



Western Australia

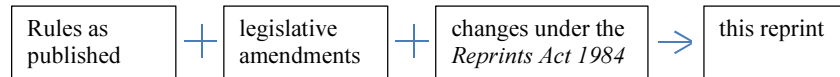
Legal Profession Act 2008

Legal Profession (Admission) Rules 2009

Reprint 1: The rules as at 5 February 2016

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original rules and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the rules being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a rule that was inserted, or has been amended, since the rules being reprinted were made, editorial notes at the foot of the rule give some history of how the rule came to be as it is. If the rule replaced an earlier rule, no history of the earlier rule is given (the full history of the rules is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the rules have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the rules were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the rules are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

Legal Profession (Admission) Rules 2009

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Defined terms



Western Australia

Reprinted under the
Reprints Act 1984 as
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 —

proposed admission day, in relation to an application to be admitted, means the day set by the Supreme Court for the hearing of applications to be admitted that is —

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

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 academic qualifications set out in the Table are approved as academic qualifications for admission to the legal profession in this jurisdiction if the granting of the qualification requires the successful completion of coursework covering all the prescribed areas of knowledge described in the Uniform Admission Rules 2008 Schedule 1 published by the Law Admissions Consultative Committee.

Table

	University	Qualification
1A.	Curtin University	Bachelor of Laws
1.	Edith Cowan University	Bachelor of Laws
2.	Murdoch University	Bachelor of Laws Juris Doctor
3.	The University of Notre Dame Australia	Bachelor of Laws Juris Doctor
4.	The University of Western Australia	Bachelor of Laws Juris Doctor

[Rule 5 amended in Gazette 15 Nov 2011 p. 4794; 5 Apr 2013 p. 1467.]

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.

r. 7

- (3) In deciding whether to approve an academic qualification the Board is to have regard to the Uniform Admission Rules.

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 Admission Rules.

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 Admission Rules.

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 to the legal profession must be made to the Supreme Court (full bench) in accordance with the *Rules of the Supreme Court 1971*.

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- (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 is made to the Court.

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 to the legal profession to be published twice in a daily newspaper circulating throughout the State.
- (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 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.

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.

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 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.]

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	\$360
r. 16	Articles of clerkship: application for registration	\$200

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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)		

- ² 1 March 2009.

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)
2003 Act.....	24
2004 Rules	24
application.....	4(1)
articled clerk	14
articles of clerkship	16(1)
commencement day	24
continued 1893 provisions	24
course provider	8(1)
existing managing clerk	24
grounds for assignment	17(1)
principal	14
proposed admission day	3
required period.....	7(1)
Uniform Admission Rules	3