

***The Victorian Bar  
Incorporated  
Legal Profession  
Rules Regarding  
Grant or Renewal of  
Local Practising  
Certificate to  
Practise as a  
Barrister***

Effective 1 September 2011

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## Preamble

These Legal Profession Rules are made by the Victorian Bar Inc, with the approval of the Legal Services Board (**the Board**), pursuant to s 2.4.8 and 3.2.9(1) of the *Legal Profession Act 2004* (Vic) (**the Act**).

These Rules are made for the purposes of prescribing eligibility requirements for the grant or renewal of a local practising certificate where the Applicant proposes to practise solely as a barrister. These Rules apply to an application for a practising certificate made on or after 1 September 2011.

## Legal Profession Rules

### Interpretation

1. In these Rules, unless inconsistent with the context or subject matter –
  - (a) **“Applicant”** means a person who applies for a local practising certificate to practise solely as a barrister.
  - (b) **“Application”** means an application for a local practising certificate to practise solely as a barrister.
  - (c) **“Barrister”** means a person practising solely as a barrister. For the purposes of these rules, “barrister” has the same meaning as in the Act.
  - (d) **“Mentor”** means the Barrister in whose chambers a Reader is Reading or proposes to Read.
  - (e) **“Read”** means read in chambers with a Mentor for the purposes of obtaining practical and ethical training as a barrister, and “Reader” and “Reading” have corresponding meanings.
  - (f) **“Readers’ Course”** means the course of practical and ethical training for legal practitioners who wish to practise as barristers conducted by the Victorian Bar, or another course which the Board (or the Victorian Bar) considers offers comparable practical and ethical training for readers.
  - (g) **“Reading Period”** means the period during which a person Reads.

### Application for a local practising certificate to practise solely as a barrister

2. If an Applicant for the grant of a local practising certificate intends to practise solely as a barrister and wishes to have the Applicant’s local practising certificate issued on that basis, then the application form must contain:
  - (a) an undertaking by the Applicant to practise solely as a barrister; and
  - (b) an undertaking that the Applicant will be bound by the legal profession rules made under the Act with respect to Barristers as amended from time to time.

### Requirement to complete Readers’ Course and to Read

3. Subject to clause 4, every Applicant for the grant of a local practising certificate to practise solely as a barrister must:
  - (a) have completed a Readers’ Course before the local practising certificate is granted; and
  - (b) either (i) have Read or (ii) have made arrangements to Read, with the Reading Period to be completed within 7 months of the grant of the local practising certificate.
4. An Applicant is not required to complete a Readers’ Course or Read if he or she:

- (a) is a former Barrister who practised as such in Victoria or another State for a period of not less than 12 months within 10 years of the making of the Application;
  - (b) has, for a period of not less than 12 months in the 5 years prior to the making of the Application, practised as a Barrister in another jurisdiction where the common law applies;
  - (c) holds the office of parliamentary counsel for the Commonwealth of Australia or the State of Victoria; or
  - (d) has been exempted from the requirement to Read and/or undertake a Readers' Course by the Board (or the Victorian Bar).
5. An application under clause 4(d) shall be in writing and set out the grounds upon which exemption is sought.
6. Notwithstanding clause 4(c), a person who has been granted a practising certificate to practise as a Barrister while holding the office of parliamentary counsel but has not completed a Readers' Course and Read, must complete a Readers' Course and Read in order to practise privately as a Barrister (unless exempted under clause 4(d)).
7. An Applicant shall state in his or her Application whether he or she is required to complete a Readers' Course and/or to Read and/or has applied to be exempted from either or both of these pursuant to clause 4.

#### **Applicants who are required to complete Readers' Course**

8. Where an Applicant is required to complete a Readers' Course:
- (a) the Applicant shall notify the Board (or the Victorian Bar) of the date of the Readers' Course which the Applicant has completed or will have completed by the time the local practising certificate is granted; and
  - (b) if the Applicant is relying on a Readers' Course other than that conducted by the Victorian Bar, the Applicant shall provide details to the Board (or the Victorian Bar) to enable it to determine whether the course provides comparable practical and ethical training as a Barrister to the course provided by the Victorian Bar.

#### **Applicants who are required to Read**

9. Where an Applicant is required to Read:
- (a) the Applicant shall notify the Board (or the Victorian Bar) of the name of the Applicant's Mentor; and
  - (b) the commencement of the Reading Period is the first day of the Readers' Course or (if the Applicant is not required to undertake a Readers' Course) the date on which the Applicant's practising certificate is granted.
10. An Applicant who is required to Read must Read in the chambers of a Mentor in accordance with these Rules for a period of nine consecutive months, up to three months of which may be served prior to grant of a local practising certificate as a Barrister and while completing a Readers' Course.
11. A Mentor must:
- (a) be a Barrister;
  - (b) be in active practice;

- (c) at the commencement of the Readers' Reading Period, not be one of Her Majesty's Counsel or Senior Counsel;
- (d) be expected to be of not less than 10 years' seniority as a Barrister as at the date at which the Reader's Reading Period is due to finish.
- (e) be expected to be substantially in attendance in chambers during the whole of the Reading Period.
- (f) not have another Reader during the Reading Period (save for during the first three months of the Reading Period).

#### **Reading and Readers' Course – exemptions and modifications**

12. The Board (or the Victorian Bar) may, in the case of any particular Applicant:
- (a) exempt the Applicant from the requirement to Read altogether or any part thereof, or permit the Applicant to Read for a total period of 9 calendar months divided into separate parts of such duration as it considers appropriate;
  - (b) exempt the Applicant from the requirement to undertake a Readers' Course;
  - (c) if the relationship of Mentor and Reader terminates before the Reader's Reading Period is completed:
    - (i) dispense with the balance of the Reading Period; or
    - (ii) require the Applicant to Read with another Mentor for such period (which may be less than or the same as the balance of the Reading Period) as it considers appropriate.
  - (d) exempt the Applicant from the requirements of any part of these Rules.

#### **Delegation of powers to the Victorian Bar**

13. Any of the powers which are exercisable by the Victorian Bar under these Rules, may be exercised by its delegate.

#### **Review**

14. These Rules shall be reviewed by the Board approximately 2 years after they commence.