



PERTH, THURSDAY, 30 JUNE 2022 No. 95 SPECIAL

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Legal Profession Uniform Law Application Act 2022

Legal Profession Uniform Law Application (Accreditation) Rules 2022

SL 2022/112

Made by the Legal Practice Board of Western Australia under section 125 of the Act.

1. Citation

These rules are the *Legal Profession Uniform Law Application (Accreditation) Rules 2022*.

2. Commencement

These rules come into operation on the day on which the *Legal Profession Uniform Law Application Act 2022* section 125 comes into operation.

3. Terms used

In these rules —

accreditation period, in relation to accreditation under rule 4(1), 5(2)(b) or 7(1), means the period —

- (a) beginning on the day specified in the notice of accreditation under rule 10(2)(b)(i); and
- (b) ending at the end of the period specified in the notice of accreditation under rule 10(2)(b)(ii);

continuing professional development activity has the meaning given in section 125(1) of the Act;

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excluded activity has the meaning given in section 125(1) of the Act;

legal education activity —

- (a) means —
 - (i) a continuing professional development activity;
or
 - (ii) another activity or course consisting of legal education or training;
- but
- (b) does not include an excluded activity or a practice management course;

PMC provider means a person in relation to whom accreditation under rule 7(1) is in effect;

practice management course means a continuing professional development activity (other than an excluded activity), or other legal education or training, consisting of a course in practice management;

QA provider means a person in relation to whom accreditation under rule 4(1) is in effect.

4. Board may accredit person as QA provider

- (1) The Board may, on application, grant accreditation to a person as a QA provider.
- (2) A QA provider is accredited in relation to the provision of any legal education activity in the accreditation period.
- (3) The Board may audit, or cause to be audited, a QA provider in relation to the provision by the QA provider of professional development activities or other legal education or training.

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- 5. Board may accredit person in relation to provision of particular legal education activity**
- (1) The Board may, on application, grant accreditation to a person in relation to a particular legal education activity (the ***relevant legal education activity***) provided, or to be provided, by the person.
 - (2) Accreditation under subrule (1) may relate to —
 - (a) the provision of the relevant legal education activity on a single occasion only; or
 - (b) the provision of the relevant legal education activity on several occasions in the accreditation period.
 - (3) An application under subrule (1) may be made by —
 - (a) the person to be accredited; or
 - (b) an Australian legal practitioner who has completed, or intends to complete, the relevant legal education activity.
 - (4) A person accredited under subrule (1) is accredited in relation to —
 - (a) for accreditation referred to in subrule (2)(a) — the provision of the relevant legal education activity on a single occasion only; or
 - (b) for accreditation referred to in subrule (2)(b) — the provision of the relevant legal education activity in the accreditation period.
 - (5) Without limiting rule 8, an application for accreditation under subrule (1) must specify the field or category under the Continuing Professional Development Rules to which the relevant legal education activity is proposed to be assigned.

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6. Board may accredit person in relation to completion of particular legal education activity not provided by another person

- (1) The Board may, on application, grant accreditation to a person in relation to a particular legal education activity completed, or to be completed, by the person.
- (2) Accreditation under subrule (1) can be granted only in relation to a legal education activity of a kind that is not provided to a person by another person.
- (3) A person accredited under subrule (1) is accredited in relation to the completion of the particular legal education activity only.
- (4) Without limiting rule 8, an application for accreditation under subrule (1) must specify the field or category under the Continuing Professional Development Rules to which the legal education activity is proposed to be assigned.

7. Board may accredit person as PMC provider

- (1) The Board may, on application, grant accreditation to a person as a PMC provider.
- (2) A PMC provider is accredited in relation to the provision of practice management courses in the accreditation period.
- (3) In deciding whether to grant accreditation to a person under subrule (1), the Board must have regard to whether, in the Board's opinion, the practice management course or courses to be provided by the person will satisfy the requirements of the guidelines published under rule 12.
- (4) The Board may audit, or cause to be audited, a PMC provider in relation to the provision by the PMC provider of practice management courses.

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r. 8**8. Applications for accreditation**

An application for accreditation under these rules must —

- (a) be in the local approved form; and
- (b) include information addressing the criteria set out in the local approved form; and
- (c) include any other information or documents required by the local approved form; and
- (d) be accompanied by any fee the Board charges under section 33(2)(e) of the Act in respect of the application.

9. Conditions of accreditation

The Board may grant accreditation to a person under these rules subject to any conditions the Board considers appropriate.

10. Notice of accreditation or refusal to accredit

- (1) The Board must give an applicant for accreditation under these rules written notice of the Board's decision on the application.
- (2) If the decision is to grant accreditation to the person, the notice must specify —
 - (a) any conditions to which the accreditation is subject under rule 9; and
 - (b) for accreditation under rule 4(1), 5(2)(b) or 7(1) —
 - (i) the day on which the accreditation comes into effect, which may be earlier than the day on which it is granted; and
 - (ii) the period for which the accreditation has effect.

11. Variation and revocation

- (1) The Board may at any time vary the conditions of an accreditation granted under these rules, including by imposing additional conditions.

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- (2) The Board may at any time revoke an accreditation granted under these rules.
- (3) The Board must give written notice of a variation under subrule (1) or revocation under subrule (2) to the accredited person.

12. Guidelines relating to practice management courses

- (1) The Board must publish guidelines setting out requirements in relation to practice management courses.
- (2) Guidelines under subregulation (1) may include requirements relating to the following —
 - (a) the content of a practice management course;
 - (b) the structure of a practice management course;
 - (c) assessment methods to be used in respect of a practice management course;
 - (d) resources and materials to be provided to participants in a practice management course;
 - (e) support services to be provided to participants in a practice management course;
 - (f) availability of a practice management course;
 - (g) any other matter relevant to the provision of a practice management course.
- (3) The Board must ensure that the guidelines are available on the Board's website.

Legal Practice Board of Western Australia.
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JOHN ROBERT BRODERICK LEY, Member.
FRASER ALEXANDER ROBERTSON, Member.
AMY LOUISE PASCOE, Member.