



THE VICTORIAN BAR INCORPORATED

# APPLICATION AND READING REGULATIONS

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In the exercise of its powers under clause 19 of the Constitution of the Victorian Bar Inc. and all other relevant powers, the Bar Council makes the following regulations.

## 1. INTRODUCTORY PROVISIONS

- (1) These regulations are entitled, and may be referred to as, the Application and Reading Regulations.
- (2) The object of these regulations is to set out the procedures for application to become a member of the Victorian Bar and other matters relating to Reading and the Readers' Course.
- (3) These regulations come into operation on 4 June 2010.
- (4) On the commencement of these regulations, the following regulations are revoked:
  - (a) the Application (Amendment) Regulations 2006, which came into operation on 1 March 2006;
  - (b) the Application Regulations, which came into operation on 23 February 2004; and
  - (c) the Reading Regulations, which came into operation on 4 September 2001;– (together the “revoked regulations”)
- (5) Nothing in sub-regulation (4) affects the validity of anything done pursuant to the revoked regulations.
- (6) Any dispensation, exemption or permission given to any person prior to the commencement of these regulations in respect of any provision of the revoked regulations is deemed to have been given in respect of the corresponding provision (if any) of these regulations.
- (7) These regulations apply to and in relation to any person who after the commencement of these regulations applies to become a member of the Bar, to Read or to do the Readers' Course.

## 2. INTERPRETATION

- (1) In these regulations, unless inconsistent with the context or subject matter –
  - “**Admissions Officer**” means the person employed by the Victorian Bar responsible for receiving and coordinating applications.
  - “**Alternative Exam Arrangements**” means adjustments to the conditions or format of the Entrance Exam, such as:
    - (a) additional reading or writing time;
    - (b) rest breaks;
    - (c) completing the Entrance Exam on a computer; or
    - (d) undertaking the Entrance Exam at a different venue or at a different time.
  - “**Applicant**” means a person who is intending to apply or who has applied to become a member of the Victorian Bar, to Read or to do the Readers' Course.
  - “**Application**” means an application to become a member of the Victorian Bar, to Read or to do the Readers' Course.
  - “**Application Form**” means the form of Application to Sign the Roll of Counsel as approved by resolution of the Bar Council from time to time, and published on the VicBar website.
  - “**Australian Lawyer**” has the meaning given to that expression by the *Legal Profession*

*Uniform Law.*

“**Charter**” means the Readers’ Course Committee Charter.

“**Constitution**” means the Constitution of the Victorian Bar.

“**Eligible Reader Applicant**” means a Reader Applicant who has sat the Entrance Exam immediately preceding the Next Readers’ Course and achieved the Required Grade.

“**Entrance Exam**” means the examination set by the Victorian Bar which must be passed to the Required Grade before a Reader Applicant can make an Application.

“**Following Readers’ Course**” means the Readers’ Course next following the Next Readers’ Course.

“**Foundation CPD**” means a continuing professional development activity designated as a Foundation CPD activity by the Victorian Bar’s CPD Committee or resolved by the Readers’ Course Executive to be a Foundation CPD activity.

“**Honorary Secretary**” means an officer of the Bar Council appointed by the Bar Council, who is a member of the Victorian Bar and who is not a member of the Bar Council.

“**Learning Plan**” means the plan for continuing professional development determined by the Readers’ Course Committee and required to be completed by each Reader Applicant during the period from the end of the Readers’ Course until the end of the Reading Period.

“**Mentor**” means the member of counsel in whose chambers a Reader is Reading or proposes to Read.

“**Next Readers’ Course**” means the Readers’ Course next following the Entrance Exam that a particular Applicant chooses to sit.

“**Read**” means read in chambers with a Mentor for the purposes of obtaining practical and ethical training as a barrister, pursuant to these regulations, and “Reading” has a corresponding meaning.

“**Reader**” means a person who has commenced Reading.

“**Reader Applicant**” means an Applicant or Transfer Applicant who is required to Read and is required to undertake the Readers’ Course.

“**Reading Period**” means the period commencing at the commencement of the Readers’ Course and concluding nine months thereafter, during which an Applicant who is required to Read must Read in the chambers of a Mentor in accordance with these regulations.

“**Readers’ Course**” means the Readers’ Course of Practical Training conducted by the Victorian Bar.

“**Readers’ Course Committee**” means the committee, by whatever name called, from time to time appointed by the Bar Council to oversee the conduct of the Readers’ Course.

“**Readers’ Course Executive**” means a standing working group of the Readers’ Course Committee comprising the Chair, the Deputy Chair and three other members of the Readers’ Course Committee constituted for the purposes of these regulations and in accordance with the Charter of the Readers’ Course Committee.

“**Required Grade**” means 75% or such other grade that is set from time to time by resolution of the Readers’ Course Committee.

“**Secretary**” means the officer in charge of the Bar Office who is determined to be the Statutory Secretary for the purposes of the *Associations Incorporation Reform Act 2012*.

“**Transfer Application**” means an application to the Bar Council to transfer to Division A Part I (Victorian Practising Counsel) of the Bar Roll from any other Part or Division of the Bar Roll.

“**Transfer Applicant**” means a person making a Transfer Application.

“**VicBar website**” means the website at URL [www.vicbar.com.au](http://www.vicbar.com.au).

- (2) Words and expressions used in these regulations which are also used in the Constitution have the same meaning as in the Constitution, unless that meaning is inconsistent with the context in which those words or expressions are used in these regulations.

### 3. APPLICATION TO BECOME A MEMBER OF THE BAR

- (1) This regulation applies to all persons who wish to apply for membership of the Victorian Bar (whether or not they are also required to Read and/or to undertake the Readers' Course).
- (2) A person is not eligible to make an Application to become a member of the Victorian Bar unless he or she is an Australian Lawyer or he or she expects on reasonable grounds to become an Australian Lawyer by the time he or she signs the Bar Roll.
- (3) A person who wishes to become a member of the Victorian Bar shall lodge an Application Form with the Admissions Officer.
- (4) By making an Application to become a member of the Victorian Bar, the Applicant agrees to be bound by these regulations as amended from time to time.
- (5) An Application Form shall be in the form prescribed by the Bar Council and must contain:
- (a) an agreement to be bound by these regulations as amended from time to time;
  - (b) an undertaking by the Applicant to the Bar Council that if the Applicant's name is entered on the Bar Roll, the Applicant will:
    - (i) not practise otherwise than as a barrister;
    - (ii) comply with all requirements of the Constitution of the Victorian Bar and all rules and regulations made by the Bar Council from time to time; and
    - (iii) pay the annual subscription and all other fees and charges that may be required by the Bar Council;
  - (c) in the case of an Applicant seeking to have his or her name entered on the Bar Roll in Division A Part I (Victorian Practising Counsel), an undertaking by the Applicant to the Bar Council that the Applicant will, prior to having his or her name so entered, surrender:
    - (i) to the Legal Services Board, any Australian practising certificate (as that term is defined in s. 6 of the *Legal Profession Uniform Law*);
    - (ii) to the Legal Services Board, any Australian registration certificate issued under Part 3.4 of the *Legal Profession Uniform Law*; and
    - (iii) to the Victorian Bar, any registration with a foreign registration authority (as that term is defined in s. 6 of the *Legal Profession Uniform Law*) to the extent it is inconsistent with practise as a barrister;
  - (d) particulars of any criminal offence in Australia or any other country with which the Applicant has been charged or which the Applicant has been found to have committed or of which the Applicant has been convicted;
  - (e) particulars of any disqualification of the Applicant from managing or being involved in the management of any body corporate under any law in force in any jurisdiction within Australia;
  - (f) particulars of:

- (i) the making of any sequestration order against the Applicant pursuant to the Bankruptcy Act 1966 (Cth);
  - (ii) any entry by the Applicant into a debt agreement pursuant to Part IX of that Act;
  - (iii) any entry by the Applicant into a personal insolvency agreement pursuant to Part X of that Act; and
  - (iv) any fact or matter which shows or may tend to show that the Applicant is or may be insolvent;
- (g) particulars of any complaint concerning the Applicant made to any professional body or association;
  - (h) particulars of any other fact or matter which shows or might tend to show that the Applicant is not of good character or not of sound mind or otherwise not a suitable person to become a member of the Victorian Bar;
  - (i) particulars of any fact or matter which indicates or may indicate that the Applicant will or may be unable to comply with, or will or may be in contravention of:
    - (i) any provision of the Constitution; or
    - (ii) any rules or regulations made by the Bar Council;
  - (j) in the case of an Applicant who is required to Read but is not required to undertake the Readers' Course (or has applied to be exempted from the Readers' Course pursuant to regulation 4 below), a statement to that effect; and
  - (k) in the case of a Reader Applicant, a statement as required by regulation 6(11).
- (6) An Application Form must disclose all matters required by regulations 3(5)(d) to 3(5)(i) even if those matters were disclosed by the Applicant to a regulatory authority in relation to admission to practise, the issue of a practising certificate, the renewal of a practising certificate, or any similar matter.
- (7) An Applicant must:
- (a) notify the Honorary Secretary in writing if the Applicant becomes aware that any statement or matter set out or referred to in his or her Application Form is not or is no longer complete, true or accurate, as soon as possible after he or she becomes aware that the statement or matter is not complete, true or accurate; and
  - (b) provide to the Honorary Secretary in writing any information which he or she would have been obliged to disclose in the Application or at the interview, as soon as possible after he or she comes into possession of that information.
- (8) An Application may be withdrawn at any time by the Applicant by written notice lodged with the Admissions Officer.
- (9) The Honorary Secretary shall review each Application.
- (10) The Honorary Secretary shall refer an Application:
- (a) to the Counsel Committee, if the Honorary Secretary believes that the Application raises an issue which might affect the question of the Applicant's fitness to practise as a barrister, or otherwise affect the exercise of the Bar Council's discretion to allow the Applicant to sign the Bar Roll. If an Application is so referred, the Counsel Committee shall deal with the Application and provide it to Bar Council with the recommendation of the Committee; and
  - (b) to the Bar Council or the appropriate committee, officer or other organ of the Victorian Bar, if the Honorary Secretary believes that the Application might require consideration or a

decision to be made by that organ of the Bar.

- (11) If:
- (a) an Application does not require referral; and
  - (b) the Honorary Secretary is satisfied that the Application complies with the requirements of the Constitution and these and any other applicable regulations –

the Honorary Secretary shall recommend to the Bar Council that the Applicant undertake the Readers' Course or that the Applicant's name be entered on the Bar Roll (as the case may be).

#### **4. REQUIREMENT TO READ AND UNDERTAKE READERS' COURSE**

- (1) Subject to this Regulation, every Applicant and Transfer Applicant seeking to have his or her name entered on the Bar Roll in Division A Part I (Victorian Practising Counsel) must both Read and undertake the Readers' Course.
- (2) An Applicant or Transfer Applicant is not required to Read or undertake the Readers' Course if he or she:
  - (a) is a former member of the Victorian Bar included in Part 1 of Division A (Victorian Practising Counsel) of the Bar Roll who practised as such for a period of not less than 12 continuous months within 10 years of the Application;
  - (b) has practised solely as a barrister in another Australian State or Territory for a period of not less than 12 continuous months within 10 years of the Application, unless the Readers' Course Executive or the Readers' Course Committee, in their discretion requires such Applicant to Read or undertake the Readers' Course (or both);
  - (c) is a member of the Victorian Bar who was included in Part 1 of Division A of the Bar Roll and is applying to transfer from Division A Part II (Crown Prosecutors and Public Defenders) or Division B (Judicial and Other Officers) of the Bar Roll back to Division A Part 1 (Victorian Practising Counsel) of the Bar Roll; or
  - (d) has been exempted from the requirement to Read and/or undertake the Readers' Course by the Bar Council or the Readers' Course Executive.
- (3) An application under sub-regulation (2)(d) shall be in writing, lodged with the Honorary Secretary and set out the grounds upon which the exemption is sought.
- (4) Any interstate or overseas Applicant must obtain and provide a Certificate of Good Standing from an appropriate regulatory authority when making an Application.

#### **5. APPLICANTS WHO ARE REQUIRED TO READ (BUT NOT REQUIRED TO UNDERTAKE READERS' COURSE)**

- (1) This regulation applies to an Applicant who is required to Read but is not required to undertake the Readers' Course.
- (2) In the Application Form, the Applicant shall indicate that he or she is required to Read but not to undertake the Readers' Course (or has applied to be exempted from the Readers' Course pursuant to regulation 4 above).
- (3) The Applicant must, more than one month before the proposed commencement date of the Reading period (or at such other time as the Secretary may permit) attend an interview with the Honorary Secretary at a time and place reasonably requested by the Honorary Secretary.
- (4) At the interview, the Applicant must provide to the Honorary Secretary:
  - (a) the name of the Applicant's Mentor;

- (b) a copy of all documents of which the Applicant is aware and which are relevant to the matters described in regulation 3(5)(d) to 3(5)(i) above; and
  - (c) a written statement setting out any facts or matters which the Applicant wishes to be considered during the determination of his or her Application, whether relating to the matters described in regulation 3(5)(d) to 3(5)(i) above or otherwise;
- (5) At the interview the Honorary Secretary shall:
- (a) on behalf of the Bar Council receive from the Applicant an undertaking to the effect of sub-regulation 3(5)(b) and (c) above;
  - (b) record in writing each undertaking so given; and
  - (c) make enquiries of the Applicant with respect to any matter referred to in or arising out of the Application about which the Honorary Secretary considers it appropriate to enquire.
- (6) The Honorary Secretary shall refer an Application:
- (a) to the Counsel Committee, if the Honorary Secretary believes that the Application raises an issue which might affect the question of the Applicant's fitness to practise as a barrister, or otherwise affect the exercise of the Bar Council's discretion to allow the Applicant to sign the Bar Roll. If an Application is so referred, the Counsel Committee shall deal with the Application and provide it to Bar Council with the recommendation of the Committee; and
  - (b) to the Bar Council or the appropriate committee, officer or other organ of the Bar, if the Honorary Secretary believes that the Application might require consideration or a decision to be made by that organ of the Bar.
- (7) If:
- (a) an Application does not require referral; and
  - (b) the Honorary Secretary is satisfied that the Application complies with the requirements of the Constitution and these and any other applicable regulations –
- The Honorary Secretary shall recommend to the Bar Council that the Applicant's name be entered on the Bar Roll.
- (8) Where an Applicant is required to Read but not to undertake the Readers' Course, the Bar Council shall fix a date as the date of commencement of the Applicant's Reading period.

## **6. APPLICANTS WHO ARE REQUIRED TO READ AND UNDERTAKE READERS' COURSE**

- (1) This regulation applies to a Reader Applicant.
- (2) An Entrance Exam will be held on such dates, at such times and in such locations as the Readers' Course Executive resolves.
- (3) A Reader Applicant must before submitting his or her Application Form:
  - (a) register with the Admissions Officer using the form provided on the VicBar website, his or her intention to sit the Entrance Exam and confirm his or her availability to participate in the Next Readers' Course or, if there are any factors likely to impinge upon his or her ability to participate in the Next Readers Course, noting those factors;
  - (b) pay the fee to sit the Entrance Exam as set by the Secretary from time to time;
  - (c) sit the Entrance Exam and achieve the Required Grade; and
  - (d) have received from the Admissions Offer a written offer to apply for a place in the Readers' Course stated in the offer.

- (4) (deleted).
- (5) (deleted).
- (6) (deleted).
- (7) If following the completion of marking of an Entrance Exam and the determination by the Readers' Course Executive or the Readers' Course Committee, of any application for special consideration, the number of Eligible Reader Applicants exceeds the number of places available in the Next Readers' Course (after allowing for the acceptance of offers made pursuant to this regulation following the completion of marking of an earlier Entrance Exam and any applications for deferral that have been granted in accordance with (10) and (11) below), the Admissions Officer shall:
- (a) notify all Eligible Reader Applicants that they have achieved the Required Grade and that they must, within the time stipulated by the Admissions Officer, nominate a preference whether to be offered a place in the Next Readers' Course or the Following Readers' Course;
  - (b) offer Eligible Reader Applicants places in the Next Readers' Course or the Following Reader's Course in accordance with their nominated preference provided that priority shall be given to:
    - (i) first, to indigenous Eligible Reader Applicants and overseas Applicants as the Readers' Course Executive or Readers Course Committee determines;
    - (ii) second, to Eligible Reader Applicants in accordance with the grade awarded for their Entrance Exam (beginning with the Eligible Reader Applicant achieving the highest grade).
- (8) For the purposes of regulation 7(b), an Eligible Reader Applicant who does not nominate a preference within the stipulated time will be treated as if they nominated to be offered a place in the Next Readers' Course.
- (9) Every Eligible Reader Applicant who receives an offer from the Admissions Officer of a place in the Next Readers' Course must within 14 days of such receipt accept that place by submitting an Application Form in accordance with regulation 3 and paying (as set out in the letter of offer) the fee for the Readers' Course as set by the Bar Council from time to time and published on the VicBar website.
- (10) An Eligible Reader Applicant who has been offered and/or accepted a place in the Next Readers' Course may in exceptional circumstances apply to the Admissions Officer in writing to defer that place to the Following Readers' Course which application must include a detailed statement of the circumstances giving rise to the application together with any relevant supporting documentation.
- (11) When an application is made pursuant to regulation 6(10):
- (a) the Admissions Officer will refer the application to the Readers' Course Executive or the Readers' Course Committee for determination;
  - (b) the Readers' Course Executive or the Readers' Course Committee may (but is not obliged to) request further information from the applicant or make such other enquiries in relation to the application as it sees fit;
  - (c) the Readers' Course Executive or the Readers' Course Committee will determine in its absolute discretion whether the circumstances are sufficiently exceptional to justify the grant of the application;
  - (d) without limiting (c), exceptional circumstances may include:
    - (i) where the applicant is subject to a contractual notice period that exceeds the period from the date the applicant receives notice that he or she has been offered a place in the Next Readers' Course and the date the Next Readers' Course begins, being a contractual notice period that the employer has not agreed to waive; and

- (ii) a sudden and unexpected adverse change in the applicant's financial, family or other personal circumstances; and
  - (iii) any other matter likely to affect the applicant's capacity to attend throughout the Next Readers' Course that the applicant could not reasonably have avoided or anticipated at the time the applicant sat the Entrance Exam.
- (e) the Readers' Course Executive or the Readers' Course Committee will inform the Admissions Officer of its decision and the Admissions Officer will then notify the applicant in writing of that decision;
- (f) if the application is refused and the applicant had not at the time of the application accepted a place in the Next Readers' Course, the applicant will have a further seven days from receipt of the notice referred to in (d) within which to accept (in the manner described in regulation 6(9)) the place allocated to him or her in the Next Readers' Course;
- (g) if the application is granted, the applicant will be offered a place in either the Following Readers' Course or, if the Readers' Course Executive in the exercise of its discretion determines, in the course following the Following Readers' Course.
- (12) In the Application Form, the Reader Applicant must state:
- (a) that he or she is required to Read and to undertake the Readers' Course;
  - (b) that he or she is an Eligible Reader Applicant within the meaning of these regulations; and
  - (c) the Readers' Course in which he or she has been offered a place, which he or she is accepting by lodging the Application Form.
- (13) An Eligible Reader Applicant, who has accepted a place in a Readers' Course and later withdraws his or her Application or makes application pursuant to regulation 6(10) (and regardless of the outcome of that application), is not entitled to a refund of all or any part of the fee paid upon acceptance, unless the Readers' Course Executive or the Readers' Course Committee in its absolute discretion resolves otherwise.
- (14) After accepting a place in a Readers' Course in accordance with these regulations, an Eligible Reader Applicant will be required to attend an interview with the Honorary Secretary at a time and place reasonably requested by the Honorary Secretary.
- (15) At the interview, the Eligible Reader Applicant must provide to the Honorary Secretary:
- (a) the name of the Eligible Reader Applicant's Mentor;
  - (b) a copy of all documents of which the Eligible Reader Applicant is aware and which are relevant to the matters described in regulation 3(5)(d) to 3(5)(i) above; and
  - (c) a written statement setting out any facts or matters which the Eligible Reader Applicant wishes to be considered during the determination of his or her Application, whether relating to the matters described in regulation 3(5)(d) to 3(5)(i) above or otherwise.
- (16) At the interview the Honorary Secretary may:
- (a) on behalf of the Bar Council receive from the Eligible Reader Applicant an undertaking to the effect of sub- regulation 3(5)(b) and (c) above, an undertaking that during the period of the Readers' Course the Eligible Reader Applicant will not hold a practising certificate and will not engage in legal practice and an undertaking that the Eligible Reader Applicant will comply with any Learning Plan set for the Eligible Reader Applicant;
  - (b) record in writing each undertaking so given; and
  - (c) make enquiries of the Eligible Reader Applicant with respect to any matter referred to in or arising out of the Application about which the Honorary Secretary considers it appropriate

to enquire.

- (17) Where an Applicant is required to Read and to undertake the Readers' Course, the Reading period shall commence on the same day as the relevant Readers' Course.
- (18) As nearly as practicable to the commencement of each Readers' Course:
  - (a) the Honorary Secretary shall inform the Bar Council of the Eligible Reader Applicants for the relevant Readers' Course; and
  - (b) the Bar Council may resolve that such of those Eligible Reader Applicants as it thinks fit may undertake that course.
- (19) An Eligible Reader Applicant who has accepted a place in a Readers' Course but who does not commence or complete the Readers' Course due to a finding that her or she is not fit to practise as a barrister is entitled to a refund of the fee paid by that Eligible Reader Applicant in accepting the place in the Readers' Course, less an administration fee as set by the Secretary.
- (20) The marking and results of the Entrance Exam (including any re-marking) and any resolutions or other decision of any of the Bar Council, the Readers' Course Executive, the Readers' Course Committee, the Readers' Course Executive or the Readers' Course Committee, the Honorary Secretary, the Secretary or the Admissions Officer under or pursuant to these regulations are final and binding and not open to challenge.

## **6A. ENTRANCE EXAM – ADDITIONAL MATTERS**

### *Alternative Exam Arrangements*

- (1) A Reader Applicant who registers to sit the Entrance Exam and who considers that circumstances outside his or her control will adversely affect his or her performance in, or ability to undertake, the Entrance Exam may make an application for Alternative Exam Arrangements.
- (2) An application for Alternative Exam Arrangements must:
  - (a) unless the Readers' Course Executive or the Readers' Course Committee otherwise resolves, be made no less than five business days before the date of the Entrance Exam;
  - (b) be made in writing to the Admissions Officer;
  - (c) include a description of the circumstances relied on and the manner in which the Reader Applicant considers those circumstances will affect the Reader Applicant's performance in, or ability to undertake, the Entrance Exam;
  - (d) specify the Alternative Exam Arrangements for which the Reader Applicant applies; and
  - (e) be accompanied by supporting evidence substantiating the circumstances relied on (for example, a letter from a health professional)
- (3) The Admissions Officer (or his or her delegate) may request a Reader Applicant to provide further information in relation to an application for Alternative Exam Arrangements.
- (4) The Admissions Officer (or his or her delegate) may, in his or her absolute discretion, grant or refuse an application for Alternative Exam Arrangements and, if granted, make whatever arrangements he or she considers appropriate.
- (5) A Reader Applicant may seek a review of a decision under regulation 6A(4) by giving notice requesting such a review to the Admissions Officer within five business days of receipt of notice of the decision.
- (6) Where a Reader Applicant gives notice under regulation 6A(5), the Readers' Course Executive or the Readers' Course Committee must review the decision under regulation 6A(4) and may, in

its absolute discretion, uphold, reverse or vary the decision.

- (7) Any personal information provided by a Reader Applicant in connection with an application for Alternative Exam Arrangements will be disclosed only to those persons responsible for processing and assessing the application, and will be dealt with in accordance with the Victorian Bar's Privacy Policy.

*Special Consideration*

- (8) A reader Applicant who registers to sit the Entrance Exam and who considers that his or her result in the Entrance Exam may be affected, or has been affected, by illness, injury, bereavement or other hardship, may make an application for special consideration.
- (9) An application for special consideration must:
- (a) unless the Readers' Course Executive or the Readers' Course Committee otherwise resolves, be made no more than five business days after the date of the Entrance Exam;
  - (b) be made in writing to the Admissions Officer;
  - (c) include a description of the hardship relied on and the manner in which the hardship may affect,
  - (d) or has affected, the Reader Applicant's performance in the Entrance Exam; and
  - (e) be accompanied by supporting evidence substantiating the hardship relied on (for example, a letter from a health professional).
- (10) The Admissions Officer (or his or her delegate) must refer each application for special consideration to the Readers' Course Executive or the Readers' Course Committee.
- (11) The Readers' Course Executive or the Readers' Course Committee may request a Reader Applicant to provide further information in relation to an application for special consideration.
- (12) The Readers' Course Executive or the Readers' Course Committee may, in its absolute discretion, grant or refuse an application for special consideration and, if granted, make whatever provision or arrangements it considers appropriate (including Alternative Exam Arrangements).
- (13) In exercising the discretion to grant or refuse an application for special consideration under regulation 6A(10), the Readers' Course Executive or the Readers' Course Committee will take into account the following matters:
- (a) the severity or likely severity of the impact of the circumstances relied on by the Reader Applicant, including:
    - (i) the Reader Applicant's statement of the impact of the circumstances on his or her ability to undertake, or performance in, the Entrance Exam; and
    - (ii) the extent to which supporting documentation supports the Reader Applicant's statement about the impact of those circumstances;
  - (b) the need to uphold the integrity of the Entrance Exam, so that those who receive an offer of a place in the Readers' Course have an appropriate level of knowledge of the matters tested by the Entrance Exam;
  - (c) the appropriateness of requiring the Reader Applicant to undertake alternative or additional assessment;
  - (d) any other matter that the Readers' Course Executive or the Readers' Course Committee

considers relevant.

- (14) Any personal information provided by a Reader Applicant in connection with an application for special consideration will be disclosed only to those persons responsible for processing and assessing the application and will be dealt with in accordance with the Victorian Bar's Privacy Policy.

#### *Interstate or Overseas Candidates*

- (15) A Reader Applicant who wishes to sit the Entrance Exam interstate or overseas must:
- (a) give notice to the Admissions Officer at the time of registering to sit the Entrance Exam; and
  - (b) make arrangements to sit and the Entrance Exam at a suitable venue interstate or overseas, and for the venue to supervise the exam and send the exam paper to the Admissions Officer.
- (16) For the purposes of regulation 6A(13), **suitable venue** means:
- (a) in the case of a Reader Applicant who wishes to sit the Entrance Exam overseas:
    - (i) an Australian embassy or consulate; or
    - (ii) if it is not possible for the Reader Applicant to sit the Entrance Exam at an Australian embassy or consulate, an alternative venue approved by the Admissions Officer;
  - (b) in the case of a Reader Applicant who wishes to sit the Entrance Exam interstate:
    - (i) a university or law firm;
    - (ii) if it is not possible for the Reader Applicant to sit the Entrance Exam at a university or law firm, an alternative venue approved by the Admissions Officer.
- (17) All costs associated with a Reader Applicant sitting the Entrance Exam interstate or overseas are to be borne by (and, if necessary, will charged to) the Reader Applicant.

#### **7. READING – ADDITIONAL MATTERS**

- (1) An Applicant who is required to Read must Read in the chambers of a Mentor for the Reading Period.
- (2) The Reading Period can be extended by agreement between the Mentor and the Reader, but any such extension cannot exceed a period of six months.
- (3) A Reader must vacate his or her Mentor's chambers promptly on completion of the Reading Period, unless otherwise agreed between Reader and Mentor.
- (4) A Mentor must:
- (a) be a member of the Victorian Bar;
  - (b) be in active practice;
  - (c) at the commencement of the Reader's Reading Period:
    - (i) be in Part I of Division A of the Bar Roll; and
    - (ii) not be one of Her Majesty's counsel or senior counsel at the commencement of the Reading Period; and

- (d) unless dispensation is granted by the Readers' Course Executive or the Readers' Course Committee, be expected to be of not less than 10 years' standing on the Bar Roll as at the date at which the Reader's Reading Period is due to finish.
- (5) Counsel is not bound to accept a Reader or any particular Reader.
- (6) Counsel must not accept a Reader unless counsel is likely to be substantially in attendance in chambers in Victoria during the whole of the Reading Period.
- (7) A Mentor may have two Readers (but no more than two Readers) at any one time, if the Readers' Reading Periods will not overlap for more than three months.
- (8) A Mentor must not demand or accept a fee from a Reader, or pay a fee to a Reader, in respect of the reading relationship.
- (9) The Readers' Course Committee may from time to time publish a statement describing the role and duties of a Mentor.

## **8. READERS' COURSE – ASSESSMENT, LEARNING PLANS AND ADDITIONAL MATTERS**

- (1) The Bar Council may from time to time by resolution –
  - (a) fix the date upon which a Readers' Course will commence;
  - (b) fix the maximum number of persons who may undertake a Readers' Course; and
  - (c) fix a fee which must be paid by persons applying to undertake a Readers' Course.
- (2) The Readers' Course Committee is responsible for fixing the content of the Readers' Course and overseeing the conduct and assessment of the Entrance Exam, the Readers' Course and the Learning Plan.
- (3) Subject to regulation 8(4), an Eligible Reader Applicant who accepts a place in a Readers' Course must:
  - (a) attend all sessions of the Readers' Course;
  - (b) undertake all assessments and assignments set during the Readers' Course; and
  - (c) comply with the Learning Plan set for the Reader Applicant.
- (4) A Reader may be excused by the Admissions Officer from compliance with regulation 8(3) because of illness, injury, bereavement or other hardship.
- (5) A Reader who is unable to attend any sessions of the Readers' Course or undertake any assessment or assignment set during the Readers' Course or any session or further assessment set as part of the Reader Applicant's Learning Plan because of illness, injury, bereavement or other hardship must:
  - (a) notify the Admissions Officer as soon as practicable of the sessions or assessment he or she has missed or will miss and ask to be excused from attendance at such sessions or assessment;
  - (b) in the case of illness lasting more than one day, provide a doctor's certificate; and
  - (c) undertake such additional sessions, training or assessment to make up for missed sessions as the Admissions Officer reasonably directs.
- (6) The Readers' Course Executive or the Readers' Course Committee may resolve to

recommend to the Bar Council that the Bar Council decline to enter a Reader's name onto the Bar Roll on the completion of the Readers' Course or until such time as the Reader has satisfactorily completed the Reader's Learning Plan or until such other time as the Bar Council in its discretion determines or at all if:

- (a) a Reader who without being excused fails to comply with regulation 8(3)(a) or (b);
  - (b) notwithstanding regulation 8(4), the total number sessions and/or assessments and/or assignments missed by the Reader during the Readers' Course are such that the Readers' Course Executive or the Readers' Course Committee considers that the Reader has not completed the Readers' Course to the satisfaction of the Readers' Course Executive or the Readers' Course committee;
  - (c) the Reader Applicant has not passed one or more of the assessments or assignments set during the Readers' Course; or
  - (d) the Readers' Course Executive or the Readers' Course Committee otherwise considers that Reader has not demonstrated during the Readers' Course a satisfactory level of competence.
- (7) The Learning Plan for each Reader will comprise:
- (a) the engagement in Foundation CPD activities sufficient to earn at least 6 Foundation CPD points;
  - (b) attendance throughout at any further programs or training designated for Readers during the Reading Period, including any "Tune Up" weekend and (except in the case of any Reader who has previously been employed as a Judge's Associate) any "Day with a Judge" program; and
  - (c) such other training, mentoring and assessment as is designated by the Readers' Course Executive or the Readers' Course Committee to be part of a particular Reader's Learning Plan.
- (8) Nothing in this regulation operates to exempt or excuse a Reader from compliance in full with any other CPD rules or requirements established from time to time for members of the Victorian Bar.

## **9. POWERS OF BAR COUNCIL, READERS' COURSE COMMITTEE ETC**

- (1) The Readers' Course Executive or the Readers' Course Committee may, in the case of any particular Applicant, Reader or Mentor, exempt or relieve the Applicant, Reader or Mentor from the requirements of any part of these regulations.
- (2) The Bar Council may in its absolute discretion waive or grant dispensation from any of the provisions of these regulations, either generally, or in classes of cases, or in an individual case.
- (3) The Bar Council may make any decisions and pass any resolutions necessary or appropriate to give effect to these regulations, either generally, or in classes of cases, or in an individual case.
- (4) Nothing in these regulations derogates from or prevents the exercise by the Bar Council of any power conferred on the Bar Council by the Constitution.
- (5) Where these regulations confer any power on the Honorary Secretary, Admissions Officer, Secretary, the Readers' Course Executive or the Readers' Course Committee, the Bar Council may exercise that power and may vary, revoke or rescind any exercise of that power.
- (6) Where any function or power is conferred upon the Readers' Course Executive by these regulations, that function or power may be performed or exercised by the Readers' Course Committee or another sub-committee of the Readers' Course Committee which includes the Chairperson of that Committee.

- (7) Where these regulations confer upon the Readers' Course Committee or the Readers' Course Executive any power of dispensation, exemption, modification or relief:
- (a) the Readers' Course Committee or the Readers' Course Executive (as the case may be) may attach such conditions as it thinks fit to any such dispensation, exemption, modification or relief; and
  - (b) the person in respect of whom the power is so exercised is bound by any such condition as if compliance with that condition was a requirement of these regulations.
- (8) (deleted).
- (9) Subject to these regulations, the Readers' Course Committee and the Readers' Course Executive may each establish its own procedures, and the Readers' Course Committee may establish procedures for any other sub-committee of the Readers' Course Committee.
- (10) The Readers' Course Committee and the Readers' Course Executive may:
- (a) require an Applicant to attend personally upon the Readers' Course Committee, the Readers' Course Executive, another sub-committee of the Readers' Course Committee, or any of the members of the Readers' Course Committee, for any purpose relating to or arising out of the Applicant's Application; and
  - (b) require an Applicant to furnish to:
    - (i) the Readers' Course Committee, the Readers' Course Executive or another sub-committee of the Readers' Course Committee;
    - (ii) the Honorary Secretary; or
    - (iii) the Bar Council –such information or documents as the Readers' Course Committee thinks fit.
- (11) The Readers' Course Committee or the Readers' Course Executive may seek the views of the Bar Council or any committee of the Bar Council concerning any matter arising under these regulations.
- (12) The Readers' Course Committee or the Readers' Course Executive may refer an Application to the Counsel Committee.
- (13) The Readers' Course Committee and the Readers' Course Executive shall each:
- (a) keep a record of its proceedings, in so far as those proceedings determine any matter arising under these regulations; and
  - (b) supply a copy of all such records to the Bar Council annually or more frequently if the Bar Council so requests.
- (14) The Honorary Secretary may require an Applicant to furnish to:
- (a) the Secretary;
  - (b) the Honorary Secretary;
  - (c) the Readers' Course Committee;
  - (d) the Readers' Course Executive;
  - (e) the Counsel Committee; or

(f) the Bar Council –  
such information or documents as the Honorary Secretary thinks fit.

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