

The Bar Readers' Course

Handbook

Version: February 2020

1 INTRODUCTION

1.1 Introduction and Welcome by the President of the South Australian Bar Association

On behalf of all the members of the South Australian Bar Association (**SABA, Association**), welcome to the Bar Readers' Course (**Bar Readers' Course, Course or BRC**).

The Bar Readers' Course commenced in 2002. Since 2004 it has operated on an annual basis, with one intake per year. It has been an unqualified success. The Bar Association has a strong expectation of the continued success of the Course and we look forward to setting you on the right track, with the right guidance and training to pursue your ambitions at the Independent Bar.

The history of the Bar in this State is short in years, but too long to set out here. In this program our history has not been forgotten. In fact one of the founders of the Independent Bar in this State, the Honourable Christopher Legoe QC, is still involved with the teaching of advocacy through the Course. Perhaps it is enough to record here that advocates in this State practise both in the amalgam profession and solely as barristers. All barristers need to respect the historical and continuing traditions in this State of a fused profession.

The cornerstone of membership of the Independent Bar is independence: independence from outside influences for the benefit of persons you are briefed to represent but also, at times, independence even from your own client where the administration of justice and your higher duty to the Court requires it. Sometimes this will require you to stand alone in a Court or Tribunal against large odds. At these times the whole of the legal profession in general and the Independent Bar in particular stands behind your charge of independence. It is the hallmark of the Bar.

The Bar Association is grateful to its Members and to the Judiciary, without whom this program would not be possible. We are pleased that you will be offered the collective experience of both the Bar and the Bench.

Your success at the Bar cannot be assured. However, the Bar Association believes that the Bar Readers' Course will be an invaluable advantage to you as you embark on or further your career. On behalf of our Members I wish you every success in the Course and at the Independent Bar.

Andrew Harris QC

Past President

South Australian Bar Association Inc

1.2 **Introductory Comments by the Chair of the SABA Membership Committee**

I agree wholeheartedly with the President that independence is the hallmark of the referral Bars. Like many hallmarks, you know it when you see it, but it is sometimes hard to define. There is an extended definition of *independence* in the *Bar Conduct Rules*, albeit couched in the negative (“*[a] barrister must not...*”: Rules 41 – 47, inclusive) and in an inclusive way in the Supplementary Rules for applying for Silk (SR 333(4)). Still I suspect that you will mostly know it and, this Course, will help you to practise it.

However, being independent does not mean much if you remain untrained, so this Course will also allow you to develop the everyday skills of a barrister, make you alert to the skills of good solicitors and alive to the importance of the difference. The differences are not to be underestimated and might take some time to get used to in practice. The Course hopes to prepare you for practice in South Australia, interstate and in the Territories.

Notwithstanding the reciprocity between States that is essential to the development of our national profession, barristers from South Australia have not always enjoyed automatic membership of the referral Bars in other States or Territories. The Bar Readers' Course is intended to provide South Australian practitioners with the equivalent training of the reading courses that exist elsewhere in Australia. Hopefully completion of our Course will continue to assist South Australian barristers who wish to move between States in obtaining reciprocal recognition from our like Associations under the Australian Bar Association's umbrella. This has been our experience to date and we have confidence that it will continue into the future.

The Course is also aimed at raising the competence of the South Australian Bar, generally. We have a very active Association with a high degree of competence. However, like all skills, they need to be refreshed and practised on a regular basis. You will be at the forefront of this teaching.

I acknowledge the work of the members of the Membership Committee in general and the Bar Readers' Executive and our Course Co-ordinator, Ms Nicola Julius, in particular. I also acknowledge the generous co-operation of the many people (Bar, Bench and in administration) and the many organisations, both here and interstate, who have agreed to support and contribute to our Course. They are too numerous to mention but you will benefit from their involvement.

Ian Robertson SC

Past Chair

Membership Committee

1.3 **The philosophy and purposes of the SABA Bar Readers' Course**

The Course was originally approved by the Bar Council (then called the Executive, and referred to in this Handbook as “the **Council**”) of SABA for the purposes of:

- (a) providing a minimum level of competence for all entrants to the independent, referral Bar of this State;
- (b) providing a means to assist in lifting the standards of persons practicing at the independent, referral Bar of this State;
- (c) anticipating and meeting the minimum requirements of a compulsory professional development programme; and
- (d) providing a benchmark to facilitate the mutual recognition of members of SABA at the other State and Territory Bars throughout Australia.

To achieve these purposes, the Course aims to:

- (i) develop the competence of Bar Readers with respect to all areas of practice at the Independent Bar;
- (ii) develop advocacy skills and advanced advocacy skills in particular;
- (iii) promote an awareness of the special considerations and requirements which apply in different jurisdictions within South Australia;
- (iv) provide practical insights into life and practice at the Bar in general and the South Australian Bar in particular;
- (v) promote a strong spirit of professional support among members; and
- (vi) promote and ensure that Bar Readers receive grounding in, the ethical standards of the South Australian Bar.

2 APPLYING TO BECOME A MEMBER OF THE SOUTH AUSTRALIAN BAR ASSOCIATION AND TO REGISTER FOR THE BAR READERS' COURSE

2.1 Application to become a member of the South Australian Bar Association

A practitioner applying to become a member of must satisfactorily complete the questions and make the declarations contained in the Application Form (available from the SABA website (<http://www.sabar.org.au/>) and otherwise satisfy the criteria for membership of the Association. In particular:

- the person must be admitted as a practitioner of the Supreme Court of South Australia;¹
- the person must be the holder of a current unrestricted practising certificate issued under the [Legal Practitioners Act 1981](#);
- the person must undertake:
 - (a) to practise exclusively as counsel;²
 - (b) to be bound by the [Barristers' Conduct Rules](#) as amended from time to time (or its successors) ;
 - (c) to comply with the SABA [Constitution](#); and
 - (d) to abide by any ruling or resolution of the South Australian Bar Association by the Bar Council or its authorised delegate.

The applicant must apply to undertake the Bar Readers' Course or apply for a whole or partial exemption from doing so. Acceptance of an applicant to undertake the Course is at the absolute discretion of the Bar Council. Any grant of an exemption is at the absolute discretion of the Membership Committee, subject to review by the Bar Council.

¹ Different considerations and criteria apply to persons seeking Interstate, International or Associate membership.

² In this regard the applicant's attention is drawn to s 6 of the *Legal Practitioners Act 1981*.

Exemptions are only granted in exceptional circumstances. The [Exemption Protocol](#) is available from the SABA website.

Subject to certain very limited exceptions, persons who are members of a partnership, or are employees or servants of a company, corporation or of the Government or any instrumentality of the Government, or who practise as “*in-house*” counsel are not eligible to sign or remain on the Bar Roll. Clause 8 of the Constitution identifies the exceptions.

2.2 **Application to register for the SABA Bar Readers’ Course**

As noted above, subject to limited exceptions, the successful completion of the Bar Readers’ Course is a compulsory pre-requisite for a practitioner to sign the Bar Roll. The Bar Roll is not the Roll of Practitioners maintained by the Supreme Court of South Australia. It is an historic register of all of the members of the SABA, past and present. The distinguishing feature of the members of the SABA is that each full and interstate member has agreed to practice exclusively as Counsel. In South Australia, a practitioner is admitted to practice as a solicitor and a barrister conditional on an initial period of supervised practice. Accordingly, you do not need to be a member of SABA to practice as a barrister, or exclusively as a barrister. However, if you choose to do the latter, then you may wish to apply to join SABA.

The [Application Form](#) is available on the SABA website. You should carefully read this Handbook before completing the Application Form. If you have any questions about the completion of the Form, please contact the Chair of the Membership Committee or the Course Co-ordinator.

All applicants for the Course must also attend an informal compliance interview with the Chair and the Secretary of the Membership Committee and the Course Co-ordinator at a mutually convenient time and location.

All applicants will be notified in writing whether their application to register for the Course (including any exemption) has been successful.

The application to register shall be received and treated on a strictly confidential basis as between the individual applicant, the Membership Committee and the Council.

The usual [Timeline](#) for the Course in any given year is available from the SABA website.

2.3 Fee for the Bar Readers' Course and Reading Program

The fee for the Course is payable by cheque to the "*South Australian Bar Association Inc*" by a date to be specified by the Association. The amount of the fee will be notified upon inquiry but is in the order of \$3,100 (inclusive of GST), plus the ETAC fee of \$3,500 to the Australian Bar Association. Applicants withdrawing from the Course less than 28 days prior to its commencement will only be entitled to a refund of 90% of the fee. After commencement of the Course, the fee is non-refundable.

PLEASE NOTE that the BRC fee does not include travel expenses and is in addition to the annual membership subscription (currently \$275 in the Reading Year). Additional minor ancillary costs might also be incurred.

2.4 Special Needs/Disability

Please attach to your application a confidential letter addressed to the Chair of the Membership Committee outlining any special needs/disabilities you wish to disclose.

2.5 Powell's List

Upon acceptance to the Bar Readers Course you will be invited to sign the roll named in honour of Lindy Powell Q.C., an inaugural member of the Membership Committee and a former Chair of the Course over

many years. This is an interim statement of your status as a Reader and entitles you to hold yourself out as a Reader at SABA. As noted below, upon satisfactory completion of all units of the Course Graduates will be invited by the Council to sign the Bar Roll.

3 THE CURRICULUM AND ASSESSMENT

3.1 The Readers' Course and the Reading Period

The Bar Readers' Course was developed substantially by Nigel Wilson, the inaugural Secretary of the Membership Committee. Its curriculum was designed to cover all of the essential components of the Bar Readers' programmes on the eastern seaboard. The avowed intention was to design a course that was compatible with those other programmes to promote comity and mutual recognition.

The Curriculum is regularly reviewed to maintain its current compatibility and to promote the intent of its design. To this end, the Syllabus is reviewed annually. The Syllabus for the BRC is available on the website.

In accordance with the Syllabus, the Course consists of two components; the Seminar Series and the Reading Period.

The policy of the Association is to require participants to begin and conclude the whole Course in a single, continuous 12-month period spread across two calendar years. The Year of the Course is the year of its commencement.

3.2 The Seminar Series

The Curriculum for the Seminar Series is notionally divided into six Units. These are:

- A. Role and Responsibility
- B. Preparation for Court
- C. Advocacy
- D. Chamber work, Pleadings and other Court documents
- E. Alternate Dispute Resolution
- F. Courts and Tribunals in South Australia

Because the Course is provided through the voluntary assistance of many people, PLEASE NOTE that the Association does not warrant that it will provide the above Units as units. In other words, the Association is dependent on the generous support of the presenters. However, the BRE will use its best endeavours to deliver to Readers a Course that is as logical and cohesive as resources permit. This will include elements of the Syllabus in accordance with the intent of the design. However, it may not be possible to deliver particular, foreshadowed seminars or activities by reason of time, scheduling or their cost. No refund or rebate will be available in this event.

3.3 **The Advocacy Unit (A)**

The Advocacy Unit has a number of sub-Units.

The first sub-Unit is the Essential Trial Advocacy Course (**ETAC**). ETAC is a five-day residential course employing the now well-accepted practice of performance coaching using the established ABA methodology. The [methodology](#) can be viewed or downloaded from the website. ETAC is conducted by SABA together with the Western Australian Bar Association under the auspices of the Advocacy Training Council of the ABA. A large component of the BRC fee is paid directly to the ABA and is recoverable only on the conditions applicable to ETAC which can be found at:

<http://www.advocacytraining.com.au/courses>

ETAC is held each year, alternatively in Adelaide and Perth. It is a demanding course. In our experience, ETAC is not compatible with conducting any other work, even when held in South Australia.

ETAC usually commences with an interlocutory application. Thereafter, the Reader undertakes each essential skill of the trial advocate:

- (a) Opening;
- (b) Examination-in-Chief;

- (c) Cross-Examination; and
- (d) Closing.

ETAC closes with a complete trial before a Judge. The Faculty emphasise the discipline of Case Analysis. The residential requirement of ETAC is intended to encourage (and in our experience it does encourage) the development of camaraderie and intensive thinking about the role of an advocate.

The other sub-Units of the Advocacy Unit fall within the legal genre of the criminal, interlocutory and family jurisdictions. The tasks addressed in these sub-Units include:

- (a) pleadings;
- (b) a civil interlocutory application;
- (c) an *ex parte* injunction;
- (d) a negotiation;
- (e) a criminal interlocutory application;
- (f) a guilty plea;
- (g) a criminal trial (specifically opening statements, examination-in-chief, cross-examination and closing arguments);
- (h) an Application in the Case (specifically an application in a child matter and aspects of a Family Court trial); and
- (i) a Magistrates' Court Appeal to a Justice of a superior court.

These elements have been integrated within the Seminar Series and the Reading Period since 2014.

Attendance throughout all elements of the Advocacy Unit is compulsory. The Unit must be completed to the satisfaction of the Assessors. The Assessors for each sub-Unit will be identified before the Unit commences, but for the ETAC it shall always consist of the combined Faculty of the relevant ETAC.

3.4 **Other Units of the Seminar Series**

The other Units of the Seminar Series are delivered by way of seminars (as the name implies), conducted by members of the Bar, Bench and others involved in the administration and delivery of the law.

The seminars are conducted over a period of months, traditionally commencing in the first week of August and concluding in October of the same year – as well as a week in December and a day in the following January – depending on the availability of presenters, courts and contingencies. The seminars have recently been conducted on Monday mornings, before and after court hours and on some Saturday mornings.

This is an onerous commitment. In our experience, the Seminar Series is not compatible with conducting trial work at the same time, although other work can be managed (for example, short hearings or drafting or settling documents or advices). Attendance at the seminars is compulsory.

The list of seminars presented in the preceding year will be available on the website.

PLEASE NOTE that the South Australian Bar Association does not warrant that each and every seminar disclosed in the Timetable or advised to participants can be provided.

A failure to attend any more than 5% of the seminars in total number is unacceptable and will be assessed as “*unsatisfactory*” unless an exemption or compassionate dispensation is provided. If a dispensation or exemption is permitted as to non-attendance at *any* session, the Bar Readers’ Executive is empowered to require a Reader to provide written or other work in lieu of attendance.

This *work in lieu* is essential to ensure fairness to all participants and to enable the Membership Committee to certify that each Reader has completed the Course satisfactorily. The latter element is important in maintaining a degree of comity and mutual recognition (as described above) with other Bar Associations.

In our experience, the Bench is accommodating of Bar Readers' commitments during this period, but the South Australian Bar Association does not warrant that every application to the Court for consideration of a Reader's circumstances will be accommodated.

While attendance at the Seminar Series is compulsory in the manner described above, participation is not formally assessed. However, experience has shown that the more active the participation of a Reader, the greater is the value that they derive from the seminars. In the event that seminars are missed, a Reader may be asked to submit work in lieu, as in the case of dispensation or exemption and for the same reasons.

The aim of the Seminar Series is to make the Reader conversant with the working conditions and practices of the South Australian Bar.

There is no preliminary reading required for the Course. The Advocacy Manual published by the Australian Advocacy Institute is a required text. The cost of the Manual is included in the Course fee. Some presenters may request advance reading for particular seminars. Readers will be notified of specific additional reading as soon as is practicable. Also, a reading list is available on the website. Knowledge of the substantive law, evidence and procedure is otherwise assumed by virtue of the practitioner's admission to practice.

3.5 **The Reading Period**

A Reader is required to read with a person who has been a member of SABA for not less than 5 years (**Mentor**).

This occurs over a 12-week period called the “*Reading Period*”. This Period cannot be at the same time as the Reader undertakes the Seminar Series. The Membership Committee is authorised to permit a Reader to undertake half of the Reading Period (up to 6 weeks) prior to the commencement of the Seminar Series. Otherwise, the Reading Period (the full 12 weeks, or the remainder of at least 6 weeks) is undertaken after the Seminar Series.

The actual conduct of the Reading Period is largely unregulated by the Membership Committee. The Committee offers guidance to Mentors and Readers as to how the Period can be undertaken most usefully, but ultimately the arrangements are as determined by Mentors and Readers by agreement. Although the Membership Committee does not ask to see the arrangement reached between the Reader and their Mentor or Mentors, it does require that they enter into a Compact so that each of them knows what the other expects of them. The Compact should be in writing and can be relied upon by either Reader or Mentor in the event of a dispute.

At the end of the Period, it is necessary for there to be a record of satisfactory completion. The Mentors and Reader complete a Report that certifies that the Reader has achieved a satisfactory result for all Units and, in particular, the elements identified in that Report.

Satisfactory completion of this component of the Bar Readers’ Course is compulsory.

To provide the level of satisfaction necessary to certify the Report, a Mentor must undertake some supervision of aspects of the Reader’s practice, including the drafting of pleadings, affidavits and opinions, as

well as the Reader's work as a junior. It is necessary for the Mentor to have knowledge of the matters that the Reader is involved in and, conversely, it is necessary for the Reader to have some involvement in the Mentor's matters. The Reader should be permitted to read the Mentor's papers (subject to the client's ultimate veto), attend conferences with the Mentor and generally participate in the Mentor's work. Naturally, the Barristers' Conduct Rules as to confidentiality apply to the Reader.

The Mentoring relationship can be a highly productive one, especially if it leads to obtaining work as a junior to the Mentor. Of course, the SABA cannot guarantee and does not warrant that the Reader will receive such work.

A Reader will be *assigned* to one Mentor for the Reading Period. However, an alternate Mentor will also be assigned to each Reader. Is to ensure that the Reader receives instruction in as many areas of a barristers' work as is practicable and to overcome any difficulties that might arise as a result of the demands of the primary Mentor's practice, which might make him or her unavailable or unable to instruct the Reader to the extent that is necessary. The Membership Committee recommends that the alternate Mentor be in a different Chambers and have a different area of practice from the primary Mentor. This promotes the object of diversity.

Assignment of Mentors is done in close consultation with Readers. Readers are encouraged to approach barristers with whom they feel they would have a productive relationship to take on the role of Mentor. However, if a Reader does not know someone who they think would be an appropriate Mentor, the Membership Committee will find a Mentor or Mentors for the Reader, in discussion with the Reader and the possible Mentor.

3.6 **Certification**

At the conclusion of the Bar Readers' Course, a certificate of satisfactory completion will be issued to all Readers who have successfully completed the Seminar Series and the Reading Period. In this event, the Membership Committee will make a recommendation to the Council that the Graduate Reader is admitted as an Ordinary Member of the South Australian Bar Association. Once the Council passes a resolution accepting the recommendation, Graduate Readers will be advised in writing and they will be invited to re-sign Powell's List and the Bar Roll. Thereafter a Graduate can hold themselves out as a member of the Association.

4 IMPORTANT RULES FROM THE BARRISTERS' CONDUCT RULES

- 4.1 During the Bar Readers' Course the Reader gives an undertaking to be bound by and is therefore subject to the Barristers' Conduct Rules.
- 4.2 Obviously, all of the Rules are important and Readers should read them carefully and understand them before they give their undertaking. If a Reader is in any doubt about the meaning of a Rule then the Membership Committee invite them to speak with Senior Counsel. In the first instance, a Reader is welcome to contact the Chair or Tom Cox SC, but you are not limited to these persons.
- 4.3 Due to their importance, the following Rules relating to Confidentiality, Discrimination, Sexual Harassment and Vilification are set out below.

CONFIDENTIALITY & CONFLICTS

108. *A barrister must not disclose (except as compelled by law) or use in any way confidential information obtained by the barrister in the course of practice concerning any person to whom the barrister owes some duty or obligation to keep such information confidential unless or until:*
- (a) the information is later obtained by the barrister from another person who is not bound by the confidentiality owed by the barrister to the first person and who does not give the information confidentially to the barrister; or*
 - (b) the person has consented to the barrister disclosing or using the information generally or on specific terms.*
109. *A barrister must not disclose (except as compelled by law) or use confidential information under Rule 108(b) in any way other than as permitted by the specific terms of the person's consent.*

110. *A barrister will not have breached Rules 108 and 109 simply by showing briefs to or disclosing information contained in a brief to the barrister's instructing solicitor in the matter; to a member of the barrister's staff for the purposes of that person undertaking clerical or administrative work in relation to the matter; or to a reader or to another barrister doing work as permitted by Rule 107, so long as the barrister has reminded the reader of barristers' duties of confidentiality including Rules 108 and 109.*
111. *A barrister who is shown a brief as a reader or under an arrangement covered by Rule 107 is bound by the same duties of confidentiality which bind the barrister whose brief it is, including the duties imposed by Rule 108 and 109.*
112. *A barrister must return a brief other than a brief to appear as soon as possible after the barrister becomes aware that the barrister has information confidential to a person other than the client which may, as a real possibility, be material to the client's case or to the advancement of the client's interests, being information which the barrister is prohibited from disclosing or using unless the person entitled to the confidentiality consents to the barrister disclosing or using the information as the barrister thinks fit.*
113. *A barrister who is briefed to appear for two or more parties in any case must determine as soon as possible whether the interests of the clients may, as a real possibility, conflict and, if so, the barrister must then return the brief for:*
- (a) all the clients in the case of confidentiality to which Rule 108 would apply; or*
 - (b) one or more of the clients so as to remove that possibility of conflict.*
114. *A barrister who believes on reasonable grounds that the interests of the client may conflict with the interests of the instructing solicitor, or that the client may have a claim against the instructing solicitor, must:*

- (a) *advise the instructing solicitor of the barrister's belief; and*
 - (b) *if the instructing solicitor does not agree to advise the client of the barrister's belief, seek to advise the client in the presence of the instructing solicitor of the barrister's belief.*
115. *A barrister shall not give an undertaking to the court on behalf of a solicitor or a client without express authority of the person concerned.*
116. *A barrister shall not disclose to the court, whether in submissions, examination, cross-examination or otherwise, any communication between the barrister and legal representatives appearing in the proceedings for any other party to the proceedings:*
- (a) *except by consent;*
 - (b) *unless what occurred resulted in the creation of some contractual or other legal relationship; or*
 - (c) *unless it was expressly stated before or at the commencement of such communication that matters communicated should not be regarded as without prejudice or privileged from use or disclosure; or*
 - (d) *unless disclosure is required by the Court.*

Anti-Discrimination and Harassment

117. *A barrister must not in the course of practice, engage in conduct which constitutes:*
- (a) *discrimination;*
 - (b) *sexual harassment; or*
 - (c) *workplace bullying.*

5 GUIDELINES FOR MENTORS AND READERS

These guidelines are intended to assist Mentors and Readers to obtain the maximum benefit from the Reading Period and to ensure that the Mentor/Reader relationship is a mutually rewarding one.

5.1 Initial explanation of Mentor's routine

The Mentor/Reader relationship is a close one. Some Mentors may share their Chambers with the Reader during the Reading Period. It will help both if the Reader understands how the Mentor works.

The Reader needs to know when the Mentor is likely to be in Chambers and available. Areas that should be discussed at the beginning of the Reading Program include:

- Does the Mentor prefer not to be disturbed in the period immediately before going to Court?
- Should the Reader feel free to join a conference already under way?
- Will the Mentor make a point of inviting the Reader to Court and conferences?
- Should the Reader remain in the Mentor's chambers when the Mentor is attending to chamber work?

5.2 Expectations of Readers

A Reader may expect to be given much more time than the Mentor contemplates providing. This issue should be considered at the start and reviewed during the Reading Period.

The nature of the Mentor's practice may not allow for the provision of instruction in a particular field of interest to the Reader. In such cases, the Mentor may be able to (and should) arrange for the Reader to attend Court with the Alternate Mentor or another barrister practising in that area.

5.3 Establish a timetable to meet regularly

It is necessary that Mentors are accessible at mutually convenient times and require Readers to attend on them in Chambers. Reasonably frequent meetings (at least once a week) are essential.

5.4 Suggest to the Reader a course of essential reading

Mentors may be of the view that there are certain texts and materials that every new barrister should read during the Course, regardless of previous studies of the subject. The Mentor should consider, from the viewpoint of his or her experience, whether it is essential or desirable that the Reader undertake some such reading.

5.5 Establish a procedure for the Reader to read briefs as they come into Chambers

To obtain the maximum benefit from discussions and attendance at Court the Reader should be given an opportunity to consider the legal, evidentiary and strategic questions that arise. If Readers read - even shortly - each Brief as it arrives, they will be more likely to understand and more able to participate in the conferences and court appearances relating to the Brief.

5.6 Make a point of accompanying your Reader to Court from time to time

Even those Readers who have previous experience in advocacy will benefit enormously from practical advice and encouragement from the Mentor and occasionally accompanying them to Court.

5.7 Establish a procedure for the preparation of drafts of pleadings, affidavits or advices

A critical part of Reading Program is instruction and practice in the settling of pleadings, affidavits and other litigious documents, in the preparation of written advices, and in "*devilling*", generally.

5.8 Establish guidelines for payment (if any) to be made by Mentors to Readers for work performed

There may be different expectations, as between Mentor and Reader, as to when, if at all, payment will be made for work performed by Readers. No rigid rule can be laid down. Readers should not necessarily be unpaid research assistants. On the other hand, Readers must not expect to be paid for any of the work that they undertake for their Mentors. Whatever approach is adopted, it is better that both Reader and Mentor understand and accept the ground rules at the outset.

5.9 Pre-hearing discussions

The benefit to Readers of attending Court with Mentors will be increased greatly if the Reader understands in advance not only the legal and factual issues in the case, but what the Mentor proposes to do, and why. For example, the more time spent discussing or explaining how the Mentor intends to handle the examination in chief or cross-examination of witnesses, the more the Reader will gain from the experience. When attending Court, Mentors may, with the instructing solicitor's permission, announce their Reader's appearance as a junior and encourage the Reader to take an active role as such.

5.10 Be frank and direct

The majority of Mentors and Readers will develop a relationship that is enjoyable and rewarding for both. Naturally, there can and are sometimes difficulties. These can be minimised by a Mentor being open and direct with a Reader and, in particular, by explaining what to expect.

Should either party regard any difficulties which may arise in the Mentor/Reader relationship as substantial, the Secretary of the Membership Committee should be approached in the first instance.

Any particularly difficult case may need to be referred to the BRE.

5.11 The Mentor's Report

In the final week of the Course the Mentor will be requested to review the Reader's performance, to consider matters requiring attention and, after discussing the Report with the Reader, to forward the Report to the Membership Committee. The lodgment of a satisfactory Mentor's Report is a prerequisite to the completion of the Bar Readers' Course.

6 INSURANCE AND PRACTISING CERTIFICATES

- 6.1 The South Australian Bar Association is not an “admitting authority” under the *Legal Practitioners Act 1981*.
- 6.2 The requirements of an individual practitioner’s professional indemnity insurance and Practising Certificates may vary.
- 6.3 A practitioner should liaise with the Legal Practice Registrar at the Law Society of South Australia to ensure that he or she has complied with all necessary requirements to enable him/her to practise as a barrister in South Australia.
- 6.4 It is an essential and invariable pre-requisite for membership of the SABA that the applicant has an unconditional Practising Certificate issued by a relevant admitting authority.

7 LIBRARIES

7.1 Chambers' Libraries

Each Chambers maintains its own library and a Reader will be entitled to use reports, statutes and law journals from the Chambers of the Mentor in which the Reader is undertaking the Reading Period on the understanding that all conditions of use of the particular library are strictly observed.

8 CHAMBERS

8.1 Barristers' Chambers at the South Australian Bar

All Readers are urged to respect, and will become aware of, the fiercely independent and competitive nature of practice as a barrister at the South Australian Bar. During the Bar Readers' Course, the Reader would be well served to get to know the members, Clerk and staff of the Chambers in which their Mentor practises. At all times the Reader must respect their privacy, independence and professional obligations. In addition, the Reader must ensure that the solicitors (and their clients) briefing other members of the Mentor's Chambers are treated courteously and professionally and in accordance with the Barristers' Conduct Rules.

9 THE MEMBERSHIP COMMITTEE

9.1 Patron:

The Honourable, the Chief Justice, Christopher Kourakis

9.2 The members of the SABA **Membership Committee** are found on the website.

9.3 The members of the **Bar Readers' Executive** are available on request.

9.4 The **Course Co-ordinator of the BRC** is Nicola Julius LLB. She can be contacted by email at brc@sabar.org.au.

9.5 Assessors

The following Assessors have been appointed by the Membership Committee:

Seminar Series

BRE. Review by the Vice President, if required.

ETAC

ETAC Faculty. Review by BRE, if required.

Civil Unit (including other Advocacy Units)

Mr Ian Robertson SC (Jeffcott Chambers) and BRE. Review by the Vice President, if required.

Criminal Unit (including Advocacy)

Mr Grant Algie QC (Elliott Johnston Chambers) and BRE. Review by the Vice-President, if required.

Family Law Unit (including Advocacy)

Ms Merdith Dickson (Elizabeth Evatt Chambers) and BRE. Review by the Vice-President, if required.

9.6 Queries in relation to the Course should be directed to the Chair or the Course Co-ordinator in the first instance, or any other member of the BRE thereafter.

10 IMPORTANT CONSIDERATIONS

- 10.1 Practice at the South Australian Independent Bar is highly competitive and demanding. A successful career at the Bar is only achieved through hard work and a commitment to, and enthusiasm for, the law and the proper administration of justice. Moreover, however rewarding life at the Bar may be in a personal or professional sense, financial reward is not guaranteed and is not warranted by the South Australian Bar Association.
- 10.2 There can only be a limited number of Readers undertaking the Bar Readers' Course.
- 10.3 Any acceptance of an application to undertake the Bar Readers' Course is at the absolute discretion of the Council and an applicant is not entitled to receive reasons for acceptance or rejection of their application (or the acceptance or rejection of any other applicant).
- 10.4 Acceptance to the Bar Readers' Course does not constitute any promise of a position in the Chambers of the Mentor or at the Independent Bar. Vacancies at Chambers at the Independent Bar arise from time to time and applications to become a member at a Chambers must be directed to the Head of the relevant Chambers. Acceptance as a member of an individual Chambers is also a highly competitive process and acceptance of an application is not guaranteed (or warranted by the Association) no matter the experience, strengths, qualities or abilities of the applicant upon satisfactory completion of the Course.
- 10.5 An involvement in the Bar Readers' Course does not give rise to any employer/employee relationship.

11 WHAT NEXT?

- 11.1 We recommend that you carefully consider your application before it is made. To do this you should:
- (a) carefully reflect on this Handbook;
 - (b) study and understand the Barristers' Conduct Rules;
 - (c) read and understand the SABA Constitution;
 - (d) consult with your advisors, including (where appropriate) your family, members of the Bar and your financial adviser.
- 11.2 When you are ready, prepare a budget and satisfy yourself that you have the resources to support yourself (and if appropriate, your family) for at least six (6) months. This is an indicative time only. It is not a substitute for you to obtain independent and personal advice about your financial circumstances.
- 11.3 Check the Timetabling Information on the website. If convenient, attend the Information Evening. Otherwise contact the Course Co-ordinator or the Chair of the Membership Committee.
- 11.4 Complete the Application Form and provide it to the Chair of the Membership Committee and the Course Co-ordinator.

We look forward to seeing you in the near future.

Membership Committee
South Australian Bar Association Inc

12 ACKNOWLEDGMENTS

- 12.1 The South Australian Bar Association acknowledges the generous contribution of the Western Australian Bar Association, the New South Wales Bar Association, the Victorian Bar Council, The Queensland Bar Association, the Australian Advocacy Institute and Monash University, the Law Society of South Australia, Adelaide University, Flinders University of SA and the University of South Australia.
- 12.2 The South Australian Bar Association thanks the above bodies and institutions for their co-operation and use of materials and precedents. Insofar as any of the above bodies or institutions has provided information, materials or precedents for use within the Bar Readers' Course, it has been provided to the South Australian Bar Association as an authorised user, but to no other person and for no other purpose.
- 12.3 PLEASE NOTE that the use of materials provided by the Association to Readers is for the purpose of the Course, only.

13 INTELLECTUAL PROPERTY

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- 13.2 This publication is copyright.