

Quality Practice Standard



Quality Practice Standard Committee Rules As at 6 June 2014

Concerning Accreditation under the QPS Scheme,
Insurance Premium Discounts, Loss of Accreditation
and the Resolution of Disputes



1. Definitions

“Approved Quality Practice” means an Applicant as defined in paragraph 3.1 of these Rules that meets all of the requirements of the Standard and is accredited in accordance with paragraph 4.

“Auditor” means one of the auditors appointed by the Committee from time to time to audit firms for the purposes of accreditation.

“Adjudicator” means the independent Adjudicator nominated by the Law Society.

“Committee” means the Quality Practice Standard Committee of the Law Society.

“Consultant” means a person experienced in quality management or who has relevant experience.

“Experienced Practitioner” means a Practitioner who has five years post admission experience.

“Law Mutual” means Law Mutual (WA).

“Law Society” means the Law Society of Western Australia.

“Logo” means the logo approved by the Committee for use by an Approved Quality Practice.

“Practitioner” means a legal practitioner admitted to practice in Western Australia and any other State or Territory approved by the Quality Practice Committee.

“Practice Manager” means a person who is employed by a firm of practitioners and whose responsibilities include the management of the firm’s practice.

“QPS Discount” means the discount or reduction referred to in paragraph 7.1(b).

“Standard” means the Quality Practice Standard of the Law Society approved by the Law Society in September 1996 and as amended from time to time.



2. The Committee

- 2.1 The Committee will aim to be comprised of not less than four experienced Practitioners, a Practice Manager, an Auditor and a Consultant.**
- 2.2 A member of the Committee must not be the Adjudicator.**
- 2.3 The purpose of the Committee is to:-**
- (a) Review the Standard from time to time.
 - (b) Administer the implementation of the Standard.
 - (c) Liaise with Law Mutual on issues of professional indemnity insurance and risk management for Practitioners.
 - (d) Promote the Standard and encourage Applicants to seek accreditation.
 - (e) Such other purposes and functions as the Law Society may delegate to the Committee.
- 2.4. The Committee may delegate its auditing functions to its Auditors.**

3. Application

3.1 The following (Applicant) may apply to the Committee to be accredited as an Approved Quality Practice:-

- (a) A practitioner practising as a sole practitioner;
- (b) A firm of practitioners in a partnership;
- (c) or an ILP;
- (d) The Legal Aid Commission of WA or in any other State or Territory of Australia;
- (e)
 - (i) Any department or section of a private company, or
 - (ii) Government instrumentality, operating as a group of legal practitioners.

3.2 The Committee may levy such fees as it determines from time to time on an Applicant seeking and attaining accreditation.

3.3 The Auditors will conduct an audit of the Applicant's procedures in determining if the Applicant is complying with the Standard.

4. Accreditation

If an Applicant is found by the Auditors to be complying with the Standard then subject to payment of any fees and the Committee being satisfied that the Applicant ought to be accredited the Committee may grant accreditation to the Applicant for the period of 12 months subject to the Applicant, in the case of a sole practitioner being that sole practitioner, and in the case of any other Applicant not less than one member of the firm or not less than one principal officer of any other Applicant continuing to be a member or members of the Law Society and complying with the Standard.

5. Logo

5.1 An Approved Quality Practice may use the Logo on its stationery and promotional material and the Committee will make available for use by the Approved Quality Practice a bromide depicting the form of the Logo.

5.2 The size of the Logo must be not less than 15mm nor more than 25mm in diameter unless otherwise approved by the Committee.

- 5.3** An Approved Quality Practice may refer to its accreditation on its stationery and promotional material and in broadcast advertisements by indicating that the firm has “an approved quality practice accreditation from the Law Society of WA” where that is done in a way or context that is not misleading or deceptive, and does not infringe on Rule 5.4.
- 5.4** In any stationery and promotional material and in broadcast advertisements an Approved Quality Practice may not associate the accreditation to any matter related to the Approved Quality Practice other than the internal procedures adopted by the firm which are the subject of the accreditation.
- 5.5** An Approved Quality Practice which in the opinion of the QPS committee fails to observe the rule at paragraph 5.4 may have its accreditation suspended or revoked by the QPS committee on such terms as the QPS committee considers appropriate.
- 5.6** An Approved Quality Practice may refer the terms of its proposed advertising to the QPS committee and the QPS committee may, without being bound by that opinion, indicate whether it is of the opinion that the proposed advertising would breach these rules.

6. Continuation Audits

On paying the requisite renewal and audit fee and on the Auditors being satisfied that the firm is complying with the Standard the Committee may renew the firm’s accreditation for a further period of 12 months.

7. Professional Indemnity Insurance Discount – Western Australia

7.1 Subject to paragraphs 7.2 and 7.4:-

- (a) An Approved Quality Practice may in its first year of accreditation receive from Law Mutual a 7% reduction in its professional indemnity insurance premium (PI Premium).
- (b) An Approved Quality Practice may in its second and subsequent years of accreditation receive from Law Mutual a 5% reduction in its PI Premium.

7.2 The discounts referred to in paragraph 7.1 will not apply if, after the date of accreditation but prior to the imposition of the PI Premium all of the following events occur:-

- (a) a claim is made against an Approved Quality Practice on its professional indemnity cover with Law Mutual;
- (b) the sum of \$5,000.00 or more has been spent on either payments of the claim or defence costs or both; and

- (c) if the claim arises from an incident that occurred after the date the Committee approved the accreditation of the Applicant as an Approved Quality Practice.
- 7.3 When an Approved Quality Practice becomes entitled to have its QPS Discount re-instated by Law Mutual (following a claim referred to in paragraph 7.2) it will become entitled again to the PI Premium discount referred to in paragraph 7.1(b).**
- 7.4 Subject to paragraph 7.5, if an Approved Quality Practice attains accreditation between 31 March and 30 June in any year it may only commence to claim the discount under paragraph 7.1 in the subsequent insurance year commencing 1 July following the anniversary of the firm's accreditation.**
- 7.5 The Committee may, following consultation with and advice from Law Mutual, waive the requirement for strict compliance as to date of accreditation cited in paragraph 7.4.**

8. Discontinuance and Amalgamations

- 8.1 If an Approved Quality Practice ceases to practice law in the State or Territory for which it has been approved it will cease to be an Approved Quality Practice.**
- 8.2 If an Approved Quality Practice changes its composition, then the Approved Quality Practice will immediately notify the Committee.**
- 8.3 On a practice ceasing to be an Approved Quality Practice it must:-**
 - (a) immediately return to the Committee all bromides provided to it;
 - (b) discontinue using or promoting the Logo;
 - (c) cease using the term "Approved Quality Practice" when referring to itself; and
 - (d) cease in any way promoting itself as an Approved Quality Practice.
- 8.4 If an Approved Quality Practice dissolves and a Practitioner from the Approved Quality Practice wishes to retain accreditation for their new practice, the Practitioner concerned may apply to the Committee for a transfer of the Approved Quality Practice accreditation. If more than one Practitioner from the Approved Quality Practice wishes to retain accreditation, the Practitioner may make separate application to the Committee.**



8.5 For the purposes of paragraphs 8.2 to 8.4 the Committee may:-

- (a) require an audit, as to the matters identified in paragraph 4, in order to determine if the new practice complies with the Standard and if it should be accredited;
- (b) levy on the new practice such audit fees as it determines in order to satisfy itself as to compliance with the Standard.

9. Disputes

- 9.1 Any Applicant aggrieved by a determination of the Committee may write to the Committee stating its reasons for dissatisfaction (Complaint) seeking a review of any decision made by the Committee.**
- 9.2 The Committee will, on receipt of a Complaint, review its decision and invite the Applicant or a member of the Applicant to make submissions to the Committee before the Committee makes its ruling on the Complaint.**
- 9.3 Any Applicant aggrieved by a decision of the Committee under paragraph 9.2 May refer the Complaint to the Adjudicator.**



www.lawsocietywa.asn.au

