

## CONTINUING PROFESSIONAL DEVELOPMENT: LEGAL PRACTITIONERS IN AUSTRALIA

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### **INTRODUCTION**

Continuing Professional Development (referred to as 'CPD') is a mandatory requirement for all legal practitioners in each Australian state and territory. The guidelines and provisions mandating CPD requirements vary between each jurisdiction, and often between solicitors and barristers within the jurisdiction.<sup>1</sup>

### **NEW SOUTH WALES & VICTORIA**

Effective from 1 July 2015, the Legal Profession Uniform Law regulates the legal profession in New South Wales and Victoria. Uniform Law creates a 'common legal services market' between the two jurisdictions, which comprises nearly 75% of Australia's lawyers.<sup>2</sup> Due to the introduction of Uniform Law, the CPD requirements for legal practitioners holding a current practicing certificate from NSW and VIC are identical. There are separate provisions for solicitors and barristers.

For more information on Uniform Law:

<http://www.lawsociety.com.au/ForSolicitors/professionalstandards/Ruleslegislation/nationalreform>.

### **SOLICITORS**

Legislation: Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 – (referred to as 'ULSR').<sup>3</sup>

Effective: 1 July 2015.<sup>4</sup>

#### Authorising Provisions:

ULSR were developed by the Law Council of Australia pursuant to s 427 of the Legal Profession Uniform Law and are made by the Legal Services Council under Part 9.2 of that Law.<sup>5</sup>

#### **CPD Obligations – as per ULSR s 6.<sup>6</sup>**

- A solicitor must complete 10 CPD units each CPD year (1 April to 31 March), unless exempt.
- At least 1 CPD unit must be completed from each of the following core categories.
  - Ethics and professional responsibility.
  - Practice management and business skills.
  - Professional skills.
  - Substantive law.

#### **CPD content – as per ULSR s 7.<sup>7</sup>**

Qualifying CPD activities undertaken by a solicitor must exhibit the following characteristics:

- Significant intellectual or practical content that primarily deals with matters related to the solicitor's practice of law.
- Conducted by persons that are qualified by practical or academic experience in the topic covered, and
- Relevant to the practitioner's immediate or long term needs or professional development and the practice of law.

#### **CPD format, units and activity limits – as per ULSR ss 8-9.<sup>8</sup>**

A CPD activity may include the following, provided they contain CPD content:

<sup>1</sup> Law CPD, *About CPD* (2016) <<http://lawcpd.com.au/about-law-cpd>>.

<sup>2</sup> Legal Profession Uniform Law 2015 (NSW and Vic); The Law Society of New South Wales, *A new framework for practicing law in NSW* (2015) <<http://www.lawsociety.com.au/ForSolicitors/professionalstandards/Ruleslegislation/nationalreform/#>>.

<sup>3</sup> *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic).

<sup>4</sup> *Ibid* s 2.1.

<sup>5</sup> *Ibid* s 4.1.

<sup>6</sup> *Ibid* s 6.

<sup>7</sup> *Ibid* ss 7.1-7.1.3.

<sup>8</sup> *Ibid* ss 8-9.

CPD Activity Format	1 CPD unit	Annual quota (CPD units)
• A seminar, workshop, lecture, conference, discussion group, multimedia or web-based program.	1 hour	N/A
• Private study of audio and/or visual material or any other educational material.	1 hour	5
• The research, preparation or editing by a solicitor in any of the following: <ul style="list-style-type: none"> <li>– An article published in a legal publication.</li> <li>– A legal article published in a non-legal publication.</li> <li>– Published Law Reports or other legal services.</li> </ul>	1000 words	5
• The preparation and/or presentation by a solicitor of written or oral material to be used in any of the following: <ul style="list-style-type: none"> <li>– CPD activity.</li> <li>– Other forms of education provided to solicitors and/or to other professionals and/or to other persons including those undertaking practical supervised legal training.</li> </ul>	1 hour	5
• A membership of a committee, taskforce or practice section of a professional association, designated local authority or the Law Council of Australia or of other committees, provided that: <ul style="list-style-type: none"> <li>– The solicitor regularly attends meetings.</li> <li>– Work performed on the committee, taskforce or practice section is of substantial significance to the practice of law and is likely to assist the solicitor's professional development.</li> </ul>	2 hours	3
• Postgraduate studies relevant to a solicitor's practice needs.	1 hour	N/A

**Note:**

- Solicitors whom successfully complete a specialist accreditation assessment process are considered to have completed their entire 10 CPD units requirement for the year of completion.<sup>9</sup>

**Pro rata calculations – as per ULSR s 10.<sup>10</sup>**

Solicitors that commence or recommence legal practice on or after the start of a CPD year (1 April – 31 March) have their CPD unit requirements proportionately reduced in accordance to the table below:

Practice certificate renewal month	CPD units required for the CPD year
April	10
May	9
June	8
July	7
August	6
September	5
October	4
November	3
December	2
January	1
February	0
March	0

**Note:**

Where an exemption or pro-rata calculation applies, the core categories must be completed as part of the balance CPD units.<sup>11</sup>

**Application of CPD units to the following year – as per ULSR s 11.<sup>12</sup>**

- A maximum of 3 CPD units earned between 1 January to 31 March in any CPD year can be carried forward into the next CPD year, but can only be claimed for one CPD year.

**Record keeping – as per ULSR s 12.<sup>13</sup>**

For each CPD year, a solicitor must maintain the following:

- A record of their engagement in in CPD activities.

<sup>9</sup> Ibid s 9.3.  
<sup>10</sup> Ibid s 10.  
<sup>11</sup> Ibid s 6.2.  
<sup>12</sup> Ibid s 11.1.  
<sup>13</sup> Ibid s 12.

- Evidence to support the activities were undertaken.  
Both records and evidence of CPD activities undertaken must be retained for at least three years after the end of the CPD year.

#### **Annual certification of CPD activities – as per ULSR s 13.<sup>14</sup>**

A solicitor must certify to the designated local authority (ie. NSW Law Society or VIC Law Institute) whether they have complied with their CPD obligations for the ending CPD year when applying for the renewal of their practicing certificate.

#### **Audit Verification of CPD activities – as per ULSR s 14.<sup>15</sup>**

At any time, the designated local authority (ie. NSW Law Society or VIC Law Institute) may require a solicitor to verify within 21 days whether he or she has complied with CPD requirements by providing the following:

- Any records or evidence kept by the solicitor.
- A statement of claim as to why the CPD activities undertaken satisfy the solicitor's CPD obligations.
- Details of any exemptions granted by the designated local authority.

The designated local authority (ie. NSW Law Society or VIC Law Institute) may request for verification of CPD activities in relation to the current CPD year or any of the previous three CPD years.

#### **Rectification of non-compliance – as per ULSR s 15.<sup>16</sup>**

Non-compliance refers to any of the following circumstances:

- A legal practitioner fails to certify they have complied with their CPD obligations upon the renewal of their practising certificate.
- The designated local authority (ie. NSW Law Society or VIC Law Institute) is unsatisfied with the legal practitioner's verification documents as they fail to prove compliance with CPD requirements.

#### In the event of any of the above circumstances:

- The designated local authority (ie. NSW Law Society or VIC Law Institute) may provide a written notice to the practitioner requiring him or her to submit a plan within 21 days outlining the steps they intend to take to rectify the non-compliance within a period of 90 days.
- Notices given for non-compliance can be in relation to the current CPD year or any of the previous three CPD years.

#### **Exemptions – as per ULSR s 16.<sup>17</sup>**

Upon a written application by a solicitor, the designated local authority (ie. NSW Law Society or VIC Law Institute) may exempt the solicitor (by whole or in part) from any CPD obligations, and in doing so may impose any conditions to the exemption they believe appropriate.

#### Grounds for exemption may include any of the following:

- Illness or disability.
- Location of the practitioner's legal practice.
- Hardship or other special circumstances.
- The absence of the solicitor from legal practice (ie. Parenting leave, unemployment, etc.).
- Circumstances where the solicitor requires a practicing certificate but is not engaged in legal practice.
- The solicitor has been in practice for a period exceeding 40 years and does not practise as a principal.

<sup>14</sup> Ibid s 13.1.

<sup>15</sup> Ibid s 14.

<sup>16</sup> Ibid s 15.

<sup>17</sup> Ibid s 16.

**BARRISTERS**

Legislation: The Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 – (referred to as 'ULBR').<sup>18</sup>

Effective: 1 July 2015.<sup>19</sup>

Authoring provisions:

Same as ULSR.<sup>20</sup>

**CPD Obligations – as per ULBR ss 8-11.<sup>21</sup>**

- A barrister must complete at least 10 CPD points each CPD year (1 April to 31 March), unless exempt.
- At least 1 CPD unit must be completed from each of the following core categories:
  - Ethics and professional responsibility.
  - Practice management and business skills.
  - Substantive law, practice and procedure, and evidence.
  - Barristers' skills.

**CPD content – as per ULBR s 6.<sup>22</sup>**

Same as ULSR.<sup>23</sup>

**CPD format, units and activity limits – as per ULBR s 7.<sup>24</sup>**

- 1 CPD unit is earned per each completed hour of engagement in a CPD activity.

**Pro rata calculations – as per ULBR s 8.<sup>25</sup>**

Same as ULSR.<sup>26</sup>

**Record keeping – as per ULBR s 12.<sup>27</sup>**

Same as ULSR.<sup>28</sup>

**Annual certification of CPD activities – as per ULBR s 14.<sup>29</sup>**

Same as ULSR.<sup>30</sup>

**Audit and Verification of CPD activities – as per ULBR s 15.<sup>31</sup>**

Same as ULSR.<sup>32</sup>

**Rectification of non-compliance – as per ULBR s 16.<sup>33</sup>**

Same as ULSR.<sup>34</sup>

However, no time limit for rectification specified.

**Exemptions – as per ULBR s 13.<sup>35</sup>**

Upon a written application by a barrister, the designated local authority (ie. NSW Bar Association or VIC Bar Association) may exempt the barrister (in whole or in part) from any CPD obligations. The procedure for exemption applications varies depending whether it is in respect to the current CPD year or a previous CPD year.

<sup>18</sup> Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW and Vic).

<sup>19</sup> Ibid s 2.

<sup>20</sup> Ibid s 4; see Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW and Vic) s 4.1.

<sup>21</sup> Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW and Vic) s 8 – 11.

<sup>22</sup> Ibid s 6(1)(a)-(c).

<sup>23</sup> See Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW and Vic) s 7.

<sup>24</sup> Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW and Vic) s 7.

<sup>25</sup> Ibid s 8.

<sup>26</sup> See Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW and Vic) s 10.

<sup>27</sup> Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW and Vic) s 12.

<sup>28</sup> See Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW and Vic) s 12.

<sup>29</sup> Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW and Vic) s 14.

<sup>30</sup> See Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW and Vic) s 13.1.

<sup>31</sup> Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW and Vic) s 15.

<sup>32</sup> See Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW and Vic) s 14.

<sup>33</sup> Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW and Vic) s 16.

<sup>34</sup> See Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW and Vic) s 15.

<sup>35</sup> Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (NSW and Vic) s 13.

Current CPD year exemptions:

- Must be made as early as practicable in the CPD year.
- In any event, this must not less than one month before the end of that CPD year.

Previous CPD year exemptions:

- Within 21 days of a barrister becoming aware of his or her non-compliance.

Grounds for exemption may include any of the following:

- Illness or disability.
- The absence of the barrister from practice legal (ie. Parenting leave, unemployment, etc.).
- Hardship or other special circumstances.

## **AUSTRALIAN CAPITAL TERRITORY**

CPD is mandatory for all ACT legal practitioners as an imposed condition to their practicing certificate. The ACT Law Society states the purpose of CPD is 'to ensure the ongoing competence of practitioners, including ensuring that practitioners' knowledge and skills remain current.'<sup>36</sup> The Society states that 'ultimately, practitioners must make their own assessment of their CPD needs and how to best fulfil them,' as the guidelines only serve to 'assist practitioners understand their CPD obligations.'<sup>37</sup> In ACT there are separate guidelines for solicitors and barristers in relation to their CPD obligations.

### **SOLICITORS**

**Provisions:** ACT Law Society - CPD Guidelines: A continuing professional development scheme for Canberra's legal practitioners – (referred to as 'ACTSOL').<sup>38</sup>

**Effective:** 1 April 2015.<sup>39</sup>

#### **CPD Obligations – as per ACTSOL ss 1-2, 8.<sup>40</sup>**

- A solicitor must complete 10 CPD units each CPD year (1 April – 31 March), unless exempt.
- At least 1 CPD unit must be completed from each of the following fields:
  - Legal ethics and professional responsibility.
  - Practice management and business skills.
  - Professional skills.
  - Substantive law and procedural law.

#### **CPD content – as per ACTSOL s 3.<sup>41</sup>**

Same as ULSR.<sup>42</sup>

#### **CPD format, units and activity limits – as per ACTSOL ss 5 -7.<sup>43</sup>**

A CPD activity may include any the following, provided they contain CPD content. The minimum fraction of a CPD unit that can be claimed is 0.5.<sup>44</sup>

<b>CPD Activity Format</b>	<b>1 CPD unit</b>	<b>Annual quota (CPD units)</b>
<ul style="list-style-type: none"> <li>• A seminar, workshop, lecture, conference, tutorial, discussion group, audio/video/online presentation or other educational activity.</li> </ul>	1 hour	N/A
<ul style="list-style-type: none"> <li>• Preparing and/or presenting a CPD seminar or other form of educational activity.</li> </ul>	1 hour	5
<ul style="list-style-type: none"> <li>• Writing or editing (structural) a legal article in a legal or non-legal publication.</li> </ul>	1000 words	5
<ul style="list-style-type: none"> <li>• Participating as a member of a committee where the work involved is of:               <ul style="list-style-type: none"> <li>– Substantial significance to practice of law, and</li> <li>– Assists the practitioner's professional development.</li> </ul> </li> </ul>	2 hours	3

#### **Note:**

The ACT Law Society does not accredit courses or providers but reserves the right to refuse recognition of CPD activity and units for inappropriate courses or provided.<sup>45</sup>

#### **Pro rata calculations – as per ACTSOL s 13.<sup>46</sup>**

Same as ULSR.<sup>47</sup>

<sup>36</sup>ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014), p 2.

<sup>37</sup> Ibid.

<sup>38</sup> ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014).

<sup>39</sup> Ibid p 1.

<sup>40</sup> Ibid ss 1-2, 8.

<sup>41</sup> Ibid s 3.

<sup>42</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 7.

<sup>43</sup> ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014), ss 5-7.

<sup>44</sup> Ibid s 6.

<sup>45</sup> Ibid s 7.

<sup>46</sup> Ibid s 13(a).

<sup>47</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 7.

**Application of CPD units to the following year – as per ACTSOL s 4.<sup>48</sup>**

Same as ULSR.<sup>49</sup>

**Record keeping – as per ACTSOL s 14.<sup>50</sup>**

Provided the ACT Law Society is satisfied that the required CPD was undertaken, practitioners are entitled to maintain their CPD records in any form they wish.

**Annual certification of CPD activities – as per ACTSOL s 15.<sup>51</sup>**

Practitioners must confirm they have complied with CPD guidelines whenever as required by the ACT Law Society.

A declaration is to be included when practicing certificate is renewed.

**Audit Verification of CPD activities – as per ACTSOL s 16.<sup>52</sup>**

The ACT Law Society may conduct random audits of a practitioner's CPD records to monitor compliance with guidelines.

**Rectification of non-compliance – as per ACTSOL s 17.<sup>53</sup>**

A reasonable opportunity to remedy noncompliance will be provided to practitioners.

**Exemptions – as per ACTSOL ss 10-12.<sup>54</sup>**

Same as ULSR.<sup>55</sup>

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<sup>48</sup> ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014).s 4.

<sup>49</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 11.

<sup>50</sup> ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014). s 14.

<sup>51</sup> *Ibid* s 15.

<sup>52</sup> *Ibid* s 16.

<sup>53</sup> *Ibid* s 17.

<sup>54</sup> *Ibid* ss 10-12.

<sup>55</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 16.

**BARRISTERS**

**Provisions:** ACT Bar Association – Continuing Professional Development Program Protocol – (referred to as ‘ACTBAR’).<sup>56</sup>

**Effective:** Most current.

**Authorising Provisions**

ACT Bar Association – Legal Professions Barristers’ Rules s 113 (effective from 27 March 2013) states that members of the ACT Bar Association whom have a local practicing certificate must annually undertake any CPD programme that is established by the Bar Council from time to time.<sup>57</sup> Outlined below is the most current CPD programme.

**CBD Obligations** – as per ACTBAR ss 1-2, 6.<sup>58</sup>  
Same as ULBR.<sup>59</sup>

**CPD content** – as per s ACTBAR s 4.<sup>60</sup>

Qualifying CPD activities undertaken by a barrister must exhibit the following characteristics:

- Significant intellectual or practical content.
- Relevant to the practice of law as a barrister.
- Identify as an activity listed in the CPD activity formats provided below.

**CPD format, points and activity limits** – as per ACTBAR ss 3, 5, 7.<sup>61</sup>

- A CPD activity must contain CPD content and be conducted in any of the formats specified below:

CPD Activity Category	CPD Activity Format	1 CPD unit (hours)	Annual Quota (CPD points)
Individual Professional Development	<ul style="list-style-type: none"> <li>• Attendance at a seminar or conference which is either:               <ul style="list-style-type: none"> <li>– Presented by lawyers or predominantly by lawyers.</li> <li>– Pertaining to the practice of law.</li> </ul> </li> </ul>	1	N/A
	<ul style="list-style-type: none"> <li>• Active engagement in online programmes.</li> </ul>	1	6
	<ul style="list-style-type: none"> <li>• Watching a video/DVD or listening to an audiotape.</li> </ul>	2	N/A
	<ul style="list-style-type: none"> <li>• Reading a conference paper of a seminar or conference, provided the barrister did not attend the presentation.</li> </ul>	2	N/A
	<ul style="list-style-type: none"> <li>• Attending courses of education offered by a tertiary education institution.</li> </ul>	1	N/A
	<ul style="list-style-type: none"> <li>• Training in IT or research skills.</li> </ul>	1	N/A
Teaching or publishing activities – Not limited to the following.	<ul style="list-style-type: none"> <li>• Presenting at a seminar which is either:               <ul style="list-style-type: none"> <li>– Presented to lawyers, or predominantly lawyers.</li> <li>– Pertaining to the practice of law.</li> </ul> </li> </ul>	1	N/A
	<ul style="list-style-type: none"> <li>• Teaching a class offered by a tertiary education institution.</li> </ul>	1	N/A
	<ul style="list-style-type: none"> <li>• Preparing or researching a seminar or class.               <ul style="list-style-type: none"> <li>– Note: No more than 2 hours of preparation can be claimed per hour of presentation.</li> </ul> </li> </ul>	1	N/A
	<ul style="list-style-type: none"> <li>• Preparing articles, including book reviews, published in any of the following:               <ul style="list-style-type: none"> <li>– An academic journal.</li> <li>– Legal journal.</li> <li>– Magazine.</li> </ul> </li> </ul>	1	N/A
	<ul style="list-style-type: none"> <li>• Preparing headnotes for legal reports.</li> </ul>	1	N/A
Contribution to the profession – Not limited to the following.	<ul style="list-style-type: none"> <li>• Drafting submissions concerning any of the following:               <ul style="list-style-type: none"> <li>– Legislation.</li> <li>– Legislative change.</li> <li>– Related government change.</li> </ul> </li> </ul>	1	N/A
	<ul style="list-style-type: none"> <li>• Attending meetings of committees of organisations including:               <ul style="list-style-type: none"> <li>– Law Council of Australia.</li> <li>– A bar association.</li> </ul> </li> </ul>	1	N/A

<sup>56</sup> ACT Bar Association, *Continuing Professional Development Protocol* (2015).

<sup>57</sup> ACT Bar Association, *Legal Professions Barristers Rules* (2013) s 113.

<sup>58</sup> ACT Bar Association, *Continuing Professional Development Protocol* (2015) s 1-2, 6.

<sup>59</sup> See *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015* (NSW and Vic) s 6.

<sup>60</sup> ACT Bar Association, *Continuing Professional Development Protocol* (2015) ss 3(a)-(c).

<sup>61</sup> *Ibid* s 3, 5, 7.

CPD Activity Category	CPD Activity Format	1 CPD unit (hours)	Annual Quota (CPD points)
	<ul style="list-style-type: none"> <li>– Chambers management committee.</li> </ul> <p>However, restricted to meetings that involve discussion of any of the following:</p> <ul style="list-style-type: none"> <li>– Legal principles or practice.</li> <li>– Management issues.</li> <li>– Regulation of the profession.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Drafting written submissions which are presented to a court of equivalent status to the ACT Court of Appeal or Higher</li> </ul>	1	N/A
Other Activities	<ul style="list-style-type: none"> <li>• Other activities that are approved by the Bar Council or its CPD Committee.</li> </ul>	TBA	TBA

### Pro rata calculations – as per ACTBAR s 11.<sup>62</sup>

A barrister who at 31 March in any given CPD year (1 April – 31 March) has held a practicing certificate for a duration of time less than preceding July has their CPD obligations reduced in accordance to the table provided below:

Practice certificate renewal month	CPD points for the CPD year	Minimum points required from <u>each</u> core area
April	10	1
May	10	1
June	10	1
July	6	1
August	5	1
September	4	1
October	3	1
November	2	N/A
December	1	N/A
January	1	N/A
February	0	N/A
March	0	N/A

### Record keeping – as per ACTBAR ss 8-9.<sup>63</sup>

Same as ACTSOL.<sup>64</sup> However, given to the ACT Bar Association.

### Annual certification of CPD activities – as per ACTBAR s 8.<sup>65</sup>

A barrister will be required to affirm compliance with the CPD program upon application for the renewal of their practicing certificate.

### Audits and Verification of CPD activity - as per ACTBAR s 10.<sup>66</sup>

Same as ACTSOL.<sup>67</sup> However conducted by the ACT Bar Association or its CPD Committee.

### Exemptions – as per ACTBAR ss 12-13.<sup>68</sup>

A barrister may apply to the Bar Council for exemption on the following grounds:

- Ability to complete normal CPD requirements significantly disrupted due to change in CPD program during a given CPD year.
- Practice significantly disrupted due to:
  - Ill health.
  - Other personal circumstances (eg. parenting reasons, etc.).

<sup>62</sup> Ibid s 11.

<sup>63</sup> Ibid s 8-9.

<sup>64</sup> ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014). s 14.

<sup>65</sup> ACT Bar Association, *Continuing Professional Development Protocol* (2015).s 8.

<sup>66</sup> Ibid s 10.

<sup>67</sup> ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014). s 16.

<sup>68</sup> ACT Bar Association, *Continuing Professional Development Protocol* (2015).s 12-13.

## QUEENSLAND

Both the QLD Law Society and QLD Bar Association have imposed annual mandatory CPD requirements for legal practitioners in their respective administration rules (made pursuant to QLD Legal Profession Act 2007). The guidelines surrounding CPD are different for solicitors and barristers.<sup>69</sup>

### SOLICITORS

Delegated legislation: Queensland Law Society Administration Rule 2005 – Part 6 (ss. 43 – 51) – (referred to as ‘QLDSOL’).<sup>70</sup>

Effective: Commences immediately after the Queensland Law Society (Continuing Legal Education) Rule 1988 is repealed or expires.<sup>71</sup>

### CPD Obligations – as per QLDSOL ss 47(1), (4)-(5).<sup>72</sup>

- A solicitor must complete 10 CPD units each CPD year (1 April – 31 March), unless exempt.
- At least 1 CPD unit must be completed from each of the following core categories:
  - Practice legal ethics.
  - Practice management and business skills.
  - Professional skills.

**CPD content – as per QLDSOL s 48(1).<sup>73</sup>**  
Same as ULSR.<sup>74</sup>

### CPD format, units and activity limits – as per QLDSOL ss 44, 47(2), 48(2), (4)-(11).<sup>75</sup>

A CPD activity must contain CPD content and may be conducted in any of the formats provided below:

CPD Activity Format	1 CPD unit	Annual quota (CPD units)
<ul style="list-style-type: none"> <li>• A course, which may include any of the following:               <ul style="list-style-type: none"> <li>– Face-to-face sessions forming part of the course, including those delivered by an authorised distance-learning provider.</li> <li>– A course entirely provided by a distance provider that involves assessment by dissertation and a written examination.</li> <li>– Structured coaching sessions, delivered face-to-face (one hour or more), which have written aims and objectives, and are documented showing an outcome.</li> <li>– Structured mentoring sessions, involving professional development (one hour or more), which have written aims and objectives, and are documented showing an outcome.</li> </ul> </li> </ul>	1 hour	N/A
<ul style="list-style-type: none"> <li>• A course whose content, in the opinion of CPD Committee, is not directly of legal nature (eg. speed reading, public speaking, etc.).</li> </ul>	TBA	TBA
<ul style="list-style-type: none"> <li>• Physical attendance at any of the following:               <ul style="list-style-type: none"> <li>– An education program.</li> <li>– Seminar.</li> <li>– Workshop lecture.</li> <li>– Conference.</li> <li>– Discussion group.</li> </ul> </li> </ul>	1 hour	N/A
<ul style="list-style-type: none"> <li>• Participation in a multimedia or website based program.</li> </ul>	1 hour	
<ul style="list-style-type: none"> <li>• The research, preparation, structural editing or refereeing of an article published (or to be published) in a legal publication or an approved non-legal publication.</li> </ul>	1000 words	5
<ul style="list-style-type: none"> <li>• Listening to or viewing recorded material (eg. audio tapes, videos, DVDs, etc.), provided that the event occurred in the current CPD year.</li> </ul>	1 hour	N/A
<ul style="list-style-type: none"> <li>• Preparation of material to be used in a CPD course intended assist legal practitioners meet their CPD obligations.</li> </ul>	1 hour	5
<ul style="list-style-type: none"> <li>• Presentation of material to be used in a CPD course intended to assist legal practitioners meet their CPD obligations.</li> </ul>	1 hour	5
<ul style="list-style-type: none"> <li>• Membership or participation in a committee or taskforce directed by any of the following bodies, provided that attendance at meetings is regular:               <ul style="list-style-type: none"> <li>– The Law Society.</li> </ul> </li> </ul>	2 hours	3

<sup>69</sup> Law CPD, *CPD Requirements for Queensland Lawyers* (2016) <<http://lawcpd.com.au/law-cpd-points/law-society-qld-rules>>.

<sup>70</sup> Queensland Law Society, *Administration Rule* (2005) ss 43-51.

<sup>71</sup> *Ibid* s 43.

<sup>72</sup> *Ibid* ss 47(1), (4)-(5).

<sup>73</sup> *Ibid* s 48(1)(a)-(c).

<sup>74</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 7.

<sup>75</sup> Queensland Law Society, *Administration Rule* (2005) ss 44,47(2), 48(2), (4)-(11).

CPD Activity Format	1 CPD unit	Annual quota (CPD units)
<ul style="list-style-type: none"> <li>– The Law Council of Australia.</li> <li>– Practice section of a law association.</li> <li>– Any similar body.</li> </ul>		

**Note:**

The smallest fraction of a CPD unit that can be claimed is 0.5.<sup>76</sup>

A solicitor that completes all pieces of assessment for a specialist accreditation program or management course is considered to have completed their entire 10 CPD units requirement in the year of successful completion.<sup>77</sup>

**Pro rata calculations – as per QLDSOL s 49.<sup>78</sup>**

- A practitioner who commences or recommences practice on or after the start of a CPD year (1 April – 31 March) must undertake the balance of the CPD year on a pro-rata basis.
- A practitioner who has held their practicing certificate less than 28 days in the CPD year is exempt from CPD obligations for that CPD year.

**Application of CPD units to the following year – as per QLDSOL s 47(3).<sup>79</sup>**

Any CPD units accrued between 1 January to 31 March in any given CPD year may be counted towards that CPD year or the next CPD year, but not both.

**Record keeping and Annual Certification of CPD activity – as per QLDSOL s 51.<sup>80</sup>**

Same as ACTSOL.<sup>81</sup> However, certified to QLD Law Society.

**Audit and Verification of CPD activities – as per QLDSOL s 51.<sup>82</sup>**

- The CPD Committee may at any time require a legal practitioner to verify complying with CPD requirements by providing a verification statement (in an approved form) that outlines:
  - The number of CPD units claimed for the period covered by the statement.
  - CPD activity undertaken that CPD units are claimed for.
  - Justification why the activities undertaken satisfy the CPD content criteria.
  - Details of any exemptions granted.

The legal practitioner must provide the verification statement within 14 days of the requirement being made.

**Rectification of non-compliance – as per QLDSOL s 51.<sup>83</sup>**

- Failure to produce a verification statement within the designated timeframe may result in the CPD Committee issuing a written notice to the practitioner, which will require the practitioner to write a detailed plan within 14 days of how they intend to rectify their CPD obligation deficiency in 90 days time.
- Failure to provide a written plan for rectification and/or rectify the CPD obligations within the stated time frame may result in the Council refusing to issue, cancel or suspend, or place conditions on the practitioner's practicing certificate.
- A week prior to the Council's meeting for resolution of the practitioner's non-compliance, the Council must provide the practitioner notice of the following:
  - The meeting.
  - What is alleged against the practitioner?
  - The motion to be put at the meeting.
  - The practitioner's right to provide the Council a written explanation or apply for exemption.

<sup>76</sup> Ibid s 47(2).

<sup>77</sup> Ibid ss 48(4), (6).

<sup>78</sup> Ibid s 49.

<sup>79</sup> Ibid s 47(3).

<sup>80</sup> Ibid s 51.

<sup>81</sup> See ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014), ss 8-9.

<sup>82</sup> See Queensland Law Society, *Administration Rule* (2005) s 51.

<sup>83</sup> Ibid.

The resolution of the Council takes effect 14 days after the decision is notified to the practitioner. An application for review to the Council cannot be made more than once a CPD year concerning similar or the same matters.

**Exemptions** – as per *QLDSOL s 49*.<sup>84</sup>

Same as ULSR.<sup>85</sup>

Application to review exemption decisions made by the CPD Committee:

- A practitioner aggrieved by the decision of the Committee may apply to the Council for review within 14 days of the practitioner being advised of the Committee's decision (taken as occurring within 2 business days).
- An application for review must be in writing and accompanied by documentary evidence.
- The Council is permitted to uphold the decision of the CPD Committee or grant an exemption (subject to any conditions).

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<sup>84</sup> Ibid s 49.

<sup>85</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 16.

**BARRISTERS****Regulations:**

1. Administration Rules of the Bar Association of Queensland 2011 (Part 4) – effective 1 July 2004 – (referred to as 'QBAR').<sup>86</sup>
2. Bar Association of Queensland CPD Policy (made pursuant to QBAR s 4.5) – effective 1 April 2015 – (referred to as 'QBCPD').<sup>87</sup>

**CPD Obligations – as per QBCPD ss 2,4; QBAR part 4.3(c).**<sup>88</sup>Same as ULBR.<sup>89</sup>**CPD Content - as per QBCPD s 4(c).**<sup>90</sup>Same as ULSR.<sup>91</sup>**CPD format, units and activity limits – as per QBCPD ss 9, 11-12, Appendix 1-2.**<sup>92</sup>

The following are examples of CPD activities that may accrue CPD points.

CPD Activity Format	1 CPD unit	Quota
• Attending a live seminar, lecture, conference or workshop in person or by webcast.	1 hour	6 CPD units/day
• Presenting a seminar, lecture, Bar Practice Course, conference or workshop.	20 minutes	6 CPD units/day
• Chairing or facilitating a seminar, lecture, conference or workshop.	30 minutes	6 CPD units/day.
• Judging a moot at undergraduate level or above.	30 minutes	6 CPD units/day
• Publishing a legal journal article or substantial update of a text or similar legal publication.	2CPD units/publication	6 CPD units/year
• Masters and other relevant higher degrees. – Applies to year of completion and verification by the University.	10CPD units for finished year	N/A
• Viewing recordings of CPD activities posted by the QLD Bar Association on its website.	1 hour	3 CPD units/year

**Pro rata calculations – as per QBAR part 4.3(b).**<sup>93</sup>

A barrister who first obtains a practising certificate, or returns to practice after 1 May in any CPD year (1 April – 31 March) must accrue CPD points on a pro-rata basis.

**Application of CPD units to the following year – as per QBAR part 4.3(e).**<sup>94</sup>Same as QLDSOL.<sup>95</sup>**Record keeping – as per QBCPD s 5.**<sup>96</sup>Same as ULSR.<sup>97</sup>**Audit Verification of CPD activities – as per QBCPD s 6.**<sup>98</sup>

A percentage of barristers will be audited annually. During an audit a barrister must establish completing CPD requirements by producing supporting records to demonstrate participation in CPD activities.

<sup>86</sup> Bar Association of Queensland, *Administration Rules* (2004) part 4.

<sup>87</sup> Bar Association of Queensland, *CPD Policy* (2015).

<sup>88</sup> Bar Association of Queensland, *Administration Rules* (2004) part 4.3; Bar Association of Queensland, *CPD Policy* (2015). ss 2, 4.

<sup>89</sup> See *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015* (NSW and Vic) ss 8-11.

<sup>90</sup> Bar Association of Queensland, *CPD Policy* (2015) s 4(c).

<sup>91</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 7.

<sup>92</sup> Bar Association of Queensland, *CPD Policy* (2015) ss 9, 11-13, Appendix 1-2.

<sup>93</sup> Bar Association of Queensland, *Administration Rules* (2004) part 4.3(b).

<sup>94</sup> *Ibid* part 4.3(e).

<sup>95</sup> See *Queensland Law Society Administration Rule 2005* (Qld) s 47(3).

<sup>96</sup> Bar Association of Queensland, *CPD Policy* (2015) s 5.

<sup>97</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 12.

<sup>98</sup> Bar Association of Queensland, *CPD Policy* (2015) s 6.

**Rectification of non-compliance** – as per QBAR s 4.3(b)-(c), 4.19.<sup>99</sup>

A barrister whom fails to satisfy the mandatory CPD requirements or submits a false or misleading CPD record may face the following consequences:

- Refusal by the Bar Council to renew the barrister's practicing certificate.
- Punished by the Bar Council for unsatisfactory professional conduct (in accordance to Legal Profession Act 2007 s 418).<sup>100</sup>

**Note:**

A barrister who has not accrued the minimum CPD points requirement for a CPD year may, with prior written consent of the Chief Executive, earn points in the period 1 April to 30 June in the following CPD year to rectify the deficiency of the previous CPD year. Points to rectify a deficit will not be counted towards the new CPD year.<sup>101</sup>

**Exemptions** – as per QBAR part 4.17-4.18; QBCPD s 8.<sup>102</sup>

Same as ULSR.<sup>103</sup>

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<sup>99</sup> Bar Association of Queensland, *Administration Rules* (2004) part 4.3(b), 4.19.

<sup>100</sup> *Legal Profession Act 2007* (Qld) s 418.

<sup>101</sup> Bar Association of Queensland, *Administration Rules* (2004) part 4.3(c).

<sup>102</sup> *Ibid* part 4.17-4.18; Bar Association of Queensland, *CPD Policy* (2015).

<sup>103</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 16.

## **SOUTH AUSTRALIA**

Since 1 April 2011, the SA Law Society introduced a mandatory continuing legal education scheme as a condition to the renewal of a practice certificate for legal practitioners. The CPD requirements between solicitors and barristers vary.<sup>104</sup>

### **SOLICITORS – SA**

**Regulation:** South Australia Law Society – Mandatory Continuing Professional Development Scheme – (referred to as 'SASOL').<sup>105</sup>

**Effective:** 1 April 2011.

**Authoring Provisions:** The Legal Practitioners Act 1981 (SA) s 14C and 17A.<sup>106</sup>

The Legal Practitioners Education and Admission Council make the Legal Practitioners Education and Admission Council Rules and have overall responsibility for the SASOL Scheme.<sup>107</sup>

**CPD Obligations – as per SASOL ss 3, 5.**<sup>108</sup>

Same as QLDSOL.<sup>109</sup>

**CPD Content – as per SASOL s 4.**<sup>110</sup>

Same as ULSR.<sup>111</sup>

**CPD format, units and activity limits – as per SASOL ss 4-6.**<sup>112</sup>

The following activities qualify as a CPD activity provided they exhibit CPD content.

CPD Activity Format	1 CPD unit	Annual quota (CPD units)
<ul style="list-style-type: none"> <li>• Attendance or presenting material at any of the following:               <ul style="list-style-type: none"> <li>– A seminar.</li> <li>– Workshop.</li> <li>– Lecture.</li> <li>– Conference.</li> <li>– Education program or course.</li> <li>– Discussion group.</li> </ul> </li> </ul>	1 hour	N/A
<ul style="list-style-type: none"> <li>• Viewing or listing material from a multi-media, web-based or recorded program.</li> </ul>	1 hour	5
<ul style="list-style-type: none"> <li>• Preparing material for any of the following:               <ul style="list-style-type: none"> <li>– A seminar.</li> <li>– Workshop.</li> <li>– Lecture.</li> <li>– Conference.</li> <li>– Education program or course.</li> <li>– Discussion group.</li> </ul> </li> </ul>	1 hour	4
<ul style="list-style-type: none"> <li>• Publishing or substantively editing or refereeing an article in a legal or non-legal publication.</li> </ul>	1000 words	5
<ul style="list-style-type: none"> <li>• Participation as a member of a committee or other body, provided the following:               <ul style="list-style-type: none"> <li>– Regular attendance at meetings.</li> <li>– Work is of substantial significance to practice of law.</li> <li>– Work is reasonably likely to assist the attendee's professional development.</li> </ul> </li> </ul>	2 hours	5

**Pro-rata calculations – as per SASOL s 7.**<sup>113</sup>

Where a legal practitioner has held a practising certificate for less than the full CPD year (1 April – 31 March) they are required to complete the minimum CPD units and applying conditions, in accordance with the table below. A legal practitioner that has held a practising certificate for 2 months or less in a CPD year is considered to have complied with CPD requirements and will not be required to submit a certificate of compliance for that year.

<sup>104</sup> Law CPD, *CPD Requirements for South Australian Lawyers* (2016) <<http://lawcpd.com.au/law-cpd-points/sa-law-society-mcpd-rules>>.

<sup>105</sup> Law Society of South Australia, *Mandatory Continuing Professional Development* (2011).

<sup>106</sup> See *The Legal Practitioners Act 1981* (SA) s 14C, 17A.

<sup>107</sup> Law Society of South Australia, *Mandatory Continuing Professional Development* (2011) s 13.

<sup>108</sup> *Ibid* ss 3, 5.

<sup>109</sup> See Queensland Law Society, *Administration Rule* (2005) ss 44, 47(2), 48(2), (4)-(11).

<sup>110</sup> Law Society of South Australia, *Mandatory Continuing Professional Development* (2011), s 4.

<sup>111</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 7.

<sup>112</sup> Law Society of South Australia, *Mandatory Continuing Professional Development* (2011), ss 4-6.

<sup>113</sup> *Ibid* s 7.

Month of Practising Certificate Renewal	Minimum CPD units required – Inclusive of core categories.	Minimum CPD units required – Earned exclusively from the core categories.	QUOTA on CPD units – For viewing or listening material from a multimedia, web-based or recorded program. – For committee attendance.
April	10	3	5
May	9	3	5
June	8	3	4
July	7	2	4
August	6	2	3
September	5	2	3
October	4	1	2
November	3	1	2
December	2	1	1
January	1	0	1
February	0	0	N/A
March	0	0	N/A

**Application of CPD units to the following year – as per SASOL s 5.<sup>114</sup>**  
Same as ULSR.<sup>115</sup>

**Record keeping – as per SASOL s 12.<sup>116</sup>**  
Same as ULSR.<sup>117</sup>

**Annual certification of CPD activities – as per SASOL s 10.<sup>118</sup>**  
Same as ULSR.<sup>119</sup>

Where the practitioner fails to satisfy the SA Law Society; and the society determines not to renew their practice certificate, the practitioner is entitled to make an application for review or appeal to the Board of Examiners, provided within 7 days from notification.<sup>120</sup>

**Audit Verification of CPD Activities – as per SASOL s 12.<sup>121</sup>**  
The SA Law Society may request a legal practitioner to provide them with CPD records and evidence in respect to the current or previous three CPD years. The practitioner must provide the information 14 days from receiving the request.

**Rectification of non-compliance – as per SASOL s 9.<sup>122</sup>**  
Where a practitioner has not complied with their CPD obligations by 31 March, he/she is required to:

- By 14 April
  - Lodge to the SA Law Society a statutory declaration, which outlines the extent of non-compliance and a plan for rectification.
- By 31 May
  - Complete the rectification.
- By 7 June
  - Lodge to the Law Society of Australia a statutory declaration setting out and confirming compliance with the rectification plan.

<sup>114</sup> Ibid s 5.

<sup>115</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 11.

<sup>116</sup> Law Society of South Australia, *Mandatory Continuing Professional Development* (2011), s 12.

<sup>117</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 12.

<sup>118</sup> Law Society of South Australia, *Mandatory Continuing Professional Development* (2011), s 10.

<sup>119</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 13.

<sup>120</sup> Law Society of South Australia, *Mandatory Continuing Professional Development* (2011), s 10.

<sup>121</sup> Ibid s 12.

<sup>122</sup> Ibid s 9.

**Exemptions** – *as per SASOL s 8.*<sup>123</sup>

If during a CPD year a defined circumstance/s occur which prevents or impairs the practitioner's capacity to complete 10 CPD units, the practitioner must lodge to the SA Law Society a statutory declaration as soon as possible.

Defined circumstances:

- Illness or disability.
- The location of the practitioner's legal practice in Australia.
- The temporary absence of the practitioner from ongoing legal practice (eg. maternity leave).
- Financial circumstances.
- Any other special circumstances.

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<sup>123</sup> Ibid s 8.

**BARRISTERS**

Regulation: South Australian Bar Association INC – Barristers’ Conduct Rules (ss. 127-131) – (referred to as ‘SABAR’).<sup>124</sup>

Effective: 14 November 2013.<sup>125</sup>

**CPD Obligations** – as per SABAR ss. 127-128.<sup>126</sup>

- The SA Bar Council may, on occasion, prescribe the minimum CPD amount to be undertaken by a barrister, known as ‘prescribed CPD.’
- A barrister must complete the prescribed CPD within the designated 12 month period, known as the ‘CPD year.’

**Record keeping** – as per SABAR s 129.<sup>127</sup>

- The SA Bar Association must maintain a register of the prescribed CPD undertaken by a barrister in accordance with the requirements of the Association.
- This register will act as evidence to confirm the barrister has met CPD obligations.

**Audit and Verification of CPD activities** – as per SABAR s 131.<sup>128</sup>

- The SA Bar Council or its delegate (three or more members of the South Australia Bar Association) will determine by 31 August each year whether or not a barrister has complied with his or her prescribed CPD in the previous year.

<sup>124</sup> South Australian Bar Association, *Barristers’ Conduct Rules* (2013) ss 127-131.

<sup>125</sup> *Ibid* s 1.

<sup>126</sup> *Ibid* ss 127-128.

<sup>127</sup> *Ibid* s 129.

<sup>128</sup> *Ibid* s 131.

## **WESTERN AUSTRALIA**

The WA Legal Practice Board developed the Legal Profession Rules 2009 (WA)<sup>129</sup> (referred to as 'WALPR'), which came into operation on 1 March 2009. WALPR regulates all legal practitioners in the jurisdiction. As a condition on all local practicing certificates, WALPR requires a local legal practitioner to obtain 10 CPD points each CPD year (WALPR Part 2 Division 2). This is also a requirement for all government lawyers (pursuant to WALPR Part 4 Division 2). In 2014, the WA Legal Practice Board of Western Australia reviewed its CPD requirements, which resulted in the Legal Profession Amendment Rules 2015 (WA)<sup>130</sup> (referred to as 'LPR'), which came into effect for the CPD period beginning 1 April 2015. The CPD obligations for solicitors and barristers in WA are identical.<sup>131</sup> Outlined below are CPD obligations of WA legal practitioners with practicing certificates issued on or after 1 July 2015, in accordance to the most updated version WALPR that contains the amendments made in LPR.<sup>132</sup>

**Regulation:** Legal Profession Rules (Part 2, Division 2) version 01-a0-03 – (referred to as 'WACPD').<sup>133</sup>

**Effective:** 1 April 2015.<sup>134</sup>

**CPD Obligations – as per WACPD ss 7, 13A-E.**<sup>135</sup>

- A local practicing certificate that is renewed on or after 1 July 2015 requires that a local legal practitioner must:
  - Earn 10 CPD points during the CPD period (1 April – 31 March) that ends the same financial year during which the certificate is in force.<sup>136</sup>
- A local practicing certificate that is granted on or after 1 July 2015 requires that a local legal practitioner must:
  - Earn the CPD points, during the CPD period (1 April- 31 March) as set out in the table corresponding the month to which the certificate was granted.<sup>137</sup>

Month Practice Certificate granted	Required CPD points to be earned in CPD period (1 April-31 March)
July	9
August	8
September	7
October	6
November	5
December	4
January	3
February	2
March	1

- At least 1 CPD point must be earned from each of the four core competency areas: Same as ULSR.<sup>138</sup>
- At least 6 CPD points must be earned by completing interactive activities OR combination of interactive and publication activities.<sup>139</sup>
- All activities undertaken must be approved CPD activities.<sup>140</sup>

<sup>129</sup> See *Legal Profession Rules 2009 (WA)*.

<sup>130</sup> See *Legal Profession Amendment Rules 2015 (WA)*.

<sup>131</sup> Legal Practice Board of Western Australia, *CPD Requirements and Guidelines for Legal Profession Rules 2009 Part 2, Division 2 and Legal Profession Amendment Rules 2015 (2015)* p. 1.

<sup>132</sup> See *Legal Profession Rules 2009 (WA)* ver 01-a0-03 ss 13A-E.

<sup>133</sup> *Legal Profession Rules 2009 (WA)* ver 01-a0-03 part 2 division 2.

<sup>134</sup> *Ibid* s 2.

<sup>135</sup> *Ibid* ss 7, 13A-E.

<sup>136</sup> *Ibid* s 13B(2).

<sup>137</sup> *Ibid* s 13B(1).

<sup>138</sup> *Ibid* s 13D(1)-(5); see *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (NSW and Vic)* s 6.

<sup>139</sup> *Legal Profession Rules 2009 (WA)* ver 01-a0-03 s 13E(1).

<sup>140</sup> *Ibid* s 13C(1).

**CPD Content – as per WACPD ss 7, 13D, 14-15.<sup>141</sup>**

All CPD activities undertaken must be an approved CPD activity. An approved CPD activity refers to:<sup>142</sup>

- A professional development activity provided by a Quality-Assured provider (ie. A body accredited by the WA Legal Practice Board as a CPD provider).
- An activity the WA Legal Practice Board has approved as a CPD activity, provided that the Board may:
  - Determine the competency area activity fits into.
  - Allocate whatever value of CPD points to the activity it deems appropriate.
  - Impose any conditions onto the activity.
  - Revoke the activity at any time.<sup>143</sup>

**CPD format, units and activity limits – as per WACPD s 13F.<sup>144</sup>**

CPD points earned by completing an approved CPD activity and their respective quotas are set in the table below:

CPD Activity Category	CPD Activity Format	1 CPD unit	Quotas
Interactive Activity	• Participant.	1 hour	MAX. 6 CPD units/year can be claimed for being a participant.
	• Presenter whom prepared the material used in the activity.	20 minutes	
	• Presenter whom presents material prepared by someone else.	30 minutes	MIN 6 CPD units/year for any form of interactive and/or interactive publication activity,
	• Commentator.	30 minutes	
	• Chair.	1 hour	
Publication Activity	• All publication activities.	1000 words	MAX 5 CPD units/year.
	• As an editor.	Per edition	
Electronic Activity – That is not an interactive activity or a publication activity. – Must be prepared within the last 12 months.	• As a participant.	1 hour.	MAX 4 CPD units/conference
Other Activities	• Activities which have been approved by the WA Legal Practice as a CPD activity.	TBA	TBA

**Note:**

- If a practitioner repeats an approved CPD activity they are entitled to choose for which repetition points are earned.<sup>145</sup>
- An interactive activity refers to an approved CPD activity that is part of a structure learning programme and either:
  - Involves interaction between two or more persons whether in person or by remote communication.
  - An interactive electronic activity – ie. An approved CPD activity provided by way of the electronic communication of information in the form of data, text, sound or images, or any combination of those things.<sup>146</sup>

**Audit and Verification of CPD Activities – as per WACPD s 13B(2).<sup>147</sup>**

- When requested by the WA Legal Practice Board a local legal practitioner or a person who was a local legal practitioner, must provide any documentation in relation to compliance with the CPD requirements.

**Exemptions – as per WACPD s 17.<sup>148</sup>**

Same as ULSR.<sup>149</sup>

<sup>141</sup> Ibid ss 7, 13D, 14-15.

<sup>142</sup> Ibid s 6.

<sup>143</sup> Ibid s 15.

<sup>144</sup> Ibid s 13F.

<sup>145</sup> Ibid s 13(1).

<sup>146</sup> Ibid s 7.

<sup>147</sup> Ibid s 13B(2).

<sup>148</sup> Ibid s 17.

<sup>149</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 16.

## **NORTHERN TERRITORY**

Since 2007 a formal CPD scheme has been introduced in the Northern Territory for all legal practitioners as a condition imposed on their practice certificates. CPD requirements for barristers and solicitors are identical, as set out in Legal Profession Regulations 2007 (NT) Schedule 2 and its 2012 amendments. NT Law Society states, 'CPD is an opportunity to develop your abilities as a legal practitioner and provide a higher standard of legal counsel to your clients... It can help you maintain a competitive advantage in your area of law, legal practice or business.'<sup>150</sup> Compulsory CPD is considered to formalise the expectations of legal professionals to engage in developments of law, build personal skills and understand new market conditions.<sup>151</sup>

**Regulation:** Legal Profession Regulations 2007 (NT) Schedule 2 (updated version including 2012 amendments)<sup>152</sup> – (referred to as 'NTCPD.')

**Effective:** 1 October 2012.<sup>153</sup>

**CPD obligations** – as per NTCPD ss 1, 4.<sup>154</sup>  
Same as ULSR.<sup>155</sup>

**CPD content** – as per NTCPD s 2(2).<sup>156</sup>  
Same as ULSR.<sup>157</sup>

**CPD format, units and activity limits** – as per NTCPD ss 2, 7-15.<sup>158</sup>

A CPD activity may include any of the following, provided they contain CPD content:

CPD Activity Format	1 CPD point	Annual quota (CPD points)
• Preparing a presentation for giving (including by video conference) at a seminar	1 hour	5
• Giving (including by video conference) a presentation at a seminar.	1 hour	N/A
• Attending (including by video conference) any of the following: – A seminar – Multimedia program – Website based program  Provided that program is conducted by a person/s whom is qualified by practical or academic experience in the subject covered.	1 hour	5
• Private study involving the use of audio or video material specifically aimed at updating the practitioner's knowledge in any of the four mandatory CPD fields.	1 hour	5
• Preparing or giving (including by video conference) a lecture on either: – A subject for a Graduate Diploma in Legal Practice, Bachelor of Laws or Master of Laws, – A subject for another university course that is covered in a course mentioned above.	1 hour	5
• Writing an article, refereeing or structural editing of a published article on either: – A legal publication – A legal article in a non-legal publication	1000 words	5 for writing 5 for refereeing or structural editing
• Participating in a committee	1 hour	3
• Completing a specialist accreditation examination approved by the Northern Territory Law Society.	N/A	10
• Attending lectures as part of post-graduate studies	1 hour	N/A
• Writing assignments or thesis as part of post-graduate studies	1000 words	5

<sup>150</sup> Law Society Northern Territory, *Continuing Professional Development: A Guide for Practitioners v121001* (2014) p 3.

<sup>151</sup> Ibid.

<sup>152</sup> *Legal Profession Regulations 2007* (NT) Schedule 2.

<sup>153</sup> Above n 150.

<sup>154</sup> *Legal Profession Regulations 2007* (NT) Schedule 2 ss 1, 4.

<sup>155</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 6.

<sup>156</sup> *Legal Profession Regulations 2007* (NT) Schedule 2 s 2(2).

<sup>157</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 7.

<sup>158</sup> *Legal Profession Regulations 2007* (NT) Schedule 2 ss 2, 7-15.

Note:

The smallest fraction of a CPD point claimed is 0.5.<sup>159</sup>

**Pro rata calculations – as per NTCPD s 5.<sup>160</sup>**

A legal practitioner whom is not engaging in legal practice on 1 April of a CPD year but starts engaging in legal practice later in that CPD year will have their CPD points obligations reduced in accordance to the table below. At least 1 CPD point must be obtained from the ‘substantive law’ core subject category. A legal practitioner whom starts engaging in legal practice in February or March in a CPD year is not required to comply with any CPD obligations for that CPD year.

Month of Practising Certificate Renewal	Minimum CPD points required – Inclusive core subjects.	Minimum CPD points required from core subjects – Excluding substantive law.	Minimum points obtained from core subject ‘substantive law’
April	10	3	1
May	9	3	1
June	8	3	1
July	7	2	1
August	6	2	1
September	5	2	1
October	4	1	1
November	3	1	1
December	2	1	1
January	1	0	1

**Application of CPD units to the following year – as per NTCPD s 6.<sup>161</sup>**

A legal practitioner who accrued CPD points for participating in CPD activity within 3 months before or after the start of a CPD year, may claim points for either CPD year. However, points may only be claimed for one CPD year.

**Annual certification of CPD activities – as per NTCPD s 16.<sup>162</sup>**

Same as ULSR.<sup>163</sup>

**Audit and Verification of CPD activities – as per NTCPD s 18.<sup>164</sup>**

- The NT Law Society, by written notice may require a legal practitioner to give information about the practitioner’s compliance to CPD obligations.
- The practitioner must comply within 14 days of the notice being given.

**Exemptions – as per NTCPD s 17.<sup>165</sup>**

Same as ULSR.<sup>166</sup>

<sup>159</sup> Ibid s 7.

<sup>160</sup> Ibid s 5.

<sup>161</sup> Ibid s 6.

<sup>162</sup> Ibid s 16.

<sup>163</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 11.

<sup>164</sup> *Legal Profession Regulations 2007* (NT) Schedule 2 s 18.

<sup>165</sup> Ibid s 17.

<sup>166</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 16.

## **TASMANIA**

The TAS Law Society requires all legal practitioners to fulfil mandatory CPD as a pre-requisite to the annual renewal of their practicing certificate. The same guidelines are used to administer the CPD requirements for both barristers and solicitors, however some minor variances in obligations are specified.<sup>167</sup>

**Regulation:** Practice Guidelines 4 – Law Society of Tasmania Continuing Professional Development Scheme – (referred to as ‘TASCPD’).<sup>168</sup>

**Effective:** 2013.<sup>169</sup>

**CPD Obligations** – as per TASCPD ss. 2.7, 3.<sup>170</sup>  
Same as ULSR.<sup>171</sup>

Note:

A person whom is solely acting as a barrister:<sup>172</sup>

- Is not required to undertake a compulsory unit in ‘practice management or business skills.’
- Must complete the core category of ‘professional skills’ by undertaking an activity related to one or more of the following topics:
  - Advocacy.
  - Alternative dispute resolution.
  - Research skills.
  - Other skills related to barristers work (as set in Rules of Practice Part 8).<sup>173</sup>

**CPD content** – as per TASCPD s 3.6.<sup>174</sup>  
Same as ULSR.<sup>175</sup>

**CPD format, units and activity limits** – as per TASCPD ss 2.4-2.6, 3.3.<sup>176</sup>

A CPD activity may include any of the following provided they have been accredited by the TAS Law Society and contains CPD content.

CPD Activity Format	1 CPD unit	Annual quota (CPD units)
<ul style="list-style-type: none"> <li>• Attendance at, preparing or presenting material for any of the following:               <ul style="list-style-type: none"> <li>– A seminar</li> <li>– Workshop</li> <li>– Lecture</li> <li>– Conference</li> <li>– Educational program or course</li> <li>– Discussion group</li> </ul> </li> </ul>	1 hour	4
<ul style="list-style-type: none"> <li>• Attendance at, preparing or presenting material within a legal practice for any of the following:               <ul style="list-style-type: none"> <li>– A seminar</li> <li>– Workshop</li> <li>– Lecture</li> <li>– Conference</li> <li>– Educational program or course</li> <li>– Discussion group</li> </ul> </li> </ul>	1 hour	3
<ul style="list-style-type: none"> <li>• Completing a course at a tertiary institution relevant to law or practice of law.</li> </ul>	1 hour	5
<ul style="list-style-type: none"> <li>• Viewing, listening to, or preparing material for any of the following:               <ul style="list-style-type: none"> <li>– Multi-media program</li> <li>– Web-based program</li> <li>– Recorded material</li> </ul> </li> </ul>	1 hour	5
<ul style="list-style-type: none"> <li>• In relation to an article in a legal or non-legal publication, any of the following:               <ul style="list-style-type: none"> <li>– Publishing</li> <li>– Reporting a case</li> <li>– Editing a law report</li> <li>– Substantively editing or referring</li> </ul> </li> </ul>	1000 words	3

<sup>167</sup> Law Society of Tasmania, *CPD Requirements – Tasmania* (2013) <<http://lst.org.au/professional-development/cpd-requirements-tasmania/>>.

<sup>168</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015).

<sup>169</sup> Above n 167.

<sup>170</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015) ss 2.7, 3.

<sup>171</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 6.

<sup>172</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015) ss 3.2(b), 3.4).

<sup>173</sup> See *Legal Profession Act 1993* (WA) part 8.

<sup>174</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015) s 3.6.

<sup>175</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 7.

<sup>176</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015) ss 2.4-2.6, 3.3.

CPD Activity Format	1 CPD unit	Annual quota (CPD units)
<ul style="list-style-type: none"> <li>Regular attendance at meetings, and participation as a member of a committee or other body undertaking work of substantial significance to the practice of law and reasonably likely to assist the attendee's professional development.</li> </ul>	2 hours	3

Note:

- A maximum of 6 CPD points can be claimed in any single day.<sup>177</sup>
- The TAS Law Society and its CPD Committee may approve of other activities from time to time.<sup>178</sup>

#### Pro rata calculations – as per TASCPCD s 3.9.<sup>179</sup>

A legal practitioner whom holds a local practicing certificate for less than a CPD year may have their CPD obligations reduced in accordance to the table below:

Month of Practicing Certificate Renewal	CPD points required -inclusive core fields	CPD points required from core fields -Excluding substantive law
April	10	4
May	9	4
June	8	4
July	7	4
August	6	4
September	6	4
October	5	3
November	4	3
December	3	2
January	2	2
February	1	1
March	1	1

#### Application of CPD points into the following year – as per TASCPCD s 3.7.<sup>180</sup>

Same as QLD SOL.<sup>181</sup>

#### Record keeping – as per TASCPCD s 3.8.<sup>182</sup>

A legal practitioner is required to maintain a written record of CPD points accrued in respect to each CPD year. This record should be retained for 24 months after the completion of each CPD year.

#### Annual certification of CPD activities – as per TASCPCD s 5.1<sup>183</sup>.

Same as ULSR.<sup>184</sup>

#### Audit and verification of CPD Activity – as per TASCPCD ss 5.2, 6.2.<sup>185</sup>

Same as ACTSOL.<sup>186</sup>

Where the local practitioner does not provide information within 30 days of notice provided, the TAS Law Society may make complaint to the Legal Profession Board.<sup>187</sup>

#### Rectification of non-compliance – as per TASCPCD s 6.<sup>188</sup>

Same as ULSR.<sup>189</sup>

#### Exemptions – as per TASCPCD s. 4.<sup>190</sup>

Same as ULSR.<sup>191</sup>

<sup>177</sup> Ibid s 3.3(e).

<sup>178</sup> Ibid s 2.5(b).

<sup>179</sup> Ibid s 3.9.

<sup>180</sup> Ibid s 3.7.

<sup>181</sup> See Queensland Law Society, *Administration Rule* (2005) s 47(3).

<sup>182</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015) s 3.8.

<sup>183</sup> Ibid s 5.1.

<sup>184</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 13.

<sup>185</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015) s 5.2.

<sup>186</sup> See ACT Law Society, *CPD Guidelines – A continuing professional development scheme for Canberra's legal practitioners* (2014) s16.

<sup>187</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015) s 6.2.

<sup>188</sup> Ibid s 6.

<sup>189</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 15.

<sup>190</sup> Law Society of Tasmania, *Practice Guideline No. 4: Continuing Professional Development Scheme* (2015) s 4.

<sup>191</sup> See *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015* (NSW and Vic) s 16.