of the Examiners.