

IMPORTANT NOTICE TO APPLICANT

APPLICATION FOR PMC DEFERMENT/EXEMPTION UNDER RULE 40 OF THE QUEENSLAND LAW SOCIETY ADMINISTRATION RULE 2005

Part 5, Rule 40 of the *Queensland Law Society Administration Rule 2005*, provides that the Queensland Law Society Council or its delegate may, upon application from a legal practitioner, exempt or defer compliance with the necessity of the practitioner to undertake a Practice Management Course (PMC) in order to make an application for a Principal Practising Certificate (PPC).

Prior to making such an application, all applicants should familiarise themselves with Rule 40 of the [Queensland Law Society Administration Rule 2005](#) and the [Prescribed Content of a Practice Management Course \(PMC\)](#) in order to ensure the application addresses relevant factors for consideration under the Rule. Applicants who are intending to commence an Incorporated Legal Practice or Multi-Disciplinary Practice, also need to address relevant risk factors concerning appropriate management systems as outlined in the [QLS guide to Appropriate Management Systems](#).

MAKING AN APPLICATION – DEFERMENT AND/OR EXEMPTION

In making an application to the Society, the applicant must ensure that the following documentation is provided:

1. A completed application form under Part 5, Rule 40.
2. A statutory declaration:
 - (a) addressing the matters outlined in Rule 40(4), including:
 - (i) the qualifications and experience of the practitioner, including periods of supervised legal practice;
 - (ii) the experience of the practitioner in the subject matters of the practice management course;
 - (iii) whether the practitioner proposes to practise as a:
 - sole practitioner;
 - sole legal practitioner director of an incorporated legal practice;
 - sole legal practitioner partner of a multi-disciplinary partnership; or
 - member of an existing partnership, which has another unrestricted principal practising certificate holder;
 - (b) describing the nature of the practice into which the practitioner proposes to enter and the experience and nature of work of his or her proposed partners;
 - (c) confirming the professional indemnity insurance claims history or records of complaints and trust account audits of the practitioner;
 - (d) noting any other special circumstances the practitioner considers that Council or Council's delegate may deem relevant;
 - (e) if the applicant proposes to practise as a sole legal practitioner director of an incorporated legal practice or a multi-disciplinary partnership, addressing the key risk areas for appropriate management systems ([QLS Guide to appropriate management systems](#));
 - (f) for deferment applications, providing an undertaking:
 - (i) to enrol in the next available PMC;

- (ii) to surrender their Principal Practising Certificate (if granted conditionally on deferment) and cease holding themselves out as a Principal if they fail the PMC within the approved deferment period; and
- (iii) not to operate a trust account until obtaining a PMC Statement;

(g) for exemption applications:

- (i) prepare a table containing a comparative analysis of the applicant's professional work history and any relevant training as compared to the specific requirements of the PMC, by reference to the PMC units and the specified learning outcomes for each unit as detailed in the PMC Prescribed Content, including:
 - details of how the applicant's professional history meets the specific requirements of the PMC for which an exemption is being requested; and
 - details of how, when or where relevant experience or training was obtained;
 - (ii) provide physical evidence of relevant training, including training materials, and a summary of any assessment completed and feedback received for training;
3. Where appropriate, attaching an original letter from a partnership / ILP / MDP confirming that an offer of partnership / legal practitioner directorship has been made, when it comes into effect, and the responsibilities involved.

GUIDANCE NOTES FOR APPLICANTS

NOTE 1: For all applications, the applicant must provide sufficient evidence to demonstrate why the application should be granted, or they may be requested by the Society to provide further information.

NOTE 2: For interstate exemption applications, it is likely that an exemption for the Trust Accounting unit of the PMC will not be granted, and we therefore recommend you apply for deferment of the PMC simultaneously if a PPC is required urgently.

NOTE 3: Any training or post-graduate academic materials provided to the Society will be kept in strict confidence and only reviewed by relevant staff, the PMC Committee and/or the Council solely for the purposes of determining the application. Where possible, the training material should nonetheless exclude any confidential law firm information and any intellectual property of the provider, or any third party service provider.

NOTE 4: Comparative analysis for exemption applications (only): Below is an example of a table outlining a comparative analysis for an exemption application:

Clause 2 PMC Prescribed Content	Clause 5 PMC Prescribed Content Assessment Item?	Applicant Grounds for Exemption
<p>Business Planning</p> <p>Identifies key choices principals must make regarding business structure, business models and business planning.</p> <p>Demonstrates capability to apply sound judgement in specific choices.</p>	<p>Business planning: participants will be awarded a grade on a scale of 1-5, and must attain a grade of 3 to demonstrate competency.</p>	<p>(e.g. interstate Principal who managed business planning and marketing for an interstate legal practice)</p> <p>(e.g. completed interstate PMC training in the last 5 years before this application is made, in which business planning was included as a unit and assessed for competency)</p> <p>(e.g. successfully obtained a MBA)</p>
(List all other remaining PMC units)	(List any mandatory assessment items)	(detail relevant grounds)

NOTE 5: Form of the undertaking for deferment applications (only): All applications for deferment of the PMC are required to provide an undertaking to complete the PMC, or relevant unit of that PMC. The following undertakings will be necessary to include in the applicant's statutory declaration depending on the applicable circumstances:

A. If the applicant has not yet enrolled in the PMC:

I hereby undertake that I will enrol for the Practice Management Course and comply with all of the requirements of the course as set out in the PMC guidelines. If I fail to successfully pass the course within the approved deferment period, I will immediately surrender my principal practising certificate to QLS, cease to practise as a principal and will not hold myself out to be entitled to practise as a principal.

OR

B. If the applicant is enrolled in the PMC:

I am currently enrolled in the PMC which was scheduled for <Dates> / which is scheduled for <Dates>. If I fail to successfully pass the course, I hereby undertake that I will immediately surrender my principal practising certificate to QLS, cease to practise as a principal and will not hold myself out to be entitled to practise as a principal.

AND

C. If the applicant is seeking to open a sole practice:

Further, I undertake that neither myself nor <Business Name> will hold trust money or operate a law practice trust account until I obtain a Practice Management Course Statement.

OR

D. If the applicant is seeking to join an existing practice:

Further, I undertake that I will not hold trust money or operate a law practice trust account until I obtain a Practice Management Course Statement.

Failure to provide the appropriate undertakings in the above form will result in a request from QLS staff for the appropriate undertaking/s to be made, and a delay in the processing of the application.

Applicants may need to combine undertakings (e.g. A+C or A+D or B+C or B+D) based on their practise intentions.

TIMEFRAME FOR APPLICATIONS

Please anticipate that deferment applications will be processed within 10 business days of receipt of all relevant documentation.

The timeframe for determining exemption applications will depend on whether the application will be considered by the Council or a delegate of Council. Council's delegate will only consider applications from interstate legal practitioners with current qualifications to practise as a Principal in Queensland (please consult the "Exemption applications" section of our website for specific information about qualified interstate practitioners), and such applications may be processed within 10 business days of receipt of all relevant documentation. Otherwise, all other applications will be determined by Council, following a recommendation from the PMC Committee. As a result of this two-step consideration process, please anticipate approximately 3 months for a final decision to be made following receipt of all relevant documentation.