

PRACTISING IN WA UNDER THE LEGAL PROFESSION UNIFORM LAW – INDIVIDUALS

Australian legal practitioners are required to meet a number of responsibilities in order to engage in legal practice. The key requirements are set out below.

Australian Practising Certificates

An Australian legal practitioner is an Australian lawyer who holds a current Australian practising certificate.

Practising certificates may be imposed with the condition that the holder only practices in the following categories under the *Legal Profession Uniform Law (WA)* (“the Uniform Law”):¹

- i. Principal of a law practice;²
- ii. Employee of a law practice;³
- iii. Corporate legal practitioner;⁴
- iv. Government legal practitioner;⁵
- v. Barrister; or
- vi. Volunteer at a community legal service and otherwise on a pro bono basis only.

The Legal Practice Board of Western Australia may also impose discretionary conditions on practising certificates.⁶

An Australian practising certificate authorises the holder to supervise legal practice by others unless the certificate is subject to a condition requiring the holder to engage in supervised legal practice only or a condition to the effect that he or she may not supervise others.⁷

Professional Indemnity Insurance

Australian legal practitioners must not engage in legal practice unless they hold or are covered by an approved insurance policy.⁸ This includes all legal practice as a volunteer or on a pro bono basis

Supervised Legal Practice

If an Australian legal practitioner has not previously held a practising certificate, it is a statutory condition of an Australian practising certificate that the holder must engage in supervised legal practice for certain periods.⁹

If the holder completed:

- practical legal training principally under the supervision of an Australian lawyer, he or she must complete a period of 18 months of supervised legal practice; or
- other practical legal training (e.g. a Graduate Diploma in Legal Practice), he or she must complete a period of 2 years of supervised legal practice

Non-compliance

Non-compliance with the requirements of the Uniform Law or the *Legal Profession Uniform Rules* (the “Uniform Rules”) may result in civil penalties or disciplinary action, including a finding of unsatisfactory professional conduct or professional misconduct by the individual.

Responsibilities of Principals

Each principal of a law practice is responsible for ensuring that reasonable steps are taken to ensure that all legal practitioner associates of the law practice comply with their obligations under the Uniform Law and the Uniform Rules.¹⁰

A contravention of the Uniform Law or Uniform Rules by the law practice may amount to unsatisfactory professional conduct or professional misconduct by the principal.¹¹

Further Information

For further assistance

or information please contact:

The Law Society of Western Australia

Call: (08) 9324 8600

Email: info@lawsocietywa.asn.au

Disclaimer: *This publication provides general information of an introductory nature and is not intended and should not be relied upon as a substitute for legal or other professional advice. While every care has been taken in the production of this publication, no legal responsibility or liability is accepted, warranted or implied by the authors or the Law Society of Western Australia and any liability is hereby expressly disclaimed.*

Endnotes:

- 1 Legal Profession Uniform Law (WA), s 47(1)
- 2 A principal’s practising certificate also authorises the holder to practice as an employee of a law practice or a corporate legal practitioner or government legal practitioner
- 3 An employee’s practising certificate also authorises the holder to practice as a corporate legal practitioner or government legal practitioner
- 4 A corporate practising certificate also authorises the holder to practice as a government legal practitioner
- 5 A government practising certificate also authorises the holder to practice as a corporate legal practitioner
- 6 Note 1 above, s 53
- 7 Note 1 above, s 47(6)
- 8 Note 1 above, s 211
- 9 Note 1 above, s 49
- 10 Note 1 above, s 34
- 11 Note 1 above, s 35