

IMPORTANT CHANGES
LEGAL PROFESSION ACT 2008
LEGAL PROFESSION REGULATIONS 2009
LEGAL PROFESSION RULES 2009
LEGAL PROFESSION (ADMISSION RULES 2009)

The *Legal Profession Act 2008 (LPA)* and the *Legal Profession Regulations 2009* are expected to be operational on 1 March 2009. Additionally, the *Legal Profession Rules 2009* and the *Legal Profession (Admission) Rules 2009* have been submitted for publication in the Government Gazette.

Practitioners must be aware of changes made by the LPA, Regulations and Rules and must ensure compliance with their provisions. Whilst the Legal Practice Board recommends that practitioners familiarise themselves with all of their obligations, the following immediately significant matters are highlighted:

Practising Certificate (PC) Renewal Period

- **IMPORTANT** - PC renewal periods have changed. Applications for PC renewal, together with audit certificate and PII insurance details, **MUST** be lodged by **31 May**.
- An application received after 31 May will be 'late', may be rejected, and is subject to a late fee.
- An application received after 30 June must be rejected unless caused by reasons beyond the control of the applicant.

For enquiries regarding PC renewals please contact Tony Mylotte on 6211 3600.

Practising Certificates

- Practitioners can hold only one PC in Australia at any one time.
- All *Australian lawyers* (defined as a lawyer admitted anywhere in Australia) must be the holder of a PC to be entitled to practise law (with the exception of government lawyers categorised under s.36 LPA or LPA regulations).
- Practitioners are obliged to hold a PC from their *home jurisdiction* (as defined in s.7 LPA)

Continuing Professional Development (CPD)

- The Board will impose a condition on all PCs current as and from 1 July 2008 that will require the holder of the PC to comply with the *Legal Profession Rules 2009* relating to CPD.
- At the time of application for renewal of PC, practitioners must be in a position to undertake to the Board that they have complied (or, for this renewal year only, will have complied – see point below) with the Rules (details as set out on the Board's website <http://www.lpbwa.org.au> .)
- **IMPORTANT** - **for this renewal year only, practitioners will be able to elect to allocate CPD points earned between 1 April and 31 May 2009 as applying to the current PC year.**
- Details of CPD Providers and Events are also posted on the Board's website.

For enquiries regarding CPD please contact Julie Bain on 6211 3600.

Admission and Registration

- Law Graduates will have the choice of undertaking either articles of clerkship or practical legal training.
- Admission following successful completion of articles of clerkship will require 18 months of restricted practice. Admission following successful completion of practical legal training will require 24 months of restricted practice.

For enquiries regarding Admission and Registration please contact Deb McDonald on 6211 3600.

Costs Disclosure and Assessment

- Obligations regarding costs disclosure and assessment have not previously been governed by legislation. These will become subject to the provisions of the LPA (Part 10) and Regulations (Part 8). The Regulations provide that the **date on which the provisions of the Act and Regulations will commence in regard to costs disclosure and assessment has been deferred to the 1 July 2009**. The Board will be preparing additional information in this regard that will be posted on the Board's website.

Forms and Documentation

- All new Forms under the LPA, Regulations and Rules will be on the Board's website. Practitioners should update any stocks of Board related Forms.

Legal Practitioners Complaints Committee

- The name of the Legal Practitioners Complaints Committee will change to the *Legal Profession Complaints Committee*.