

Bar Association of Queensland

Information for Applicants
Qld Bar Exam and Bar Practice Course

Contents

Information for Applicants - Qld Bar Exam and Bar Practice Course 3

1. Glossary 3
2. Important Dates for Qld Bar Exam and Bar Practice Course 3
3. Qld Bar Exam 3
   - 3.1. Objectives of the Qld Bar Exam 3
   - 3.2. Introduction 4
   - 3.3. Application Process 5
   - 3.4. Admission as a Pre-Requisite 6
   - 3.5. Online Exam format 6
   - 3.6. Re-sitting the Qld Bar Exam 7
4. Bar Practice Course 7
   - 4.1. Objectives of the Bar Practice Course 7
   - 4.2. Introduction 8
   - 4.3. Program Timetable 8
   - 4.4. Content and Delivery 8
   - 4.5. Course Applications 9
   - 4.6. Course Offers 9
   - 4.7. Satisfactory Completion of the Bar Practice Course 9
   - 4.8. Absenteeism 10
5. Fees 10
   - 5.1. Qld Bar exam Fee 10
   - 5.2. Bar Practice Course Fee 11
   - 5.3. Deferral of places in the Course 11
6. Exam Takers requiring special arrangements 11
7. Practising Certificates 11
8. Further information 11

Appendix A – Reading List 12

- Legal Ethics for Barristers 12
- Practice and Procedure 13
- Evidence 14

Appendix B – Qld Bar Exam Policy 15

Appendix C – Bar Practice Course Policy 19

Information for Applicants - Qld Bar Exam and Bar Practice Course

1. Glossary

a) **Exam Taker** means an individual who has applied to participate in the Bar Practice Course, including those who have been accepted to sit, are currently sitting, or have passed the Qld bar exam.

b) **Application Form** means the 'Application form' available on the Qld Bar exam and Bar Practice Course webpage.

c) **Association** means the Bar Association of Queensland.

d) **Qld Bar exam** means the Bar Practice Course pre-course examination, incorporating three parts: legal ethics for barristers; practice and procedure; and evidence.

e) **Qld Bar exam Fee** means the fee in section 5.

f) **Qld Bar Exam Policy** means the policy in Appendix B.

g) **Bar Practice Course** or **course** means the six-week program required to be completed prior to an application for a practising certificate in Queensland, which prepares admitted lawyers for practice at the Queensland Bar.

h) **Bar Practice Course Fee** means the fee in section 5.

i) **Bar Practice Course Policy** means the policy in Appendix C.

j) **Certificate of Satisfactory Completion** or **Certificate** means a certificate of satisfactory completion of the Bar Practice Course issued by the Association.

k) **Committee** means the Bar Practice Course Management Committee.

l) **Course** means the Bar Practice Course.

m) **Pupil** means an individual who is participating in the Bar Practice Course.

n) **Reading List** means the reading list in Appendix A.

2. Important Dates for Qld Bar Exam and Bar Practice Course

The Qld Bar exam and Bar Practice Course are convened by the Association and held in Brisbane.

All relevant dates are available on the Bar Practice Course webpage. Please check the website regularly, as these dates may change.

The Association will advise Exam Takers of the venue and timetable after the closing date for applications.

3. Qld Bar Exam

3.1. Objectives of the Qld Bar Exam

The key objectives of the Qld Bar exam are:

a) to assess the key competencies of members of the legal profession who wish to practise at the Queensland Bar;

b) to ensure that all Bar Practice Course pupils have a consistent foundational knowledge of legal ethics, practice and procedure, and evidence; and

c) to ensure the highest possible levels of competence and professional integrity in members of the Queensland Bar are maintained.

The Association does not provide past papers, feedback or marking rubrics for the Qld Bar examinations.

3.2. Introduction

The Association requires Exam Takers to sit and pass the Qld Bar exam prior to completion of the Bar Practice Course. The Qld Bar exam incorporates three parts. The pass mark for each part of the Qld Bar exam is 65 marks.

The Qld Bar exam will be held on one day at a venue determined by the Association. All relevant dates are available on the Bar Practice Course webpage. Please check the website regularly, as these dates may change.

The Qld Bar exam is a closed book examination, with the exception of unannotated and unmarked copies of the **prescribed materials** as listed in Appendix B – Qld Bar Exam Policy.

With the exception of electronic equipment required for the completion of the Qld Bar exam, no other electronic equipment (including smart watches) is permitted in the examination room.

The Qld Bar exam structure is as follows:

Legal Ethics for Barristers	95 minutes
Practice and Procedure	100 minutes
Evidence	115 minutes

The Qld Bar exam questions will substantially consist of short answer questions which seek to assess the Exam Taker's ability to identify and understand the relevant legal framework and apply it to a factual scenario.

There are reading lists for each part of the Qld Bar exam which are detailed in Appendix A. Please note that the reading lists are subject to change, and it is recommended that you check the reading lists regularly. The Association cannot assist Exam Takers with locating, purchasing or hiring the prescribed materials.

3.3. Application Process

Please read the Qld Bar exam Policy (see Appendix B) prior to making an application to sit the Qld Bar exam. Any person found not complying with the Qld Bar exam Policy will receive an automatic fail result for the Qld Bar exam.

One Application Form covering both an application to sit the Qld Bar exam and an application for the Bar Practice Course must be completed by the closing date. Late applications will not be considered.

A passport size photograph must be attached (electronically) to the Application Form. Photographs provided with the application form will be used for administrative, security and assessment purposes and will be provided to Association staff and Bar Practice Course presenters.

The Application Form is an important document and must be completed in as much detail as possible. Applications are considered on merit. Whilst every effort is made to accommodate all successful Exam Takers, if the Qld Bar exam or Bar Practice Course are oversubscribed then places will be offered in order of seniority of admission or otherwise at the discretion of the Committee.

The Application Form is a declaration. An Exam Taker must complete the online form and electronically sign it before submitting it.

Exam Takers must nominate on their Application Form the date that they are intending to sit the Qld Bar exam.

To have your application approved by the Association, you must complete the online application and payment through the Association's website, following the provided instructions. After submission, Exam Takers will receive an email from the Bar Practice Course confirming whether their application has been accepted.

Please note that the Qld Bar exam Fee is in addition to the prescribed Bar Practice Course Fee. See section 5 for further information on Fees.

Before an Exam Taker is considered for a place in the Bar Practice Course, the Association must be satisfied that the Exam Taker has passed all parts of the Qld Bar exam within a period of no longer than the aggregate of three successive/consecutive Qld Bar exam periods (including the first sitting, marking and review times(s) and the intervals between those).

If, at the end of three successive/consecutive Qld Bar exam periods (including any missed exam sitting), an Exam Taker has not passed all three parts of the Qld Bar exam, the Exam Taker will be ineligible to sit the Qld Bar exam for the subsequent three successive/consecutive Qld Bar exam periods.

Example 1:

> *Susan sat the Qld Bar exam in May 2022 and passed the Legal Ethics for Barristers part. Susan did not obtain a sufficient pass mark in the Evidence, or Practice and Procedure parts of the Qld Bar exam and wishes to re-sit those parts of the Qld Bar exam.*
> *Susan was not able to attend the next sitting of the Qld Bar exam in October 2022, and made an application to re-sit the Qld Bar exam in May 2023. Susan did not need to re-sit the Legal Ethics for Barristers part as she was able to carry forward her pass mark from the May 2022 sitting.*
> *In the May 2023 resit, Susan passed the Practice and Procedure part of the Qld Bar exam but failed to achieve a pass mark of 65 or above in Evidence.*
>
> *As a result, Susan is unable to apply to re-sit until the May 2025 sitting of the Qld Bar exam. In May 2025 Susan will be required to sit all parts of the Qld Bar exam, with no credit carried forward from previously passing the Legal Ethics for Barristers or Practice and Procedure parts.*

Exam Takers who successfully pass any of the three parts of the Qld Bar Exam in a previous sitting can retain credit for that particular part until the deadline for applying to participate in the next successive/consecutive Qld Bar Exam. The results of the passed part will remain current for a total of three successive/consecutive Queensland Bar Exam periods, including the initial sitting.

It is important to note that if an Exam Taker misses a successive/consecutive Qld Bar Exam sitting timeframe, it will be considered as a sitting since sittings must be successive/consecutive in order for your passed results to remain current.

Example 2:

If you sat the Qld Bar exam in May 2022, missed the October 2022 exam, and applied again for May 2023, your category would be your third sitting. For further details, please consult section 3.3 mentioned above and refer to section 2.2.2 in the online Application form.

3.4. Admission as a Pre-Requisite

Exam Takers must be Australian lawyers within the meaning of the *Legal Profession Act 2007* (Qld) at the time of making the application. If a person does not meet this criterion, the application will not be considered.

Evidence of admission, in the form of a certified copy of a certificate of admission from the Supreme Court of Queensland or another Australian jurisdiction, must be attached to the Application Form. If an Exam Taker is admitted and is currently practising as a solicitor, they must also provide a copy of their current practising certificate.

3.5. Online Exam format

The Qld Bar exam is completed by Exam Takers using the software ExamSoft. Prior to sitting the Qld Bar Exam, Exam Takers will be instructed by the Association to download the ExamSoft software, Examplify, to their personal laptop and Exam Takers must:

a) Ensure that their laptop is compatible with the minimum specifications set out in the ExamSoft Product Specifications available at https://examsoft.com/resources/examplify-minimum-system-requirements/
b) Review and consent to the ExamSoft End User License Agreement: https://examsoft.com/es/eula/;
c) Download the Qld Bar Exam to their compatible device once instructed by the Association.

Exam Takers must bring their own compatible laptop to the scheduled exam in order to sit the Qld Bar Exam, operate the ExamSoft software appropriately, and properly follow all reasonable installation instructions and any recommendations of ExamSoft technical support. ExamSoft offers 24/7 support to Exam Takers by phone, chat and email: https://examsoft.com/contact/#phone-supportz.

The Association takes no responsibility for ensuring that the Exam Taker has appropriate equipment, including the charging of the compatible laptop, for the Qld Bar Exam to be completed using the ExamSoft software, but it will take reasonable steps to support Exam Takers and ensure that the appropriate support is provided by ExamSoft.

Failure to comply with these instructions will result in the Exam Taker forfeiting their place in the Qld Bar Exam and the Qld Bar Exam Fee (see section 5.1).

3.6. Re-sitting the Qld Bar Exam

If an Exam Taker fails to pass all or part of the Qld Bar Exam, they may apply to sit the next Bar Exam. The full fee is payable for each sitting (in full or in part) of the Qld Bar exam. See section 5 for further information on Fees.

As stated in 3.3, if, at the end of three successive/consecutive Qld Bar exam periods, an Exam Taker has not passed all three parts of the Qld Bar exam, then the Exam Taker will be ineligible to sit the Qld Bar exam for the subsequent three successive/consecutive Qld Bar exam periods.

4. Bar Practice Course

4.1. Objectives of the Bar Practice Course

The key objectives of the Bar Practice Course are:

a) to deliver a practical, engaging and rigorous legal education program which prepares legal practitioners for practice at the Queensland Bar;
b) to develop the key competencies of members of the legal profession seeking to practise as a Barrister in Queensland, with a focus on ethical and professional responsibilities, and written and oral advocacy skills;
c) to facilitate senior members of the Bar and Bench delivering practical guidance and coaching to legal practitioners who wish to practise at the Queensland Bar; and
d) to ensure the highest possible levels of competence and professional integrity in members of the Queensland Bar are maintained.

4.2. Introduction

The Bar Practice Course is a six-week training course offered by the Association. All sessions are practical in focus, and the content is predominantly delivered by members of the Bar, the Judiciary and the Magistracy.

As the Bar Practice Course is a post-admission course, all Exam Takers must have an understanding of the requirements of practice before making an application. Knowledge of substantive law units is presumed by course faculty.

The distinctive feature of practice at the Bar is advocacy before the courts. Accordingly, the Bar Practice Course focuses on the practical aspects relevant to the skills required of an advocate.

The Bar Practice Course has a significant number of oral advocacy sessions (i.e., mock hearings, leading evidence workshops, and the advocacy intensive weekend) where pupils will be required to demonstrate their oral advocacy skills to a satisfactory standard. Pupils will also be expected to meet the standards required in written advocacy (i.e., drafting of pleadings and advices) and fully participate in workshops including ethics, court procedures, cultural awareness, and setting up a Barrister's practice.

4.3. Program Timetable

The Association, in consultation with the Bar Practice Course Committee, sets the timetable for the Bar Practice Course. Attendance at all sessions is compulsory, as is the satisfactory participation in and completion of all sessions. Exam Takers should give serious consideration to this requirement before accepting a place in the course. See section 4.7 for further information.

A timetable for the Bar Practice Course is provided to pupils at the commencement of each course. The timetable is subject to change (sometimes at short notice), and sessions may be scheduled outside of normal business hours.

4.4. Content and Delivery

The emphasis of the Bar Practice Course is on practice, and oral and written advocacy skills.

The content of the course has been selected in light of not only the experience of its members, but also of other members of the legal profession in Queensland and the Judiciary.

The content and method of presentation may vary from one course to another. Sessions are often interactive and involve practical exercises.

The course content usually includes:

- Court procedures and etiquette
- Evidence
- Advocacy – oral and written
- Mock Hearings
- Ethics
- Opinion writing and advices
- Family law practice
- Alternative dispute resolution
- Criminal law practice
- Civil law practice
- Drafting documents
- Research
- Preparation for trial
- Appeals

- Setting up a Barrister's practice
- Diversity in practice.

Each topic is presented by practitioners chosen for their particular expertise or distinction in that area of the law, and their ability to impart practical knowledge to pupils.

Papers are usually available for each session. Precedents are not offered.

4.5. Course Applications

As noted in 3.3, one application is made to sit the Exam and the Course.

4.6. Course Offers

Subject to the requirements set out in the Qld Bar exam Policy, Exam Takers who successfully complete all parts of the Qld Bar exam will then be considered for a place in the next Bar Practice Course.

A letter of offer will be sent by email to the successful Exam Taker. The Exam Taker must respond by the due date in the email and either accept or reject the offer of a place in the next Bar Practice Course. The closing date for acceptance will be advised in the letter of offer.

The Bar Practice Course is a Brisbane-based, face-to-face course. Applicants should not accept a place in the Bar Practice Course unless they are able to attend the course in person in Brisbane for its duration. Remote attendance is not ordinarily available.

Please read the Bar Practice Course Policy (see Appendix C) prior to accepting a place in the Bar Practice Course. Any person found not complying with the Bar Practice Course Policy may not be eligible for a Certificate of Satisfactory Completion.

If accepting a place, the Exam Taker must pay the prescribed Bar Practice Course Fee in accordance with the instructions and by the due date specified in the letter of offer (see section 5 for further information on fees).

If an Exam Taker fails to respond to the offer or pay the Bar Practice Course Fee in full by the due date, the offer will lapse.

Payment plans or delayed payment options are not available. Please note that the Bar Practice Course is not a university course, therefore government fee help is not applicable.

4.7. Satisfactory Completion of the Bar Practice Course

To pass the course assessment to a satisfactory level, pupils are required to demonstrate the level of competency required of a junior barrister, and the ability to adequately represent a client.

Course assessment can be in the format of oral or written work or participation in exercises:

- Oral advocacy will be assessed by satisfactory completion of mock hearings, evidence in chief and cross-examination exercises;
- Written advocacy assessment includes the drafting of pleadings, written advices, and written submissions; or
- Briefings and workshops will be assessed on participation in the sessions, including oral and written work and a mediation exercise.

Upon satisfactory completion of the Bar Practice Course, pupils will be issued with a Certificate of Satisfactory Completion. Satisfactory completion of the course requires:

a) Prompt attendance at all sessions in the course;
b) Satisfactory participation in all sessions and completion of all practical work to an appropriate standard;
c) Course assessment passed to a satisfactory level;
d) Conduct that is professional and respectable;
e) Completion of feedback; and
f) Compliance with the Bar Practice Course Policy,

(please see the Bar Practice Course Policy in Appendix C for further information).

The issue of a Certificate of Satisfactory Completion is at the discretion of the Committee.

4.8. Absenteeism

In the event that a pupil is unable to attend any session (or part of a session), the pupil must notify the Association before the scheduled session and provide written reasons for non-attendance. This will be referred to the Bar Practice Course Committee for its consideration. In the case of illness, a medical certificate must also be produced. A Certificate of Satisfactory Completion will not be issued (even in the event of illness) until the pupil completes all components of the course (please note: the next available session may only be conducted at the next Bar Practice Course).

5. Fees

The Association determines and administers all Bar Practice Fees. Fees are subject to change (including CPI increases).

The current fees are (including GST):

Qld Bar exam Fee	$600
Bar Practice Course Fee	$6,400

5.1. Qld Bar exam Fee

The Qld Bar exam Fee is payable for the completion of one or more parts of the Qld Bar exam, on one exam day. Payment and application must be completed online via the Qld Bar website.

The Qld Bar exam Fee is not refundable or transferable to another examination date or Exam Taker.

Exam Takers who withdraw from sitting the Qld Bar exam or who do not attend on the day of the Qld Bar exam, will not be eligible for a refund of the Qld Bar exam Fee.

5.2. Bar Practice Course Fee

The Bar Practice Course Fee amount and due date will be confirmed in writing in the letter of offer to the successful Exam Taker. Non-payment by the due date will lead to automatic cancellation of the offer.

Pupils who withdraw from the Bar Practice Course after acceptance into the course, but before the course commences, will be charged an administration fee of $550 (including GST). The balance of the Bar Practice Course Fee will be refunded.

Pupils who withdraw from the Bar Practice Course once the course has commenced, forfeit the Bar Practice Course Fee in full.

5.3. Deferral of places in the Course

If a Pupil does not accept their first Letter of Offer for a place in the Bar Practice Course, they may defer to either of the next two successive Bar Practice Courses. A Pupil who does not accept a place following the third Letter of Offer will forfeit the currency of their Qld Bar Examination results and must re-sit and pass the Qld Bar Examination before undertaking a Bar Practice Course.

Queensland Bar Examination results remain current for 18 months.

- ***1st Letter of Offer*** *– accept or defer.*
- ***2nd Letter of Offer*** *– accept or defer.*
- ***3rd Letter of Offer*** *– must accept or lose eligibility and re-sit the exam.*

Please refer to the Qld Bar exam Policy in Appendix B regarding the currency of examination results.

6. Exam Takers requiring special arrangements

Please contact the Association for information in respect of making an application for special arrangements for the Qld Bar exam and/or the Bar Practice Course.

7. Practising Certificates

For questions regarding practising certificates or requirements, please refer to the Bar Association of Queensland's website www.qldbar.asn.au or telephone the Bar Association of Queensland on 07 3238 5100.

8. Further information

For further information, please refer to the Frequently Asked Questions documents, or contact the BPC Team by telephoning 07 3238 5100 or by emailing bpc@qldbar.asn.au.

Appendix A – Reading List

IMPORTANT: The Ethics, Practice & Procedure and Evidence Reading Lists are subject to change, latest changes are highlighted in yellow.

Legal Ethics for Barristers

Note: The Legal Ethics for Barristers part of the Qld Bar exam, while based on the materials prescribed, also seeks to assess the ability of Exam Takers to:

a) identify the general principle behind the ethical/ bar rule and the reason for it;

b) answer the question asked and identify any legislative provision or rule applicable;

c) apply the content of the ethical/ Bar rule (or at least to state its key components) in addition to stating the rule; and

d) identify where an active role in pursuing an ethical course is required of the barrister whether that be vis a vis the solicitor, the client, third party or the court.

Primary list

- *2011 Barristers' Rule*, as amended (Queensland)
- *Legal Profession Act 2007*, ss 220, 227, 246 and Part 3.4
- Supreme Court of Queensland Practice Direction No 13 of 2024: Direct Access Briefing (amending Practice Direction 20 of 2012)
- GE Dal Pont, *Lawyers' Professional Responsibility* (8th edn, Lawbook Co, 2025), Chapters 17, 18, 19, 21, 22
- *Bale v Mills* [2011] NSWCA 226
- *Day v Perisher Blue Pty Ltd* (2005) 62 NSWLR 731
- *Ken Tugrul v Tarrants Financial Consultants Pty Ltd (In Liq) [No.2]* [2013] NSWSC 1971
- *Legal Services Commissioner v Mullins* [2006] QLPT 12 (23 November 2006)
- *Tri-star Petroleum Company & Ors v Australia Pacific LNG Pty Limited & Ors* [2017] QSC 136
- *Virgtel v Zabusky (No 2)* [2009] 2 Qd R 293.

Secondary list

- Shepherd J, "Communications with Witnesses Before and During their Evidence", (1987) 3 *Aust Bar Rev* 28
- Y Ross, *Ethics in Law: Lawyers' responsibility and accountability* (6th edn, LexisNexis Butterworths Australia, 2013) chapter 14
- Mark Thomas & Rachael Manson, Professional Responsibility & Legal Ethics in Queensland (3rd ed, 2024) chapter 12
- GN Williams (ed), *Harrison's Law and Conduct of the Legal Profession in Queensland* (2nd edn, 1984)
- C Parker & A Evans, *Inside lawyers' ethics* (5th edn, Cambridge Uni Press, 2026)
- Andrew Boon, *Ethics and conduct of lawyers in England and Wales (Oxford: Hart Publishing, 4th edn)*
- Sir G Brennan, *Ethics and the advocate* CLE, 1992

- Sir William Boulton, *A guide to conduct and etiquette at the Bar of England and Wales* (London: Butterworths, 6th edn, 1975)
- The Hon TF Bathurst AC, *"Off with the wig: Issues that arise for advocates when switching from the courtroom to the negotiating table"* : [2017 NSW Bar Association News 48.]

(Last updated 9 November 2021)

Practice and Procedure

(A) Reading Material for Proceedings in Queensland Courts

- The following Rules as annotated in "Civil Procedure Queensland", Uniform Civil Procedure Rules Volume 1, Loose Leaf Service, Published by Butterworths:
    - Rules 5 (Philosophy), 8 to 14 (Starting Proceedings), 149-168 (Rules of Pleading), 171 (Striking out Pleadings), 209-227 (Disclosure), 242-249 (Non-Party Disclosure), 280 (Default by Plaintiff), 292 and 293 (Summary Judgment), 366 and 367 (Directions), 371 (Effect of Failure to Comply with Rules), 375 – 381 (Amendment generally), 389 (Continuation of Proceeding after Delay), 390 (Way evidence given), 423 to 429V (Expert Evidence), 430 to 441 (Affidavits). (Updated
- *District Court of Queensland Act 1967* (Qld), s 68(1) and (2) (Monetary Limit), s 69
- *Magistrates Court Act 1921* (Qld), ss 2 and 4 (Prescribed Limit)
- Rule 250, and Chapter 9 Part 5 *Uniform Civil Procedure Rules*
- Definition of 'property' from *Acts Interpretation Act 1954* (Qld)
- Section 58 of the *Constitution of Queensland 2001*
- s25 and 33 of the *Civil Proceedings Act 2011* (Qld)
- Practice Direction 1 of 2023 - Commercial List
- Practice Direction No. 1 of 2007 for the Supreme Court, "Freezing Orders" (also known as "Mareva Orders" or "Asset Preservation Orders")
- Practice Direction No. 2 of 2007 for the Supreme Court, "Search Orders" (also known as "Anton Piller Orders")
- Practice Direction No. 11 of 2012 for the Supreme Court, "Supervised Case List"
- Halsburys Laws of Australia, Loose Leaf Volume 20, "Evidence on Interim and Interlocutory Applications", paragraph 325-2755 to 325-2770
- *Vaughan v Bonjiorno* [2007] NSWSC 1398
- *Tyler v Custom Credit Corp Limited* [2000] QCA 178
- *Cape York Airlines Pty Ltd v QBE Insurance (Australia) Ltd* [2008] QSC 302
- *Shaw v Deputy Commissioner of Taxation; Rablin v Deputy Commissioner of Taxation* [2016] QCA 275
- *Wilsons Ceramics Pty Ltd v Pantaenius Australia Pty Ltd* [2021] QDC 74
- *GE Automotive Financial Services Pty Ltd v Christine Judith Laverty* [2008] QDC 313
- *Evans Deakin P/L v Orekinetics P/L & Ors* [2002] QSC 042
- Article: "Drawing an Affidavit", June 2000, Proctor, Downes S.C.
- Article: "Drawing an Affidavit Part 2", July 2000, Proctor, Downes S.C.
- Article: "Drafting Affidavits Made Simple", AJH Morris QC, (1989) 6 Qld Law SOC J 247 to 253

- "Australian Civil Procedure", 13th Edition, B Cairns 2024 "Interlocutory Injunctions" at paras [14.160] to [14.200] and "Ex Parte Application for Injunctions" at para [14.210].

(B) Reading Material for Proceedings in the Federal Court

- The following sections of the *Federal Court of Australia Act 1976* (Cth) as annotated in the Federal Court volume of Practice and Procedure – High Court and Federal Court of Australia (LexisNexis/Butterworths) (annotated editions are also published by Thomson Reuters or CCH):
    - Sections 19 to 23 and 32
    - Section 31A
    - Part VB, containing sections 37M to 37P
- The following parts of the *Federal Court Rules 2011*, as annotated in the Federal Court volume of Practice and Procedure – High Court and Federal Court of Australia (LexisNexis/Butterworths) (annotated editions are also published by Thomson Reuters or CCH):
    - Parts 1 (Preliminary), 8 (Starting Proceedings), 16 (Pleadings), 17 (Interlocutory Applications), 20 (Discovery and Inspection of Documents), 26 (Ending Proceedings Early) and 29 (Evidence)
- *Aon Risk Services Australia Ltd v Australian National University* (2009) 239 CLR 175 esp at [5]-[6] (French CJ), at [92]-[103] (Gummow, Hayne, Crennan, Kiefel and Bell JJ) at [156] (Heydon J)
- *Spencer v Commonwealth of Australia* (2010) 241 CLR 118 at [49]-[60]
- "Australian Civil Procedure", 12th Edition, B Cairns 2020:
    - Chapter 6 "Pleading" esp paras **[6.170]-[6.210]**
    - Chapter 13 "Summary Disposal and Discontinuance of Litigation" esp paras [13.300]-[13.470]
    - Chapter 15 "Interlocutory Proceedings" esp paras [15.40]-[15.50]

    (Last updated 26 Oct 2022)

Evidence

- *Evidence Act 1977* (Qld)
- Chapter 11 (rules 390-448) *Uniform Civil Procedure Rules 1999* is the current reprint as at 1 July 2022
- *Evidence Act 1995* (Cth)
- Division 30.3 *Federal Court Rules 2011*
- *Cross on Evidence*, Heydon, 14th Australian edn 2024, Butterworths: Chapters 1, 4, 5 (part 1), 6 (part 2B), 9 (parts 2 to 4), 15, 16, 17 (parts 3 and 4), 18 (to the extent that this chapter addresses Queensland and Commonwealth legislation), 20 (part 1).

(Last updated 13 February 2024)

Appendix B – Qld Bar Exam Policy

1. Glossary:
    a. **Application for Special Consideration** has the meaning given in paragraph 0 of this Policy.
    b. **Association** means the Bar Association of Queensland.
    c. **Qld Bar exam** means the Bar Practice Course pre-course examination, incorporating three parts: legal ethics for barristers; practice and procedure; and evidence.
    d. **Bar Practice Course** means the six-week program required to be completed prior to an application for a barrister's practising certificate, which prepares admitted lawyers from practice at the Queensland Bar.
    e. **Committee** means the Bar Practice Course Committee.
    f. **Course** means the Bar Practice Course.
    g. **Device** means the Exam Taker's personal portable computer, which is compatible with the minimum specifications set out in the ExamSoft Product Specifications available at https://examsoft.com/product-specifications;
    h. **Prescribed Materials** has the meaning given in paragraph 4 of this Policy.
    i. **Previous sitting** means the prior successive Qld Bar exams.
2. Exam overview
    a. It is a condition precedent of an Exam Taker undertaking the:
        i. Qld Bar exam that they must be Australian lawyers within the meaning of the *Legal Profession Act 2007* (Qld) at the time of making the application; and
        ii. Bar Practice Course that they sit and pass the Qld Bar exam to a standard of 65 marks or more.
    b. The Qld Bar exam will be held on one day, at a date and venue determined by the Association.
    c. For the avoidance of doubt, all parts of the Qld Bar exam must be completed in one sitting unless the Exam Taker has previous attained a pass mark for that part and the mark remains current (see paragraph 8 Currency of Exam results).
    d. The Association's Information for Exam Takers – Qld Bar exam and Bar Practice Course booklet must be reviewed prior to making an application for the Qld Bar exam and Course.
    e. Any further requirements for the Qld Bar exam and further relevant reading will be advised to Exam Takers prior to the Qld Bar exam.
3. Online Exam
    a. The Qld Bar exam is completed by Exam Takers using the ExamSoft software.
    b. Prior to sitting the Qld Bar exam, Exam Takers will be instructed by the Association to download the ExamSoft software, Examplify, to their Device and Exam Takers must:
        i. Review and consent to the ExamSoft End User License Agreement: https://examsoft.com/es/eula/;
        ii. Download the Qld Bar exam to their Device.

        Failure to comply with these instructions will result in the Exam Taker forfeiting their place in the Qld Bar exam and the Qld Bar exam Fee.
    c. Exam Takers must bring their Device to the scheduled Qld Bar exam, and operate the ExamSoft software appropriately.

d. The Association takes no responsibility for ensuring that the Exam Taker has an appropriate Device, including the charging of the Device, for the Qld Bar exam to be completed using the ExamSoft software.

e. The Association takes no responsibility for any technology failures resulting in the loss of work or otherwise of an Exam Taker, however, in the event of a technology failure, the Association shall use best endeavours to assist an Exam Taker to proceed with the Examination.

4. Exam requirements and permitted materials

a. The Qld Bar exam is a closed book examination, with the exception of unannotated and unmarked copies of the following **Prescribed Materials**:

- Legal Ethics for Barristers:
  - 2011 Barristers' Rule, as amended (Qld)
  - *Legal Profession Act 2007*: ss220, 227, 246 and Part 3.4 (ss299-349).
- Practice and Procedure:
  - Uniform Civil Procedure Rules
  - Federal Court Rules
  - 2011 Barristers' Rule, as amended (Qld)
  - *Federal Court of Australia Act 1976* (Cth): ss 19 to 23, 32, 31A, 37M to 37P
  - *District Court of Queensland Act 1967* (Qld): ss 68 and 69
  - *Magistrates Courts Act 1921* (Qld): ss 2 and 4.
- Evidence:
  - *Uniform Civil Procedure Rules*
  - *Evidence Act 1977* (Qld)
  - *Evidence Act 1995* (Cth).

Please note:

i. Any sections of legislation that are printed but not listed above (such as preceding sections of legislation), must be redacted from the materials brought into the Qld Bar exam.

ii. Prescribed Materials must be unannotated.

iii. Exam Takers cannot write on the Prescribed Materials, however highlighting (different colours) is permitted.

iv. Unmarked tabs/tags (different colours) are permitted.

v. Exam Takers may collate all material in an unmarked folder or bind the material. An Exam Taker may not create an index of Prescribed Materials.

vi. Any materials that are not Prescribed Materials may be removed by the exam invigilator. For the avoidance of doubt, if content that is not permitted is intermingled with content that is permitted, the whole page or section may be removed by the exam invigilator.

b. Photo ID must be provided on the day of the Qld Bar exam, such as a passport, driver's licence, university student card, court access card, or military/police identification. Exam Takers' ID will remain on their desk during the Qld Bar exam and will be checked by the Association prior to sitting the Exam.

c. Exam Takers can bring permitted pens, highlighters and blank post it notes into the Qld Bar exam room.

d. Electronic equipment such as mobile phones, tablets or smart watches are not permitted in the Qld Bar exam room. These electronic devices must be turned off and stored in your bag. Exam Takers are permitted to bring a silent time keeping device, such as a watch or stop watch.

e. Food can be brought to consume during breaks, before, or after the Qld Bar exam. Exam Takers are not permitted to eat in the Qld Bar exam room without a medical reason for doing so.

5. Special consideration

   a. If on the day of the Qld Bar exam or immediately prior to the Qld Bar exam sitting, an Exam Taker is suffering from an illness, injury, accident, or any other circumstance that compromises the Exam Taker's physical or mental ability to perform in the Qld Bar exam, the Exam Taker must:

      i. notify the supervising invigilator of those circumstances on the day of the Qld Bar exam;

      ii. within two days of sitting the Qld Bar exam (usually a Monday), provide a written statement to the Association that details how their capability was affected. The Exam Taker's statement must have supporting documentation, such as a medical certificate where appropriate, and all other relevant information,

      (Meaning **Application for Special Consideration**).

   b. If the Exam Taker subsequently fails to attain the pass mark of 65 marks, then the Application for Special Consideration will be assessed and a determination made by the Committee.

6. Marking

   a. The marking of the Qld Bar exams is managed by the Association in consultation with the Master Examiners, and the Committee (as needed).

   b. In the event an Exam Taker fails to attain the pass mark of 65 marks by not more than five marks, the exam paper will be moderated by a Master Examiner before the marking is finalised and the Exam Taker is advised of their Qld Bar exam mark.

   c. The Association does not provide past papers, feedback or marking rubrics for the Queensland Bar examinations.

7. Re-applying to sit the Exam

   a. Where an Exam Taker does not reach the pass mark of 65 for the Qld Bar exam, they may apply to sit the next successive Qld Bar exam. The full fee is payable for each sitting (in full or part thereof) of the Qld Bar exam by the Exam Taker.

8. Currency of Exam results

   a. Notwithstanding paragraph 7(a), to be eligible to participate in the Bar Practice Course, an Exam Taker must have passed all three parts of the Qld Bar exam within three successive/consecutive Qld Bar exam periods (including the first sitting, marking and any review periods). This equates to a maximum period of 18 months.

   b. Exam Takers who pass one or more parts of the Qld Bar exam in a previous sitting may carry credit for those part(s) until the conclusion of the third successive/consecutive Qld Bar exam period, calculated from the Exam Taker's first sitting of the relevant three successive/consecutive Qld Bar exam periods (approximately 18 months). (Read section 3.3 – Example 2.)

   c. If an Exam Taker fails to pass all three parts of the Qld Bar exam within three successive/consecutive Qld Bar exam periods, including any missed sittings, they will

be ineligible to sit the Qld Bar exam during the subsequent three successive/consecutive Qld Bar exam periods (18 months), and any prior passes will expire. This process spans a period of three years.

d. An Exam Taker may apply in writing to the Committee for an extension of the currency of their prior successful Qld Bar exam results. The decision to grant such an extension will be at the discretion of the Committee's delegates, who will consider any extenuating circumstances presented in the application.

e. The Committee reserves the power, in any event, not to allow Exam Takers to re-sit the Qld Bar exam, other than by re-sitting all three parts of the Qld Bar exam, on a case-by-case basis, having regard to the overall quality of an Exam Taker's performance in prior Qld Bar exam/s.

9. Non-compliance

a. Any person found not complying with any part of this Qld Bar exam Policy will receive an automatic fail result for the Qld Bar exam.

Appendix C – Bar Practice Course Policy

1. **Glossary**
   a. **Association** means the Bar Association of Queensland.
   b. **Qld Bar exam** means the Bar Practice Course pre-course examination, incorporating three parts: legal ethics for barristers; practice and procedure; and evidence.
   c. **Bar Practice Course** or **course** means the six week program required to be completed prior to an application for a practising certificate in Queensland, which prepares admitted lawyers for practice at the Queensland Bar.
   d. **Certificate of Satisfactory Completion** or **Certificate** means a certificate of satisfactory completion of the Bar Practice Course issued by the Association.
   e. **Committee** means the Bar Practice Course Management Committee.
   f. **Pupil** means an individual who is participating in the Bar Practice Course.
2. **Course overview**
   a. The Bar Practice Course is a post-admission course.
   b. The course content and assessment is managed by the Association and governed by the Committee. The principal aim of the course is to deliver a practical, engaging and rigorous legal education program which prepares legal practitioners for practice at the Queensland Bar. Many of the sessions involve practical exercises.
   c. The issue of a Certificate of Satisfactory Completion of the Bar Practice Course is one of the requirements for obtaining a barrister's practising certificate in Queensland. See paragraph 11 (Conditions for awarding a Certificate).
3. **Attendance requirements**
   a. Attendance at all sessions is compulsory and a condition of satisfactory completion of the Bar Practice Course.
   b. The Bar Practice Course is a Brisbane-based, face-to-face course. Pupils are required to attend all scheduled sessions in person at the nominated course venue unless otherwise advised by the Association. Remote attendance is not ordinarily available. Pupils are expected to make appropriate arrangements to ensure they are available in Brisbane for the duration of the course. This is necessary not only for attendance at scheduled sessions, but also to enable participation and interaction with their cohort, access to the Supreme Court Library and course facilities for preparation and assignments, and attendance at sessions that may be rescheduled or changed at short notice.
   c. Sessions are interactive and often involve practical exercises. Pupils are required to satisfactorily participate in all sessions.
   d. A roll will be taken at each session. Late arrival at sessions may be marked as not having attended the session.
   e. If a Pupil is unable to attend any session, their reasons for non-attendance must be submitted in writing to the BPC Co-ordinator before the relevant session. If the non-attendance relates to illness or a medical condition, the Pupil must provide evidence (such as a medical certificate) as soon as possible.
   f. Missed sessions must be completed before a Certificate of Satisfactory Completion can be issued, which may not be scheduled until the next course. Depending on the circumstances, a further full course fee or part fee may be payable for a repetition of all or part of the course or the fee may be waived.

g. Non-attendance, late attendance or inadequate participation in course sessions may be grounds for refusal to grant a Certificate of Satisfactory Completion. Please refer to paragraph 11 (Conditions for awarding a Certificate) for further information.

4. **Timetable**
   a. A timetable outlining the sessions and assessment will be provided to Pupils closer to the course commencement date.
   b. The timetable is subject to change. Sessions may be rescheduled outside of normal hours and are dependent on venue, presenter and judicial officer availability. Any changes to the timetable will be advised by the Bar Practice Course Co-ordinator electronically. Pupils are required to attend all sessions, including rescheduled sessions (see paragraph 3 for more information on Attendance Requirements).
   c. Sessions are generally held between 8.30am to 5.00pm with some sessions (including Mock Hearings and the Advocacy Intensive Weekend) held during the evening or on weekends. For instance:
      i. The Advocacy Intensive Weekend is typically scheduled all day (8.45am – 5.00pm) on Saturday and Sunday, during week 5 of the course.
      ii. On the final day of the course, a Final Address will be held from 5.00pm.
   d. Pupils must keep weekends and evenings free for course attendance and preparation, as needed.

5. **Venue**
   a. Pupils will be notified of the session locations when the timetable is provided.
   b. After-hours access to the course venue to be advised.
   c. Pupils must ensure the course venue is left clean and secure.
   d. Pupils are encouraged to keep valuables with them at all times.
   e. Pupils will be given a name badge on the first day which they must wear at all times, regardless of whether they have a Court ID card.

6. **Attendance at the Courts**
   a. Pupils have the opportunity to experience practical advocacy sessions at various Courts. This has been arranged with the generous support of the Magistrate, State and Federal Courts.
   b. Pupils must comply with the Courts security and other requirements at all times.

7. **Dress**
   a. The dress standard for the course (including the Mock Hearings and Final Address) is business attire, unless otherwise informed by the Association.
   b. The dress standard for the Advocacy Intensive Weekend is smart casual (i.e. casual dress suitable for an office environment).

8. **Materials and course preparation**
   a. Materials will be sent electronically.
   b. Pupils must have access to a computer and make their own arrangements to download/print the materials. Pupils will also need to bring a laptop and/or a pen and paper for taking notes during the course.
   c. Materials will be progressively released to Pupils from approximately four weeks before the course commencement date, and will continue throughout the course.
   d. Pupils must commence their preparation and reading before the course commences, as the workload for the course is substantial. Many sessions involve a large amount of preparatory work including library research and the preparation of written answers. If Pupils do not prepare adequately, they may not benefit from the session and may not

sufficiently meet the conditions to be awarded a Certificate of Satisfactory Completion (see paragraph 11 (Conditions for awarding a Certificate) for further information.

e. It may be helpful for Pupils to take at least one week off work before the Course begins to undertake prior reading and prepare assessment drafts. It is recommended that Pupils also commit at least one day to observing court proceedings prior to the course commencing, particularly observing court procedures and etiquette.

f. The following texts are useful for the course and for practice:

   i. 1 Glissan, J. L., *Advocacy in Practice 8th ed*. (2025), Chatswood, NSW: LexisNexis Butterworths; and

   ii. 1 Downes, K., (2013), *Back to Basics - The Book*, The Essential Proctor Collection (Version 3) Brisbane, Qld: Queensland Law Society Incorporated.

   The Association does not have copies available for hire or purchase. Please note these texts are recommended, not prescribed.

g. There are also numerous reference books, cases and articles which should be used in preparation for various sessions. These are noted in the materials for the relevant session. Pupils are encouraged to refresh their knowledge of the following before the course begins:

   i. *Evidence Act 1977* (Qld);

   ii. *Evidence Act 1995* (Cth);

   iii. *Uniform Civil Procedure Rules*; and

   iv. Practice Directions of the State and Federal Courts.

h. Pupils knowledge of substantive law units is presumed. It is beneficial for Pupils to refresh their knowledge before the course in personal injury law, family law, criminal law, contract law, and civil litigation.

i. During the course, Pupils will need a copy of the *2011 Barristers' Rule, as amended* (Qld). The Rules can be accessed at Barristers' Conduct Rules.

j. Papers are often made available for course sessions. These papers are developed by volunteers and whilst every effort is made to keep these papers up to date, the Association is not able to warrant the accuracy, reliability or completeness of materials provided during the course.

9. **Course assessment**

a. Assessments throughout the course may be:

   i. written (e.g., advices and pleadings);

   ii. advocacy based (e.g., first appearances and mock hearings); or

   iii. by reference to the quality of a Pupil's participation in the course generally (particularly, Leading Evidence I & II Workshops, Advocacy Intensive Weekend, all briefings and workshops).

b. No extensions for work will be granted unless special circumstances exist and this will be a matter of discretion for the Committee. Late submission of work is also not acceptable.

c. To pass the course assessment to a satisfactory level, Pupils are required to demonstrate the level of competency required of a junior barrister and the ability to adequately represent a client.

d. Pupils may be required to resubmit written assessments, or complete another Mock Hearing or exercise, if their performance is considered unsatisfactory or they receive a fail mark. This may also consider a ground for refusing a Certificate of Satisfactory Completion or may require the Pupil to complete the course at a later date. It will be a matter for the Committee to determine the date of the resubmission or completion.

Depending on the circumstances, a further full course fee or part fee may be payable for a repetition of all or part of the course or the fee may be waived.

e. Any assessment or other materials which Pupils are asked to submit during the course must be submitted by the due time and date by the method stipulated by the Association. Once assessment is submitted, Pupils are not able to ask for the return of the assessment or make alterations.

f. Further information regarding assessment will be provided before and during the course.

10. **Catering**

a. Some of the sessions in the course are fully catered, including the Leading Evidence and the Advocacy Intensive Weekend (AIW).

b. The cost of all catering is included in the fee for the course.

c. Pupils must email bpc@qldbar.asn.au if they have special dietary requirements.

11. **Conditions for awarding a Certificate**

a. The following conditions must be satisfactorily met by Pupils in order to be eligible for a Certificate of Satisfactory Completion:

i. Course attendance: Prompt attendance at all sessions is compulsory and a condition of satisfactory completion of the Bar Practice Course. Non-attendance or late attendance is a potential ground for refusal to grant a Certificate of Satisfactory Completion. See paragraph 3 for more information on Attendance requirements.

ii. Satisfactory Participation: Pupils must satisfactorily complete all practical work and proactively participate in sessions. Pupils must demonstrate that they have properly prepared for all sessions, have an understanding of the content and otherwise demonstrate competency in the completion of all practical work.

iii. Course Assessment: A Pupil must pass all course assessment to a satisfactory level – see paragraph 9 for further information on course assessment). The Committee reserves the right to require any Pupil to submit to formal testing or examinations.

iv. Conduct: Pupils must conduct themselves at all times in a professional and respectful manner toward other Pupils, presenters, staff and witnesses. Unacceptable behaviour or behaviour that disrupts or interferes with the learning environment of other Pupils will not be tolerated. Any Pupil who behaves in an unprofessional manner may be asked to leave the course.

v. Feedback: Pupils will be required to provide feedback on sessions conducted throughout the course.

vi. Policy: Pupils must comply with the terms of this Policy.

The issue of a Certificate is at all times at the discretion of the Committee.

12. **Photographs**

a. Photographs provided with an application form to undertake the Qld Bar exam are used for administrative, security and assessment purposes and will be provided to Association staff and presenters.

b. Pupils may also be photographed during the course for the purpose of display at the final address and for publication on the Association's website, social media and other publications such as Hearsay.

13. **Queries**

a. If you have any difficulties or queries before or throughout the course, you should raise them with the BPC Co-ordinator as soon as possible. The Association can be contacted on (07) 3238 5100 or via email to bpc@qldbar.asn.au.