

WESTERN AUSTRALIA

*Legal Profession Uniform Law Application (Accreditation) Rules 2022*  
Rule 7

To: Legal Practice Board  
PO Box 5720  
St Georges Terrace  
Perth WA 6831

**Application for Accreditation as a PMC Provider**

On application to the Legal Practice Board (**Board**), a person may be accredited as a provider of a Practice Management Course (**PMC**) (**PMC Provider**). The structure and content of a PMC may be approved if the conditions, as set out by the Board, are met (this application includes criteria and guidelines for completion).

Please complete all sections of this application and **attach** the required information referred to in **Section C**.

Please forward the completed application to [enquiries@lpbwa.com](mailto:enquiries@lpbwa.com) marked "Attention: Application for Accreditation as a PMC Provider".

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**Section A – Provider details**

**Name of Provider:**

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**Postal address:**

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**ABN:**

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**Telephone no:**

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**Email address:**

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**Website URL:**

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**In case of existing or formal approval, expiry date:**

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (dd/mm/yyyy)

### Section B – Contact details

Contact person for this application:

Name:

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Position held:

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Telephone no:

Email address:

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PMC Coordinator:

Same as above.

*(If different, please provide details below)*

Name:

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Position held:

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Telephone no:

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Email address:

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### Section C – Required information

In considering an application for approval as a PMC Provider the Board requires information addressing the criteria set out in the *Guidelines for Accreditation as a Practice Management Course (PMC) Provider* available on the Board's website [here](#).

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### Section D – Supporting evidence

Please include the following evidence to accompany this application:

1. structure and content of the PMC (see Practice Management Course (PMC) Guidelines annexed to this application);
  2. assessment standards;
  3. level to which the course is to be conducted as per the AQF, Second Edition January 2013;
  4. resources and materials;
  5. support services;
  6. feedback and review processes; and
  7. course availability.
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Please submit this form via email to [enquiries@lpbwa.com](mailto:enquiries@lpbwa.com). All supporting documents are to be submitted to the Board (Please refer to the Legal Practice Board's website, [www.lpbwa.org.au](http://www.lpbwa.org.au) for a copy of its privacy policy)

**Section E – Certification**

I certify that the information set out in this form is true and correct, and I have not omitted any relevant information.

**Signed:**

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**Full name:**  
**(printed)**

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When the provider is a  
company or other entity –  
specify the position held:

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**Date:**

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Please submit this form via email to [enquiries@pbwa.com](mailto:enquiries@pbwa.com). All supporting documents are to be submitted to the Board  
(Please refer to the Legal Practice Board's website, [www.pbwa.org.au](http://www.pbwa.org.au) for a copy of its privacy policy)

## Practice Management Course (PMC) Guidelines

- ❖ Content
- ❖ Structure
- ❖ Assessment Methods

### 1. Purpose of the Guidelines

The purpose of these Guidelines is to set out the Legal Practice Board's (**Board**) content, structure and assessment method requirements of a Practice Management Course (**PMC**) pursuant to rule 12 of the *Legal Profession Uniform Law Application (Accreditation) Rules 2022 (Local CPD Rules)*.

### 2. Context

Pursuant to section 53 of the *Legal Profession Uniform Law (WA) (Uniform Law)* and rule 16(b)(ii) of the *Legal Profession Uniform General Rules 2015 (Uniform General Rules)*, the Board can require a local legal practitioner to successfully complete an approved PMC.

Pursuant to rule 7 of the Local CPD Rules the Board may, on application, grant accreditation to a person as a PMC provider if satisfied that the course to be provided by the person will satisfy the requirements of guidelines published under rule 12.

These Guidelines set out the Board's requirements with respect to the content, structure and assessment methods of a PMC. Applications made by a person to be accredited as a PMC Provider in accordance with rule 7 of the Local CPD Rules will be assessed against the requirements set out in these Guidelines.

### 3. Required PMC Outcomes

A PMC must address the inherent requirements of legal practice with respect to a principal of a law practice. The inherent requirements of legal practice are:

- (a) the ability to perform the day-to-day tasks associated with providing legal services, including the ability to communicate in a professional manner with the courts, law-enforcement agencies and other legal practitioners;
- (b) the ability to discharge the legal practitioner's tortious and fiduciary duties to his or her clients, whether arising under their retainer, in tort or in equity;
- (c) the ability to discharge the legal practitioner's duties to the Court, including:
  - (i) the duty to be honest and courteous in all dealings in the course of legal practice: Rule 4.1.2, *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 (NSW) (Conduct Rules)*;

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- (ii) the duty not to engage in conduct, in the course of practice or otherwise, which is likely to a material degree to be prejudicial to, or diminish the public confidence in, the administration of justice, or bring the profession into disrepute: Rule 5.1, Conduct Rules;
  - (iii) the duty not to knowingly or recklessly mislead the court: Rule 19.1, Conduct Rules;
  - (iv) the duty not to allege any matter of fact in any court document settled by the solicitor, or any submission during any hearing, unless the solicitor believes on reasonable grounds that the factual material already available provides a proper basis to do so: Rule 21.3, Conduct Rules; and
  - (v) the duty not to communicate in the opponent's absence with the court concerning any matter of substance in connection with the current proceedings: Rule 22.5, Conduct Rules.
- (d) an obligation to obey the law and to comply with court orders.

With respect to a principal of a law practice and the content, structure and methods of assessment of a PMC, these inherent requirements extend to include:

- (a) Demonstrated understanding of forms of legal practice structures, and obligations in relation to those structures.
- (b) Demonstrated understanding of client development, including directly dealing with clients, other lawyers, members of the public, the Courts, government or other agencies;
- (c) Operating and maintaining a trust account, and dealing with clients' trust monies;
- (d) Demonstrated understanding of employing and supervising legal and non-legal staff employed by the practitioner's law practice (including employer obligations, including supervision of lawyer employees, engagement of employees (and letters of engagement) and the legal compliance in regard to those matters);
- (e) Demonstrated sound financial management of a law practice (including taxation obligations) (e.g. Taxation Returns, Superannuation, BAS).
- (f) Demonstrated understanding of workflow systems.
- (g) Demonstrated understanding of business planning.
- (h) Demonstrated understanding of risk management.

Therefore, the following outcomes are expected for a legal practitioner completing an approved Practice Management Course:

1. Understanding of how to set up a law practice;
2. How to establish clear and effective governance structures and reporting lines;
3. An ability to monitor and manage risk;
4. How to maintain systems and controls for monitoring financial stability and sustainability of the practice and of monies entrusted to the practice;

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5. An ability to understand and comply with all applicable legislation and regulatory requirements;
6. Apply professional responsibility and ethical practice requirements;
7. An understanding of the principles of effectively training and managing staff;
8. Having systems in place for tracking and supervising all client matters and for monitoring the timeliness and quality of work;
9. An understanding of the implications if outsourcing any part of the service;
10. Having systems in place for safe keeping of all documents, both electronic and paper;
11. Understanding of the benefits and risks of using new technology, including cyber security and social media risks;
12. Understanding of self-management techniques to minimise stress and balance personal and professional priorities;
13. Having a management plan for unforeseen circumstances; and
14. An understanding of how to build, maintain, and improve relationships with clients.

**4. PMC Content, Structure and Assessment Methods**

To achieve the required outcomes, at a minimum the PMC should conform to the following structure, content and assessment methods:

The Board applies the following principles when determining whether a person is a Fit and Proper Person:

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**Topic: Opening a Law Practice**

**Assessment:** quiz and written business plan

**Content:** the content for this topic should include:

- Development of a Strategic Plan.
- Practice Structure and Business Models
  - Sole practitioner
  - ILP
  - Partnership
  - New trends in different structures

Evaluate the capacity of each model to meet goals and needs of the practice and choose the most suitable model

- Location
  - Home
  - Suburbs
  - Near main client base
  - Virtual
  - CBD
  - Country
  - Co-location with other practitioners/professionals – office sharing
- Start-up costs
  - Premises
  - Equipment
  - Software
  - Stationery
  - Security
  - Lease
  - Insurances
  - Advertising – understand rules and regulations limiting advertising
  - Staff
  - Marketing
  - website

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Does the practice have start-up capital?

- Will the practice have to borrow to meet all financial obligations?
- Personal living expenses that need to be met
  - Mortgage/loans
  - School fees
  - Rates/car etc
- Projected income for first 6 months - 12 months.
- Other
  - Business registration
  - Notification of intent to commence business to LPB
  - Tax obligations

**Topic: Establishing a Law Practice (Systems, Procedures and Staff)**

Assessment: quiz and written business plan

Content: the content for this topic should include:

- Setting up an accounting system
- Client accounts
- Billing systems
- Staff management, including strategies to positively lead a team or organisation
- Implementation of effective policies, practices and procedures to manage staff
- Work arrangements
- Gender equity and diversity
- Employing staff
- Obligations
- Using contractors
- Outsourcing
- Supervision and management of staff
- Supervision of restricted practitioners
- Duty statements
- Delegation
- Setting up procedural manuals to control the effective delivery of legal services and provide guidance for the use of technology

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- Access to legal resources
- Appropriate software for practice management – adequacy of technology for delivery of legal services
- Identify, manage and mitigate risks in the area of technology, including cybersecurity and privacy
- Proper training procedures
- Adequate storage / Secure storage
- Time management
- Outsourcing

**Topic: Client File Management**

**Assessment:** quiz and written business plan

**Content:** the content for this topic should include:

- Opening files – procedures templates
- Maintaining files – follow ups/ review procedures
- Closing files
- Current file lists/register
- Document control procedures
- Security of documents, procedures for sending documents electronically (eg PDF versions)
- Cost agreements - alternatives
- Must be clear and precise on what will and won't be charged for and how often invoices will be sent
- Keep records of all dealings with clients
- Where will valuable documents be stored
- Templates, precedents

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**Topic: Financial Management**

**Assessment:** written business plan

**Content:** the content for this topic should include:

Adequate accounting systems to meet the needs of the law practice, that are subject to review as the practice grows.

- Plan and manage the financial activities of an organisation to operate profitably
- Explain costs disclosure and ethical billing practices, including pricing methods
- Keep a general account
- Difference of a Trust account
- Profit & loss
- WIP
- Review client list
- Apply the 80/20 rule
- Budget forecast
- Business expenditure
- Projected income
- Debt servicing
- Management of creditors
- Management of Assets and Liabilities
- Overdraft management
- Cost sharing
- Equity
- Drawing a salary
- Staff salaries/ARL
- Statutory obligations –
  - Superannuation
  - Insurances
  - TAX
  - GST
- Assess clients ability to pay and if they are a credit risk
- Use experts such as bookkeepers and accountants
- Monitor and review

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**Topic: Trust Accounts**

**Assessment:** written examination

**Content:** the content for this topic should include:

- How to manage a trust account, including analysing current practices
- Rules and Regulations governing trust accounts
- Procedures
- Opening and closing
- Obligations to the Board/Regulator
- Traps/Scams
- Controlled Money Accounts
- Abuse and misuse of trust money
- Audit requirements

**Topic: Technology**

**Assessment:** written business plan

**Content:** the content for this topic should include:

- Identifying current trends in legal technology or AI
- Understanding of how legal technology or AI can improve systems and deliver client expectations
- Impact on business model
- Consider appropriate software/hardware
- Functions
- Back up of data
- Cloud computing – advantages disadvantages
- Websites
- Security of Data
- If using software staff must be trained in how to use it
- Cyber security
- Social media
- Risk management and disaster planning

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**Topic: Business Development and Client Relations**

**Assessment:** written business plan and a marketing plan

**Content:** the content for this topic should include:

- Only take clients you can help
- Explain the services you can provide
- Make sure clients have realistic expectations
- Draw up proper Cost Agreements
- Explain what is included in costs
- Have a standard procedure to identify conflicts of interest
- Provide clients with regular updates, invoices and statements
- Review client files
- Carry out clients instructions
- Keep records of all dealings with clients including conversations
- Build relationships
- How to deal with vexatious clients
- How to part with a client
- How to find clients
- Business and Marketing strategies
- Strategies to manage client services, including monitoring client satisfaction, retention and referrals
- Understanding the business structure
- Entry, growth and exit plans

**Topic: Risk Management and Compliance; and  
Ethics and Professional Responsibilities**

**Assessment:** written risk management plan and written scenario based assessment

**Content:** the content for this topic should include:

- Develop policies and strategies to identify and manage risk to cover –
  - Tax
  - Superannuation
  - Insurances
  - ASIC

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- Privacy laws
- EEO
- Court Procedures & protocol
- Employment Law
- Work Place Agreements
- Document Security Storage
- Record Keeping
- Disaster management
- Ethical practices
- Conflicts of interest
- Dealing with Legal Aid
- Briefing barristers
- Pro bono work
- Doing work for friends and relatives
- Referral to other practitioners and professionals
- How to say “no” to a client
- Signs of fraudulent behaviour
- Develop and implement procedures to comply with professional obligations, including –
  - Statutory obligations
  - Relevant legislation,
  - Professional Conduct Rules
  - Obligations to the Board (Regulatory Authority)
  - CPD
  - Succession
- Self-assess understanding of professional obligations
- Critically assess common areas of complaint for minimising further complaint
- Develop and implement systems and best practice approaches to promoting ethical decision-making and ethical behaviour
- Demonstrable understanding of negligence and role of professional indemnity insurer
- Identify, manage and mitigate risk associated with technology, particularly cyber-security, social media and privacy

**Topic: Self-Management**

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Assessment: written business plan

Content: the content for this topic should include:

- Collaborate – Build support frameworks
- Develop self-management tools and techniques
- Plan
  - For the unexpected - illness accident
  - Have a back-up plan
  - Exit strategies
- Have appropriate insurances
- Always deal with the Board in courteous and expedited manner
- Recognise stress and have mechanisms for dealing with stress
- Use experts where appropriate
- Target CPD to useful areas
- Join professional bodies
- Invoice regularly for work done

## 5. Authorisation

These Guidelines are authorised by the Board by its delegate, the PDC.

Executive Director

17/08/2022

Position

Signature

Date

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