
JUSTICE

JU301*

Legal Profession Act 2008

Legal Profession Amendment Rules (No. 2) 2015

Made by the Legal Practice Board.

1. Citation

These rules are the *Legal Profession Amendment Rules (No. 2) 2015*.

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 3A replaced

Delete rule 3A and insert:

3A. Supervised legal practice (s. 3)

For the purposes of paragraph (f) of the definition of *supervised legal practice* in section 3 of the Act, legal practice by a person who is an Australian legal practitioner in a capacity that is approved under rule 19 or 24 is approved.

5. Rule 19 replaced

Delete rule 19 and insert:

19. Restricted legal practice (s. 50)

For the purposes of paragraph (f) of the definition of *restricted legal practice* in section 50(1) of the Act, legal practice by a person who is an Australian legal practitioner in a capacity mentioned in an item of the Table is approved if it is engaged in under the required supervision mentioned in the item.

Table

Item	Capacity of legal practice	Required supervision
1.	As an employee of a law practice, being an employee who is seconded to work for a body that carries on a business other than the practice of law	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who is a partner, director or employee of the body
2.	As an employee of a law practice at which there is only one Australian legal practitioner who holds an unrestricted practising certificate (the <i>sole practitioner</i>)	During periods of the sole practitioner's absence and with the Board's approval, the supervision of another Australian legal practitioner who holds an unrestricted practising certificate
3.	As an employee or other member of staff of the Aboriginal Legal Service of Western Australia (Inc.) (the <i>ALS</i>)	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who is an employee of the ALS
4.	As an employee or other member of staff of the Legal Aid Commission of Western Australia established by the <i>Legal Aid Commission Act 1976</i> (the <i>LAC</i>)	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who is an employee of the LAC
5.	As an employee or other member of staff of a community legal centre as defined in section 388(1) of the Act	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who provides (whether or not for remuneration) legal services to, or on behalf of, the centre

Item	Capacity of legal practice	Required supervision
6.	As a volunteer for a local charitable or not-for-profit body if approved by the Board to do so	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who provides (whether or not for remuneration) legal services to, or on behalf of, the body

6. Rule 24 replaced

Delete rule 24 and insert:

24. Restricted legal practice by interstate legal practitioner (s. 72)

For the purposes of paragraph (f) of the definition of *restricted legal practice* in section 72(1) of the Act, legal practice by a person who is an Australian legal practitioner in a capacity mentioned in an item of the Table is approved if it is engaged in under the required supervision mentioned in the item.

Table

Item	Capacity of legal practice	Required supervision
1.	As an employee of a law practice, being an employee and who is seconded to work for a body that carries on a business other than the practice of law	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who is a partner, director or employee of the body
2.	As an employee of a law practice at which there is only one Australian legal practitioner who holds an unrestricted practising certificate (the <i>sole practitioner</i>)	During periods of the sole practitioner's absence and with the Board's approval, the supervision of another Australian legal practitioner who holds an unrestricted practising certificate

Item	Capacity of legal practice	Required supervision
3.	As an employee or other member of staff of the Aboriginal Legal Service of Western Australia (Inc.) (the <i>ALS</i>)	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who is an employee of the ALS
4.	As an employee or other member of staff of the Legal Aid Commission of Western Australia established by the <i>Legal Aid Commission Act 1976</i> (the <i>LAC</i>)	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who is an employee of the LAC
5.	As an employee or other member of staff of a community legal centre as defined in section 388(1) of the Act	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who provides (whether or not for remuneration) legal services to, or on behalf of, the centre
6.	As a volunteer for a local charitable or not-for-profit body if approved by the Board to do so	The supervision of an Australian legal practitioner who holds an unrestricted practising certificate and who provides (whether or not for remuneration) legal services to, or on behalf of, the body

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

J. SYMINTON, Member.

P. van HATTEM, SC, Member.

G. TANNIN, SC, Member.

A. PASCOE, Member.