VICTORIAN BAR

2021 EXAM RULES AND CONDITIONS

Each candidate for the Exam agrees to be bound by and comply with the following rules and conditions:

1. The candidate must read the Information Guide for Candidates and the Application and Reading Regulations and comply with all requirements therein.
2. The Victorian Bar reserves the right to refuse the candidate's application for registration and/or for entry to the Bar Roll, and to cancel the candidate's registration.
3. The registration fee is non-refundable.
4. The candidate must provide proof of identity, being either a current passport, government issue identity document or a current drivers' license issued by an Australian state.
5. The candidate will be solely responsible for supplying their own device for use in the Exam and for ensuring that the device meets the minimum system requirements as determined by ExamSoft.
6. The candidate will be solely responsible in the event that their device does not meet the minimum system requirements as determined by ExamSoft, or it malfunctions or experiences other technical difficulties which affect the candidate's performance or ability to access, complete and/or upload the Exam on the day of the Exam.
7. The candidate bears sole responsibility for ensuring that the ExamSoft software is correctly downloaded onto their device and that it is operating correctly for the purposes of the Exam.
8. The candidate must accept the End User License Agreement for ExamSoft software Worldwide, Inc and such other conditions for use of the ExamSoft software as may be required by ExamSoft or the Victorian Bar.
9. The candidate bears sole responsibility for ensuring that the location in which they undertake the Exam (e.g. own home, office) is conducive for that purpose at the time of the Exam, and for the entire duration of the Exam.
10. The candidate must download the Exam onto their device prior to the Exam, and must only access the Exam (via password) and undertake the Exam on the day of the Exam in the permitted window of time for that to occur, as notified by the Victorian Bar to candidates (the **Permitted Window**).
11. The candidate will have a maximum of three (3) hours in which to complete the Exam, commencing at the time the candidate accesses the Exam (via password). The candidate must both access and complete the Exam within the Permitted Window.
12. There is no reading period. The candidate will be "timed out" three (3) hours after accessing the Exam (via password) and commencing the first question of the Exam.
13. During the Exam, the candidate:
    a) must type their answers directly into the ExamSoft software on their device;
    b) may have available, and may refer to, any hard copy or printed materials (i.e. non-electronic materials); for example, printed or hand-written notes, printed texts, commentary and legislation;
    c) must not access or consult any electronic materials;
    d) may make notes by hand on hard copy paper (for personal reference, and not as any part of the candidate's response to the Exam);
    e) may consume drinks and snacks;
    f) must not have on their person or within reach, and must not access, any electronic devices (including any phone, tablet, smart-watch), except for the device used for the Exam with the ExamSoft software installed;
    g) must not wear ear buds or headphones (whether electronic or not);
    h) must be clearly visible and identifiable, and within the field of the camera of their device at all times;
    i) must not move from their table/desk and be outside the field of their device's camera at any time, save only in the event of an unavoidable toilet break or a medical episode or other emergency (in which case, the candidate must provide a full description of the event and the reasons for it in the Candidate's Declaration, upon uploading the Exam);
    j) must not communicate with any person, by any means, save only in the event of a medical episode or

other emergency or to communicate with ExamSoft via the Help Desk about a technical issue (in which case, the candidate must provide a full description of the event and the reasons for it in the Candidate's Declaration, upon uploading the Exam);

k) must not receive or give assistance to/from any person in relation to the Exam on the day of the Exam, including during the Permitted Window.

14. At the conclusion of the Exam, the candidate must reconnect to the internet, upload their completed Exam on the ExamSoft platform and complete and return the Candidate's Declaration. This must be done promptly upon completion of the Exam, and no later than one (1) hour after the end of the Permitted Window. The Victorian Bar reserves the right not to accept or mark an Exam which is submitted after that time, in its absolute discretion.

15. The Candidate's Declaration will be in a form that is provided to candidate's upon completion of the Exam, and is in substance as follows:

> *"I solemnly and sincerely declare and affirm that in undertaking the Exam, save in respect of the matters specifically disclosed by me below, I complied fully with the Exam Rules and Conditions, which I read, understood and accepted prior to undertaking the Exam.*
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> *I wish to disclose and bring to the attention of the Victorian Bar the following matters or events which occurred while I was undertaking the Exam, which involved or may be regarded as involving a departure from or failure to comply with the Exam Rules and Conditions:*
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> [The candidate should set out a full description of each matter or event, and the reasons for it, including (without limitation) in respect of any unavoidable toilet break or a medical episode or other emergency, any communication with any person, including seeking technical support if applicable, or any consultation with any prohibited electronic materials or device during the Exam.]
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> *In making this declaration I understand and agree that making a declaration which is false, misleading or incomplete in any material respect will attract penalties including disqualification from the Exam or nullification of the Exam result, and may constitute professional misconduct."*

16. The candidate acknowledges and agrees that:

a) any failure to comply with any of the Exam Rules and Conditions, including (without limitation) by making a false, misleading or incomplete Candidate's Declaration, may attract penalties including disqualification from the Exam or nullification of the Exam result, and may constitute professional misconduct;

b) all decisions of the Victorian Bar, including the Chief Examiner, Admissions Officer, Honorary Secretary, Bar Readers' Course Committee and Executive and Bar Council, in relation to the candidate's application for registration, the Exam and any application for alternative exam arrangements or special consideration are final and binding and shall not be open to challenge or review in any way;

c) the completed and uploaded Exams including video of the candidate during the Exam using the ExamSoft software are the property of ExamSoft and the Victorian Bar and may be reviewed, used and retained by ExamSoft and/or the Victorian Bar;

d) the candidate will comply with all requests for information and/or documents, and will attend and participate in any interview and take any such further step as the Victorian Bar may require in its absolute discretion, in connection with the candidate's Exam and/or application for entry to the Bar Roll, including for the purpose of ascertaining whether the candidate has complied with the Exam Rules and Conditions.