

Accreditation Rules 2026

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LAW SOCIETY OF WESTERN AUSTRALIA

SPECIALIST ACCREDITATION SCHEME RULES

1. Part 1 – The Specialist Accreditation Scheme

1.1. Introduction to the Specialist Accreditation Scheme

1.1.1. The Law Society of Western Australia's Specialist Accreditation Scheme (Accreditation Scheme) is a rigorous, peer-reviewed competency-based program which is intended to promote the professional advancement of legal practitioners in Western Australia.

Legal practitioners who are accredited as specialists are recognised as having enhanced skills and competency, superior knowledge, significant experience and a high proficiency in their established legal speciality areas.

The high standards of the Accreditation Scheme ensures that recognition is meaningful and reliable and represents a mark of excellence for those who are Accredited Specialists.

1.2. The Aims of the Accreditation Scheme

- 1.2.1. The Accreditation Scheme was established by the Law Society in 1992 and aims to benefit the public and the legal profession by:
- a) Providing legal practitioners with an opportunity for their exceptionally high level of competency in certain areas of practice to be recognised at an Accredited Specialist level;
 - b) Offering the public and other professionals a reliable means of identifying legal practitioners who are recognised by their peers as having special competence in particular areas of speciality legal practice;
 - c) Encouraging improvement in the quality and delivery of legal services;
 - d) Rewarding the excellence of newly Accredited Specialists; and
 - e) Affirming to the public and the legal profession that Accredited Specialists are held to higher professional standards and can be relied upon to provide competent specialist legal advice in their area of accreditation, and to comply with their ethical and professional obligations.

1.3. Individual Attainment

1.3.1. Specialist accreditation is an attainment of an individual practitioner and does not pertain to a practitioner’s firm or place of employment.

1.4. No Limitation on Rights of Practice

1.4.1. Participation in the Accreditation Scheme is voluntary. No legal practitioner is required to be accredited before practising in any particular area of practice. At the same time, specialist accreditation does not in any way limit the right of a practitioner to practice in other areas of practice.

1.5. Assessment Guidelines

1.5.1. The Accreditation Committee may, from time to time, publish guidelines to provide additional information pertaining to the Accreditation Scheme.

1.6. Definitions

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| Accreditation Committee | Means the Accreditation Committee established by Council. |
| Advisory Sub-Committee | Means an advisory sub-committee established in a specific area of practice to advise and assist the work of the Accreditation Committee with that area of specialist accreditation. |
| Accredited Specialist | A person accredited by the Law Society as a specialist, that person having satisfied the qualifying requirements and subsequently maintaining their accreditation in accordance with these Rules. |
| Annual fee | The prescribed fee an Accredited Specialist must pay to maintain specialist accreditation each year pursuant to these Rules. The amount is set by the Law Society and is published on the Law Society website. |
| Applicant | A person who submits an application for specialist accreditation pursuant to the Rules of the Accreditation Scheme |
| Area of accreditation | Means the area of practice in which accreditation is offered and in which accreditation is sought by an Applicant. |
| Assessment Guidelines | Provide information on the Assessment Parts and pass marks for the Program in each area of accreditation, including a description of the method of assessment, what is to be examined, and the assessment timetable. The applicable Assessment Guidelines for a Program in an area of accreditation are published on the Law Society website in the relevant Program Year. |
| Assessment Part | Each Program is divided into separate Assessment Parts, for example, a take home assessment, a written examination and a stimulated client interview. The details for the Assessment Parts for a specific Program in a particular Program Year are outlined in the Assessment Guidelines. |
| Assessment Session | Means a session that is booked for the purpose of assessing the Candidate’s performance for a particular Assessment Part. |

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| Candidate | Means a practitioner whose application is accepted and who is admitted to a Program. |
| Council | Means the Council of the Law Society of Western Australia. |
| CPD | Means the requirements of continuing professional development activities which a practitioner must complete in a CPD year, pursuant to the conditions of their practising certificate. |
| CPD year | Means from 1 April one year to the 31 March the following year, consistent with requirements of CPD. |
| Executive | Means the executive members of the Council of the Law Society of Western Australia. |
| Law Society | Means the Law Society of Western Australia. |
| Legal practice | <p>Means the practice of law or the provision of legal services and may include legal practice undertaken while engaged as an employee of a state or territory or Commonwealth government.</p> <p>Also includes such other aspects of legal professional practice or work as the Accreditation Committee may determine at its discretion, for example, directly working on matters for clients, supervising another legal practitioner who is working on matters for clients, managing another legal practitioner or a team of legal practitioners who are working on matters for clients, preparing papers or involvement in the development of legal policy, teaching law.</p> <p>Does not include policy work (which, without limitation, includes developing and commenting on legal policy).</p> |
| Practising certificate | Means the certificate issued by the Legal Practice Board of Western Australia pursuant to the Legal Profession Uniform Law (WA) or the equivalent body in another state or territory authorising a person to engage in legal practice in an Australia jurisdiction. |
| Practitioner | Means a practitioner who holds a practising certificate to practice law in Western Australia |
| Prescribed Fee | Means the fee the Law Society requires be paid for a particular type of application made under these Rules (including application for specialist accreditation, leave of absence, special consideration, re-accreditation etc). The Prescribed Fee for each application type is set by the Law Society and is published on the Law Society website. |
| Prescribed Accreditation Renewal Form | Means the form for Accredited Specialists to renew their accreditation and which is published on the Law Society website. |
| Prescribed Application Form | Means the application form published on the Law Society website for a Program for the relevant Program Year. |
| Professional Conduct Rules | Means the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 and/or the Legal Profession Uniform Law Australian (Barristers') Rules 2015 as may be applicable. |
| Program | Means a course of assessment for specialist accreditation in an area of accreditation during a Program Year. |
| Program Year | Means the calendar year during which a Program is conducted for an area of accreditation. |
| Referee Report | Means the report referred to in clauses 2.1.1 and 2.4.3 of these Rules. |

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| Results Letter | Means the letter to Candidates referred to in clause 3.5 of these Rules. |
| Rules | Means the Specialist Accreditation Scheme rules adopted by Council. |
| Specialist CPD | Means a CPD activity which complies with clause 4.3 of these Rules. Accredited specialists must comply with the Specialist CPD requirements in order to be eligible to maintain their specialist accreditation or be re-accredited under these Rules. |
| Specialist CPD Compliance Report | Means the report an Accredited Specialist must complete and submit to the Law Society if they are asked so to do by the Accreditation Committee or Advisory Sub-Committee through the audit process set out in clause 4.4 of these Rules. |
| Substantial involvement | Means to engage in legal practice through the delivery of legal services in the selected areas of accreditation equivalent to at least twenty five percent (25%) of ordinary full-time legal practice (i.e. equal to 460 hours per year or ten (10) hours per week or 2,5 days per fortnight) during the three (3) years preceding the application |

2. Part 2 – Applicants

2.1. Eligibility criteria

2.1.1. Subject to clause 2.2, an Applicant is required to satisfy all of the criteria in this clause 2.1 to be eligible for acceptance into a Program in any given Program Year. The Applicant must:

- a) be a financial member of the Law Society;
- b) hold a current practising certificate;
- c) have been engaged in legal practice on a full-time basis or equivalent for five (5) years by 31 December in the year of their application for specialist accreditation;
- d) meet the substantial involvement requirement in their selected area for specialist accreditation; and
- e) provide completed Referee Reports confirming a sufficient level of Western Australian jurisdiction-specific experience and competence.

2.2. Discretionary Applications

2.2.1. The Accreditation Committee will consider discretionary applications by an Applicant who is:

- a) within three (3) months of meeting the eligibility requirement under clause 2.1.1(c) (i.e. requirement for five (5) years of legal practice); and

- b) unable to meet the eligibility requirement under clauses 2.1.1(c) or 2.1.1(d) (i.e. legal practice of five (5) years and substantial involvement) because they were on parental leave or due to other extenuating circumstances.

2.2.2. The Accreditation Committee will not consider any discretionary applications in respect of the eligibility requirements under clause 2.1.1(a) (i.e. financial member of Law Society).

2.3. Limitation on Dual Accreditation

2.3.1. To preserve the integrity of the Accreditation Scheme and to ensure existing Accredited Specialists maintain a high level of expertise in their Areas of Accreditation, Accredited Specialists with dual accreditation will not be:

- a) accepted into any Program offered by the Law Society, including a Program based on a national area of accreditation; or
- b) granted a method of assessment seeking accreditation in another area of accreditation under the terms of these Rules.

2.3.2. The Accreditation Committee will not consider any discretionary applications in this respect.

2.4. Referees

2.4.1. All applications must be supported by three (3) completed Referee Reports. Referee Report forms can be downloaded from the Law Society's website and must include the name, occupation, employer and contact details of a referee who can attest to an Applicant's experience and competency in the selected area of accreditation.

2.4.2. Referee Reports must satisfy the following criteria:

- a) All referees must:
 - i. have known the Applicant for three (3) years before the date of the application; and
 - ii. be an Australian Legal Practitioner, or a member of the Judiciary or a member of a Tribunal in an Australian jurisdiction; and
 - iii. have been engaging in legal practice for at least five (5) years; and
 - iv. be able to attest to the experience and competence in the area of accreditation for which specialist accreditation is sought.

b) referees must not be:

- i. another Applicant or Candidate for accreditation in the same area of practice in the same year as the Applicant;
 - ii. partners, employers, employees of the Applicant or not related to the Applicant by blood or marriage;
 - iii. a current member of the Accreditation Committee or Advisory Sub-Committee in the selected area of accreditation; or
 - iv. a staff member of the Law Society.
- 2.4.3. Referee Reports must be written on the form available on the Law Society's website and must be completed, dated and signed by the referee no earlier than three (3) months prior to the date the Applicant submitted their application for specialist accreditation in a Program Year. Applicants may rely on the same referees used for previous Referee Reports but must submit new Referee Reports for applications in each Program Year.
- 2.4.4. By submitting a Referee Report, the Applicant consents to the Law Society contacting the referee to discuss the contents of the Referee Report.

2.5. Applications

- 2.5.1. Applications must be made by submitting the Prescribed Application Form and paying the Prescribed Fee prior to the deadline advertised on the Law Society's website. Applicants will be sent confirmation of receipt of their application by email.
- 2.5.2. The Law Society will review all applications for compliance with the eligibility criteria and forward to the Accreditation Committee any discretionary applications.
- 2.5.3. By submitting an application for specialist accreditation, Applicants are deemed to have agreed to be bound by the Rules and Assessment Guidelines of the Accreditation Scheme.
- 2.5.4. If an application is accepted, the Applicant will be advised in writing and issued with a tax invoice for payment of the Program Fee.

2.6. Withdrawals

- 2.6.1. An Applicant may withdraw their application at any time prior to the closing date, in writing by email or post to the Law Society but will incur an administration processing fee (as published on the Law Society's website).

2.6.2. Once an Applicant becomes a Candidate in a Program, they may withdraw as a Candidate in writing by email or post to the Law Society but will not receive any refund of any Prescribed Fees paid prior to withdrawal.

2.7. Disability or Serious Impairment

2.7.1. An Applicant with a disability or serious impairment (e.g. hearing, visual, mobility, chronic illness, etc) may request in writing to the Law Society, at the time of making their application to participate in a Program, a reasonable adjustment to assessment arrangements. This may include, but is not limited to:

- a) the procedure for conducting an assessment; and/or
- b) the provision of assistive technology and/or other support during an assessment.

2.7.2. The request for reasonable adjustment must:

- a) describe the nature of the disability or serious impairment;
- b) describe the effects on their participation in each assessment part (refer to the Assessment Guidelines for that Program Year for a description of each assessment);
- c) include recent medical evidence of the disability or serious impairment (i.e. within six (6) months of the application); and
- d) detail examples of alternative arrangement/s proposed by the Applicant.

2.7.3. The Accreditation Committee will consider the request and make a final decision.

2.8. Confidentiality

2.8.1. All applications will be handled confidentially in that:

- a) subject to clauses 2.2 and 2.7 the identity of Applicants will not be disclosed to members of the Accreditation Committee; and
- b) the identity of Candidates will not be disclosed to members of any Advisory Sub-Committee, except where unavoidable for the purposes of any oral assessment where the name of the Candidate may need to be disclosed.

2.8.2. All members of the Accreditation Committee and any Advisory Sub-Committee shall, at all times, maintain confidential all information concerning applications for specialist accreditation.

3. Part 3 – Candidates

3.1. Required Performance Standard and Assessment Guidelines

- 3.1.1. A Candidate who passes all Assessment Parts will meet the standard for accreditation.
- 3.1.2. The Assessment Guidelines provide information on Assessment Parts and pass marks requirements for the Program. The Assessment Guidelines outline the topics which may be covered in an assessment and may be used as a study guide to prepare for the Assessment Parts.
- 3.1.3. The Assessment Guidelines are not an exhaustive list of areas covered in the Program and should not be relied upon for this purpose. All topics relevant to an accreditation area may be assessed.
- 3.1.4. Masterclasses and/or workshops may be offered by the Law Society for a Program. Attendance may assist Candidates with study; however, Candidates should exercise their own skill and judgment as a legal practitioner when completing Assessment Parts.
- 3.1.5. The Law Society may facilitate study groups for a Program but does not offer any study or preparation support.
- 3.1.6. Subject to a successful application for Special Consideration under clause 3.5 of these Rules, failure to submit an Assessment Part on time, or to attend an Assessment Session, will lead to a failure of that Assessment Part and automatic withdrawal from the Program. In this instance, no refunds of Prescribed Fees paid will be applicable.

3.2. Methods of Assessment

- 3.2.1 The methods of assessment in each Assessment Part may vary between each area of accreditation, but generally include the following components:
 - a) Take home assessment: Completion of tasks associated with a mock file, which may include preparing a letter of advice and/or court documents and/or contract, will etc.; and
 - b) Oral assessment: Participation in a simulated client interview or witness examination, simulated court or tribunal hearing, or peer interview in relation to a fact scenario or general legal principles and practice; and
 - c) Formal written examination: Completion of a supervised written examination.

- 3.2.2 Additional information about the Assessment Parts are outlined in the Assessment Guidelines.
- 3.2.3 The Law Society may conduct Assessment Parts which have been developed and/or facilitated by interstate providers of accreditation.
- 3.2.4 The Law Society does not offer recognition of prior learning as the basis for exemption from any part of a Program. All Candidates must complete and pass each Assessment Part to meet the standard for accreditation.

3.3. Entitlement to claim CPD Units from Successful Completion of Program

- 3.3.1. A Candidate who successfully completes a Program is entitled to claim ten (10) CPD units for the CPD year in which they complete the Program. The CPD units will be allocated as follows:
 - a) Four (4) units for Professional Skills;
 - b) Four (4) units for Substantive Law;
 - c) One (1) unit for Ethics and Professional Responsibility; and
 - d) One (1) unit for Practice Management.

3.4. Special Consideration

- 3.4.1. If during the Program, a Candidate:
 - a) is unable to undertake an Assessment Part; or
 - b) is unable to complete and submit an Assessment Part by the due date; or
 - c) experiences a problem which they consider significantly affected their performance in completing the Assessment Part, and

in each such case the reason(s) are due to extenuating circumstances beyond their control, the Candidate may apply to the Accreditation Committee for Special Consideration.

- 3.4.2. Extenuating circumstances must be serious in nature. They do not include a Candidate's usual professional workload, annual leave, minor illnesses or usual family or personal commitments. Candidates are expected to mitigate any extenuating circumstances that may arise during the Program and may be requested to demonstrate such attempts to mitigate.

3.4.3. An application for Special Consideration must be:

- a) made in writing to the Law Society as soon as practicable and by no later than three (3) business days after the stipulated due date for the Assessment Part; and
- b) supported by relevant supporting material including but not limited to a statutory declaration from the Candidate and/or a relevant witness, and medical reports where applicable.

3.4.4. The Accreditation Committee, when considering the application for Special Consideration, may either:

- a) grant the Special Consideration application and, subject to the availability of resources, allow the Candidate to
 - i. undertake the relevant Assessment Part on a later date; or
 - ii. grant additional time; or
 - iii. allow the grounds for Special Consideration to be considered in arriving at the Candidate's final mark for the Assessment Part; or
- b) refuse the application.

3.4.5. If an Assessment Part is submitted late and the Candidate is not successful in their application for Special Consideration in accordance with this clause, the Assessment Part will not be marked.

3.5. Results Letter

3.5.1. At the completion of a Program, the Candidate will receive a Results Letter informing them whether they have successfully completed the Program

3.5.2. Candidates with pass marks in all Assessment Parts who meet the standard for accreditation will be advised of their successful completion of the Program.

3.5.3. Candidates who do not meet the standard for accreditation will be provided, on written request, with:

- a) a summary of their overall results indicating which Assessment Parts met the standard and which did not;

- b) a summary of feedback from the relevant marker(s) in connection with the specific Assessment Part(s) for which they did not meet the standard for accreditation;
- c) if the Candidate failed the written exam, a copy of their responses on the written exam; and/or
- d) if the Candidate failed the oral assessment, a copy of any authorised video recording of the oral assessment.

3.5.4. No Candidate will be provided with the model answers or marking guides prepared by the relevant Advisory Sub-Committee or completed by any marker for any Assessment Part.

3.6. Application for Re-Assessment (One Failed Assessment Item)

3.6.1. Re-assessment is available to a Candidate who fails only one Assessment Part.

3.6.2. The re-assessment may be initiated by either the Law Society or the Candidate.

3.6.3. An application for re-assessment made by a Candidate must:

- a) be made in writing to the Law Society within fourteen (14) days of receipt of the Results Letter;
- b) refer to the Candidate's Candidate number;
- c) briefly set out specific examples and on which grounds the Candidate considers the assessor's comments do not reflect the Candidate's performance in the Assessment Part; and
- d) be accompanied by the Prescribed Fee set by the Law Society and made available to the Candidate at the time of application. This fee is not refundable.

3.6.4. When re-assessing the Assessment Part, the re-assessor will:

- a) not be a member of the Advisory Sub-Committee or have been involved in the marking of any of that Candidate's Assessment Parts during the current Program;
- b) conduct an independent assessment of the failed Assessment Part by reviewing the Candidate's responses to the Assessment Part, any submissions or supporting documents provided by the Candidate in their application for re-assessment, the summary of feedback provided by the original marker; and
- c) make an independent decision as to whether the Candidate has met the required standard for accreditation for that Assessment Part.

3.6.5. The re-assessor's decision is final and there will be no further avenue for re-assessment. The re-assessor may provide feedback about a Candidate's responses to the Assessment Part but is not required to provide any reasons for decision or respond directly to the Candidate's submissions.

3.6.6. The Law Society will advise the Candidate of the outcome of the re-assessment in writing.

3.7. Appeal - Procedural Error

3.7.1. The Appeal is solely a process review option for a Candidate who considers that their performance or result has been affected by the way the assessment process is alleged to have been conducted (i.e. an alleged procedural error).

3.7.2. The only grounds for Appeal are:

- a) the Candidate was given wrong, incomplete or conflicting information in writing; and/or
- b) The Candidate demonstrates that there was bias in the assessment process that disadvantaged them; and/or
- c) The procedure for Assessment Part/s outlined in the Assessment Guidelines was not followed.

3.7.3. An Appeal cannot be made in relation to the correctness of the Candidate's answers or the allocation of marks.

3.7.4. The Appeal must:

- a) be submitted to the Law Society within fourteen (14) days of receipt of the Results Letter or within seven (7) days of receipt of the results of a re-assessment;
- b) reference the Candidate's Candidate Number;
- c) outline the grounds for the procedural error the Candidate seeks to rely upon and include any supporting material; and
- e) be accompanied by the Prescribed Fee set by the Law Society and made available to the Candidate at the time of Appeal. This fee is not refundable.

3.7.5. When considering the Appeal, the Accreditation Committee will take into account:

- a) the Candidate's submissions, assessment results and any other relevant information provided by the Candidate or obtained independently by or on behalf of the Accreditation Committee;
- b) whether the assessment process was applied differently and adversely as compared to other Candidates in the same Program for that Program Year; and
- c) whether the Candidate was otherwise likely to have met the required standard for specialist accreditation.

3.7.6. The Accreditation Committee's decision on the Appeal is final. The Law Society will advise the Candidate of the outcome in writing.

4. Part 4 – Existing Accredited Specialists

4.1. Maintaining Accreditation

4.1.1. In order to maintain accreditation, the Accredited Specialist must:

- a) be a financial member of the Law Society;
- b) hold a current practising certificate; and
- c) annually renew their accreditation by paying the Annual Fee (as published on the Law Society's website) and complete the Prescribed Accreditation Renewal Form (as published on the Law Society's website) in which the Accredited Specialist must certify that they have:
 - i. maintained substantial involvement in their area of accreditation (unless subject to an approved leave of absence);
 - ii. complied with their Specialist CPD Requirements (either pursuant to these Rules or any determination by the Accreditation Committee pursuant to clause 4.5.4 i.e. leave of absence requirements); and
 - iii. subject to any exemptions, allowances or determinations by the Accreditation Committee pursuant to these Rules, complied with the terms of these Rules.

4.2. Obligation to be Bound by the Rules

4.2.1. It is a condition of maintaining specialist accreditation that an Accredited Specialist unconditionally agrees to be bound by the Rules as adopted by Council from time to time.

4.2.2. The Accreditation Committee may decline to renew accreditation on the grounds of:

- a) failure to comply with the Rules and/or
- b) the Accredited Specialist having engaged in conduct that, in the opinion of the Accreditation Committee is likely to bring Accredited Specialists, the Accreditation Scheme or the Law Society into disrepute.

4.2.3. If the Accreditation Committee declines to renew accreditation pursuant to clause 4.2.2 above, then that Accredited Specialist will no longer be accredited as from the date their accreditation expires.

4.3. Specialist CPD Requirements

4.3.1. An Accredited Specialist must complete a minimum of ten (10) Specialist CPD units per CPD year to maintain their accreditation.

4.3.2. The Specialist CPD must:

- a) be in a format which is recognised as a CPD activity pursuant to [clause 8](#) of the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*;
- b) be an activity which meets the criteria required pursuant to [clause 7](#) of the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*;
- c) be an activity in the Accredited Specialist's area of accreditation and at a level that the Advisory Sub-Committee for that area of accreditation considers to be commensurate with that required for an Accredited Specialist in that area of accreditation; and
- d) meet the relevant time requirement outlined in [clause 9](#) of the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*.

4.3.3. To assist an Accredited Specialist with their preliminary assessment of CPD activities that meet the criteria for Specialist CPD, the Advisory Sub-Committee for each area of accreditation will provide to the Law Society for publication on the Law Society website:

- a) a list of suitable CPD activities (which will include, where possible, Specialist CPD activities that have been previously approved for Accredited Specialists); and

b) a list of approved CPD providers or activities which satisfy the requirements for Specialist CPD pursuant to these Rules.

4.3.4. Accredited Specialists are still required to complete their CPD in accordance with the rules set out by the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*. If an Accredited Specialist attends a CPD activity that complies with their usual CPD obligations as well as their Specialist CPD obligations, then the Accredited Specialist is able to rely on that CPD activity as Specialist CPD as well.

4.4. Specialist CPD Records and Audit

4.4.1. Each Accredited Specialist must maintain for each CPD year, a record of their participation in Specialist CPD activities as well as evidence in support of the Specialist CPD activities undertaken. Examples of evidence in support includes course materials, the program, papers or power-points, and any notes taken by the Accredited Specialist during the activity which identify the nature, content and standard of the activity.

4.4.2. The records and evidence in support of Specialist CPD compliance must be retained by the Accredited Specialist for not less than two (2) years after the end of the CPD year to which it relates. The Law Society will make a Specialist CPD record template available to Accredited Specialists.

4.4.3. The Accreditation Committee will undertake an annual random audit process with respect to Specialist CPD compliance.

4.4.4. Accredited Specialists who are selected at random during the annual audit process will be asked to submit a Specialist CPD Compliance Report to the Law Society within the timeframe specified in the notice of audit.

4.4.5. The Specialist CPD Compliance Report must set out:

- a) the date of each activity;
- b) the title of the activity;
- c) the provider;
- d) the format of the activity;
- e) the duration of the Accredited Specialist's attendance at the activity; and
- f) the number of Specialist CPD units the Accredited Specialist seeks to claim from each activity; and

g) where applicable, how many CPD units a provider or the Legal Practice Board of Western Australia has allocated for that activity.

4.4.6. Exemptions granted on CPD compliance under the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* are not applicable to the Specialist CPD obligations of Accredited Specialists pursuant to these Rules.

4.4.7. If, following an audit, the relevant Advisory Sub-Committee determines that an Accredited Specialist has failed to comply with the requirements for Specialist CPD,, then the Law Society shall send a notice in writing to that Accredited Specialist setting out the Advisory Sub-Committee’s decision and the number of Specialist CPD units that the Accredited Specialist will be required to make up in that following CPD year. The Accredited Specialist must sign an Undertaking confirming they will make up the required shortfall in Specialist CPD units.

4.5. Leave of Absence

4.5.1. The purpose of a leave of absence is to allow Accredited Specialists in certain circumstances to maintain their accreditation for a period of up to two (2) consecutive years despite not otherwise meeting the criteria of substantial involvement required for maintaining accreditation.

4.5.2. Accredited Specialists seeking a leave of absence must apply in writing to the Law Society and specify the grounds and specific dates for which a leave of absence is sought and provide any relevant supporting documentation.

4.5.3. The Accreditation Committee has discretion whether to grant or refuse a leave of absence. Circumstances in which the Accreditation Committee may grant a leave of absence include, for example, not practicing law due to a serious illness, parental leave, prolonged family emergency/commitments or a career break.

4.5.4. The Accredited Specialist shall be advised of the outcome of their application for a leave of absence in writing together with any specific requirements the Accreditation Committee requires them to comply with during the period of their leave of absence (e.g. requirements for Specialist CPD on a full or pro rata basis).

4.5.5. Unless otherwise directed by the Accreditation Committee, an Accredited Specialist may continue to hold themselves out as an Accredited Specialist for the period of leave of absence granted and:

- a) must remain a financial member of the Law Society; and
- b) must continue to hold a practising certificate; and
- c) must continue to renew their accreditation on an annual basis; and

- d) are exempted from the substantial involvement requirement for the period of leave of absence granted; and
- e) must comply with the requirement to attend Specialist CPD (either pursuant to these Rules or as directed by the Accreditation Committee pursuant to clause 4.5.4).

4.5.6. No refunds of the Prescribed Annual Fee will be provided to Accredited Specialists who take a leave of absence from their specialist accreditation or allow their accreditation to expire by not complying with the terms of the Rules.

4.6. Re-Accreditation

4.6.1. An Accredited Specialist who fails to comply with the Rules to maintain their accreditation will no longer be accredited from the date their accreditation expires.

4.6.2. A legal practitioner whose accreditation has expired may apply to the Accreditation Committee for re-accreditation.

4.6.3. A legal practitioner seeking re-accreditation under this clause must:

- a) be a financial member of the Law Society; and
- b) hold a current practising certificate; and
- c) have maintained substantial involvement in their area of accreditation (unless subject to an approved leave of absence) during the period of expiry of their accreditation; and
- d) have met the Specialist CPD requirements during the period of expiry of their accreditation; and
- e) provide three (3) Referee Reports to support the application for re-accreditation (such referees meeting the criteria in clause 2.4); and
- f) disclose the reason/s for their accreditation expiration and any remedial actions the legal practitioner has taken since the expiration of their accreditation (including paying any fees applicable concerning their Law Society membership or Prescribed Fees or Annual Fees payable during the relevant period).

4.6.4. The decision to grant re-accreditation is at the absolute discretion of the Accreditation Committee.

4.6.5. If the period since expiry of accreditation is longer than two (2) years from the date of expiry of the last held specialist accreditation certificate, the Accreditation Committee is unlikely to grant re-accreditation except under exceptional circumstances.

4.7. Full-Time Work in a Non-Legal Practice Role or Service

4.7.1. Accredited Specialists who are employed in, or engage in, full-time non-legal practice roles or services, do not meet the substantial involvement requirement and must annually apply in writing to the Accreditation Committee to renew and maintain their accreditation.

4.7.2. Examples of the types of roles and/or services in which Accredited Specialists are not retained as confidential legal advisors to provide legal advice to clients and/or represent clients in the ordinary course of legal practice include, but are not limited to:

- a) policy work (developing and commenting on legal policy); or
- b) academia (e.g. Professor or Lecturer); or
- c) exclusively engaging in arbitration and/or mediation services in their area of accreditation (e.g. mediation and/or arbitration and/or Family Dispute Resolution services, or
- d) temporary appointment as a judicial officer or in a quasi-judicial role (e.g. Registrar of a Court or Member of a Tribunal).

4.7.3. The application to the Accreditation Committee must:

- a) be submitted in writing to the Law Society;
- b) request an exemption from meeting the substantial involvement requirement whilst employed in, or engaging in, full-time non-legal practice roles or services;
- c) outline how the non-legal practice roles or services will allow the Accredited Specialist to either further, or maintain, their higher level of expertise in their area of accreditation, having regard to the requirements for accreditation or re-accreditation pursuant to these Rules; and
- d) confirm that the Accredited Specialist otherwise meets all the other requirements under the Rules to maintain their accreditation.

4.7.4. The Accreditation Committee is unlikely to approve an application by an Accredited Specialist that has been employed in, or engaged in, a full-time non-legal practice role or service for greater than five (5) consecutive years, unless the Accredited Specialist can demonstrate exceptional circumstances.

4.7.5. If the Accredited Specialist does not receive approval from the Accreditation Committee to renew and maintain their accreditation under this clause, their

accreditation will automatically lapse. If their accreditation has lapsed for more than two (2) consecutive years, the legal practitioner will be required to complete and pass the Program in their area of accreditation should they seek re-accreditation (on the basis they are eligible to apply).

- 4.7.6. This clause operates independently of clause 4.5 (Leave of Absence). The Accreditation Committee will take into account:
- a) whether an applicant for re-accreditation has previously relied on clause 4.4 to seek a leave of absence which exempts them from meeting the requirements to maintain accreditation, and
 - b) if the leave of absence sought related to the person being employed in, or engaging in, full-time non-legal practice roles or services during the approved leave of absence.

5. Part 5 – General Provisions

5.1. Mutual Recognition of Interstate Accredited Specialists

5.1.1. An Australian Legal Practitioner who holds an interstate Specialist Accreditation in an Area of Accreditation recognised in Western Australia may apply to the Accreditation Committee for mutual recognition of that area of accreditation pursuant to the terms of the National Mutual Recognition Policy (available on the Law Society’s website).

5.1.2. Approval of mutual recognition is subject to the Accredited Specialist satisfying the requirements under clause 4 of the Rules.

5.2. No Exemptions in Subsequent Program Year

5.2.1. Unsuccessful Candidates may apply in subsequent Programs if they remain eligible to do so. No exemptions from any Assessment Parts will be offered to such Candidates.

5.3. Advertising

5.3.1. Accredited Specialists are required to identify the state in which they are accredited when advertising outside of that state, for example, “Wills and Estates Accredited Specialist (Western Australia)”.

5.3.2. Accredited Specialists may use the specialist accreditation logo only in accordance with these Rules and any guidelines published by the Law Society from time to time.

5.3.3. Accredited Specialists are entitled to advertise their accreditation by using titles such as “Family Law Accredited Specialist”, and “Accredited Specialist in Family Law”. Post-nominals may be used but must be in the form set out in the table below:

| Specialisation Areas | Post-nominal |
|-----------------------------|---------------------|
| Family Law | AccS(Fam) |
| Wills & Estates Law | AccS(Wills&Estates) |

Notices required to be made pursuant to these Rules should be addressed to:

The Law Society of Western Australia

Level 4, 160 St George's Terrace

PERTH WA 6000

Phone: (08) 9324 8600

Email: accreditation@lawsocietywa.asn.au