

TASMANIA

LEGAL PROFESSION (BARRISTERS) RULES 2026

STATUTORY RULES 2026, No.

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LEGAL PROFESSION (BARRISTERS) RULES 2026

The Tasmanian Bar makes the following rules under section 221A of the *Legal Profession Act 2007*.

PART 1 – PRELIMINARY

1. Short title

These rules may be cited as the *Legal Profession (Barristers) Rules 2026*.

2. Commencement

These rules take effect on 14 September 2026.

3. Interpretation

In these rules –

Act means the *Legal Profession Act 2007*;

approve means approve in writing and
approval has a corresponding meaning;

Bar means the Tasmanian Bar;

Bar Council means the Council of the Bar;

barrister's practising certificate means a local
practising certificate to practise only as
or in the manner of a barrister;

court-orientated work means –

(a) court appearances, with or
without a mentor; or

(b) court attendances with a mentor –

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in a court or tribunal in Tasmania, as well as the conferences and other preparatory work required for such appearances or attendances;

junior barrister means a barrister of not less than 5 years' standing in practice;

mentor means a barrister who is mentoring and supervising a pupil;

model rules means the Australian Bar Association model rules developed by the Australian Bar Association –

(a) as made by the Legal Services Council on 26 May 2015 under section 419 of the Legal Profession Uniform Law, as set out in Schedule 1 to the *Legal Profession Uniform Law Application Act 2014* of Victoria; and

(b) containing provisions designated as the Legal Profession Conduct Rules in respect of barristers under the Legal Profession Uniform Law, as applied in New South Wales under the *Legal Profession Uniform Conduct (Barristers) Rules 2015* of that State;

nominal period, in respect of a pupil's pupillage, means –

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- (a) if the pupil is an Australian lawyer of not less than 8 years' standing as an Australian legal practitioner, whichever is the greater of –
 - (i) the period until the pupil is an Australian lawyer of not less than 10 years' standing as an Australian legal practitioner; or
 - (ii) 12 months; or
 - (b) in any other case – 24 months.

notify means give notice in writing;

practice means practice as a barrister;

pupil means a local legal practitioner who is –

- (a) entitled to engage in legal practice only as a barrister; and
- (b) serving a period of pupillage as provided by Part 2;

Pupillage Register means the register kept under rule 8;

senior barrister means –

- (a) a Senior Counsel; or
- (b) a barrister of not less than 10 years' standing in practice;

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Part 1 – Preliminary

Senior Counsel means a barrister who is has been appointed, in accordance with the protocol applying in this or another jurisdiction, as a Senior Counsel or King's Counsel.

4. Timing of actions

Where these rules require a person to take an action consequent on some occurrence then, unless the contrary intention appears, the person must take the action as soon as practicable after the occurrence.

5. Adoption of model rules

The model rules as from time to time amended are adopted by and form part of these rules, with the modifications set out in Schedule 1.

PART 2 – PUPILLAGE

6. Pupillage requirements

- (1) A barrister who commences practice on or after the day on which these rules commence must serve pupillage in accordance with these rules, unless –
 - (a) the barrister has previously served pupillage in Tasmania; or
 - (b) the barrister is an Australian lawyer of not less than 10 years' standing as an Australian legal practitioner; or
 - (c) the Bar Council is satisfied that the barrister has relevant experience that is equivalent to the experience specified in paragraph (a) or (b).
- (2) Pupillage is to be served for the nominal period.
- (3) Pupillage commences on the day on which the pupil concerned is granted a barrister's practising certificate.
- (4) The service of pupillage does not constitute supervised legal practice within the meaning of the Act.
- (5) A pupil must not commence practice before –
 - (a) completing, to the satisfaction of the Bar Council, any exam that the Bar Council

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- determines should be taken by the pupil;
and
- (b) arranging 2 mentors in accordance with this Part; and
 - (c) arranging chambers in Tasmania, being the same chambers as those from which at least one of the pupil's mentors practises unless the Bar Council permits otherwise; and
 - (d) being granted a barrister's practising certificate; and
 - (e) completing and signing the Pupillage Register.
- (6) A pupil must not appear as a barrister before any court or tribunal outside Tasmania unless –
- (a) led by one or both of the pupil's mentors;
or
 - (b) led by a senior barrister, or a junior barrister, approved by one or both of the pupil's mentors; or
 - (c) the pupil has the approval of the Bar Council to so appear.
- (7) A pupil must practise as a barrister solely, or principally, in Tasmania.

7. Mentors

- (1) A pupil is required to have 2 mentors as follows:

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- (a) a senior mentor, being a senior barrister;
 - (b) a junior mentor, being a junior barrister.
- (2) A pupil must obtain the approval of the Bar Council to have a barrister act as either of the pupil's mentors.
 - (3) A pupil may, with the approval of the Bar Council, change either or both of the pupil's mentors.
 - (4) A request for an approval under subrule (3) is to be made by the pupil, in writing, either at the pupil's own instigation or that of the relevant mentor or, if applicable, both mentors.
 - (5) A change of mentor does not affect the period of pupillage already completed by the pupil.
 - (6) A pupil is to arrange with the Bar Council for a change of mentor to be recorded in the Pupillage Register.
 - (7) A mentor is to –
 - (a) afford a pupil as much access to the mentor as is practicable to enable the pupil to obtain the assistance that the pupil reasonably requires; and
 - (b) whenever practicable, try to have the mentor's pupil devil for the mentor (being the assignation to the pupil of work on briefs held by the mentor).
 - (8) If a mentor knows or expects that the mentor will not be accessible to a pupil for an extended

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period during pupillage, the mentor must arrange for the pupil to have access to another barrister qualified to act as an equivalent mentor during that extended period.

- (9) A pupil must notify the Bar Council of any arrangement made under subrule (8) in respect of that pupil.
- (10) In this rule –

extended period means a period exceeding 30 days.

8. Pupillage Register

- (1) The Bar Council is to keep a register of pupils and their mentors.
- (2) A pupil must complete and sign the Pupillage Register before commencing practice.

9. Duties of pupils and mentors

- (1) Within 4 weeks after the commencement of pupillage in accordance with rule 6(3), the pupil is to meet with the pupil's mentors to plan and commit to the pupillage (the *initial meeting*).
- (2) The initial meeting is to be with both mentors jointly but either or both of them may, if not able to be physically present, participate in the meeting by telephone, video conference or other electronic means of communication.

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- (3) Following the initial meeting, a pupil is to, at least once every 2 months, meet in person with at least one of the pupil's mentors to review the pupil's progress at the Bar (a ***review meeting***).
- (4) Within 2 weeks after the initial meeting, a pupil is to –
- (a) notify the Bar Council that the initial meeting has been held; and
 - (b) give a copy of the notification to each mentor.
- (5) At a review meeting, a pupil is to inform the mentor conducting that review meeting of –
- (a) the work done by the pupil with each mentor since the last review meeting (so as to reveal the pupil's understanding of that work); and
 - (b) the substance of any work done by the pupil and any difficulties encountered.
- (6) Subrule (5) has effect subject to any conflict between the work of the pupil and that of either mentor.
- (7) A pupil is to –
- (a) do such practical exercises, attend such lectures and seminars and participate in such exercises and activities as either mentor from time to time directs; and

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- (b) attend such advocacy courses and legal education events as the Bar Council from time to time directs.
- (8) A pupil is not entitled to accept a brief directly from a prospective client unless the pupil has obtained the prior written approval of at least one mentor to so do.
- (9) A pupil must, in the first 12 months of pupillage, do at least 80 hours of court-orientated work, or a pro rata equivalent if the pupil is subject to a nominal period of less than 12 months.
- (10) A pupil must, in the second 12 months of pupillage, do a minimum of 40 hours of court-orientated work or a pro rata equivalent if the pupil is subject to a nominal period of less than 12 months.
- (11) A senior mentor may, by notice to a pupil and the Bar Council given at any time during the period of pupillage, increase (by no more than a factor of 50%) the remaining hours of court-orientated work the pupil must do under subrule (9) or (10).
- (12) However, a senior mentor may only increase a pupil's remaining hours of court-orientated work if the senior mentor reasonably determines, in consultation with the junior mentor, that the pupil needs more experience of that kind.
- (13) A pupil may, in writing, request the Bar Council to review an increased work requirement imposed on the pupil under subrule (11).

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- (14) On review under subrule (13), the Bar Council may affirm, vary or quash an increased work requirement imposed under subrule (11), in which case it is to notify the pupil and senior mentor accordingly.
- (15) A pupil must –
- (a) keep a record of the hours that the pupil spends in –
 - (i) the initial meeting; and
 - (ii) review meetings held under subrule (3); and
 - (iii) court-orientated work; and
 - (iv) exercises, attendances and other activities under subrule (7); and
 - (b) give a copy of that record to the Bar Council –
 - (i) as part of a report under subrule (16); and
 - (ii) at the conclusion of the nominal period (or any extended period).
- (16) At least once in every 6-month period of the pupil's pupillage, a pupil is to provide a report to the Bar Council on the pupil's progress at the Bar which includes –
- (a) a summary of each review meeting held in that 6-month period in accordance with subrule (3); and

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- (b) a record of all things performed, attended, and participated in in accordance with subrule (7); and
 - (c) the record of hours kept under subrule (15); and
 - (d) such other information as the Bar Council from time to time directs.
- (17) A mentor who reasonably determines that a pupil has failed without reasonable excuse to substantially comply with these rules must –
 - (a) notify the Bar Council accordingly; and
 - (b) give a copy of that notification to the pupil.

10. Completion of pupillage

- (1) When the nominal period of pupillage expires a pupil is to –
 - (a) notify the Bar Council that the pupil has, to the best of the pupil's belief, undertaken the pupillage required by these rules; and
 - (b) give a copy of the notification to each of the pupil's mentors and the Law Society.
- (2) On receipt of a copied notification under subrule (1), each mentor must –
 - (a) certify in writing to the Bar Council whether the pupil has, to the mentor's

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satisfaction, undertaken the pupillage required by these rules; and

- (b) give a copy of the certification to the pupil.
- (3) If the Bar Council decides that it is not satisfied that the pupil has completed the pupillage required by these rules, the Bar Council is to –
- (a) notify the pupil in writing of the decision; and
 - (b) give a copy of the notification to each mentor of the pupil and the Law Society.

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Part 3 – Miscellaneous

PART 3 – MISCELLANEOUS

11. Barristers List

- (1) The Bar Council is to keep a list of those persons who hold a barrister's practising certificate (the *Barristers List*).
- (2) A person who is granted a barrister's practising certificate must cause the person's name to be placed on the Barristers List.
- (3) A person who ceases to hold a barrister's practising certificate, or whose barrister's practising certificate is suspended, must cause the person's name to be removed from the Barristers List.

12. Information sharing

The Bar Council, Law Society and the Board may disclose information obtained in respect of a pupil during the pupil's pupillage if the information is relevant to the performance of a function, or the exercise of a power, by the Bar Council, Law Society or Board, under the Act, these rules or any other legal profession rules.

**SCHEDULE 1 – LOCAL MODIFICATIONS OF MODEL
RULES**

Rule 5

1. Modification of rule 6 of the model rules

- (1) A reference in rule 6 of the model rules to “a participating jurisdiction” is taken to be a reference to “Tasmania”.
- (2) A reference in rule 6 of the model rules to “a non-participating jurisdiction” is taken to be a reference to “an Australian jurisdiction other than Tasmania”.

2. Modification of rule 13 of the model rules

Rule 13(b), (c), (d), (e) and (f) of the model rules do not apply to a barrister acting as –

- (a) an independent lawyer to represent a child’s interests pursuant to an order made under section 68L of the *Family Law Act 1975* of the Commonwealth; or
- (b) a separate representative of a child pursuant to an order made under section 59 of the *Children, Young Persons and Their Families Act 1997* –

if –

- (c) Tasmania Legal Aid has agreed that legal aid, within the meaning of the *Legal Aid Commission Act 1990*, is to be provided

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in respect of the fees and expenses of the barrister incurred while so acting; and

- (d) no instructing solicitor has been appointed in respect of the matter.

3. Modification of rule 125 of the model rules

Rule 125 of the model rules is amended by inserting “or pupil” after “barrister” in the definition of *reader*.

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These rules were made by the Council of the Tasmanian Bar at
a meeting held on .

President

Vice-President

Printed and numbered in accordance with the *Rules
Publication Act 1953*.

Notified in the *Gazette* on 20 .

These rules are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the rules)

These rules –

- (a) prescribe a range of legal practice matters for Tasmanian barristers, including pupillage requirements; and
- (b) adopt the Australian Bar Association model rules in modified form.