



Western Australia

Legal Profession (Admission) Rules 2009

Compare between:

[05 Feb 2016, 01-a0-03] and [04 Mar 2017, 01-b0-02]



Western Australia

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at 5 February 2016

Legal Profession Act 2008

Legal Profession (Admission) Rules 2009

Part 1 — Preliminary matters

1. Citation

These rules are the *Legal Profession (Admission) Rules 2009*¹.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day on which the *Legal Profession Act 2008* Part 17 comes into operation¹.

3. Terms used

In these rules —

Model Admission Rules means the model admission rules prepared from time to time by the Law Admissions Consultative Committee;

Model Admission Rules 2015 means the document of that name published in August 2015 by the Law Admissions Consultative Committee;

proposed admission day, in relation to an application ~~to be~~ **admitted** for admission to the legal profession, means the day set

by the Supreme Court for the hearing of applications ~~to be~~
~~admitted~~ for admission that is —

(a) next following the expiration of 2 months from the day
on which the application is lodged; or

(ab) if the application specifies a day for the admission of the
applicant that is later than the day referred to in
paragraph (a) — the day specified in the application; or

(b) if the Board has given the applicant a notice under
section 32 of the Act — next following the day after the
expiration of one month from the day on which the
applicant complies with the notice to the satisfaction of
the Board,

whichever is later;.

~~**Uniform Admission Rules** means the uniform admission rules
prepared from time to time by the Law Admissions Consultative
Committee.~~

[Rule 3 amended: Gazette 3 Mar 2017 p. 1469-70.]

4. Applications

(1) In this rule —

application includes a notice under rule 11(2)(a).

(2) An application to the Board for the purposes of these rules —

(a) must be made in the approved form; and

(b) must be accompanied by any documents or other
information required by the approved form; and

(c) must be accompanied by the relevant fee specified in
Schedule 1.

(3) If the approved form provides for any document or information
relating to the application to be given to the Board after the
application has been given, the applicant must give the
document or information to the Board within the period
specified in the form.

- (4) An applicant must provide to the Board any additional document or information relevant to the application that the Board asks for.
- (5) The Board may refuse to consider an application if it is not made in accordance with these rules or the required fees are not paid.

Part 2 — Admission of local lawyers

5. Approved academic qualifications — institutions (s. 21)

~~The~~⁽¹⁾ ~~An~~ academic ~~qualifications set out in the Table~~
~~are~~^{qualification is an} approved ~~as~~-academic
~~qualifications~~^{qualification} for ~~an individual's~~ admission to the
 legal profession in this jurisdiction, subject to subrule (2), if —

(a) the ~~granting of~~ qualification is set out in the Table; and

(b) the ~~qualification requires~~ Board is satisfied that in
attaining the ~~successful completion of~~ qualification the
individual completed coursework covering all the
~~prescribed~~ areas of knowledge described in the
~~Uniform Model~~ Admission Rules ~~2008~~ 2015 Schedule 1
~~published by the Law Admissions Consultative~~
~~Committee.~~

Table

	University	Qualification
1A <u>1.</u>	Curtin University	Bachelor of Laws
12.	Edith Cowan University	Bachelor of Laws
23.	Murdoch University	Bachelor of Laws Juris Doctor
34.	The University of Notre Dame Australia	Bachelor of Laws Juris Doctor
45.	The University of Western Australia	Bachelor of Laws Juris Doctor

(2) If an academic qualification set out in the Table to subrule (1)
was granted to an individual more than 5 years before the
individual makes an application for admission to the legal
profession —

(a) the qualification is not an approved academic qualification under subrule (1); but

(b) the qualification may be approved under rule 6(1).

[Rule 5 ~~amended in~~ inserted: Gazette ~~15 Nov 2011~~ 3 Mar 2017 p. 4794; 5 Apr 2013 p. 1467 1470-1.]

6. Approved academic qualifications — individuals (s. 21)

- (1) The Board may, on the application of an individual, approve an academic qualification, or a combination of qualifications, as an approved academic qualification in respect of that individual.
- (2) An application for approval under subrule (1) is to be made to the Board in accordance with rule 4.
- (3) In deciding whether to approve an academic qualification the Board is to have regard to the ~~Uniform~~ Model Admission Rules.

[Rule 6 amended: Gazette 3 Mar 2017 p. 1471.]

7. Approved practical legal training requirements (s. 21)

- (1) In this rule —
required period means —
 - (a) 12 months; or
 - (b) if the person has, after satisfying section 21(2)(b) of the Act, been engaged in employment determined by the Board to have provided sufficient professional training and experience to justify a shorter term of articles, 6 months.
- (2) Each of the following is approved as practical legal training requirements for admission to the legal profession in this jurisdiction —
 - (a) both —
 - (i) service for the required period as an articled clerk under, and in accordance with, articles of clerkship made and registered under Part 3; and

- (ii) a practical legal training programme for articled clerks approved under rule 20;
 - (b) a practical legal training course approved under rule 8;
 - (c) practical legal training approved under rule 9.
- (3) For the purposes of this rule —
 - (a) public holidays during a required period are to be included as days of service as an articled clerk, whether or not the articled clerk engaged in legal practice on those days; and
 - (b) normal periods of leave taken during a required period by the articled clerk are to be included as periods of service as an articled clerk.

[Rule 7 amended ~~in~~: Gazette 6 Jul 2010 p. 3223.]

8. Approval of practical legal training requirements — institution (s. 21)

- (1) The Board may, on the application of a person who provides, or proposes to provide, a legal training course (the **course provider**), approve the course for the purposes of rule 7(2)(b).
- (2) An application for approval under subrule (1) is to be made to the Board in accordance with rule 4.
- (3) The Board may revoke an approval given under subrule (1) at any time.
- (4) In deciding whether to grant an approval under subrule (1) or to revoke an approval under subrule (3) the Board is to have regard to the ~~Uniform~~[Model](#) Admission Rules.

[Rule 8 amended: Gazette 3 Mar 2017 p. 1471.]

9. Approval of practical legal training requirements — individual (s. 21)

- (1) The Board may, on the application of an individual, approve practical legal training undertaken, or being or to be undertaken,

by the individual for the purposes of rule 7(2)(c) in respect of that individual.

- (2) An application for approval under subrule (1) is to be made to the Board in accordance with rule 4.
- (3) In deciding whether to grant an approval under subrule (1) the Board is to have regard to the ~~Uniform~~[Model](#) Admission Rules.

[Rule 9 amended: Gazette 3 Mar 2017 p. 1471.]

10. Early consideration of suitability (s. 23)

An application under section 23 of the Act is to be made to the Board in accordance with rule 4.

11. Application for admission (s. 25)

- (1) An application ~~to be admitted~~[for admission](#) to the legal profession must be made to the Supreme Court (full bench) in accordance with the *Rules of the Supreme Court 1971*.
- (2) An applicant must give to the Board —
 - (a) a notice in the approved form stating that the application has been made; and
 - (b) a copy of the application made to the Court.
- (3) A notice under subrule (2)(a) must be —
 - (a) made in accordance with rule 4; and
 - (b) given to the Board not more than 2 days after the application ~~to be admitted~~[for admission](#) is made to the Court.

[Rule 11 amended: Gazette 3 Mar 2017 p. 1471.]

12. Public notice of application for admission

- (1) After receiving a notice under rule 11(2) the Board must cause notice of the applicant's application ~~to be admitted~~[for admission](#) to the legal profession to be published twice in a daily newspaper circulating throughout the State.

r. 13

- (2) The newspaper notices must appear —
 - (a) at least 14 days, but not more than 28 days, before the proposed admission day; and
 - (b) at least 7 days apart.
- (3) Notice of the applications to be admitted of 2 or more applicants may be published in the same newspaper notice.
- (4) If —
 - (a) notice of a person's application ~~to be admitted~~[for admission](#) has been advertised as required by subrule (1); and
 - (b) the hearing of the person's application is deferred to a later date,

the Board is not required to cause notice to be published of the hearing of the application on that later date unless that later date is more than 6 months after that initial proposed admission day.

[\[Rule 12 amended: Gazette 3 Mar 2017 p. 1471.\]](#)

13. Compliance certificates (s. 31)

- (1) A compliance certificate under section 31(1) of the Act must be filed at the Supreme Court at least 7 days before the proposed admission day.
- (2) When the Board files a compliance certificate it must give a copy of the certificate to the applicant.
- (3) An information notice under section 31(2) of the Act must be given to the Supreme Court and the applicant at least 7 days before the proposed admission day.
- (4) [If the Board decides that it will be unable to meet the requirement set out in subrule \(1\) or \(3\) in relation to an application because the Board requires more time to consider the application, the Board must —](#)

(a) notify the Supreme Court and the applicant of that fact in writing at least 7 days before the proposed admission day; and

(b) specify the date by which it will file either a compliance certificate or information notice.

(5) If the Board has given a notice under subrule (4) it must, on or before the date specified in the notice, file either a compliance certificate or information notice.

[Rule 13 amended: Gazette 3 Mar 2017 p. 1472; 3 Mar 2017 p. 1472.]

Part 3 — Articles of clerkship

14. Terms used

In this Part —

articled clerk means a person who is subject to articles of clerkship registered under this Part;

principal means a local legal practitioner to whom an articled clerk is articled.

15. Eligibility

- (1) A person is eligible to be an articled clerk only if the person has attained academic qualifications sufficient to satisfy section 21(2)(b) of the Act.
- (2) A person is eligible to be the principal for an articled clerk only if the person —
 - (a) is a local legal practitioner; and
 - (b) is approved by the Board to be the principal for that articled clerk; and
 - (c) is not a disqualified person.
- (3) An application for approval under subrule (2)(b) is to be made to the Board in accordance with rule 4.
- (4) The Board may revoke an approval given under subrule (2)(b) by giving written notice to the legal practitioner.

16. Form and registration of articles of clerkship

- (1) In this rule —

articles of clerkship includes an assignment of articles of clerkship.
- (2) Articles of clerkship must be —
 - (a) made by deed in the approved form; and
 - (b) registered by the Board.

- (3) An application for registration of articles of clerkship is to be made to the Board in accordance with rule 4.
- (4) The Board must not register articles of clerkship unless satisfied that the articulated clerk and principal are both eligible under rule 15.
- (5) Registration of articles of clerkship takes effect on a day determined by the Board.
- (6) An articulated clerk must notify the Board of any change in any of the information given in or with the application for registration of his or her articles of clerkship.

17. Assignment or replacement of articles

- (1) There are *grounds for assignment* of articles of clerkship if —
 - (a) the principal dies; or
 - (b) the principal ceases to be eligible to be the principal for the articulated clerk; or
 - (c) the Board is satisfied that, for any other reason, assignment or replacement of the articles should be permitted.
- (2) If there are grounds for assignment of an articulated clerk's articles of clerkship the articles may be —
 - (a) assigned to another eligible legal practitioner; or
 - (b) cancelled and replaced by new articles of clerkship with another eligible legal practitioner for the unexpired balance of the term of the former articles.
- (3) If articles of clerkship are assigned or replaced, the obligations of the former principal under those articles of clerkship cease when the assignment is, or new articles of clerkship are, registered.

18. Cancellation of registration of articles

- (1) The Board may cancel the registration of an articulated clerk's articles of clerkship on such terms as the Board thinks fit.
- (2) The Board may exercise its power under subrule (1) on the application of the articulated clerk or the principal, or on its own initiative.
- (3) An application for cancellation of the registration of articles of clerkship is to be made to the Board in accordance with rule 4.

19. Supervision of articulated clerks

- (1) The Board may supervise the conduct of articulated clerks in general or an articulated clerk in particular.
- (2) For the purposes of subrule (1) the Board may require an articulated clerk or principal to do either or both of the following —
 - (a) make available to the Board any document or other information in his or her possession or control;
 - (b) appear before the Board and answer questions put to the person.
- (3) If the Board is satisfied that an articulated clerk has not complied with his or her obligations under the Act or his or her articles of clerkship, the Board may determine that a specified period not be counted as part of the term of those articles.

20. Articled clerks training

- (1) For the purposes of rule 7(2)(a)(ii) the Board may approve a programme of practical legal training for articulated clerks.
- (2) In deciding whether to grant an approval under subrule (1) the Board is to have regard to the ~~Uniform~~[Model](#) Admission Rules.

- (3) A programme approved by the Board under subrule (1) may be conducted in whole or in part by the Board.

*[Rule 20 inserted-~~in~~; Gazette 6 Jul 2010 p. 3224; [amended](#):
[Gazette 3 Mar 2017 p. 1472.](#)]*

21. Conduct of principal for articulated clerk

A local legal practitioner who is the principal for an articulated clerk under articles of clerkship must comply with that deed.

Part 4 — General matters

22. Documents given to or by Board

- (1) Unless the Board has agreed otherwise a document given to the Board for the purposes of these rules is to be —
 - (a) in writing, signed by the person giving it; and
 - (b) given by posting or delivering it to the secretary at the offices of the Board.
- (2) A notice or document required by these rules to be given by the Board to a person may be given to the person at the person's address as last known to the Board.

23. Board may excuse non-compliance

If the Board determines that, in a particular case, it is not practicable for a person to comply with any of these rules or that there are other special circumstances, the Board may excuse a person from complying with that rule to the extent and subject to any conditions determined by the Board.

Part 5 — Transitional provisions

24. Terms used

In this Part —

2003 Act means the *Legal Practice Act 2003*;

2004 Rules means the *Legal Practice Board Rules 2004*;

commencement day means the day on which section 598 of the Act comes into operation²;

continued 1893 provisions means the *Legal Practitioners Act 1893* sections 16, 17 and 19 and the rules made under section 17, as continued by the *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003* section 8 as applying immediately before the commencement day;

existing managing clerk means a person to whom the continued 1893 provisions applied immediately before the commencement day.

25. Articles registered under 2003 Act

- (1) The registration of articles of clerkship under the 2003 Act that is in force immediately before the commencement day continues on and after that day as registration under rule 16.
- (2) A deed to which subrule (1) applies is to be taken to include terms to the same effect as sections 23 and 25 of the 2003 Act and rule 26 of the 2004 Rules.
- (3) A —
 - (a) consent given by a legal practitioner under section 23(1) of the 2003 Act; or
 - (b) determination made by the Board under section 23(5) of the 2003 Act,

in relation to a person who is an articulated clerk under a deed to which subrule (1) applies that is in force immediately before the

commencement day, continues for the purposes of the provision that is to be taken to be included in that deed under subrule (2).

26. Managing clerks — approval of qualifications and training

- (1) The academic qualifications prescribed by the continued 1893 provisions are approved as an academic qualification for admission to the legal profession in this jurisdiction of an existing managing clerk.
- (2) The practical legal training requirements prescribed by the continued 1893 provisions are approved as practical legal training requirements for admission to the legal profession in this jurisdiction of an existing managing clerk.

Schedule 1 — Fees

[r. 4(2)(c)]

Rule	Subject matter	Fee
r. 6	Approval of qualification: application by individual	\$200
r. 9	Approval of practical legal training: application by individual	\$200
r. 10	Early consideration of suitability application for declaration under s. 23 of Act	\$300
r. 11	Notice to Board of application to be admitted for admission	\$360
r. 16	Articles of clerkship: application for registration	\$200

[\[Schedule 1 amended: Gazette 3 Mar 2017 p. 1472.\]](#)

Notes

- ¹ This ~~reprint~~ is a compilation ~~as at 5 February 2016~~ of the *Legal Profession (Admission) Rules 2009* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Legal Profession (Admission) Rules 2009</i>	24 Feb 2009 p. 449-67	r. 1 and 2: 24 Feb 2009 (see r. 2(a)); Rules other than r. 1 and 2: 1 Mar 2009 (see r. 2(b) and <i>Gazette</i> 27 Feb 2009 p. 511)
<i>Legal Profession (Admission) Amendment Rules 2010</i>	6 Jul 2010 p. 3223-4	r. 1 and 2: 6 Jul 2010 (see r. 2(a)); Rules other than r. 1 and 2: 7 Jul 2010 (see r. 2(b))
<i>Legal Profession (Admission) Amendment Rules 2011</i>	15 Nov 2011 p. 4794-5	r. 1 and 2: 15 Nov 2011 (see r. 2(a)); Rules other than r. 1 and 2: 16 Nov 2011 (see r. 2(b))
<i>Legal Profession (Admission) Amendment Rules 2013</i>	5 Apr 2013 p. 1466-7	r. 1 and 2: 5 Apr 2013 (see r. 2(a)); Rules other than r. 1 and 2: 6 Apr 2013 (see r. 2(b))
Reprint 1: The <i>Legal Profession (Admission) Rules 2009</i> as at 5 Feb 2016 (includes amendments listed above)		
<i>Legal Profession (Admission) Amendment Rules 2017</i>	3 Mar 2017 p. 1469-72	r. 1 and 2: 3 Mar 2017 (see r. 2(a)); Rules other than r. 1 and 2: 4 Mar 2017 (see r. 2(b))

- ² 1 March 2009.