
JUSTICE

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.