

Accreditation Advisory Sub-Committee

Terms of Reference

Adopted by the Council of the Law Society of Western Australia on 24 July 2024 (C240724C10)

1. Definitions

- 1.1 **Accredited Specialist** means a person accredited by the Law Society as a Specialist in a specific area of practice having satisfied the qualifying requirements contained within the Accreditation Rules.
- 1.2 **Accreditation Advisory Subcommittee** means an advisory subcommittee established in a specific area of practice to advise and assist the work of the Committee.
- 1.3 **Bylaws** means the bylaws of the Law Society made under Rule 121 of the Constitution for the regulation of Committees established under Rule 66 of the Constitution.
- 1.4 **Committee** means the Accreditation Committee.
- 1.5 **Committee Member** means a person appointed by the Council to the Committee and includes a person attending a committee meeting as an observer or as an ex-officio member.
- 1.6 **Constitution** means the Law Society of Western Australia Constitution as amended from time to time.
- 1.7 **Council** means the Council of the Law Society.
- 1.8 **General Manager** means the general manager employed by the Law Society who has responsibility for the administration of the Committee.
- 1.9 **Law Society** means the Law Society of Western Australia.
- 1.10 **Practising Certificate** means a current practising certificate issued by the Legal Practice Board of Western Australia pursuant to the *Legal Profession Uniform Law (WA)* authorising a person to engage in legal practice in Western Australia.
- 1.11 **President** means the President of the Law Society of Western Australia.
- 1.12 **Rules** means Specialist Accreditation Rules.
- 1.13 **Scheme** means the Specialist Accreditation Scheme adopted by the Council
- 1.14 **Vice President** means a Vice President of the Law Society of Western Australia.

2. Objects

- 2.1 The Accreditation Advisory Subcommittees are established for each specific area of practice in which specialist accreditation is offered for the purpose of providing a source of specialist advice and assistance to the work to the Committee and the Law Society.

3. Governance

- 3.1 The Accreditation Advisory Subcommittees are governed by the Bylaws as amended from time to time and the Rules.

4. Membership

- 4.1 Accreditation Advisory Subcommittee membership is governed by the Bylaws and the Rules and recommended by the Committee.
- 4.2 The Accreditation Advisory Subcommittees will each consist of a minimum of five (5) and a maximum of nine (9) (excluding the President) members all to be appointed by Council of whom:
 - 4.2.1 all hold current membership of the Law Society and practising certificates; and
 - 4.2.2 all must be an Accredited Specialist in the specific area of practice to which that Accreditation Advisory Subcommittee relates, unless accreditation has not been made available before in that specific area of practice, or the person has appropriate qualification, skills or experience to assist the advisory subcommittee.
- 4.3 The Wills and Estates Accreditation Advisory Subcommittee will include one member of the Family Law Accreditation Advisory Subcommittee during the initial pilot partnership programme with the Law Institute of Victoria, in order to provide advice and assistance on accreditation programmes.
- 4.4 Practitioners appointed as initial members of a newly established Accreditation Advisory Subcommittee must be eligible to be accredited in the specific area of practice.
- 4.5 The President is an *ex officio* member of each of the Accreditation Advisory Subcommittees.
- 4.6 Appointment to the Accreditation Advisory Subcommittee is for a term of four (4) years.
- 4.7 The term of appointment of an initial member of a newly established Accreditation Advisory Subcommittee is calculated from the date on which the first candidates in that specific area of practice are accredited. Any time served as an Accreditation Advisory Subcommittee member before that date is not counted as part of the four year term. The maximum term of appointment of an initial member is eight (8) years.
- 4.8 An initial member of a newly established Accreditation Advisory Subcommittee who is eligible for accreditation can be approved as an Accredited Specialist from the date on which the first candidates in that specific area of practice are accredited.
- 4.9 In order to maintain accreditation as an Accredited Specialist after leaving the Accreditation Advisory Subcommittee, an initial member of what was a newly established Accreditation Advisory subcommittee must pass the Specialist Accreditation assessment programme within two (2) years.
- 4.10 An initial member may not undertake any Specialist Accreditation assessment programme while that person is a member of the newly established Accreditation Advisory Subcommittee.
- 4.11 Accreditation Advisory Subcommittee members must declare any conflicts of interest known to them and must maintain strict confidentiality at all times.

5. Functions

- 5.1 The role of each Accreditation Advisory Subcommittee is to advise the Committee and the Law Society on the Scheme generally and to advise the Committee on matters relating to the specific area of practice. Matters on which an Accreditation Advisory Subcommittee is expected to advise and assist the Committee include but are not limited to the following:
- a) Conditions for gaining and maintaining accreditation;
 - b) Application procedures;
 - c) The assessment programme generally and specifically the assessment guidelines, procedures, assessments and marking;
 - d) Accreditation of candidates;
 - e) Continuing accreditation and re-accreditation;
 - f) Suspension and revocation of accreditation;
 - g) Oversee the Continuing Legal Education (CLE) required by Accredited Specialists; and
 - h) Such other matters as may be requested by the Committee.

6. Meetings

- 6.1 Each Accreditation Advisory Subcommittee will meet at least every two (2) months unless the Chair in consultation with the General Manager agrees otherwise.

7. Confidentiality

- 7.1 Each Accreditation Advisory Subcommittee has a duty to:
- 7.1.1 maintain as confidential at all time the identity of enquirers, applicants and candidates and the performance of individual candidates and their examination score;
 - 7.1.2 maintain as confidential at all times the content of examination materials prior to the completion of the assessment programme;
 - 7.1.3 publicly support the Scheme and the decisions of the Accreditation Advisory Subcommittee and the Committee;
 - 7.1.4 make deliberations and recommendations in good faith; and
 - 7.1.5 make deliberations and recommendations to maintain and for the advancement of the Scheme and the specific area of practice administered by the Accreditation Advisory Subcommittee.

8. Interpretation

- 8.1 In the event of any inconsistency between any of the following documents, the relevant document first listed below will prevail:
- (a) the Constitution.
 - (b) The Bylaws.
 - (c) The Rules
 - (d) these Terms of Reference.