

29 January 2015

Admissions Committee
Legal Services Council
Level 11, 170 Phillip Street
SYDNEY NSW 2 000

submissions@legalservicescouncil.org.au

Dear Sir

LEGAL PROFESSION UNIFORM LAW – LEGAL PROFESSION PROPOSED ADMISSION RULES

The Law Society of Western Australia (Society) is the peak professional association for lawyers in Western Australia. The Society is pleased to make this submission in response to the consultation on the Legal Profession Proposed Admission Rules under the Legal Profession Uniform Law (LPUL).

As you are aware, Western Australia is not presently a participating jurisdiction under the LPUL. The Society has recommended to the Western Australian Attorney General that Western Australia become a participating jurisdiction (subject to certain conditions). As such, the Society makes this submission in the interests of achieving sufficiently harmonised rules so as to easily facilitate Western Australia, as well as other jurisdictions, becoming participating jurisdictions in the near future.

Legal Profession Proposed Admission Rules

Rule 5 Specified Practical Legal Training Prerequisite

Paragraph (2) of draft Rule 5 provides that the specified legal training prerequisite may be satisfied by completion of either:

- (a) *a practical legal training course conducted by a practical legal training provider accredited by the Board; or*
- (b) *supervised legal training in a workplace for a period of not less than 12 months, under a training plan approved by the Board, which the Board determines adequately provides for the trainee to satisfy the requirements of subrule (1).*

In Western Australia, there is a long existing practice that a year spent as an Associate to a Judge of the Supreme Court or the District Court is merited a reduction in the time required for articles of clerkship to 6 months. Similarly, such time is accepted as the work experience component for practical legal training.

Draft Rule 5 does not include an alternative prerequisite of this kind found in rule 7(1)(b) of the *Legal Profession (Admission) Rules 2009 (WA)* that allows for a shortened articles period of 6 months for persons who have been engaged in

employment determined to "have provided sufficient professional training and experience to justify a shorter term of articles."

The Society recommends that this alternative be included in the Legal Profession Proposed Admission Rules in order to accommodate court associates and other persons whose prior working experience is sufficient to justify a shortened period of supervised legal training.

Rule 9 Determining whether someone is a fit and proper person

Pursuant to section 17(2)(b) of the LPUL, in considering whether a person is a fit and proper person to be admitted to the Australian legal profession, the designated local regulatory authority must have regard to the matters specified in the Legal Profession Admission Rules for the purposes of section 17.

Paragraph (1) of proposed Rule 9 specifies the matter to which the Board must have regard for the purposes of section 17(2)(b) which include, relevantly, "whether the person has been found guilty of an offence **including a spent offence** in Australia or in a foreign country..." (emphasis added).

The Society recommends that participating jurisdictions ensure that the applicable spent conviction legislation in each participating jurisdiction (as well as under the relevant provisions of the *Crimes Act 1914* (Cth)) authorises such consideration of "spent offences" by the local authority.

Yours sincerely



Matthew Keogh
President