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**JUSTICE**

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JU301\*

Legal Profession Act 2008

**Legal Profession Amendment Rules 2016**

Made by the Legal Practice Board.

**1. Citation**These rules are the *Legal Profession Amendment Rules 2016*.**2. Commencement**

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

**3. Rules amended**These rules amend the *Legal Profession Rules 2009*.**4. Rule 12 amended**

In rule 12(1) delete “subrules (2) and” and insert:

subrule

**5. Rule 17 amended**

- (1) In rule 17(1) insert in alphabetical order:

*approved practice management course* means an approved PMC as defined in rule 18A;

- (2) After rule 17(1) insert:

- (1A) The condition imposed on a practising certificate by rule 13B(1) or (2) is varied to reduce the number of

CPD points the local legal practitioner is required to earn during a CPD period to zero if —

- (a) the practitioner has successfully completed an approved practice management course during that CPD period; and
- (b) the practitioner has not satisfied the condition imposed under rule 13B(1) or (2) during a previous certificate year by completing an approved practice management course.

**6. Part 2 Division 2A inserted**

After rule 18 insert:

**Division 2A — Condition on local practising certificate:  
practise as principal of law practice**

**Subdivision 1 — Preliminary**

**18A. Terms used**

In this Division —

*approved PMC* has the meaning given in rule 18I;

*PMC condition* means the condition imposed on a local practising certificate by rule 18C(1)(a);

*PMC provider* means a person, body or group of persons approved as a PMC provider under rule 18G.

**18B. Application of Division**

This Division applies in respect of a local practising certificate that is granted or renewed on or after 1 July 2016.

**Subdivision 2 — Local practising certificates**

**18C. Condition on local practising certificate: practice management**

- (1) A local practising certificate that is an unrestricted practising certificate is subject to the following conditions —
  - (a) the local legal practitioner must not practise as the principal of a law practice unless the practitioner has successfully completed a course in practice management that is an approved PMC;
  - (b) the local legal practitioner must not commence practise as the principal of a law practice unless the practitioner has given notice to the Board in an approved form of the practitioner's intention

to commence practise as the principal of a law practice.

- (2) However, a local practising certificate is not subject to the PMC condition if the local legal practitioner was practising as the principal of a law practice, other than as a restricted practitioner, immediately before 1 July 2016.

**18D. Request to revoke or vary PMC condition**

- (1) A local legal practitioner may request the Board to —
  - (a) revoke the PMC condition on the practitioner's local practising certificate; or
  - (b) vary the PMC condition on the practitioner's local practising certificate to allow the practitioner to commence practise as a principal of a law practice subject to completion of an approved PMC within a specified time; or
  - (c) vary the PMC condition on the practitioner's local practising certificate to allow the practitioner to commence practise as a barrister.
- (2) A request is to be in a form approved by the Board.

**18E. Board may revoke PMC condition**

- (1) On a request made under rule 18D(1)(a), the Board may revoke the PMC condition on a local practising certificate if the Board is satisfied that the practitioner —
  - (a) has the skills or experience to practise as the principal of a law practice; and
  - (b) is a fit and proper person to practise as the principal of a law practice.
- (2) Without limiting subrule (1), the Board may be satisfied that a practitioner has the skills or experience to practise as the principal of a law practice if the practitioner —
  - (a) holds a practising certificate in another jurisdiction that allows the practitioner to practise as the principal of a law practice; or
  - (b) has successfully completed a qualification that the Board considers is at least equivalent to an approved PMC; or
  - (c) has prior learning experience that, in the opinion of the Board, demonstrates that the practitioner is suitable to practise as the principal of a law practice.

**18F. Board may vary PMC condition**

- (1) On a request made under rule 18D(1)(b), the Board may vary the PMC condition on a local practising certificate if the Board is satisfied that —
  - (a) it is not reasonably practicable for the practitioner to complete an approved PMC before commencing practise as the principal of a law practice; and
  - (b) the practitioner is otherwise a fit and proper person to practise as the principal of a law practice.
- (2) On a request made under rule 18D(1)(c), the Board may vary the PMC condition on a local practising certificate if —
  - (a) the practitioner holds a practising certificate that is subject to the condition that the practitioner only practise as a barrister; and
  - (b) either —
    - (i) the practitioner has successfully completed a course in respect of practise as a barrister that has been approved by resolution of the Council of The Western Australian Bar Association (Inc.) or an equivalent body (a *Bar Readers Course*); or
    - (ii) the practitioner has given to the Board a written undertaking that the practitioner will complete a Bar Readers Course within the period of 2 years or a further period allowed by the Board; or
    - (iii) the Board is satisfied that the practitioner should not be required to undertake a Bar Readers Course because the practitioner has the skills or experience to practise as a barrister.

**Subdivision 3 — Other matters about practice management****18G. PMC providers**

- (1) The Board may approve any person, body or group of persons as a PMC provider.
- (2) The Board may audit, or cause to be audited, a person, body or group of persons approved as a PMC provider under subrule (1) in relation to the provision by the PMC provider of practice management courses.

- (3) An approval under subrule (1) —
  - (a) may be granted subject to any conditions the Board thinks fit; and
  - (b) takes effect from the day specified in it, which may be before the day on which it is granted; and
  - (c) may be revoked by the Board at any time.

**18H. PMC requirements**

- (1) The Board may publish guidelines setting out requirements in relation to the following —
  - (a) the content of a PMC;
  - (b) the structure of a PMC;
  - (c) assessment methods to be used in respect of a PMC;
  - (d) resources and materials to be provided to participants in a PMC;
  - (e) support services to be provided to participants in a PMC;
  - (f) availability of a PMC;
  - (g) any other matter relevant to the provision of a PMC.
- (2) The Board is to ensure that the guidelines are available on the Board's website.

**18I. Approved PMCs**

A course in practice management is an approved PMC if it —

- (a) satisfies the requirements set out in guidelines published under rule 18H; and
- (b) is provided by a PMC provider.

Made by the Legal Practice Board under Part 17 of the Act.

ANDREW PASCOE, Member.

REBECCA HEATH, Member.

JOHN SYMINTON, Member.

MELVIN YEO, Member.

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