Queensland Law Society

Specialist Accreditation Scheme Handbook

Distinction in law



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Part 1 - THE SPECIALIST ACCREDITATION SCHEME

1.1 Introduction to the Scheme

The Queensland Law Society Specialist Accreditation Scheme is intended to promote and recognise the professional advancement of Solicitors in Queensland who demonstrate enhanced skills, superior knowledge, significant experience and a high proficiency in established legal speciality areas. Solicitors who are recognised as accredited specialists must be involved in and contribute significantly to their speciality areas.

The Scheme is designed for Solicitors who are full members of the Queensland Law Society and engage in legal practice in a particular area of accreditation.

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 their ethical and professional obligations, as well as the terms of the Handbook.

1.3 Definitions

Accredited Specialist means a Solicitor 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 Solicitor, as this term is defined under Schedule 2 of the *Legal Profession Act 2007*, who applies to be a Candidate for a Program.

Application Fee means the non-refundable fee paid by Applicants applying to be a Candidate for a Program, as published on the Society's website.

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 Task is an assessment completed by, or required to be completed by, a Candidate for a Program.

Assessment Guidelines are the Assessment Guidelines 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 physically attend or complete the assessment online.

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 CPD points 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 the most current version of the Specialist Accreditation Scheme Handbook approved by Council and in force during a Program Year as found on the Queensland Law Society's website.

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

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

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

Program Fee means the fee payable by a Candidate approved by the Board for enrolment into a Program during a Program Year, as published on the Queensland Law Society's website.

Program Year is the period during which a Program is conducted for an Area of Accreditation.

Re-Assessor means an Accredited Specialist, senior Australian Legal Practitioner, or academic 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 has not met, the standard for accreditation.

Scheme means the Queensland Specialist Accreditation Scheme.

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 legal work in the Area of Accreditation including, but not limited to:

(i) directly working on matters for clients;

(j) supervising another lawyer who is working on matters for clients;

(iii) managing another lawyer or a team of lawyers who are working on matters for clients;

(iv) such other aspects of professional practice as the Board may determine at its discretion.

Part 2 - APPLICANTS

2.1 Eligibility criteria

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

a) be:

i. a full or honorary member of the Queensland Law Society, or a full or honorary Member of another law Society in Australia; or

ii. for persons engaged in legal practice as a Government Legal Officer engaging in government work, be an Associate Member of the Queensland Law Society;

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 (i.e. not including pre-admission experience) or as a government legal officer undertaking government work, on a full-time basis for a minimum of five consecutive years (or equivalent experience) by 1 January in the year of the relevant Program;

d) in each of the three years immediately preceding the year of the relevant Program, whether working full-time or part-time, have practised in the area of law for which accreditation is sought for not less than 25% of full-time practice.

e) satisfy the Board that the Applicant has a sufficient level of Queensland jurisdiction-specific experience and necessary readiness; and

f) 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 Queensland Law 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 Queensland Law Society's website and cannot be the same application lodged in any past years. The identity of the Applicant will be revealed 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 may consider discretionary applications by Applicants who, due to parental leave or other extenuating circumstances:

a) cannot meet the consecutive nature of the five-year full-time requirement under clause 2.1.1(c); or

b) cannot meet the requirement that the three years of practice experience in the area of accreditation under clause 2.1.1(d) be in the three years immediately preceding the year of the relevant Program.

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 Queensland Law Society or jointly run by the Queensland Law Society and another interstate law Society and is unsuccessful on three 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 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 as a discretionary application during the normal program application process. The Applicant must demonstrate exceptional circumstances to the Board why he or she should be permitted to re-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:

a) accepted into any Program offered by the Queensland Law Society, including a Program based on a national area of accreditation; or

b) granted a method of assessment seeking accreditation in another Area of Accreditation under the terms of the Mutual Recognition Policy.

2.3.2 The Board will not consider any discretionary applications in this respect.

2.4 Referees

2.4.1 All applications must be supported by three completed Referee Reports. Referee Report forms can be downloaded from the Queensland Law 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 years before the start of the Program Year; and

ii. be Australian Legal Practitioners or Government Legal Officers, 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 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 Queensland Law 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 Queensland Law Society's website and must be completed, dated and signed by the referee no earlier than three 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 Queensland Law 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 Application Fee as notified on the Queensland Law Society's website and be submitted by the closing date. Applicants will be sent confirmation of receipt of their application by email.

2.5.2 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.

2.5.3 All applications will be reviewed for compliance with the eligibility criteria and discretionary applications will be forwarded to the Board.

2.5.4 If an application is accepted, the Applicant will be advised in writing and issued with a tax invoice for payment of the Program Fee.

2.6 Withdrawals

2.6.1 Applicants may withdraw their applications at any time prior to the closing date, in writing by email to spec@qls.com.au but will incur an administration processing fee (as published on the Queensland Law Society's website).

2.6.2 Once an Applicant becomes a Candidate in a Program, they may withdraw as Candidates in writing by email to spec@qls.com.au and:

a) receive an 80 per cent refund of the Program Fee for withdrawals made up to four weeks prior to the distribution or sitting of the first Assessment Task;

b) in other circumstances, refunds will be determined at the sole discretion of the Manager, Professional and Specialist Education.

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 spec@qls.com.au, 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 Task;

c) include recent medical evidence of the disability or impairment (i.e. within six months of the application); and

d) confirm an alternative arrangement proposed by the Applicant.

2.7.3 The Board will consider the request and make a final decision.

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 except for:

a) The oral assessment Task of a Program, in which it will not be possible to preserve anonymity. The Candidate will be referred to by their first name only during the oral assessment.

b) Any discretionary applications and appeals to the Board.

3.1.2 Candidates' names will not be used in any correspondence between QLS Education and an Advisory Committee, except where the communication concerns an oral assessment.

3.1.3 Candidates are required to report any Adverse Professional Conduct Matters to spec@qls.com.au 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 Tasks will meet the standard for accreditation.

3.2.2 The Assessment Guidelines provide information on Assessment Tasks and success criteria for the Program. The Assessment Guidelines may be used as a study guide to prepare for the Assessment Tasks as it outlines the topics which may be covered in an assessment. The Assessment Guidelines are not an exhaustive list of areas covered in the Program and should not be relied upon for this purpose. All topics relevant to an accreditation area may be assessed.

3.2.3 Masterclasses and/or Workshops may be offered by the Queensland Law 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 Tasks.

3.2.4 The Queensland Law Society may facilitate study groups for a Program but does not offer any study or preparation support.

3.2.5 The Program Assessment Tasks are not graded on a bell curve.

3.2.6 Subject to a successful application for special consideration (see clauses 3.6 and 3.7), failure to submit an Assessment Task on time, or to attend an Assessment Session, will lead to a failure of that Assessment Task or Session and the candidate will be deemed ineligible to continue in the Program. In this instance, no refunds will be applicable.

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 Queensland Law Society exam conditions.

3.3.2 Additional information about the general nature of the assessment components is outlined in the Assessment Guidelines for the relevant Area of Accreditation.

3.3.3 The Queensland Law Society may conduct Assessment Tasks which have been developed and/or facilitated by interstate providers of accreditation.

3.3.4 The Queensland Law 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 Task 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 Task).

3.4.2 All Candidates who successfully complete all three Assessment Tasks 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 celebration at the end of the Program Year.

3.5 CPD Points

3.5.1 By undertaking a Program and completing all Assessment Tasks, Candidates are entitled to claim 10 CPD points for the current CPD year, regardless of whether they achieve accreditation. If a Candidate withdraws from a Program prior to completing all Assessment Tasks, they will need to contact QLS Education to discuss their CPD allotment.

3.5.2 Eight of the 10 CPD points are considered general CPD points, and one CPD point can be claimed for each of the core areas of Practical Legal Ethics and Professional Skills. Accordingly, Candidates will need to complete one additional CPD point in the core area of Practice Management and Business Skills to satisfy the full requirements for the CPD Year.

3.6 Discretionary Application for Extension of Time

3.6.1 Discretionary applications can only be made for an extension of time to complete the take home assessment.

3.6.2 Discretionary applications for extensions of time must be made in writing to spec@qls.com.au by no later than 4:00pm two business days prior to the due date of the Assessment Task. Any discretionary applications for extensions of time made after this timeframe will not be considered under clause 3.6.

3.6.3 Any discretionary application for an extension of time must be supported by relevant and recent documentation, for example a medical certificate, accident report, funeral notice, statutory declaration.

3.6.4 The application for an extension of time must demonstrate that the Candidate is unable to meet the due date of the take home assessment as a result of unplanned and unforeseeable circumstances or extenuating circumstances beyond their control which they consider will significantly impact their performance. Unforeseen and extenuating circumstances do not include a Candidate's work pressures, competing commitments, holidays or annual leave or minor illnesses and these **will not be accepted as reasons** for granting an extension of time. It is assumed that all Candidates will be able to meet the due dates specified for each Assessment Task in the Program.

3.6.5 Applications that cannot be submitted at least two business days before the due date because of very serious extenuating circumstances beyond the candidate's control, may still be accepted depending on the severity of the extenuating circumstance and the time of notice to spec@qls.com.au. All applications received less than two business days before the due date will be treated as an application for special consideration under clause 3.7. Therefore, the Candidate must still submit the take home assessment by the due date, and the application will be determined in accordance with the criteria in clause 3.7.

3.6.6 In considering the discretionary application, the Advisory Committee may either:

a) grant the application, and allow the Candidate to submit the take home assessment on a later date; or

b) refuse to grant the application, requiring the Candidate to submit the take home assessment by the due date.

3.7 Special Consideration

3.7.1 An application by a Candidate that does not meet the requirements for discretionary applications under clause 3.6, must be made in accordance with this clause 3.7.

3.7.2 A Candidate may apply to the relevant Advisory Committee for special consideration for all assessment items in circumstances where they:

a) are undertaking an item of assessment and experience a problem beyond their control which they consider significantly affects their performance in completing the Assessment Task. The Candidate must immediately bring the circumstances to the attention of QLS Education at the time of undertaking the Assessment Task;

b) are unable to undertake a scheduled Assessment Task, or submit a take home assessment, by the due date because of circumstances beyond their control AND because of those circumstances they are unable to submit a discretionary application at least two business days before the due date of the Assessment Task as required by clause 3.6. The Candidate must immediately notify QLS Education at spec@qls.com.au if they are unable to attend the Assessment Session or submit the Assessment Task by the due date. To be eligible for Special Consideration under this clause, notification must be received before the Assessment Session commences or before the Assessment Task due date, unless exceptional circumstances make such notification impossible. Failure to attend the Assessment Session or submit the Assessment Task, and failure to provide the required notification, will result in an automatic failure of that Assessment Task.

c) submit the take home assessment by the stipulated due date but experienced an extenuating circumstance beyond their control which the Candidate considers significantly impacted their performance. The Candidate must notify QLS Education at the time of the submission.

3.7.4 A special consideration application made under Clause 3.7 must be in writing, contain sufficient detail and information to demonstrate the nature of the extenuating circumstances and justify the granting of special consideration; and be supported by appropriate relevant supporting material (e.g. a statutory declaration from the Candidate or a relevant witness, or medical reports).

3.7.5 Extenuating circumstances must be serious in nature. Extenuating circumstances do not include a Candidate's work pressures, competing commitments, holidays or annual leave or minor illnesses and these **will not be accepted as reasons** for granting an application for special consideration. Candidates are expected to take all reasonable steps to mitigate any extenuating circumstances that arise during the Program. Candidates may be required to provide evidence of the steps taken when seeking special consideration.

3.7.6 A special consideration application may, in extraordinary and exceptional circumstances, still be considered by the Advisory Committee at its sole discretion if it is submitted in writing to spec@qls.com.au and made no later than 4:00 pm, five business days after the due date of the Assessment Task. The Candidate must demonstrate the nature of the extraordinary and exceptional circumstances giving rise to the application for special consideration and provide relevant supporting materials (e.g. a statutory declaration from the Candidate or a relevant witness, or medical reports) to support their application and why it was not made within the stipulated notification period in clause 3.7.2.

3.7.7 Subject to sub-clause 3.7.6, if an Assessment Task is submitted late and the Candidate does not apply for special consideration, in accordance with this clause it will not be marked.

3.7.8 If a Candidate applying for special consideration has attended an Assessment Session, or submitted a take home assessment 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 Task; 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 Task.

3.7.9 If a Candidate applying for special consideration has not attended an Assessment Session or did not submit the take home assessment by the due date, the Advisory Committee may either:

a) grant the application, in which case an alternative arrangement will be made for the completion of the relevant Assessment Task depending 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 Task.

3.8 Results Letter

3.8.1 At the completion of the Program, each Candidate will be notified in writing of the outcome of their assessment. The notification will confirm whether the Candidate has successfully completed the Program by meeting the required standard for accreditation in each Assessment Task. The Results Letter will be deemed to have been received by the Candidate.

3.8.2 The Results Letter will be deemed received by the Candidate on the date of electronic transmission.

3.8.3 Candidates who have meet the standard for accreditation in all Assessment Tasks will be advised of their successful completion of the Program and will be informed of their marks for each Assessment Task.

3.8.4 Candidates who have not met the standard for accreditation in one Assessment Task will be provided with:

a) a summary of their overall results, indicating which Assessment Tasks met the standard and which Assessment Task did not meet the standard for accreditation; and

b) On request, 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.

iii. where available, any additional written comments or feedback from the relevant Advisory Committee that exists in connection with the specific Assessment Task for which they did not meet the standard for accreditation.

3.8.5 Candidates who have not met the standard for accreditation in two or more Assessment Tasks will be provided with:

a) a summary of their overall results indicating which Assessment Task met the standard and which Assessment Tasks did not meet the standard for accreditation; and

b) On request, 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. where available, any written comments or feedback from the relevant Advisory Committee that exists in connection with the grading of the Assessment Tasks for which they did not meet the standard for accreditation.

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

3.9 Application for Re-Assessment (One Failed Assessment Task)

3.9.1 Applications for re-assessment are only available to Candidates who do not meet the standard for accreditation in one Assessment Task only.

3.9.2 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 spec@qls.com.au;

d) state on which grounds the Candidate considers the assessor's comments do not reflect the Candidate's performance in the Assessment Task; and

e) be accompanied by the fee as published on the Queensland Law Society's website.

3.9.3 The Re-Assessor will:

a) not be a member of the Advisory Committee or involved in the marking of any Assessment Tasks during the current Program;

b) conduct an independent assessment of the Assessment Task that did not meet the standard for accreditation by reviewing the Candidate's responses, 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 Task; and

c) make an independent decision of whether the Candidate has met the required standard for accreditation for that Assessment Task.

3.9.4 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 Task but is not required to provide reasons for their decision or respond directly to the Candidate's submissions.

3.9.5 Candidates will be advised of the outcome of the re-assessment in writing, which will be deemed as being received on date of electronical transmission.

3.9.6 A Candidate who does not meet the standard for accreditation on re-assessment may appeal the original result for the Assessment Task to the Board. Any appeal must be lodged within seven days after the Candidate is notified of the re-assessment outcome and must be made in accordance with clause 3.10.

3.10 Non-Merit Review Appeal

3.10.1 A non-merit 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.

3.10.2 The appeal must:

a) be submitted to spec@qls.com.au within twenty-one days of receipt of the Results Letter or seven 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 Queensland Law Society.

3.10.3 When considering the Appeal, the Board will have regard to:

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.

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

3.10.5 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 Queensland Law Society Queensland Law Society or, for Accredited Specialists engaged in legal practice as a Government Legal Officer engaging in government work, be an Associate Member of the Queensland Law Society (subject to clause 4.8);

b) hold a practising certificate issued by the Queensland Law Society or continue to be engaged in legal practice as a Government Legal Officer engaged in government work;

c) annually renew their accreditation by:

i. paying the annual fee (as published on the Queensland Law Society's website);

ii. certifying that they practice in the specialist area of accreditation for a minimum of 25% of full-time legal practice (whether they practice full time or part-time);

iii. certifying that they meet the CPD Requirements; and

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 on the Queensland Law Society's website.

4.2.2 The Board may consider 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 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 required to maintain a record of all their professional development activities for each CPD Year in compliance with the *CPD Guide Guidelines on CPD compliance for Queensland solicitors* as found on the Queensland Law Society's website.

4.4 Temporary Leave of Absence from Legal Practice

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 engage in legal practice. Accredited Specialists on a temporary leave of absence from legal practice are exempted from the requirement to practice a minimum of 25% of full-time practice in their specialist area of accreditation for the period of their absence.

4.4.2 This section applies if you will temporarily be unable to meet the requirement to practice a minimum of 25% of full-time practice in your specialist area of accreditation for more than three months but less than two years (for example, not practicing law due to illness, injury, parental leave or other caring responsibilities, career break or other temporary circumstances).

4.4.3 This section does not apply if you will be working substantially or exclusively in a role where you are not providing legal advice or representing clients in the ordinary course of legal practice (for example, policy work, academia, exclusively engaging in Arbitration and/or Mediation) and are therefore unable to meet the requirement to practice a minimum of 25% of full-time practice in your specialist area of accreditation (see section 4.9 instead).

4.4.4 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 months but less than two consecutive years in line

with section 4.4.2 must notify spec@qls.com.au as soon as they become aware of the change and advise of the likely date of return.

4.4.5 Unless otherwise directed by the Board, an Accredited Specialist on a temporary leave of absence:

a) must remain a full or associate member of the Queensland Law Society; and

b) must continue to renew their accreditation on an annual basis and pay the annual accreditation fee (as published on the Queensland Law Society's website).

If these requirements are met, the Accredited Specialist may retain Specialist Accreditation for the period of leave, but only for leaves of absence that are less than two consecutive years.

4.4.6 If the temporary leave of absence exceeds two consecutive years, the solicitor must immediately cease holding themselves out as an Accredited Specialist. Their accreditation will be treated as expired for the purposes of clause 4.8, and reaccreditation may only be sought in accordance with clause 4.8.

4.4.7 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 CPD Requirements during temporary leave of absence

4.5.1 As an Accredited Specialist, you have a continuing obligation to maintain a specialist level of knowledge and skill. You are required to maintain your own records of CPD activities and keep these records for at least seven years following the end of the relevant CPD year.

4.5.2 All legal practitioners (including Accredited Specialists) must comply with CPD requirements under the *Queensland Law Society Administration Rule 2005*. Accredited Specialists must complete 15 CPD points in total with 10 CPD points in their Area of Accreditation, one CPD point each in ethics, practice management, and professional skills, plus two CPD points in any area.

4.5.3 Dual accredited specialists must complete 25 CPD points in total, with 10 CPD points in each Area of Accreditation, one CPD point each in ethics, practice management and professional skills, plus two CPD points in any area.

4.5.4 If you are on a temporary leave of absence from legal practice (e.g. due to unemployment, injury, illness, parental leave or other caring responsibilities), you may apply to the CPD Committee for an exemption from general CPD requirements under Rule 49 of the Administration Rule.

4.5.5 Applications must be:

a) Made using the approved CPD exemption form (Continuing Professional Development Compliance - Queensland Law Society)

b) Submitted to the CPD Committee by **30 September following the CPD year** for which exemption is sought

c) Accompanied by sufficient detail about the reason for exemption and relevant supporting documentation

4.5.4 If the CPD Committee grants a full exemption from general CPD requirements, you are exempt from all accredited specialist CPD requirements for the same period.

4.5.5 If the CPD Committee grants a **partial exemption**, contact spec@qls.com.au to clarify how this affects your specialist CPD obligations.

4.5.6 If the CPD Committee grants a full or partial exemption, you must notify QLS Education at spec@qls.com.au within 10 working days so your accreditation records can be updated. Please provide:

a) A copy of the CPD Committee's exemption approval

b) The CPD year(s) covered by the exemption

c) Whether the exemption is full or partial

4.5.7 If your absence spans more than one CPD year, you must apply for an exemption for each CPD year. Applications can be made prospectively (before the CPD year) or retrospectively (by 30 September following the CPD year).

4.5.8 While you are exempt from formal CPD requirements during approved absences, you are encouraged to

maintain engagement with your Area of Accreditation where your circumstances reasonably permit (for example, through reading or online resources or professional networks).

4.5.9 On return to practice, you will be required to comply with **Accredited Specialists - CPD requirements for pro rata periods** as laid out in the Queensland Law Society CPD Guide (available at Continuing Professional Development - Queensland Law Society). If your absence does not qualify under Rule 49 (e.g., work in a non-legal practice role), see section 4.9.

4.6 Adverse Professional Conduct Matters

4.6.1 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 spec@qls.com.au).

4.6.2 Pursuant to the Charter, the Board has the power to deny, suspend or revoke the accreditation of an Accredited Specialist because of Adverse Professional Conduct Matters.

4.7 Suspension or Revocation of Accreditation

4.7.1 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.

4.7.2 The procedure for denying, suspending or revoking the accreditation of an Accredited Specialists is outlined in clause 4.5 of the Charter.

4.7.3 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.

4.7.4 A practitioner whose accreditation is suspended or revoked must not hold themselves out as an Accredited Specialist.

4.7.5 An Australian Legal Practitioner whose accreditation is revoked may apply for re-accreditation in the future pursuant to clause 4.7.2.

4.8 Expiry of Accreditation and Re-Accreditation

4.8.1 Accreditation expires when an Accredited Specialist fails to comply with the requirements in this Handbook.

4.8.2 This section applies to an Australian Legal Practitioner whose specialist accreditation has expired, whether as a result of:

(i) failing to comply with the requirements of this Handbook (including annual renewal obligations);

(ii) a temporary leave of absence exceeding two consecutive years under clause 4.4;

(iii) ceasing to practise as a solicitor and therefore allowing accreditation to lapse under clause 4.9; or

(iv) any other circumstance in which accreditation is no longer current.

4.8.3 A practitioner whose accreditation has been revoked may also apply for re-accreditation under this section unless otherwise specified.

4.8.4 An Australian Legal Practitioner seeking re-accreditation must provide sufficient evidence to enable the Board to assess their current competency, suitability and readiness to resume Accredited Specialist status. An application must include:

a) A declaration addressing current competence outlining

i. the practitioner's recent legal practice and experience relevant to the Area of Accreditation since accreditation lapsed;

ii. steps taken to maintain or update professional knowledge and skills during the period of expiry/lapse (e.g., CPD activity, supervised practice, academic work, judicial or quasi-judicial experience, professional writing, research or policy work);

iii. the practitioner's present competence, readiness and capacity to meet the requirements of accreditation moving forward.

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:

i. provide full particulars about the revocation and any remedial actions taken since the revocation; and,

ii. report any Adverse Professional Conduct Matters or matters which a reasonable person would believe amounts to an Adverse Professional Conduct Matter.

4.8.5 A decision to grant re-accreditation is at the absolute discretion of the Board, which may consider:

a) the nature and duration of the period of expiry or lapse;

b) the relevance and quality of the practitioner's legal and professional activities during that period;

c) any risks to the public, the profession, or the integrity of the Specialist Accreditation Scheme; and

d) whether the practitioner demonstrates sufficient competence and currency in the Area of Accreditation.

4.8.6 Where accreditation has expired more than 60 months ago, the Board will not ordinarily grant re-accreditation except in exceptional circumstances. In such cases, the applicant will generally be required to complete and pass the entire accreditation program again (subject to eligibility).

4.9 Accreditation for Non-solicitor Roles

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) be submitted in writing to the Professional Advancement Team, by way of correspondence addressed to the Board;

b) request an exemption from meeting the Substantial Involvement requirement whilst employed in, or engaging in, full-time non-legal practice roles or services;

c) 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

d) 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 Queensland Law Society's website).

5.1.2 Approval of mutual recognition is subject to the Australian Legal Practitioner with interstate Specialist Accreditation satisfying the requirements under clause 4.1.1 of the Handbook.

5.1.3 The Queensland Law Society will not accept applications by Dual Accredited Specialists seeking mutual recognition of a third Area of Accreditation under the Mutual Recognition Policy. This sub-clause applies even if the third accreditation is based on a national Area of Accreditation.

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 Tasks 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 Candidates are accepted into that Program.

5.4 Advertising

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