Western Australia

Legal Profession Uniform Law Application Act 2022

Legal Profession Uniform Law Application Regulations 2022

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Legal Profession Uniform Law Application Regulations 2022

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Defined terms

Legal Profession Uniform Law Application Regulations 2022

Part 1 — Preliminary

1. Citation

These regulations are the *Legal Profession Uniform Law Application Regulations 2022*.

2. Commencement

These regulations come into operation on 1 July 2022.

3. Terms used

In these regulations —

Board committee means a committee of Board members appointed under section 53(2) of the Act;

book, in relation to the law library, includes a document, film, tape, recording, disk or other thing forming part of the contents of the law library;

CEO means the chief executive officer of the department;

chairperson election means an election of a Board member to be chairperson of the Board under section 42(1)(a) of the Act;

commencement day means 1 July 2022, being the day on which the Act (other than Part 1 and section 359(2)) comes into operation under section 2(c) of the Act;

contract legislative drafter has the meaning given in section 126(1) of the Act;

deputy chairperson election means an election of a Board member to be deputy chairperson of the Board under section 42(1)(b) of the Act;

Law Library Advisory Committee has the meaning given in regulation 61(1);

librarian means the person employed or engaged to manage the law library or anyone acting in that position;

library officer means a person employed or engaged in the department who is under the supervision of the librarian;

library rules has the meaning given in regulation 68(1);

secretary means the person employed or engaged as the secretary of the Board under section 54(1) of the Act;

Uniform Admission Rules means the *Legal Profession Uniform Admission Rules 2015*, as those rules apply as subsidiary legislation of the State;

Uniform CPD (Barristers) Rules means the *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015*, as those rules apply as subsidiary legislation of the State;

Uniform CPD (Solicitors) Rules means the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*, as those rules apply as subsidiary legislation of the State.

Part 2 — Legal Practice Board

Division 1 — Delegation

4. Delegation of Board's functions under Uniform Law (s. 37(b))

For the purposes of section 37(b) of the Act, the Board may delegate any of its functions under the *Legal Profession Uniform Law (WA)*, other than its Chapter 5 functions, to —

(a) a Board member; or

(b) a Board committee; or

(c) a person employed or engaged by the Board.

Division 2 — Election of members

5. Annual election date

(1) Elections to elect Board members for the purposes of section 38(e) of the Act must be held on the 1st Tuesday in April each year.

(2) If the 1st Tuesday in April is a day when the offices of the Supreme Court are closed, the election is to be held on the 2nd Tuesday in April.

6. Returning officers

(1) The Board must appoint a returning officer and an assistant returning officer for each election of Board members.

(2) The secretary cannot be appointed under subregulation (1).

7. Nomination of candidates

(1) A local legal practitioner may nominate as a candidate in an election of Board members by giving a notice of intention to stand to the Board at least 28 days before the election date.

(2) A notice of intention to stand must be signed by —

(a) the nominee; and

(b) another local legal practitioner.

8. Candidates elected when nominations equal vacancies

If the number of candidates in an election of Board members is less than or equal to the number of vacancies, the candidates are all elected and the election is not required to be held.

9. Board may approve online voting system for election

(1) The Board may approve the use of an online system for the casting of votes in elections of Board members if the Board is satisfied that the online voting system —

(a) is sufficiently secure and reliable; and

(b) will ensure that votes are cast anonymously; and

(c) enables records to kept and audited; and

(d) is otherwise an appropriate system for the election of Board members.

(2) An approval under subregulation (1) must state whether —

(a) all votes must be cast using the online voting system; or

(b) each local legal practitioner may choose whether to vote using the online voting system or a ballot paper.

(3) An approval under subregulation (1) continues in effect until it is revoked.

10. Notice of election to be given to local legal practitioners

(1) This regulation applies if the number of candidates in an election of Board members exceeds the number of vacancies.

(2) The secretary must at least 10 days before the election date give each local legal practitioner a notice —

(a) stating that the election is to be held; and

(b) informing the practitioner of how the practitioner can vote in the election under regulation 12.

(3) If the Board has not approved an online voting system under regulation 9(1), or if the Board has approved an online voting system but the approval includes a statement under regulation 9(2)(b), the secretary must also, at least 10 days before the election date, give each local legal practitioner, in an envelope marked "Confidential" and initialled by the secretary —

(a) a ballot paper; and

(b) a ballot paper envelope for the purposes of regulation 12(2)(b).

11. Listing of candidates on ballot paper or online voting system

A ballot paper, or any webpage or other display in an online voting system approved under regulation 9(1) that lists the candidates in an election of Board members, must —

(a) list the candidates in an order determined by lot by the secretary; and

(b) identify any candidate who is a current Board member standing for re-election.

12. Voting

(1) If an online voting system is approved under regulation 9(1) and the approval states that all votes must be cast using the online voting system, a local legal practitioner may vote in an election of Board members using the online voting system.

(2) If no online voting system is approved under regulation 9(1), a local legal practitioner may vote in an election of Board members by —

(a) indicating on the ballot paper, by clearly scoring through them, the names of the candidates for whom the practitioner does not wish to vote; and

(b) sealing the ballot paper in an envelope marked "Ballot paper" and signing the envelope; and

(c) returning the ballot paper to the secretary.

(3) If an online voting system is approved under regulation 9(1) and the approval states that each local legal practitioner may choose whether to vote using the online voting system or a ballot paper, a local legal practitioner may vote in an election of Board members either —

(a) using the online voting system; or

(b) in accordance with subregulation (2)(a) to (c).

(4) A vote cast using an approved online voting system is not valid unless it is made in accordance with the online voting system before 12 noon on the election date.

(5) A vote cast using a ballot paper is not valid unless it is received by the secretary before 12 noon on the election date.

(6) A local legal practitioner must not cast more than 1 vote in an election of Board members.

13. Counting of votes

(1) The requirements of this regulation must be complied with as soon as practicable after 12 noon on the election date for an election of Board members.

(2) If votes were cast in the election using ballot papers, the secretary must give the returning officer, unopened, all of the ballot paper envelopes returned to the secretary.

(3) The returning officer, assisted by the assistant returning officer, must —

(a) if votes were cast in the election using ballot papers —

(i) open the ballot paper envelopes given to the returning officer under subregulation (2); and

(ii) decide on the validity of each vote cast using a ballot paper;

and

(b) if votes were cast in the election using an online voting system — decide on the validity of each vote cast using the system; and

(c) record the total number of votes for each candidate (whether cast using ballot papers or an online voting system).

(4) When all the votes have been counted the returning officer must give to the Board —

(a) the record of votes, signed by the returning officer and the assistant returning officer; and

(b) if votes were cast in the election using ballot papers — the valid and invalid ballot papers (in 2 separate, clearly marked bundles).

14. Election of members

(1) The candidates, equal in number to the number of vacancies, who receive the most votes are elected as Board members.

(2) The chairperson of the Board has a casting vote to decide which of 2 or more candidates is elected if —

(a) each of those 2 or more candidates (the ***tied candidates***) receives the same number of votes; and

(b) after candidates who received more votes are elected, the number of vacancies left is less than the number of the tied candidates.

15. Commencement of term of office

A person elected as a Board member takes office —

(a) if the person was elected under regulation 8 — on the Thursday after the day on which the election would have been held if it had been required; or

(b) if the person was elected under regulation 14 — on the Thursday after the day on which the election was held.

16. Results to be published in *Gazette*

The secretary must cause a notice setting out the names of the successful candidates, and of all other members of the Board, to be published in the *Gazette*.

17. Non-receipt of notices

A failure by the secretary to give a notice under regulation 10(2) or a ballot paper and envelope under regulation 10(3) to a local legal practitioner, or the non-receipt by a local legal practitioner of a notice under regulation 10(2) or ballot paper and envelope under regulation 10(3), does not affect the validity of an election.

Division 3 — Election of chairperson and deputy chairperson

18. Conduct of chairperson election or deputy chairperson election

(1) A chairperson election or deputy chairperson election must be conducted in the manner determined by the Board.

(2) Without limiting subregulation (1), the Board may determine the following in relation to a chairperson election or deputy chairperson election —

(a) the day on which the election will be held;

(b) how a Board member may nominate as a candidate;

(c) how notice of the election must be given to Board members;

(d) how votes may be cast;

(e) the process by which votes must be counted and reported.

(3) If only 1 Board member nominates as a candidate in a chairperson election or deputy chairperson election, that Board member is elected as chairperson or deputy chairperson (as the case requires) and the election is not required to be held.

(4) If subregulation (3) does not apply, the candidate who receives the most votes in a chairperson election or deputy chairperson election is elected as chairperson or deputy chairperson (as the case requires).

(5) If each of 2 or more candidates (the ***tied candidates***) in a chairperson election or deputy chairperson election receives the same number of votes, and no other candidate receives more votes, then —

(a) if there is a chairperson of the Board on the day on which the election is held and the chairperson is not a candidate in the election — the chairperson has a casting vote to determine which of the tied candidates is elected; or

(b) otherwise — the tie must be resolved in the manner determined by the Board.

(6) Without limiting subregulation (5)(b), the Board may determine that the tie must be resolved by a further election.

19. Commencement of term of office of chairperson or deputy chairperson

A Board member elected as chairperson or deputy chairperson under regulation 18(3) or (4) takes office —

(a) if the office is vacant when the Board member is elected — on the day after the election is held (or would have been held if it were required); or

(b) otherwise — on the day after the expiry of the term of office of the previous chairperson or deputy chairperson (as the case requires).

20. Results to be published in *Gazette*

The secretary must cause a notice setting out the name of a Board member elected as chairperson or deputy chairperson to be published in the *Gazette*.

21. Non-receipt of notices

A failure to give a notice of a chairperson election or deputy chairperson election to a Board member as required by a determination of the Board under regulation 18, or the non-receipt by a Board member of such a notice, does not affect the validity of the election.

Division 4 — Meetings and proceedings of Board

22. Notice of Board meeting

(1) The chairperson must give written notice to each other Board member of the time and place of any meeting the Board decides to convene under section 44(1) of the Act.

(2) The chairperson may, by written notice given to each other Board member, convene a Board meeting at a time and place specified in the notice.

(3) The Board may authorise a person other than the chairperson to convene meetings of the Board.

(4) A person authorised under subregulation (3) may, by written notice given to each Board member, convene a Board meeting at a time and place specified in the notice.

(5) Notice under subregulation (1), (2) or (4) must be given at least 24 hours before the time of the meeting.

23. Urgent meeting

(1) This regulation applies if —

(a) a Board committee decides that the urgency of a matter being considered at a committee meeting requires immediate consideration by the Board; and

(b) a quorum for a meeting of the Board is present at the committee meeting.

(2) The members of the Board committee present at the meeting may immediately hold a meeting of the Board for the purpose of considering, and making a decision on, the matter.

(3) Regulation 22 does not apply to a meeting held under this regulation.

24. Resolution without meeting

(1) A resolution in writing signed, or otherwise assented to, by at least 4 Board members has the same effect as if it had been passed at a meeting of the Board.

(2) Subregulation (1) does not apply unless —

(a) each Board member has been given a notice —

(i) setting out the proposed resolution; and

(ii) requesting the member to respond in writing to the secretary indicating whether the member supports or opposes the resolution not later than

the time specified in the notice (the ***response time***);

and

(b) the majority of Board members whose responses are received by the secretary at or before the response time support the resolution.

(3) A resolution made under subregulation (1) is taken to have been passed at the later of —

(a) the response time; or

(b) the time when the 4th Board member signed or otherwise assented to the resolution.

(4) The non-receipt by a Board member of notice of a resolution does not affect the validity of the resolution.

25. Rescission or amendment of resolution

The Board cannot, at a Board meeting, rescind or amend a resolution passed at a previous Board meeting unless —

(a) notice of the meeting is given under regulation 22; and

(b) the notice includes notice of the proposed rescission or amendment.

26. Minutes of Board meeting prima facie evidence of matters

The minutes of a Board meeting, when signed by the person presiding at that meeting or a subsequent meeting, are prima facie evidence of the matters contained in the minutes.

Division 5 — Committees

27. Convenor and deputy convenor

(1) The Board must appoint a convenor and deputy convenor for each Board committee.

(2) Section 42(2), (4), (5) and (6) of the Act apply to a convenor and deputy convenor of a Board committee.

28. Committee meetings

Sections 44, 45, 46 and 47(1) of the Act and regulations 22 and 24 to 26 apply to a meeting of a Board committee.

29. Modification of applied provisions

For the purposes of regulations 27(2) and 28, the provisions applied by those regulations are to be read as if —

(a) a reference to the Board were a reference to the Board committee; and

(b) a reference to the chairperson were a reference to the convenor; and

(c) a reference to the deputy chairperson were a reference to the deputy convenor; and

(d) a reference to a Board member were a reference to a Board committee member.

Division 6 — Giving certain notices electronically

30. Notices under this Part may be given electronically

(1) This regulation applies to a notice required to be given to a local legal practitioner, Board member or Board committee member under —

(a) regulation 10(2); or

(b) a determination of the Board under regulation 18; or

(c) regulation 22 or 24 (including as those regulations apply under regulation 28).

(2) The notice may be given by sending it in an electronic form to an email address provided by the local legal practitioner, Board member or Board committee member.

(3) The notice is taken to be given at the time when the notice reaches the email address provided by the local legal practitioner, Board member or Board committee member.

(4) This regulation does not limit the application of the *Interpretation Act 1984* sections 75 and 76 to the notice.

Part 3 — Admission

31. Applications required for certain matters relating to admission

(1) A person seeking any of the following must apply to the Board —

(a) approval of a training plan for the purposes of the Uniform Admission Rules rule 6(2)(b);

(b) an exemption under the *Legal Profession Uniform Law (WA)* section 18 from satisfying the specified academic qualifications prerequisite or the specified practical legal training prerequisite or both;

(c) accreditation or reaccreditation of a law course, or a provider of practical legal training, under the *Legal Profession Uniform Law (WA)* section 29.

(2) An application referred to in subregulation (1) must be —

(a) in the local approved form; and

(b) accompanied by the documents or other information required by the local approved form; and

(c) accompanied by the fee (if any) payable in respect of the application under regulation 34.

32. Application for compliance certificate must be made within 2 days after applying for admission

An application for a compliance certificate by an individual under the *Legal Profession Uniform Law (WA)* section 19(1) must be made within 2 days after the individual applies for admission under the *Legal Profession Uniform Law (WA)* section 16 in accordance with the *Rules of the Supreme Court 1971* Order 75A rule 2.

33. Fees for applications for admission by Supreme Court (s. 113(b))

For the purposes of section 113(b) of the Act, the applicable fee set out in the *Supreme Court (Fees) Regulations 2002* is payable in respect of an application for admission by the Supreme Court.

34. Fees for other applications relating to admission

The fees specified in Schedule 1 Division 1 are payable in respect of the applications specified in that Division.

Part 4 — Practising certificates and registration certificates

35. Fees for applications for Australian practising certificates and Australian registration certificates (s. 116(1)(c) and 120(1)(c))

(1) For the purposes of section 116(1)(c) of the Act, the applicable fee set out in Schedule 1 Division 2 is payable in respect of an application for an Australian practising certificate under the *Legal Profession Uniform Law (WA)* section 44.

(2) For the purposes of section 120(1)(c) of the Act, the applicable fee set out in Schedule 1 Division 2 is payable in respect of an application for an Australian registration certificate under the *Legal Profession Uniform Law (WA)* section 62.

(3) Despite subregulation (1), the fee payable in respect of an application for an Australian practising certificate under the *Legal Profession Uniform Law (WA)* section 44 by any of the following persons is 50% of the applicable fee set out in Schedule 1 Division 2 —

(a) the Solicitor-General or a government lawyer employed to assist the Solicitor-General;

(b) the Director of Public Prosecutions or a government lawyer employed in the Office of the Director of Public Prosecutions;

(c) the State Solicitor or a government lawyer employed in the State Solicitor's Office;

(d) the Parliamentary Counsel, a government lawyer employed in the Parliamentary Counsel's Office or a contract legislative drafter;

(e) a government lawyer employed in any of the following —

(i) an agency as defined in the *Public Sector Management Act 1994* section 3(1);

(ii) the office of a Minister of the State;

(iii) a department of the staff of Parliament referred to in the *Parliamentary and Electorate Staff (Employment) Act 1992*;

(iv) the office of the Corruption and Crime Commission established by the *Corruption, Crime and Misconduct Act 2003*;

(v) the Health and Disability Services Complaints Office continued by the *Health and Disability Services (Complaints) Act 1995*;

(vi) the office of the Heritage Council of Western Australia established by the *Heritage Act 2018*;

(vii) the office of the Law Reform Commission of Western Australia established by the *Law Reform Commission Act 1972*;

(viii) the office of the Mental Health Tribunal established by the *Mental Health Act 2014*;

(ix) the office of the Mental Impairment Review Tribunal established by the *Criminal Law (Mental Impairment) Act 2023*;

(x) the Police Force of Western Australia;

(xi) the Public Trust Office established by the *Public Trustee Act 1941*;

(xii) the office of the Prisoners Review Board established under the *Sentence Administration Act 2003*;

(xiii) the office of the Western Australian Industrial Relations Commission continued under the *Industrial Relations Act 1979*;

(xiv) the Water Corporation established by the *Water Corporations Act 1995*;

(xv) the office of the Work Health and Safety Commission established under the *Work Health and Safety Act 2020*;

(f) a government lawyer who holds, or is appointed or made available to assist in the performance of the functions of a person who holds, any of the following offices —

(i) the Commissioner for Children and Young People established by the *Commissioner for Children and Young People Act 2006*;

(ii) the Commissioner for Equal Opportunity established by the *Equal Opportunity Act 1984*;

(iii) the Commissioner as defined in the *Fair Trading Act 2010* section 6;

(iv) the Information Commissioner established by the *Freedom of Information Act 1992*;

(v) the Parliamentary Inspector of the Corruption and Crime Commission established by the *Corruption, Crime and Misconduct Act 2003*;

(vi) the Parliamentary Commissioner for Administrative Investigations established by the *Parliamentary Commissioner Act 1971*;

(vii) the Public Advocate established by the *Guardianship and Administration Act 1990*.

[Section 35 amended: SL 2024/173 r. 6.]

36. Contribution to cost of funding Legal Profession Uniform Framework (s. 116(1)(e))

(1) For the purposes of section 116(1)(e) of the Act, an application for an Australian practising certificate under the *Legal Profession Uniform Law (WA)* section 44 must be accompanied by a contribution of $30 towards the cost of funding the State's contribution to the Legal Profession Uniform Framework to be paid under section 34 of the Act.

(2) Subregulation (1) does not apply to an application for an Australian practising certificate if —

(a) the certificate will authorise the holder to engage in legal practice only as a volunteer at a community legal service or otherwise on a pro bono basis; or

(b) the applicant is the Solicitor-General or a government lawyer.

37. Standard renewal period and late fee period (s. 117(1)(a) and (b) and 121(1)(a) and (b))

(1) In this regulation —

expiry day, in relation to an Australian practising certificate or Australian registration certificate, means the day on which the certificate is due to expire.

(2) For the purposes of section 117(1)(a) of the Act, the standard renewal period for the renewal of an Australian practising certificate is the period beginning on 1 May before the expiry day and ending on 31 May before the expiry day.

(3) For the purposes of section 117(1)(b) of the Act, the late fee period for the renewal of an Australian practising certificate is the period beginning on 1 June before the expiry day and ending on the expiry day.

(4) For the purposes of section 121(1)(a) of the Act, the standard renewal period for the renewal of an Australian registration certificate is the period beginning on 1 May before the expiry day and ending on 31 May before the expiry day.

(5) For the purposes of section 121(1)(b) of the Act, the late fee period for the renewal of an Australian registration certificate is the period beginning on 1 June before the expiry day and ending on the expiry day.

38. Contribution to fidelity fund

The Legal Contribution Trust must advise the Board of the amount of the contribution to the Guarantee Fund set by the Trust under the *Legal Profession Uniform Law (WA)* section 225(2) for a financial year no later than 31 March in the previous financial year.

Part 5 — Continuing professional development

39. Excluded activities (s. 125(1))

For the purposes of the definition of ***excluded activity*** in section 125(1) of the Act, the following are excluded activities —

(a) a continuing professional development activity in a format referred to in —

(i) the Uniform CPD (Barristers) Rules rule 6A(b), (d) or (e); or

(ii) the Uniform CPD (Solicitors) Rules rule 8.1.2, 8.1.4 or 8.1.5;

(b) a continuing professional development activity provided by the Board;

(c) a continuing professional development activity provided to government lawyers employed in the Parliamentary Counsel's Office, or contract legislative drafters, by any of the following bodies —

(i) the Australasian Parliamentary Counsel's Committee;

(ii) the Commonwealth Association of Legislative Counsel;

(iii) the Australian Association of Constitutional Law;

(iv) the Commonwealth Parliamentary Association;

(v) the Canadian Institute for the Administration of Justice;

(vi) the Statute Law Society;

(vii) the Commonwealth Secretariat;

(viii) the Institute of Advanced Legal Studies;

(ix) the International Association of Legislation.

40. Exemption from requirement for accreditation under Board Rules (s. 125(6))

(1) In this regulation —

Board rules, ***continuing professional development activity*** and ***excluded activity*** have the meanings given in section 125(1) of the Act.

(2) The following are exempt from any requirement to be accredited in accordance with the Board Rules in relation to a continuing professional development activity that is not an excluded activity —

(a) the High Court of Australia;

(b) the Federal Court of Australia;

(c) the Federal Circuit and Family Court of Australia;

(d) the Supreme Court;

(e) the District Court;

(f) the Family Court of Western Australia;

(g) the Children's Court;

(h) the Magistrates Court;

(i) the Coroner's Court of Western Australia;

(j) the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act 1975* (Commonwealth);

(k) the State Administrative Tribunal;

(l) the Fair Work Commission continued by the *Fair Work Act 2009* (Commonwealth);

(m) the Western Australian Industrial Relations Commission continued by the *Industrial Relations Act 1979*;

(n) the State Solicitor's Office;

(o) the Parliamentary Counsel's Office;

(p) the Office of the Director of Public Prosecutions;

(q) the Solicitor-General;

(r) the Constitutional Centre of Western Australia;

(s) the Mental Health Tribunal established by the *Mental Health Act 2014*.

[Regulation 40 amended: SL 2023/145 r. 4.]

41. Determination of whether certain activities meet requirements of Continuing Professional Development Rules

(1) In this regulation —

publication, committee or postgraduate studies activity means an activity in a format referred to in —

(a) the Uniform CPD (Barristers) Rules rule 6A(b), (d) or (e); or

(b) the Uniform CPD (Solicitors) Rules rule 8.1.2, 8.1.4 or 8.1.5.

(2) An Australian legal practitioner who has completed, or intends to complete, a publication, committee or postgraduate studies activity may apply for a determination as to whether the Board considers that the activity meets, or is likely to meet, the requirements of the Uniform CPD (Barristers) Rules or the Uniform CPD (Solicitors) Rules (whichever is applicable) in relation to the practitioner.

(3) An application under subregulation (2) must be —

(a) in the local approved form; and

(b) accompanied by any other information or documents required by the local approved form.

(4) The Board may make a determination on an application under subregulation (2).

Part 6 — Government lawyers

42. Contract legislative drafters (s. 126(2))

A contract legislative drafter is a government lawyer for the purposes of the Act and the *Legal Profession Uniform Law (WA)* in relation to legal practice that is legislative drafting.

42A. Exemption from requirement to hold Australian practising certificate for certain contract legislative drafters (s. 127(1)(a) and (b))

(1) This regulation applies to a contract legislative drafter who —

(a) is not resident in the State; and

(b) is an Australian lawyer or is admitted, or eligible for admission, as a lawyer in any of the following jurisdictions —

(i) Canada (including a Province or Territory of Canada);

(ii) Ireland;

(iii) New Zealand;

(iv) the United Kingdom (including England and Wales, Northern Ireland and Scotland);

and

(c) has been employed as a legislative drafter, for a period or periods equivalent to 5 years, in 1 or more government legislative drafting offices in Australia or any of the jurisdictions referred to in paragraph (b).

(2) The contract legislative drafter is exempt from the requirement to hold an Australian practising certificate in respect of legal practice that is legislative drafting work undertaken under the direction of the Parliamentary Counsel.

(3) Without limiting subregulation (2), the *Legal Profession Uniform Law (WA)* section 10 does not apply to the contract

legislative drafter in relation to legal practice referred to in that subregulation.

[Regulation 42A inserted: SL 2022/208 r. 4.]

43. Foreign legislative drafters employed in Parliamentary Counsel's Office (s. 127(1)(b))

(1) In this regulation —

foreign legislative drafter means a person who —

(a) is employed as a legislative drafter in the Parliamentary Counsel's Office; and

(b) is not an Australian lawyer; and

(c) is admitted, or eligible for admission, as a lawyer in any of the following jurisdictions —

(i) Canada (including a Province or Territory of Canada);

(ii) Ireland;

(iii) the United Kingdom (including England and Wales, Northern Ireland and Scotland);

and

(d) has been employed as a legislative drafter, for a period or periods equivalent to 5 years, in 1 or more government legislative drafting offices in any of the jurisdictions referred to in paragraph (c).

(2) Despite the definition of ***Australian lawyer*** in the *Legal Profession Uniform Law (WA)* section 6(1), a foreign legislative drafter is taken to be an Australian lawyer for the purposes of the Law in relation to legislative drafting work undertaken by the foreign legislative drafter under the direction of the Parliamentary Counsel.

(3) Without limiting subregulation (2), the Board may grant an Australian practising certificate to a foreign legislative drafter

under the *Legal Profession Uniform Law (WA)* Part 3.3 Division 2 or renew such a certificate.

(4) An Australian practising certificate granted or renewed as referred to in subregulation (3) is taken —

(a) to be subject to a statutory condition imposed by the *Legal Profession Uniform Law (WA)* Part 3.3 Division 3 that the holder is authorised to engage in legal practice only to the extent that the practice is legislative drafting work undertaken under the direction of the Parliamentary Counsel; and

(b) not to be subject to the statutory condition imposed under the *Legal Profession Uniform Law (WA)* section 49.

(5) A foreign legislative drafter who has applied for an Australian practising certificate under the *Legal Profession Uniform Law (WA)* Part 3.3 Division 2 is exempt from the operation of Part 2.1 of the Law in relation to legislative drafting work undertaken by the foreign legislative drafter under the direction of the Parliamentary Counsel until the application is determined.

[Regulation 43 amended: SL 2022/208 r. 5.]

44. Supervised legal practice in Parliamentary Counsel's Office or other legislative drafting office (s. 127(1)(b))

(1) A person who immediately before commencement day is employed as a government lawyer in the Parliamentary Counsel's Office (a ***PCO lawyer***), and has been employed as a PCO lawyer for a period or periods equivalent to 2 years, is taken to have completed the period or periods of supervised legal practice referred to in the *Legal Profession Uniform Law (WA)* section 49(1)(a) or (b), as the case requires.

(2) Without limiting subregulation (1), if immediately before commencement day a person is a PCO lawyer or contract legislative drafter, the following are taken for the purposes of

the *Legal Profession Uniform Law (WA)* section 49(1)(a) or (b) to be periods of supervised legal practice completed by the person —

(a) any period or periods before commencement day during which the person was employed as a PCO lawyer;

(b) any period or periods before commencement day during which the person was employed as a legislative drafter in a government legislative drafting office in another jurisdiction in Australia or in New Zealand.

(3) If, on or after commencement day, a person commences employment as a PCO lawyer or is engaged as a contract legislative drafter, the following are taken for the purposes of the *Legal Profession Uniform Law (WA)* section 49(1)(a) or (b) to be periods of supervised legal practice completed by the person —

(a) any period or periods before commencement day during which the person was previously employed as a PCO lawyer;

(b) any period or periods (whether before or after commencement day) during which the person was employed as a drafter in a government legislative drafting office in another jurisdiction in Australia or in New Zealand.

45. Calculation of periods for r. 42A, 43 and 44

For the purposes of regulations 42A, 43 and 44, the Uniform Rules (WA) that apply for the purposes of determining periods of supervised legal practice under the *Legal Profession Uniform Law (WA)* section 49(2) apply, with any necessary modifications, for the purposes of determining the periods for which a person has been employed in the Parliamentary Counsel's Office or another government legislative drafting office.

[Regulation 45 amended: SL 2022/208 r. 6.]

Part 7 — Legal costs

46. Costs assessment for purpose of investigating complaint (s. 152)

(1) The Board may arrange for an assessment of costs under the *Legal Profession Uniform Law (WA)* section 284 by making a written request to the Principal Registrar.

(2) An assessment of costs under the *Legal Profession Uniform Law (WA)* section 284 must be carried out in the same way as a costs assessment requested by a client.

(3) Subregulation (2) is subject to the *Legal Profession Uniform Law (WA)* section 284(2).

Part 8 — Professional indemnity insurance

47. Late fee (s. 158(3)(b))

(1) For the purposes of section 158(3)(b) of the Act, the late fee determined under subregulation (2) must be paid by a PII entity who applies for arrangement insurance under section 158(3) of the Act.

(2) The late fee is an amount equal to 10% of the aggregate of the following amounts that the PII entity is required to pay as part of the application —

(a) the annual contribution referred to in section 158(2)(c)(i) of the Act;

(b) the administration levy (if any) referred to in section 158(2)(c)(iii) of the Act.

(3) The Law Society may waive or reduce the late fee payable by a PII entity.

48. PII schemes (s. 162)

(1) The Board may approve as a PII scheme a scheme setting out how a policy of professional indemnity insurance may be obtained that covers a class of PII entities (other than PII entities to whom arrangement insurance is provided).

(2) A person seeking approval of a scheme as a PII scheme under subregulation (1) must apply to the Board.

(3) An application referred to in subregulation (2) must be —

(a) in the local approved form; and

(b) accompanied by the documents or other information required by the local approved form.

(4) If a PII entity obtains insurance under a PII scheme, the Board must give the PII entity a certificate of —

(a) the approval of the PII scheme; and

(b) the PII entity's insurance.

Part 9 — Fidelity cover

49. Maximum amounts payable from Guarantee Fund

(1) For the purposes of the *Legal Profession Uniform Law (WA)* section 230(1)(a), the maximum amount that may be paid from the Guarantee Fund in respect of any individual claim is $1 000 000.

(2) For the purposes of the *Legal Profession Uniform Law (WA)* section 230(1)(b), the maximum aggregate amount that may be paid from the Guarantee Fund in respect of all claims made in relation to any individual law practice is $1 000 000.

50. Minimum agreed amount for Guarantee Fund (s. 201(1))

For the purposes of paragraph (a) of the definition of ***agreed amount*** in section 201(1) of the Act, the amount of $19 100 000 is prescribed.

51. Community legal services and peak organisations that may receive money from Trust Interest Account (s. 201(4)(b)(iv) and (v))

(1) The community legal services set out in Schedule 2 Division 1 are prescribed for the purposes of section 201(4)(b)(iv) of the Act.

(2) The peak organisation set out in Schedule 2 Division 2 is prescribed for the purposes of section 201(4)(b)(v) of the Act.

52. Fees and allowances for trustees of Legal Contribution Trust (s. 201(6))

For the purposes of section 201(6) of the Act, the following fees are payable to a trustee of the Legal Contribution Trust in relation to a meeting of the Trust attended by the trustee —

(a) for the chairperson —

(i) for a full day's attendance (more than 4 hours) — $1 270;

(ii) for a half-day's attendance (4 hours or less) — $825;

(b) for a trustee other than the chairperson —

(i) for a full day's attendance (more than 4 hours) — $825;

(ii) for a half-day's attendance (4 hours or less) — $537.

Part 10 — Registers

53. Particulars to be included in register of Australian practising certificates (s. 217(2)(b))

(1) For the purposes of section 217(2)(b) of the Act, the particulars referred to in subregulation (2) must be included in the register kept under section 217(1) of the Act in relation to each Australian lawyer to whom the Board grants an Australian practising certificate, except where the Board is required under regulation 56 not to include them in the register.

(2) The particulars that must be included in the register are as follows —

(a) the Australian lawyer's name;

(b) if the Australian lawyer holds an Australian practising certificate granted by the Board that is in force — the category of legal practice that the certificate authorises the Australian lawyer to engage in;

(c) the name of whichever of the following (if any) is applicable (the ***relevant law practice or entity***) —

(i) the law practice of which the Australian lawyer is an associate;

(ii) if the Australian lawyer is not an associate of a law practice — the entity of which the Australian lawyer is a director, officer or employee or with which the Australian lawyer is otherwise engaged in legal practice;

(d) the contact details of the office of the relevant law practice or entity (if any) —

(i) in this jurisdiction; and

(ii) in any other jurisdiction in which it has an office (unless the Board considers that it is not necessary to include those particulars in respect of an entity that is not a law practice);

(e) any other particulars about the Australian lawyer, or the relevant law practice or entity, that the Board considers should be included.

54. Particulars to be included in register of Australian registration certificates (s. 218(2)(b))

(1) For the purposes of section 218(2)(b) of the Act, the particulars referred to in subregulation (2) must be included in the register kept under section 218(1) of the Act in relation to each person to whom the Board grants an Australian registration certificate, except where the Board is required under regulation 56 not to include them in the register.

(2) The particulars that must be included in the register are as follows —

(a) the person's name;

(b) the name of whichever of the following (if any) is applicable (the ***relevant law practice or entity***) —

(i) the law practice of which the person is an associate;

(ii) if the person is not an associate of a law practice — the entity of which the person is a director, officer or employee or with which the person is otherwise engaged in legal practice;

(c) the contact details of the office of the relevant law practice or entity (if any) —

(i) in this jurisdiction; and

(ii) in any other jurisdiction in which it has an office (unless the Board considers that it is not necessary to include those particulars in respect of an entity that is not a law practice);

(d) any other particulars about the person, or the relevant law practice or entity, that the Board considers should be included.

55. Contact details of offices to be included in registers

For the purposes of regulations 53(2)(d) and 54(2)(c), the contact details of an office of a relevant law practice or entity required to be included in the relevant register are as follows —

(a) its street address (the address where the office is physically located);

(b) its postal address (a post office box number and the location and postcode of the post office), if any;

(c) its email address, if any;

(d) its DX address (the number of the exchange box in a document exchange (DX)), if any.

56. Person may request that particulars not be included in register

(1) This regulation applies to a person to whom the Board grants an Australian practising certificate or an Australian registration certificate.

(2) The person may, by notice in writing to the Board, request the Board not to include in the register kept under section 217(1) or 218(1) of the Act (as the case requires) any or specified particulars that would otherwise be included in that register in relation to the following —

(a) the person;

(b) the relevant law practice or entity referred to in regulation 53 or 54 (as the case requires) in relation to the person.

(3) A request under subregulation (2) must be made on the ground that special circumstances warrant the particulars not being made publicly available (for example, on the ground that the safety or wellbeing of a person would be substantially affected by making the particulars publicly available).

(4) If the Board is satisfied that those special circumstances exist, the Board must not include the relevant particulars in the register, unless the Board considers that the public interest in maintaining public access to the particulars outweighs any individual interest in the particulars not being made publicly available.

57. Particulars to be included in register of disciplinary action (s. 220(4)(e))

For the purposes of section 220(4)(e) of the Act, the following particulars must be included in the register of disciplinary action —

(a) the date and jurisdiction of —

(i) the disciplined person's 1st admission to the Australian legal profession; and

(ii) each subsequent admission of the disciplined person to the Australian legal profession;

(b) the disciplined person's date of birth.

58. Board to be notified before and on making of order prohibiting disciplinary action from being publicised

(1) Before a court or tribunal makes an order under section 225(3) of the Act prohibiting disciplinary action from being publicised, the court or tribunal must —

(a) notify the Board; and

(b) give the Board an opportunity to make submissions as to whether the order should be made.

(2) A court or tribunal must notify the Board if the court or tribunal makes an order under section 225(3) of the Act prohibiting disciplinary action from being publicised.

59. Information to be included in disqualification orders and approvals register (s. 227(2)(a))

If the Board keeps a register under section 227(1) of the Act, the following information must be included in the register for the purposes of section 227(2)(a) of the Act —

(a) in relation to each order made under the *Legal Profession Uniform Law (WA)* section 119 or 120 on application by the Board —

(i) the name of the disqualified individual or entity; and

(ii) the period of disqualification; and

(iii) the citation and date of the order;

(b) in relation to each approval of a person as a lay associate for the purposes of the *Legal Profession Uniform Law (WA)* section 121 given by the Board under section 121(2) of the Law —

(i) the name of the lay associate; and

(ii) whether the approval is general, or for a particular position or category of positions with a particular law practice, or for a particular category of positions with any law practice; and

(iii) any conditions subject to which the approval is granted.

Part 11 — Law library

60. Board's contribution to costs of law library (s. 245)

(1) The amount of the contribution that the Board must pay to the State each year under section 245(2) of the Act as a contribution towards the costs of providing and maintaining the law library is $600 000.

(2) The amount is payable in relation to each financial year as follows —

(a) 50% of the amount must be paid on or before 1 July in the financial year;

(b) 50% of the amount must be paid on or before 30 January in the financial year.

61. Committee to advise on management of law library

(1) The CEO must set up a committee (the ***Law Library Advisory Committee***) to advise on the management of the law library.

(2) The Law Library Advisory Committee consists of the following members appointed by the CEO —

(a) 2 persons, each of whom is a judge of —

(i) the Supreme Court; or

(ii) the District Court; or

(iii) the Family Court of Western Australia; or

(iv) the Children's Court;

(b) 1 person nominated by the Law Society;

(c) 1 person nominated by the Western Australian Bar Association;

(d) 1 person nominated by the Board;

(e) 2 persons nominated by the CEO.

(3) The CEO must appoint 1 of the judges referred to in subregulation (2)(a) to be the chairperson.

(4) The function of the Law Library Advisory Committee is to advise the CEO in relation to the administration of the law library generally and, in particular, in relation to the following —

(a) a matter requiring the Law Library Advisory Committee's advice under these regulations;

(b) the hours during which the law library is to open;

(c) any service provided by the law library.

(5) A decision by the Law Library Advisory Committee requires a simple majority.

(6) Subject to subregulation (5), the Law Library Advisory Committee may determine its own procedures.

62. People entitled to use law library (s. 244(1)(c))

(1) The following persons are entitled to have access to and use the law library —

(a) members of the judiciary;

(b) Australian lawyers whose home jurisdiction is this State;

(c) members and officers of State or Commonwealth courts, tribunals, boards or similar bodies;

(d) persons undertaking the practical legal training requirements referred to in the *Legal Profession Uniform Law (WA)* section 17(1)(b);

(e) members of Parliament;

(f) members of a department of the staff of Parliament referred to in the *Parliamentary and Electorate Staff (Employment) Act 1992*;

(g) members of the Police Force of Western Australia;

(h) holders of an office, post or position established under an Act;

(i) public service officers or employees (as those terms are defined in the *Public Sector Management Act 1994* section 3(1));

(j) persons acting on behalf of, or assisting, persons referred to in any of paragraphs (a) to (i);

(k) officers and employees of the Board.

(2) The following persons are entitled to have access to and use the law library subject to any conditions or restrictions imposed by the library rules —

(a) Australian lawyers not covered by subregulation (1);

(b) Australian-registered foreign lawyers;

(c) other foreign lawyers;

(d) persons acting on behalf of, or assisting, persons referred to in any of paragraphs (a) to (c).

(3) The persons referred to in subregulations (1)(c) to (k) and (2) are prescribed for the purposes of section 244(1)(c) of the Act.

63. Librarian may suspend or restrict entitlement to use law library

(1) If it appears to the librarian that there are sufficient grounds for doing so, the librarian may summarily suspend, or impose restrictions on, a person's entitlement to have access to and use the law library for any period that the librarian thinks fit.

(2) The librarian may revoke or alter the terms of a suspension or restriction.

(3) The librarian must notify the Law Library Advisory Committee within 1 business day after the librarian takes any action under subregulation (1) or (2).

(4) The Law Library Advisory Committee may confirm, revoke, or alter the terms of, a suspension or restriction imposed by the librarian.

(5) Whether or not the Law Library Advisory Committee has acted under subregulation (4), the CEO, after considering any advice from the Law Library Advisory Committee, may confirm, revoke, or alter the terms of, a suspension or restriction imposed by the librarian.

64. CEO may suspend or restrict entitlement to use law library

(1) If it appears to the Law Library Advisory Committee that there are sufficient grounds for doing so, the CEO, after considering any advice from the Law Library Advisory Committee, may suspend, or impose restrictions on, a person's entitlement to use the law library.

(2) The CEO, after considering any advice from the Law Library Advisory Committee, may revoke or alter the terms of a suspension or restriction.

65. Use of law library and books

(1) If required by the librarian or a library officer to do so, a person must register with the librarian before using the law library or any books.

(2) A person entitled to use the law library may do so —

(a) during the law library's opening hours; or

(b) at other times by arrangement with the librarian or a library officer.

(3) A person in the law library or using a book must comply with any reasonable direction given by the librarian or a library officer.

66. Borrowing books

(1) Unless the librarian or a library officer specifically forbids it in a particular case, the following persons are entitled to remove a book from the law library for a period not exceeding 1 week —

(a) members of the judiciary;

(b) members and officers of State or Commonwealth courts, tribunals, boards or similar bodies;

(c) persons acting on behalf of, or assisting, persons referred to in paragraphs (a) and (b);

(d) the Corruption and Crime Commissioner or a member of the staff of the Corruption and Crime Commission established by the *Corruption, Crime and Misconduct Act 2003*;

(e) the Solicitor-General or a person employed in the department to assist the Solicitor-General;

(f) the Director of Public Prosecutions or a person employed in the Office of the Director of Public Prosecutions;

(g) the State Solicitor or a person employed in the State Solicitor's Office;

(h) the Parliamentary Counsel or a person employed in the Parliamentary Counsel's Office;

(i) the Public Trustee or a person employed in the Public Trust Office established by the *Public Trustee Act 1941*.

(2) A person not referred to in subregulation (1) is not entitled to remove a book from the law library unless —

(a) the book is for use in a hearing in the building in which the law library is situated; or

(b) the library rules permit the removal.

(3) Subregulation (2)(a) does not permit the removal of a book that is labelled as being not to be removed from the law library.

67. Removal of unauthorised people and retrieval of books

(1) The librarian may exclude or remove from the law library a person who appears to the librarian —

(a) not to be entitled to use the law library; or

(b) to have contravened these regulations or the library rules.

(2) The librarian may retrieve a book if it appears to the librarian that —

(a) it was removed from the law library in contravention of these regulations or the library rules; or

(b) the person who removed it has contravened these regulations or the library rules.

68. Library rules

(1) The CEO may, after considering any advice from the Law Library Advisory Committee, make rules (***library rules***) about the administration of the law library and any services provided by the law library.

(2) Without limiting subregulation (1), library rules may provide for conditions and restrictions on the entitlement to access and use the law library of persons, or classes of person, to whom regulation 62(2) applies.

(3) The CEO must consult with the Law Library Advisory Committee before making any rule that is not in accordance with previous advice given by the Law Library Advisory Committee.

69. Fees for library services

(1) In this regulation —

fee-paying user means a person who is entitled to use the law library under regulation 62, but who is not employed in an agency (as defined in the *Public Sector Management Act 1994* section 3(1)) or entitled to remove books from the law library under regulation 66(1);

interlibrary loan means the provision by email of a copy of a document obtained from outside the law library's collection through the Australian Interlibrary Resource Sharing network.

(2) The following fees are payable by a fee-paying user in relation to services provided by the law library.

Table

Law library service	Fee
Photocopying	30 cents per page
Printing	55 cents per page
Receipt of document via the law library's document delivery service (by email)	$22 per document

(3) The fee payable by a person who requests an interlibrary loan is an amount for the cost of obtaining the document for the interlibrary loan, determined in accordance with the recommended prices under the Australian Interlibrary Resource Sharing Code published by the Australian Library and Information Association.

(4) To pay a fee payable under subregulation (2) or (3), a fee-paying user must open a pre-paid account using the law library's electronic payment system.

(5) A fee of $10 is payable by a person who opens a pre-paid account.

(6) The CEO may, after considering any advice from the Law Library Advisory Committee, waive a fee payable by a person under subregulation (2).

Part 12 — Miscellaneous

70. Modification of Legal Profession Conduct Rules for barristers (s. 119)

(1) In this regulation —

Uniform Conduct (Barristers) Rules means the *Legal Profession Uniform Conduct (Barristers) Rules 2015*, as those rules apply as subsidiary legislation of the State.

(2) The operation of the Uniform Conduct (Barristers) Rules is modified so that a barrister does not contravene rule 13(b), (d), (e) or (f) of those rules if —

(a) the barrister is instructed directly by a person who is not a solicitor to act —

(i) on a pro bono basis; or

(ii) pursuant to a direct grant of legal aid in a criminal or quasi-criminal matter; or

(iii) pursuant to a direct grant of legal aid to act for a child when appointed in the Family Court of Western Australia as an independent children's lawyer or in the Children's Court as a child representative; or

(iv) pursuant to a direct grant of legal aid when acting for a parent or a person in loco parentis in a protection and care application made by the chief executive officer of the department of the Public Service principally assisting in the administration of the *Children and Community Services Act 2004*;

and

(b) the doing of the matters referred to in the Uniform Conduct (Barristers) Rules rule 13(b), (d), (e) or (f) is properly incidental to the kinds of work referred to in rule 11(a) to (f) of those rules; and

(c) the matter in relation to which the barrister is acting does not reasonably require the services of an instructing solicitor.

(3) The operation of the Uniform Conduct (Barristers) Rules is modified so that the obligation in rule 22 of those rules does not apply to a barrister acting in a manner described in subregulation (2).

71. Information sharing (s. 247)

For the purposes of section 247(c) of the Act, the following persons are persons to whom information referred to in that section may be disclosed —

(a) the Law Society;

(b) Law Mutual (WA);

(c) the Western Australian Bar Association;

(d) the Legal Aid Commission;

(e) a judge, registrar or master of the Supreme Court or a person appointed or employed as referred to in the *Supreme Court Act 1935* section 155 or 155A;

(f) a member of the State Administrative Tribunal or a member of staff (as defined in the *State Administrative Tribunal Act 2004* section 3(1));

(g) the Attorney General.

72. Local legal practitioner to correct information previously given to Board

(1) This regulation applies if —

(a) a local legal practitioner has given information to the Board under the Act, the *Legal Profession Uniform Law (WA)* or the Uniform Rules (WA); and

(b) that information is no longer correct.

(2) The local legal practitioner must as soon as practicable inform the Board that the information is no longer correct and give the Board corrected information.

(3) A contravention of subregulation (2) may constitute unsatisfactory professional conduct for the purposes of section 248(a) of the Act.

73. Local approved forms (s. 253(2))

A local approved form may include a requirement that a document or other information specified in the form must be provided with the form.

74. Fees for applications relating to trust money and insurance exemptions

The fees specified in Schedule 1 Division 3 are payable in respect of the applications specified in that Division.

75. Fees for functions of Supreme Court

(1) The fee payable in respect of a function of the Supreme Court under the Act or the *Legal Profession Uniform Law (WA)* is the applicable fee set out in the *Supreme Court (Fees) Regulations 2002*.

(2) The *Supreme Court (Fees) Regulations 2002* apply to the payment, collection, waiver, postponement or refund of fees referred to in subregulation (1) and regulation 33.

76. Fees for functions of State Administrative Tribunal

(1) The fee payable in respect of a function of the State Administrative Tribunal under the Act or the *Legal Profession Uniform Law (WA)* is the applicable fee set out in the *State Administrative Tribunal Regulations 2004* Part 3.

(2) The *State Administrative Tribunal Regulations 2004* apply to the payment, collection, waiver, postponement or refund of fees referred to in subregulation (1).

77. Waiver of fees and charges payable in respect of functions of Board

(1) The Board may, by notice given to a person, waive, reduce, postpone or refund a fee payable by the person under the Act or the *Legal Profession Uniform Law (WA)* in respect of a function of the Board.

(2) The Board may, by notice published on the Board's website, waive, reduce, postpone or refund a fee payable by a class of persons under the Act or the *Legal Profession Uniform Law (WA)* in respect of a function of the Board.

Part 13 — Transitional provisions

Division 1 — General

78. Application for approval of insurance scheme before commencement day

(1) This regulation applies if —

(a) an application was made to the Law Society before commencement day for approval under the *Legal Profession Regulations 2009* regulation 84(1)(b) of a scheme providing professional indemnity insurance; and

(b) the application was not decided before commencement day.

(2) Despite the repeal of the *Legal Profession Regulations 2009*, the Law Society must decide the application as if those regulations continued to apply.

(3) If the Law Society approves the scheme, it is taken, on and from the day on which the approval takes effect, to be a PII scheme approved by the Board under regulation 48(1).

79. Arrangements for services and facilities for Legal Costs Committee made before commencement day

(1) If an arrangement is in effect immediately before commencement day under section 322(1) of the old Act, then on and after commencement day —

(a) the arrangement continues in effect as if it were made under section 100(2)(a) of the Act; and

(b) the Attorney General is taken to have approved under section 100(2)(b) of the Act the use by the Legal Costs Committee of the services to which the arrangement applies.

(2) If an arrangement is in effect immediately before commencement day under section 322(2) of the old Act, then on and after commencement day —

(a) the arrangement continues in effect as if it were made under section 100(3)(a) of the Act; and

(b) the Attorney General is taken to have approved under section 100(3)(b) of the Act the use by the Legal Costs Committee of the facilities to which the arrangement applies.

80. Continuation of Law Library Fund

The Law Library Fund referred to in section 548A(7) of the old Act —

(a) is taken to be the Law Library Fund referred to in section 245(7) of the Act; and

(b) continues as the Law Library Fund for the purposes of the Act.

Division 2 — Continuing professional development

81. Terms used

In this Division —

approved CPD arrangements has the meaning given in the *Legal Profession Regulations 2009* regulation 12(1), as in force immediately before commencement day;

CPD point means —

(a) a CPD point earned in accordance with rule 9 of the old rules; or

(b) a CPD point earned before commencement day under approved CPD arrangements;

CPD year means a year beginning on 1 April and ending on 31 March;

old rules means the *Legal Profession Rules 2009* as in force immediately before commencement day;

relevant activity type means —

(a) in relation to a CPD point earned in accordance with rule 9 of the old rules — the type of activity referred to in rule 13F of the old rules that was completed to earn the point; or

(b) in relation to a CPD point earned under approved CPD arrangements — the type of activity referred to in rule 13F of the old rules that is the same as, or most nearly equivalent to, the type of activity referred to in the arrangements that was completed to earn the point;

relevant competency area means —

(a) in relation to a CPD point earned in accordance with the rule 9 of the old rules — the competency area referred to in rule 13D(1) of the old rules in which the CPD point was earned; or

(b) in relation to a CPD point earned under approved CPD arrangements — the competency area referred to in rule 13D(1) of the old rules that is the same as, or most nearly equivalent to, the competency area referred to in the arrangements in which the CPD point was earned.

82. CPD points earned before commencement day

(1) This regulation applies if, under section 286 of the Act, a CPD point earned by a person before commencement day is taken to have been earned under the Continuing Professional Development Rules for the CPD year beginning on 1 April 2022.

(2) The person is taken in the CPD year beginning on 1 April 2022 —

(a) if the person is a barrister — to have earned, for the purposes of the Uniform CPD (Barristers) Rules, a CPD point in the category specified in column 2 of the Table

opposite the relevant competency area for the CPD point; or

(b) if the person is a solicitor — to have completed, for the purposes of the Uniform CPD (Solicitors) Rules, a CPD unit in the field specified in column 3 of the Table opposite the relevant competency area for the CPD point.

Table

Column 1 **Relevant competency area under old rules or approved CPD arrangements**	**Column 2** **Category under Uniform CPD (Barristers) Rules**	**Column 3** **Field under Uniform CPD (Solicitors) Rules**
Competency area 1: practice management (r. 13D(2))	Practice Management and Business Skills (r. 9(1)(b))	Practice management and business skills (r. 6.1.2)
Competency area 2: professional skills (r. 13D(3))	Barristers' Skills (r. 9(1)(d))	Professional skills (r. 6.1.3)
Competency area 3: ethics or professional responsibility (r. 13D(4))	Ethics and Professional Responsibility (r. 9(1)(a))	Ethics and professional responsibility (r. 6.1.1)
Competency area 4: substantive law (r. 13D(5))	Substantive Law, Practice and Procedure, and Evidence (r. 9(1)(c))	Substantive law (r. 6.1.4)

(3) The format in which the CPD point is taken to have been earned by the person for the purposes of the Uniform CPD (Barristers) Rules, or the CPD unit is taken to have been completed by the

person for the purposes of the Uniform CPD (Solicitors) Rules, as the case requires, is —

(a) if the person is a barrister — the format specified in column 2 of the Table opposite the relevant activity type for the CPD point; or

(b) if the person is a solicitor — the format specified in column 3 of the Table opposite the relevant activity type for the CPD point.

Table

Column 1 **Relevant activity type under old rules or approved CPD arrangements**	**Column 2** **Format under Uniform CPD (Barristers) Rules**	**Column 3** **Format under Uniform CPD (Solicitors) Rules**
Interactive activity, if the person was a participant or chair Electronic activity that is not an interactive activity or a publication activity	Format referred to in Uniform CPD (Barristers) Rules r. 6A(a)	Format referred to in Uniform CPD (Solicitors) Rules r. 8.1.1
Interactive activity, if the person was a presenter (whether or not they prepared the material) or a commentator	Format referred to in Uniform CPD (Barristers) Rules r. 6A(c)	Format referred to in Uniform CPD (Solicitors) Rules r. 8.1.3
Publication activity	Format referred to in Uniform CPD (Barristers) Rules r. 6A(b)	Format referred to in Uniform CPD (Solicitors) Rules r. 8.1.2

83. Persons compliant with all applicable CPD requirements for 2022-23 year before commencement day

(1) This regulation applies if, immediately before commencement day, a person had earned all of the CPD points that the person was required to earn for the CPD year beginning on 1 April 2022 under the old rules or approved CPD arrangements (whichever was applicable), having regard to the following —

(a) the number of CPD points the person earned;

(b) the competency areas in which the CPD points were earned;

(c) the types of activities completed to earn the CPD points and the manner in which the person participated in those activities;

(d) any variation or reduction of the number of CPD points the person was required to earn that applied to the person under the old rules or approved CPD arrangements.

(2) Without limiting section 286 of the Act or regulation 82, the person is taken to have complied with all of the requirements to undertake continuing professional development activities that apply to the person for the CPD year beginning on 1 April 2022 under —

(a) if the person is a barrister — the Uniform CPD (Barristers) Rules; or

(b) if the person is a solicitor — the Uniform CPD (Solicitors) Rules.

Schedule 1 — Fees

[r. 34, 35 and 74]

Division 1 — Applications relating to admission

Item	Application in respect of which fee is payable	Fee
1.	Application under r. 31(1)(a) for approval of training plan for purposes of Uniform Admission Rules r. 6(2)(b)	$200.00
2.	Application under r. 31(1)(b) for exemption under *Legal Profession Uniform Law (WA)* s. 18 from satisfying specified academic qualifications prerequisite, specified practical legal training prerequisite or both	$320.00
3.	Application under *Legal Profession Uniform Law (WA)* s. 19(1) for compliance certificate	$360.00
4.	Application under *Legal Profession Uniform Law (WA)* s. 21(1) for declaration of early assessment of suitability	$300.00
5.	Application under Uniform Admission Rules r. 11(1) for direction about additional academic qualifications	$320.00
6.	Application under Uniform Admission Rules r. 11(2) for direction about additional practical legal training understanding and competence	$320.00

Division 2 — Applications for Australian practising certificates and Australian registration certificates

Item	Application in respect of which fee is payable	Fee
1.	Application for the grant of an Australian practising certificate —	
	(a) if the application is made between 1 January and 30 June in a financial year (the ***relevant year***) by a person who, on 30 June in the previous financial year —	
	(i) was not an Australian legal practitioner; or	
	(ii) was an Australian legal practitioner, but did not reasonably expect to engage in legal practice in Australia in the relevant year	$625.00
	(b) otherwise	$1 250.00
2.	Application for the renewal of an Australian practising certificate —	
	(a) if the application is made in the standard renewal period prescribed by regulation 37(2)	$1 250.00
	(b) if the application is made in the late fee period prescribed by regulation 37(3)	$1562.50

Item	Application in respect of which fee is payable	Fee
	(c) if the application is made under section 117(4) of the Act in the period beginning immediately after the end of the late fee period prescribed by regulation 37(3) and ending on the next 31 July	$1 875.00
	(d) if the application is made under section 117(4) of the Act in the period beginning on the next 1 August after the end of the late fee period and ending on the next 31 December	$2 500.00
3.	Application for the grant of an Australian registration certificate	$1 250.00
4.	Application for the renewal of an Australian registration certificate —	
	(a) if the application is made in the standard renewal period prescribed by regulation 37(4)	$1 250.00
	(b) if the application is made in the late fee period prescribed by regulation 37(5)	$1 562.50
	(c) if the application is made under section 121(4) of the Act in the period beginning immediately after the end of the late fee period prescribed by regulation 37(5) and ending on the next 31 July	$1 875.00

Item	Application in respect of which fee is payable	Fee
	(d) if the application is made under section 121(4) of the Act in the period beginning on the next 1 August after the end of the late fee period prescribed by regulation 37(5) and ending on the next 31 December	$2 500.00

Division 3 — Applications relating to trust money and insurance exemptions

Item	Application in respect of which fee is payable	Fee
1.	Application for exemption under *Legal Profession Uniform Law (WA)* s. 130(4) (s. 128(2)(c) of the Act)	$50.00
2.	Application for exemption for whole or part of financial year under *Legal Profession Uniform Law (WA)* s. 215(2), (4) or (6) or Uniform Rules (WA) made under section 215(8) of the Law (s. 175(1)(c) of the Act)	$30.00
3.	Application for certificate of exemption by applicant who is exempt under *Legal Profession Uniform Law (WA)* s. 215(1), (3) or (5) or Uniform Rules (WA) made under section 215(8) of the Law (s. 176(2)(c) of the Act)	$30.00

Schedule 2 — Community legal services and peak organisations that may receive money from Trust Interest Account

[r. 51]

Division 1 — Community legal services

Aboriginal Legal Service of Western Australia Limited

Aboriginal Family Legal Services

Albany Community Legal Centre Inc.

Circle Green Community Legal

Citizens Advice Bureau of Western Australia Inc.

Consumer Credit Legal Service (WA) Inc.

Environmental Defender's Office Ltd.

Fremantle Community Legal Centre

Goldfields Community Legal Centre Inc.

Gosnells Community Legal Centre Inc.

Kimberley Community Legal Services Inc.

Law Access Limited

Marninwarntikura Women's Resource Centre

Mental Health Law Centre WA

Midland Information, Debt and Legal Advocacy Service Inc.

Northern Suburbs Community Legal Centre Inc.

Peel Community Legal Services Inc.

Pilbara Community Legal Service Inc.

Regional Alliance West Inc.

Southern Aboriginal Corporation

Southern Communities Advocacy, Legal and Education Service Inc.

South West Community Legal Centre Inc.

Street Law Centre WA Inc.

Sussex Street Community Law Service Inc.

Welfare Rights & Advocacy Service (WA)

Wheatbelt Community Legal Centre Inc.

Women's Legal Service WA Inc.

Youth Legal Service Inc.

Division 2 — Peak organisation

Community Legal Centres Association (Western Australia) Inc.

Notes

This is a compilation of the *Legal Profession Uniform Law Application Regulations 2022* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
Legal Profession Uniform Law Application Regulations 2022	SL 2022/117 30 Jun 2022	1 Jul 2022 (see r. 2)
Legal Profession Uniform Law Application Amendment Regulations 2022	SL 2022/208 14 Dec 2022	r. 1 and 2: 14 Dec 2022 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Dec 2022 (see r. 2(b))
Legal Profession Uniform Law Application Amendment Regulations 2023	SL 2023/145 20 Sep 2023	r. 1 and 2: 20 Sep 2023 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Sep 2023 (see r. 2(b))
Attorney General Regulations Amendment (Criminal Law Mental Impairment) Regulations 2024 Pt. 3	SL 2024/173 21 Aug 2024	1 Sep 2024 (see r. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
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Board rules	40(1)
book	3
CEO	3
chairperson election	3
commencement day	3
continuing professional development activity	40(1)
contract legislative drafter	3
CPD point	81
CPD year	81
deputy chairperson election	3
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Uniform Conduct (Barristers) Rules	70(1)
Uniform CPD (Barristers) Rules	3
Uniform CPD (Solicitors) Rules	3

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