

Specialist Accreditation Scheme Handbook

Distinction in law



Table of Contents

Part 1 – THE SPECIALIST ACCREDITATION SCHEME.....	2
Part 2 – APPLICANTS.....	5
2.1. Eligibility criteria	5
2.2. Temporary Exclusion Period	6
2.3. Limitation on Dual Accreditation	6
2.4. Referees	6
2.5. Applications	7
2.6. Withdrawals	7
2.7. Disability or Impairment	8
Part 3 – CANDIDATES	8
3.1. Conduct of Programs.....	8
3.2. Required Performance Standard.....	9
3.3. Methods of assessment.....	9
3.4. Highest Achiever Award	10
3.5. CPD Points	10
3.6. Special Consideration.....	10
Part 4 – EXISTING ACCREDITED SPECIALISTS	14
4.1. Maintaining Accreditation.....	14
4.2. Obligation to be Bound by the Terms of the Handbook	15
4.3. CPD Requirements and Audit	15
4.4. Leave of absence	15
4.5. Adverse Professional Conduct Matters	16
4.6. Suspension or Revocation of Accreditation.....	16
4.7. Expiry of Accreditation and Re-Accreditation	17
4.8. Calls to the Bar	17
4.9. Full Time Work in a Non-Legal Practice Role or Service	18
Part 5 – GENERAL PROVISIONS.....	19
5.1 Mutual Recognition of Interstate Accredited Specialists	19
5.2 No Exemptions in Subsequent Program Year.....	19
5.3 Minimum Number of Candidates for a Program.....	19
5.4 Advertising	19

Part 1 – THE SPECIALIST ACCREDITATION SCHEME

1.1. Introduction to the Scheme

The Queensland Law Society Specialist Accreditation Scheme is a rigorous, practical and peer-reviewed competency based accreditation program, which is intended to promote the professional advancement of Solicitors in Queensland. It is designed for Solicitors who are full members of the Society and engage in legal practice in a particular Area of Accreditation. Solicitors who are accredited as specialists are recognised as having enhanced skills, superior knowledge, significant experience and a high proficiency in established legal speciality areas. The high standard of the Scheme ensures that recognition is meaningful and reliable, and represents a mark of excellence for those who are Accredited Specialists.

1.2. The Aims of the Scheme

Established in 1995, the Scheme aims to benefit the public and the legal profession by:

- providing Solicitors with an opportunity for their exceptionally high level of competency in certain areas of practice to be recognised at an Accredited Specialist level;
- offering the public and the legal profession a reliable means of identifying practitioners who are recognised by their peers as having special competence in particular areas of practice;
- encouraging improvement in the quality and delivery of legal services;
- rewarding the excellence of newly Accredited Specialists; and
- affirming to the public and the legal profession that Accredited Specialists are held to a higher professional standard and can be relied upon to provide competent specialist legal advice in their Area of Accreditation, and also comply with all of their ethical and professional obligations, as well as the terms of the Handbook.

1.3. Definitions

Accredited Specialist means an Australian Legal Practitioner, or Government Legal Officer, who has satisfied the qualifying requirements by successfully completing a Program and has maintained their accreditation in accordance with the requirements under the Handbook.

Advisory Committee is a committee appointed by the Board to administer a Program for an Area of Accreditation.

Adverse Professional Conduct Matters include matters in which the Applicant, Candidate or Accredited Specialist:

- (a) has been found to have committed unsatisfactory professional conduct as defined by section 418 of the *Legal Profession Act 2007* (Qld);
- (b) has been found to have committed professional misconduct as defined by section 419 of the *Legal Profession Act 2007* (Qld);

- (c) has been referred to a Court or Tribunal on the basis of a decision by a Regulatory or Law Enforcement Agency/Authority;
- (d) has been found guilty of a criminal or serious offence in an Australian or foreign jurisdiction;
- (e) has been involved in any other finding, allegation or matter which, in the view of the Board, would likely bring the Scheme into disrepute;
- (f) engaged in conduct which, in the view of the Board, is likely to bring Accredited Specialists or the Scheme into disrepute; or
- (g) has failed to comply with the requirements for maintaining accreditation.

Applicant means a person who submits an application to be a Candidate for a Program.

Area of Accreditation means an area of legal practice for which specialist accreditation is available during a given Program Year as published on the Queensland Law Society's website (as updated from time to time).

Assessment Item is an item of assessment completed by, or required to be completed by, a Candidate for a Program.

Assessment Criteria is the assessment criteria for each Program during a Program Year (available on the Queensland Law Society website).

Assessment Session is a written examination or oral assessment for which the Candidate is given a designated time to attend.

Australian Legal Practitioner has the same meaning as in the *Legal Profession Act 2007* (Qld).

Board is the Specialist Accreditation Board appointed under the Specialist Accreditation Board and Advisory Committee Charter.

Candidate is an Applicant that is accepted into a Program.

Candidate Number is a unique number allocated to each Applicant when they make their Application. This number is designed to keep the identity of each Applicant confidential, except as otherwise provided under the Handbook.

Charter means the Specialist Accreditation Board and Advisory Committee Charter approved by Council and in force during a Program Year.

CPD means Continuing Professional Development.

CPD Requirements refers to Accredited Specialists earning 15 CPD points per year, with 10 in their Area of Accreditation.

CPD Year is between 1 April and 31 March of every calendar year.

Dual Accreditation means an Accredited Specialist who holds accreditation in two Areas of Accreditation.

Government Legal Officer has the same meaning as in the *Legal Profession Act 2007* (Qld), section 12.

Handbook means this Specialist Accreditation Scheme Handbook approved by Council and in force during a Program Year.

Mutual Recognition Policy means the Specialist Accreditation Scheme Mutual Recognition Policy (available on the Society's website).

Practising Certificate has the same meaning as in the *Legal Profession Act 2007* (Qld), Schedule 2.

Professional Advancement Team means staff employed by the Society to administer the Scheme.

Program means a course of assessment for specialist accreditation in an Area of Accreditation during a Program Year.

Program Year is a calendar year during which a Program is conducted for an Area of Accreditation.

Re-Assessor means an Accredited Specialist, or a senior Australian Legal Practitioner with specialist knowledge, in the relevant Area of Accreditation.

Referee Reports means the Referee report forms to be used by an Applicant's referees (available on the Queensland Law Society website).

Results Letter is a letter sent at the end of a Program advising whether the Candidate's work has met, or not met, the standard for accreditation.

Scheme means the Queensland Specialist Accreditation Scheme for Australian Legal Practitioners.

Society means the Queensland Law Society Inc. as continued into existence pursuant to section 679 of the *Legal Profession Act 2007* (Qld).

Solicitor has the same meaning as in the *Legal Profession Act 2007* (Qld), Schedule 2.

Substantial Involvement means to engage in legal practice as an Australian Legal Practitioner, or a Government Legal Officer, through the delivery of legal services in the Area of Accreditation equivalent to at least 25% of ordinary full-time legal practice.

Please refer to the *Legal Profession Act 2007* (Qld) for information about the definitions of "engage in legal practice" and "legal services".

With respect to Applicants meeting the eligibility requirements under the Handbook, they must demonstrate Substantial Involvement during the three (3) years preceding the application (subject to a discretionary application to the Board for those who are unable to meet this requirement due to parental leave or other extenuating circumstances).

For existing Accredited Specialists and Applicants/Candidates working part-time, the part-time work must exclusively be in the Area of Accreditation for not less than the equivalent of 25% of total hours worked (i.e. not less than 2.5 days per fortnight working exclusively in the Area of Accreditation).

Part 2 – APPLICANTS

2.1. Eligibility criteria

2.1.1. An Applicant must satisfy all of the following criteria in order to apply to be a Candidate in a Program:

- (a) be a full member of the Society, or a full Member of another law society in Australia;
- (b) hold a current practising certificate in Queensland, or an interstate practising certificate, or be engaged in legal practice as a Government Legal Officer engaging in government work;
- (c) have been engaged in legal practice as a Solicitor, or as a government legal officer undertaking government work (on a full-time basis or equivalent), for five (5) years by the day applications close in the year of the commencement of the relevant Program;
- (d) meet the Substantial Involvement requirement in the selected Area of Accreditation; and
- (e) not be the subject of any Adverse Professional Conduct Matter (subject to clause 2.1.2 of the Handbook).

2.1.2. An Applicant who is the subject of any Adverse Professional Conduct Matter, or matter which a reasonable person would consider amounts to an Adverse Professional Conduct Matter, may make an application to the Board to exercise its discretion to accept them as a Candidate in a Program. In considering the application, the Board may have regard to the following matters:

- (a) the nature of the Adverse Professional Conduct Matter and any evidence of rehabilitation;
- (b) any recommendation from the Society's Regulation Department;
- (c) the Applicant's professional legal experience;
- (d) any particular characteristics of the relevant Area of Accreditation; and
- (e) any other matters the Board may consider appropriate.

2.1.3. The discretionary application must be made using the forms available on the Society's website and cannot be the same application lodged in any past years. The Professional Advancement Team will reveal the identity of the Applicant to the Board for discretionary applications. Any requests by an Applicant to conceal their identity may negatively impact on the processing time for the Board to consider the application.

2.1.4. The Board will also consider discretionary applications by Applicants who are:

- (a) within three (3) months of meeting the eligibility requirement under clause 2.1.1(c); and
- (b) unable to meet the eligibility requirement under clause 2.1.1 (d) because they were on parental leave or due to other extenuating circumstances.

- 2.1.5. The Board will not consider any discretionary applications in respect of the eligibility requirements under clauses 2.1.1 (a) and (b). Applicants who do not meet these eligibility requirements are not eligible to apply for enrolment in a Program.

2.2. Temporary Exclusion Period

- 2.2.1. This clause applies to an Applicant who was a candidate in a Program run by the Society, or jointly run by the Society and another interstate law society, and is unsuccessful on three (3) or more consecutive attempts for that Program.
- 2.2.2. That Applicant will not be accepted into the same Program for a minimum of another two (2) Program Years (calculated from the date of the final outcome of the last unsuccessful Program attempt), without written approval from the Board.
- 2.2.3. Any application to the Board for an exemption of this temporary exclusion period must be made in writing to the Professional Advancement Team and will be treated as a discretionary application. The Applicant must demonstrate exceptional circumstances to the Board why he or she should be permitted to apply in the same Program within the temporary exclusion period.

2.3. Limitation on Dual Accreditation

- 2.3.1. To preserve the integrity of the Scheme and to ensure existing Accredited Specialists maintain a high level of expertise in their Areas of Accreditation, Accredited Specialists with Dual Accreditation will not be accepted into a Program seeking accreditation in another Area of Accreditation. The Board will not consider any discretionary applications in this respect.

2.4. Referees

- 2.4.1. All applications must be supported by three (3) completed Referee Reports. Referee Report forms can be downloaded from the Society's website and must include the name, occupation, employer and contact details of a referee who can attest to an Applicant's suitability for involvement in the Program in the selected Area of Accreditation.
- 2.4.2. Referee Reports must satisfy the following criteria:
- (a) all referees must:
 - (i) have known the Applicant for three (3) years before the start of the Program Year; and
 - (ii) be Australian Legal Practitioners, or be a member of the Judiciary or a Tribunal in an Australian Jurisdiction; and
 - (iii) have been engaging in legal practice for at least five (5) years
 - (b) referees must not be:
 - (i) another Applicant in any Program;
 - (ii) a close friend or relative of the Applicant, unless that referee can specifically attest to the Applicant's expertise in the intended Area of Accreditation;

- (iii) a member of an Advisory Committee for the Candidate's program or of the Board; or
 - (iv) a staff member of the Society.
 - (c) at least one referee must practice in the Area of Accreditation and no more than one referee may be a current colleague or employer.
- 2.4.3. Referee Reports must be written on the form available on the Society's website and must be completed, dated and signed by the referee no earlier than three (3) months prior to the Applicant's application for a current Program Year. Applicants may rely on the same referees used for previous Referee Reports, but must submit new Referee Reports for applications in each Program Year.
- 2.4.4. By submitting a Referee Report, Applicants consent to the Society contacting the referee to confirm the Referee Report.

2.5. Applications

- 2.5.1. Applications must be made using the prescribed form, include payment of the non-refundable application fee and be submitted by the closing date (as published on the Society's website).
- 2.5.2. Applicants will be sent confirmation of receipt of their application by email.
- 2.5.3. All applications will be handled confidentially and the identity of Applicants will not be disclosed to members of the Advisory Committee, except for the purposes of any oral assessment where the first name of the Candidate may need to be disclosed.
- 2.5.4. The Professional Advancement Team will review all applications for compliance with the eligibility criteria and forward to the Board any discretionary applications.
- 2.5.5. If an application is accepted, the Applicant will be advised in writing and issued with a tax invoice for payment of the program fee (as published on the Society's website) for acceptance as a Candidate in a Program.

2.6. Withdrawals

- 2.6.1. Applicants may withdraw their applications at any time prior to the closing date, in writing by email or post to the Professional Advancement Team, but will incur an administration processing fee (as published on the Society's website).
- 2.6.2. Once an Applicant becomes a Candidate in a Program, they may withdraw as Candidates in writing by email or post to the Professional Advancement Team and:
- (a) withdrawals of up to three (3) weeks prior to the distribution or sitting of the first Assessment Item shall attract an 80 per cent refund of the program fee; however
 - (b) in other circumstances, refunds shall be at the discretion of the Manager, Professional Advancement.

2.7. Disability or Impairment

- 2.7.1. Applicants with a disability or impairment (e.g. hearing, visual, mobility chronic illness, etc.) may request in writing to the Professional Advancement Team, at the time of making their application to participate in a Program, a reasonable adjustment to assessment arrangements. This may include, but is not limited to:
- (a) the procedure for conducting the assessment; and/or
 - (b) the provision of assistive technology and other support during an assessment.
- 2.7.2. The request for reasonable adjustment must:
- (a) describe the nature of the disability or impairment;
 - (b) describe the effects on participation on an Assessment Item;
 - (c) include recent medical evidence of the disability or impairment (i.e. within six (6) months of the application); and
 - (d) confirm an alternative arrangement proposed by the Applicant.
- 2.7.3. The Advisory Committee will consider the request and make a decision.
- 2.7.4. An Applicant may appeal the decision of the Advisory Committee to the Board. The appeal must be made in writing to the Professional Advancement Team within 14 days of receiving the decision of the Advisory Committee.

Part 3 – CANDIDATES

3.1. Conduct of Programs

- 3.1.1. All Candidates will be assigned a unique Candidate Number which will be used to de-identify them during the Program with the exception of:
- (a) the oral assessment item of a Program, in which it will not be possible to preserve anonymity and the Candidate will be referred to by their first name; and
 - (b) any discretionary applications and appeals to the Board.
- 3.1.2. Candidates' names will not be used in any correspondence between the Professional Advancement Team and an Advisory Committee, except where the communication concerns an oral assessment and only the first name may be used.
- 3.1.3. Candidates are required to report any Adverse Professional Conduct Matters to the Professional Advancement Team in the event they arise during a Program.
- 3.1.4. Candidates have the opportunity to participate in a study group, but any written assessment submitted by Candidates must be entirely the work of the Candidate.

3.2. Required Performance Standard

- 3.2.1. A Candidate who passes all Assessment Items will meet the standard for accreditation.
- 3.2.2. The Assessment Criteria provides information on Assessment Items and pass marks for the Program. The Assessment Criteria may be used as a study guide to prepare for the Assessment Items as it outlines the topics which may be covered in an assessment. The Assessment Criteria is not an exhaustive list of areas covered in the Program and should not be relied upon for this purpose. All topics relevant to a Program area may be assessed
- 3.2.3. Masterclasses and/or Workshops may be offered by the Society for a Program and attendance may assist Candidates with study. However, Candidates should exercise their own skill and judgment as a legal practitioner when completing Assessment Items.
- 3.2.4. The Society may facilitate study groups for a Program, but does not offer any study or preparation support.
- 3.2.5. The Program Assessment Items are not graded on a bell curve.
- 3.2.6. Subject to a successful application for special consideration (see clause 3.6), failure to submit an Assessment Item on time, or to attend an Assessment Session, will lead to a failure of that Assessment Item.

3.3. Methods of assessment

- 3.3.1. The methods of assessment may vary between each Area of Accreditation, but generally include:
 - (a) Take home assessment: Completion of tasks associated with a mock file, which may include preparing a letter of advice and/or court documents and/or Contract, Will etc.; and
 - (b) Oral assessment: Participation in a simulated client interview or witness examination, simulated court or tribunal hearing, or peer interview in relation to a fact scenario or general legal principles and practice; and
 - (c) Formal written examination: Completion of a supervised written examination under standard Society exam conditions.
- 3.3.2. Additional information about the general nature of the assessment components is outlined in the Assessment Criteria for the relevant Area of Accreditation.
- 3.3.3. The Society may conduct Assessment Items which have been developed and/or facilitated by interstate providers of accreditation.
- 3.3.4. The Society does not offer recognition of prior learning as the basis for exemption from any part of a Program. All Candidates must complete and pass each Assessment Item to meet the standard for accreditation.

3.4. Highest Achiever Award

- 3.4.1. For high achievement in a Program, an Advisory Committee may at its discretion identify a 'highest achiever' for its Program. The 'highest achiever' must be the eligible Candidate with the highest total mark (the combined sum of the marks for each Assessment Item).
- 3.4.2. All Candidates who successfully complete all three Assessment Items in one Program Year, and meet the standard of accreditation, are eligible Candidates for the highest achiever award.
- 3.4.3. A highest achiever identified by an Advisory Committee will receive the 'Highest Achiever' Award at the Specialist Accreditation Christmas Breakfast at the end of the Program Year.

3.5. CPD Points

- 3.5.1. By undertaking a Program and completing all Assessment Items, Candidates are automatically granted ten (10) CPD points for the current CPD year, regardless of whether or not they achieve accreditation. If a Candidate withdraws from a Program prior to completing all Assessment Items, they will need to contact the Professional Advancement Team to discuss their CPD allotment.
- 3.5.2. Eight (8) of the ten (10) CPD points are considered general points and one (1) point can be claimed for each of the core areas of Practical Legal Ethics and Professional Skills. Accordingly, Candidates will need to complete one (1) additional CPD point in the core area of Practice Management and Business Skills in order to satisfy the full requirements for the CPD Year.

3.6. Special Consideration

- 3.6.1. A Candidate may apply to the relevant Advisory Committee for special consideration in the following circumstances:
 - (a) If a Candidate attends an Assessment Session, but experiences a problem beyond their control which the Candidate considers significantly affects their performance during the Assessment Session (such as illness or other extenuating circumstances). The Candidate must immediately bring it to the attention of a Society staff member at the Assessment Session on the day of the Assessment Session; or
 - (b) If a Candidate is unable to attend an Assessment Session, or submit a take home assessment within the stipulated due date, for reasons beyond their control or due to extenuating circumstances. The Candidate must immediately notify the Professional Advancement Team about the inability to attend or submit this Assessment Item on time, and arrange attendance or submission as soon as practicable; or
 - (c) If a Candidate submits the take home assessment within the stipulated due date, but experienced a problem or extenuating circumstances beyond their control and which the Candidate considers significantly impacted on their performance. The Candidate must notify the

Professional Advancement Team as soon as possible prior to, or at the time of, the submission of that Assessment Item.

- 3.6.2. Special consideration applications must be submitted in writing to the Professional Advancement Team within five (5) business days:
- (a) of the due date of the Assessment Item; or
 - (b) after the date of the Assessment Session.
- 3.6.3. A special consideration application must be supported by relevant supporting material (e.g. a statutory declaration from the Candidate or a relevant witness), including medical documents where appropriate or necessary. A special consideration application that does not include appropriate supporting material will not be considered by the Committee.
- 3.6.4. Extenuating circumstances must be serious in nature. They do not include a Candidate's usual professional workload, annual leave or minor illnesses. Candidates are expected to mitigate any extenuating circumstances that may arise during the Program and may be requested to demonstrate such attempts to mitigate.
- 3.6.5. A special consideration application that is not made within the stipulated five (5) business day timeframe may still be considered by the Advisory Committee at its sole discretion. The Candidate will need to demonstrate satisfactory reasons, and include any material in support if necessary, why the application was not made within the stipulated timeframe.
- 3.6.6. Subject to clause 3.6.5, if an Assessment Item is submitted late and the Candidate did not apply for special consideration before the assessment is due, it will not be marked.
- 3.6.7. If a Candidate applying for specialist consideration has attended an Assessment Session, or submitted an Assessment Item on time, and does not meet the required standard for accreditation, the Advisory Committee may either:
- (a) grant the application, and the grounds for special consideration will be considered in arriving at the Candidate's final grade for the Assessment Item; or
 - (b) refuse to grant the application, and the Candidate's grounds for special consideration will not be considered in arriving at the Candidate's final grade for the Assessment Item.
- 3.6.8. If a Candidate applying for special consideration has not attended an Assessment Session or did not submit an Assessment Item in time, the Advisory Committee may either:
- (a) grant the application, in which case an alternative arrangement may be made for the completion of the relevant Assessment Item. Alternative times will be provided to the Candidate based on the availability of the relevant resources; or

- (b) refuse to grant the application, in which case the Candidate will not receive a mark for the Assessment Item.

3.7. Results Letter

3.7.1. At the completion of a Program, the Candidates will receive a Results Letter informing them whether they have successfully completed the Program by meeting the standard for accreditation for each Assessment Item.

3.7.2. The Results Letter will be deemed received by Candidates:

- (a) on the same day when issued electronically; and
- (b) on the seventh (7th) business day when issued by post.

3.7.3. Candidates with all Assessment Items that meet the standard for accreditation will be advised of their successful completion of the Program and will be informed about their marks for each Assessment Item.

3.7.4. Candidates with **one Assessment Item** that does not meet the standard for accreditation will be provided with:

- (a) a summary of their overall results, indicating which Assessment Items met the standard and which one did not meet the standard; and
- (b) a copy of:
 - (i) their responses on the written exam, if they failed the written exam;
 - (ii) any authorised video recording of the oral assessment, together with any general information about the grading scale, if they failed the oral assessment; and
 - (iii) any written comments or feedback from the relevant Advisory Committee in connection with the grading of the take home assessment, oral assessment and written exam.

3.7.5. Candidates with **two or more Assessment Items** that do not meet the standard for accreditation will be provided with:

- (a) a summary of their overall results indicating which Assessment Items met the standard and those that did not meet the standard; and
- (b) a copy of:
 - (i) their responses on the written exam, if they failed the written exam;
 - (ii) any authorised video recording of the oral assessment, together with any general information about the grading scale, if they failed the oral assessment; and
 - (iii) any written comments or feedback from the relevant Advisory Committee in connection with the grading of the take home assessment, oral assessment and written exam.

3.7.6. Candidates will not be provided with the model answers or marking guides prepared by the relevant Advisory Committee for any Assessment Item.

3.8 Application for Re-Assessment (One Failed Assessment Item)

3.8.1. Applications for re-assessment are only available to Candidates who fail one Assessment Item.

3.8.2. An application for re-assessment must:

- (a) be made within 14 days of receipt of the Results Letter;
- (b) reference the Candidate's Candidate number;
- (c) be submitted to the Professional Advancement Team;
- (d) state on which grounds the Candidate considers the assessor's comments do not reflect the Candidate's performance in the Assessment Item; and
- (e) be accompanied by the fee set by the Society.

3.8.3. The Re-Assessor will:

- (a) not be a member of the Advisory Committee or involved in the marking of any Assessment Items during the current Program;
- (b) conduct an independent assessment of the failed Assessment Item by reviewing the Candidate's responses to the Assessment Item, and any submissions or supporting documents provided by the Candidate, against the Advisory Committee's marking criteria (including any model answers) and the comments or feedback of the Advisory Committee for the Assessment Item; and
- (c) make an independent decision of whether the Candidate has met the required standard for accreditation for that Assessment Item.

3.8.4. The Re-Assessor's decision is final and there will be no further avenue for re-assessment. The Re-Assessor may provide feedback about a Candidate's responses to the Assessment Item, but is not required to provide any reasons for decision or respond directly to the Candidate's submissions.

3.8.5. The Professional Advancement Team will advise the Candidate of the outcome of the re-assessment in writing, which will be deemed as being received on the same day when issued electronically or in seven (7) business days when issued by post.

3.8.6. A Candidate who is not successful on re-assessment may still appeal the original results of the failed Assessment Item to the Board. The appeal must be lodged within seven (7) days of being informed about the results of the re-assessment and made pursuant to clause 3.9.

3.9 Non-Merits Review Appeal

3.9.1. A non-merits review (appeal) is a process review option for a Candidate who considers that their performance or result has been affected by the way the assessment process was conducted. The only grounds of appeal are:

- (a) the Candidate was given wrong, incomplete or conflicting information in writing; or

- (b) some other aspect of the assessment process unfairly disadvantaged the Candidate.

3.9.2. The appeal must:

- (a) be submitted to the Professional Advancement Team within twenty-one (21) days of receipt of the Results Letter or seven (7) days within receipt of the results of a re-assessment;
- (b) reference the Candidate's Candidate Number;
- (c) outline the grounds for the appeal and include any supporting material; and
- (d) be accompanied by the fee set by the Society.

3.9.3. When considering the Appeal, the Board will take into account:

- (a) the Candidate's submissions, assessment results and any other relevant information provided by the Candidate or obtained independently by or on behalf of the Board;
- (b) whether the assessment process was applied differently and adversely as compared to other Candidates in the same Program for that Program Year; and
- (c) whether the Candidate was otherwise likely to have met the required standard for accreditation.

3.9.4. The Board's decision on the appeal is final. Candidates will be advised of the outcome in writing.

3.9.5. An appeal cannot be made in relation to the correctness of the Candidate's answers or the allocation of marks. In addition, appeals cannot be made on the grounds of illness or extenuating circumstances.

Part 4 – EXISTING ACCREDITED SPECIALISTS

4.1. Maintaining Accreditation

4.1.1. In order to maintain accreditation, Accredited Specialists must:

- (a) be a full member of the Society (subject to clause 4.8);
- (b) hold a practising certificate issued by the Society or the Bar Association of Queensland, or continue to be engaged in legal practice as a Government Legal Officer engaged in government work; and
- (c) annually renew their accreditation by:
 - i. paying the annual fee (as published on the Society's website);
 - ii. certifying that they maintain Substantial Involvement in their area of accreditation; and
 - iii. certifying that they meet the CPD Requirements
- (d) comply with the terms of the Handbook.

4.2. Obligation to be Bound by the Terms of the Handbook

- 4.2.1. Accredited Specialists unconditionally agree to be bound by the terms of the Handbook as it appears from time to time.
- 4.2.2. The Board may take into account non-compliance with the Handbook in determining whether to deny, revoke or re-instate or accreditation.

4.3. CPD Requirements and Audit

- 4.3.1. In the first three (3) CPD years following accreditation, Accredited Specialists will be asked to submit a re-accreditation report. This report should set out the professional development activities completed during the CPD Year to satisfy the specific CPD Requirements. Otherwise, Accredited Specialists will only be asked to submit a re-accreditation report if they are selected at random during the annual audit process. In either case, Accredited Specialists are encouraged to:
 - (a) maintain a record of the professional development activities for each CPD Year; and
 - (b) retain supporting documentation as evidence of meeting the CPD Requirements for each CPD Year.

4.4. Leave of Absence

- 4.4.1. The purpose of a leave of absence is to allow Accredited Specialists to maintain their accreditation during periods of time that they are unable to practice.
- 4.4.2. Accredited Specialists whose circumstances change to the extent that they are unable to satisfy the conditions for maintaining accreditation for a period of more than three (3) months but less than two (2) consecutive years in any CPD Year (for example, not practicing law due to illness, maternity leave or a career break) should notify the Professional Advancement Team as soon as they become aware of the change and advise of the likely date of return. The Professional Advancement Team will then inform the Board about the leave of absence.
- 4.4.3. Unless otherwise directed by the Board, an Accredited Specialist on a leave of absence:
 - (a) must remain a full member of the Society;
 - (b) must continue to hold a practising certificate issued by the Society or the Bar Association of Queensland, or be engaged in legal practice as a government legal officer undertaking government work;
 - (c) must continue to renew their accreditation on an annual basis as per clause 4.1.1(c);
 - (d) are exempted from the Substantial Involvement requirement for the period of absence;
 - (e) are exempted from the Specialist Accredited CPD Requirements for leaves of absence that are greater than six (6) months and less than twelve (12) months, but are still encouraged to actively participate in CPD;

- (f) may continue to hold themselves out as an Accredited Specialist for the period of leave, but only for leaves of absence that are less than two (2) consecutive years; and
 - (g) must participate in CPD for leaves of absence greater than twelve (12) months (but less than two consecutive years) and otherwise comply with clause 4.3.1.
- 4.4.4. Accredited Specialists on an approved leave of absence must contact the QLS Records Department at Records@qls.com.au to enquire about the ten (10) mandatory CPD under the *Queensland Law Society Administration Rule 2005*.
- 4.4.5. For Accredited Specialists on leaves of absence of greater than six (6) months but less than twelve (12) months, they will be required to obtain all CPD points in their Area of Accreditation for the following CPD Year (after the leave of absence) save for the compulsory CPD areas.
- 4.4.6. Accredited Specialists taking a leave of absence of twelve (12) months to two (2) years can seek an extension of time from the Board to complete the Specialist Accreditation CPD Requirement in the second year, by submitting an application to the Professional Advancement Team.
- 4.4.7. Without approval by the Board, Accredited Specialists taking a leave of absence that is greater than two (2) consecutive years will fail to maintain their accreditation and the accreditation will expire. If this occurs, they must apply to participate in the entire Program again if they wish to be re-accredited.
- 4.4.8. No refunds of the annual accreditation fee will be provided to current Accredited Specialists who wish to take a leave of absence from their accreditation or allow their accreditation to expire by not complying with the terms of the Handbook.

4.5. Adverse Professional Conduct Matters

- 4.5.1. Accredited Specialists must report any Adverse Professional Conduct Matters, or matters which a reasonable person believes could amount to an Adverse Professional Conduct Matter, to the Board (in writing to the Professional Advancement Team).
- 4.5.2. Pursuant to the Charter, the Board has the power to deny, suspend or revoke the accreditation of an Accredited Specialist as a result of Adverse Professional Conduct Matters.

4.6. Suspension or Revocation of Accreditation

- 4.6.1. The Board may deny, suspend or revoke the accreditation of an Accredited Specialist who is the subject of an Adverse Professional Conduct Matter and/or fails to satisfy any of the conditions under the Handbook for maintaining accreditation.
- 4.6.2. The procedure for denying, suspending or revoking the accreditation of an Accredited Specialists is outlined in clause 4.5 of the Charter.

- 4.6.3. In suspending an accreditation, the Board in its absolute discretion will set the period of the suspension and/or impose such conditions as it sees fit.
- 4.6.4. A practitioner whose accreditation is suspended or revoked must not hold himself or herself out as an Accredited Specialist.
- 4.6.5. An Australian Legal Practitioner whose accreditation is revoked may apply for re-accreditation in the future pursuant to clause 4.7.2.

4.7. Expiry of Accreditation and Re-Accreditation

- 4.7.1. Accredited Specialists who fail to comply with the Handbook for maintenance of their accreditation will no longer be accredited as their accreditation will expire.
- 4.7.2. An Australian Legal Practitioner whose accreditation expires or is revoked may apply to the Board for re-accreditation.
- 4.7.3. An Australian Legal Practitioner seeking re-accreditation must:
 - (a) provide a declaration that he or she continues to satisfy the conditions of maintaining accreditation;
 - (b) provide the names and particulars of three referees who support the application;
 - (c) confirm whether the loss of accreditation was the result of a revocation by the Board, and if so, provide full particulars about the revocation and any remedial actions taken since the revocation; and
 - (d) report any Adverse Professional Conduct Matters, or matters which a reasonable person would believe amounts to an Adverse Professional Conduct Matter.
- 4.7.4. A decision to grant re-accreditation is at the absolute discretion of the Board.
- 4.7.5. Other than in cases of a revocation of accreditation, if the period since expiry of accreditation is longer than twenty-four (24) calendar months from the date of expiry of the last held specialist accreditation certificate, the Board is unlikely to grant re-accreditation except under exceptional circumstances.

4.8. Calls to the Bar

- 4.8.1. Accredited Specialists who are called to the Bar remain entitled to hold accreditation with the Society if they:
 - (a) become an associate member of the Society;
 - (b) hold a current practising certificate from the Queensland Bar Association;
 - (c) pay the annual fee (as published on the Society's website);
 - (d) certify that they maintain Substantial Involvement;
 - (e) certify that they meet the CPD Requirements; and
 - (f) otherwise comply with the Handbook.
- 4.8.2. An Accredited Specialist called to the Bar whose accreditation expires for failure to comply with clause 4.8.1 may apply for re-accreditation pursuant to clause 4.7.

4.9. Full-Time Work in a Non-Legal Practice Role or Service

- 4.9.1. Accredited Specialists who are employed in, or engaging in, full-time non-legal practice roles or services, do not meet the Substantial Involvement requirement and must annually apply in writing to the Board to renew and maintain their accreditation.
- 4.9.2. These types of roles and/or services are those in which Accredited Specialists are not retained as confidential legal advisors to provide legal advice to clients and/or represent clients in the ordinary course of legal practice. Examples of non-legal practice roles and/or services include, but are not limited to:
- (a) policy work (developing and commenting on legal policy); or
 - (b) Academia (e.g. Professor or Lecturer); or
 - (c) exclusively engaging in Arbitration and/or Mediation services (mediation and/or arbitration and/or Family Dispute Resolution services, and not engaging in any collaborative law practice equivalent to at least 25% of ordinary full-time legal practice in their Area of Accreditation); or
 - (d) appointment as a Judicial Officer or in a Quasi-Judicial role (e.g. Registrar of a Court or Member of a Tribunal).
- 4.9.3. The application to the Board must:
- (a) request an exemption from meeting the Substantial Involvement requirement whilst employed in, or engaging in, full-time non-legal practice roles or services;
 - (b) outline how the non-legal practice roles or services will allow the applicant to either further, or maintain, their higher level of expertise in their Area of Accreditation, having regard to the current accreditation assessment process; and
 - (c) confirm that the applicant otherwise meets all the other requirements under the Handbook to maintain their accreditation.
- 4.9.4. The Board is unlikely to approve an application by an Accredited Specialist that has been employed in, or engaging in, a full-time non-legal practice role or service for greater than five (5) consecutive years, unless the applicant can demonstrate exceptional circumstances on an annual basis.
- 4.9.5. If the applicant does not receive approval from the Board to annually renew and maintain their accreditation under this clause, their accreditation will automatically lapse. If their accreditation has lapsed for more than two (2) consecutive years, they will be required to again participate and pass the Program in their Area of Accreditation should they seek re-accreditation (on the basis they are eligible to enrol).
- 4.9.6. This clause operates independently of clause 4.4 (Leave of Absence). The Board will take into account, as part of its decision-making process, any applicant who has previously relied on clause 4.4 to seek an exemption from meeting the requirements for maintaining their accreditation, if the purpose of the Leave of Absence was related to the applicant being employed in, or engaging in, full-time non-legal practice roles or services during any period of the approved Leave of Absence.

Part 5 – GENERAL PROVISIONS

5.1 Mutual Recognition of Interstate Accredited Specialists

- 5.1.1. An Australian Legal Practitioner who holds an interstate Specialist Accreditation in an Area of Accreditation recognised in Queensland may apply to the Board for mutual recognition of that Area of Accreditation pursuant to the terms of the Queensland Law Society Mutual Recognition Policy (available on the Society's website).
- 5.1.2. Approval of mutual recognition is subject to the interstate Australian Legal Practitioner satisfying the requirements under clause 4.1.1 of the Handbook.

5.2 No Exemptions in Subsequent Program Year

- 5.2.1 Unsuccessful Candidates may apply in the next Program Year if they remain qualified to do so. Unless otherwise directed by the Board, no exemptions from any Assessment Items will be offered to such candidates.

5.3 Minimum Number of Candidates for a Program

- 5.3.1 A Program is unlikely to be run if fewer than three (3) Candidates are accepted into that Program.

5.4 Advertising

- 5.4.1. Accredited Specialists will need to refer to the Society's Specialist Accreditation Marketing Guidelines, available on the Society's website, for information concerning acceptable advertising.