

Professional Standards Scheme

Activating your Scheme Inclusion



For Firms: How to Activate Scheme Inclusion for my new Practice

Congratulations on the beginning of your new practice!

The Scheme applies to both practitioners and firms and operates on a "one-in, all-in" basis.

For a law practice to gain the full benefit of the Scheme and the limitation of liability, all eligible persons providing legal services, including, but not limited to all legal practitioners (that is, persons who hold a current Australian practising certificate) within the law practice, and the law practice itself if it is an Incorporated Legal Practice (ILP), would need to be members of the Law Society.

If your participating firm later employs any new practitioners to start working within the firm, they will also require Law Society membership and application for Scheme inclusion completed.

If a firm is registered as an ILP and wants to participate under the Law Society run Scheme, an ILP membership is necessary for the firm to ensure that there are no gaps in Scheme inclusion and the ability to claim limited liability as the Scheme can only be applied to members to the Society.

If an ILP registered firm is not a member of the Law Society and is not participating in the Scheme, then liability may not be limited under the Scheme.

If a firm is not registered as an ILP, they will not require a membership for the firm in order for the Scheme to be applicable. The Scheme inclusion may apply to the Sole Practitioner on an individual basis. Please speak with the PSS team on this as we will set up a profile for the firm to link information and practitioners to.

Applications for ILP membership for the firm are found here: [Incorporated Legal Practice membership application form](#)

For membership queries, contact Member Services on (08) 9324 8692 or email membership@lawsocietywa.asn.au

The Scheme fee per participant is \$100.00 (\$50 Professional Standards Council fee, \$100 Administration fee).

*As an example, if there were 2 practitioners at the firm, the **Scheme fee** would total:*

1. ILP: \$100.00
2. Practitioner 1: \$100.00
3. Practitioner 2: \$100.00

Breakdown - What must be completed for Scheme inclusion?			
	Individual Practitioner	Firm is not registered as an ILP	Firm is registered as an ILP
Current Law Society Membership	✓		✓
Submit Scheme Form	✓	✓	✓
Payment of Scheme Fee	✓		✓

Once the practitioners and ILP (if required) have an active membership, the below steps may be followed for Scheme inclusion:

1. **Complete the Scheme application online:**
 - ✓ New Members Online Form – this form is found on the [PSS page](#) of our website and is updated annually.
2. When we receive the form, we will check that all details are correct and that you have valid Professional Indemnity Insurance arrangements.
An invoice will then be issued to you with the Scheme fees.

The Scheme fee includes a \$50 which the Society must pay to the national Scheme regulator and an administrative fee.

3. Pay your invoice.

Once paid, we will be able to process the Scheme form and issue a letter of confirmation for participation under the Scheme.

The Scheme is **not retrospective** and is applicable from date of payment. Requests for retrospective inclusion cannot be granted.

4. Disclose your Scheme participation.

You must ensure the [prescribed disclosure statement](#) is contained on all documents provided to clients or prospective clients that promote or advertise the practice. There is a fine of up to \$5,000 for non-disclosure in Western Australia

The "new member" form above is used for both the practice and the practitioners. You do not need to complete a new member form per participant.

If your firm is joining more than one practitioner to the Scheme at a time, you may list all practitioners on the one form.

Part 3 of the online forms asks for details of the participating members. At Q7, the firm may add multiple practitioners to the list by selecting the plus (+) symbol at the end of the row (pictured below).

Q7. Australian Legal Practitioner details *

NOTE: To add multiple listings please click the plus [+] icon at the right end of the row. To gain full benefit of the Scheme, all Australian legal practitioners should participate.

Australian Legal Practitioner name

Law Society member number

Date Practitioner commenced employment at the firm
(DD/MM/YYYY)



FURTHER INFORMATION

Further information is available online at lawsocietywa.asn.au or by contacting the Scheme Coordinator at pss@lawsocietywa.asn.au. Information is also available from the Professional Standards Council at www.psc.gov.au.

STANDARD DISCLAIMER: The Professional Standards Scheme is administered by the Law Society of Western Australia. The Law Society is unable to provide any legal advice and gives no warranties and makes no representations as to whether any claim brought against a Participating Member or Law Practice will be covered by the Scheme. Participating Members should rely on their own enquiries and assessments, specifically as to the adequacy or otherwise of any insurance arrangements and as to the consistency or otherwise of such arrangements with either the Scheme or the Act and seek their own independent legal advice.