

***The Victorian Bar  
Incorporated  
Compulsory  
Continuing  
Professional  
Development Rules***

Effective 1 April 2011

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## Introductory

1. These Rules –
  - (a) shall be known as *The Victorian Bar Continuing Professional Development Rules 2010*;
  - (b) are made under s.3.2.9(2) of the *Legal Profession Act 2004*;
  - (c) shall be in effect from 1 April 2011; and
  - (d) apply to local legal practitioners who practise solely as barristers.

## Definitions

2. For the purposes of these Rules –

“Bar”	means the Victorian Bar Inc.
“Bar Council”	means the governing body of the Victorian Bar Inc, the Victorian Bar Council.
“Bar CPD Committee”	means the CPD Committee of the Victorian Bar.
“barrister”	means a local legal practitioner who engages in legal practice solely as a barrister.
“Board”	means the Legal Services Board established by Part 6.2 of the <i>Legal Profession Act 2004</i> .
“CPD”	means continuing professional development.
“CPD activity”	means a continuing professional development activity within the meaning of Rule 3.
“CPD point”	means a point allocated to a CPD activity pursuant to these Rules.
“CPD program”	means a seminar, course of other activity which satisfies rule 3(a) and, for the avoidance of doubt, includes a university graduate law course, the Bar CPD program, and the Bar Readers’ Course conducted by the Bar.
“CPD year”	means the year commencing 1 April and ending on 31 March.

## CPD activity for barristers

3. For the purposes of these Rules, a CPD activity is an activity that:
  - (a) either:
    - (i) has significant intellectual or practical content dealing primarily with matters related to the practise of law as a barrister; or
    - (ii) extends the barrister’s knowledge or skills in areas relevant to the barrister’s practice; and

- (b) consists of any of the following:
  - (i) presenting, attending, participating in, listening to or viewing (including by pod cast or DVD) a CPD program or online course;
  - (ii) publication of a learned book, article or like work, including editing and updating;
  - (iii) active membership of a committee, taskforce or section of the Bar, the Law Council of Australia or the Australian Bar Association;
  - (iv) preparation of a submission on matters relating to the practise of law;
  - (v) law reporting for the Commonwealth Law Reports, the Victorian Reports or like reports; or
  - (vi) any other activity approved by the Bar CPD Committee (whether prospectively or retrospectively) pursuant to rule 5 below.

### CPD points allocation

#### 4. Unless the Bar CPD Committee otherwise determines –

- (a) subject to the following sub-rules, one (1) CPD point is earned for each completed hour of engagement in an activity under rule 3(b)(i);
- (b) one (1) CPD point is earned for each completed hour of engagement in an activity under rule 3(b)(iii) and 3(b)(iv), to a maximum of three (3) points per committee, taskforce, section and submission per year;
- (c) two (2) CPD points are earned for each completed Australian Law Reports or Victorian Reports or equivalent headnote;
- (d) three (3) CPD points are earned for each completed hour for which a barrister teaches or instructs in a CPD program;
- (e) three (3) CPD points are earned for each completed Commonwealth Law Reports headnote;
- (f) five (5) CPD points are earned for editing or updating a loose-leaf or equivalent service for a period of 12 months;
- (g) eight (8) points are earned for editing an authorised series of law reports for a period of 12 months;
- (h) eight (8) CPD points are earned for each completed subject or unit of study as a student in advanced study courses towards a graduate diploma or masters degree in law.

#### 5. In relation to any CPD activity not covered by rule 4 (including the publication of a learned book, article or other work), the Bar CPD Committee must:

- (a) determine how many points are earned for that CPD activity, taking into account the value and relevance of the particular CPD activity to practice as a barrister; and
- (b) allocate that CPD activity to one or more of the categories identified in rule 8.

### Annual Requirements

#### 6. Subject to rule 7 and to any determination by the Bar CPD Committee upon direction of the Bar Council, a barrister must, unless otherwise exempted, in each CPD year engage in CPD activities sufficient to earn at least ten (10) CPD points.

7. Subject to any determination by the Bar CPD Committee upon direction of the Bar Council, a barrister who is granted a new practising certificate after the start of a CPD year must, unless otherwise exempted, in the part of the CPD year following the grant of that certificate engage in CPD activities sufficient to earn the number of CPD points calculated by reference to the following table:

<b>Practising certificate dated in</b>	<b>Number of points</b>
April	10
May	9
June	8
July	7
August	6
September	5
October	4
November	3
December	2
January	1
February	0
March	0

8. A barrister must, unless otherwise exempted, in each CPD year engage in CPD activities in each of the categories set out in the table below. However, if a barrister is required to earn fewer than 4 points in a CPD year, the barrister must earn points in as many different categories as the number of points he or she is required to earn under rule 7.

<b>Ethics and Professional Responsibility</b>	<b>At least 1 CPD point</b>
<b>Professional Skills</b>	<b>At least 1 CPD point</b>
<b>Substantive Law</b>	<b>At least 1 CPD point</b>
<b>Practice Management &amp; Business Skills</b>	<b>At least 1 CPD point</b>

9. If the Bar CPD Committee or the person or organisation who conducts a CPD activity has assigned a particular CPD activity to one or more of the categories identified in rule 8, a barrister who participates in that CPD activity may not assign CPD points in respect of that activity to any other category. In any other case, a barrister may assign CPD points to any category that the barrister reasonably considers to be appropriate.

## Exemptions

10. Pursuant to the delegation dated 30 August 2008, the Bar CPD Committee may waive compliance with any of the requirements of these rules:
- (a) Upon any such condition as it may determine appropriate; and
  - (b) Provided that such application for dispensation from a requirement of these rules:
    - (i) Is submitted in writing to the Bar CPD Committee;
    - (ii) If made in respect of the current CPD year, must be made as early as practicable in that year or in any event not less than one month before the end of that year;
    - (iii) If made in respect of a previous CPD year, must be made 21 days after the practitioner becomes aware of his or her non-compliance with the relevant requirements to undertake CPD activities; and
    - (iv) Sets out the grounds on which the application for dispensation is sought.

## Records

11. A barrister must maintain a record of his or her engagement in CPD activities for the CPD year in the form provided by the Bar and must retain such record for at least three years after the CPD year in which he or she engaged in those activities.

*NOTE: Pursuant to the Continuing Professional Development Rules 2008 made by the Board under s.3.2.9 of the Legal Profession Act 2004 (Vic), the Board or (pursuant to a delegation from the Board dated 30 April 2008) the Bar's Continuing Legal Education Committee may (among other things):*

- (a) *require a barrister to produce to the Board or the Committee any records maintained by the barrister under this rule; and*
- (b) *require a barrister to give to the Board or the Committee a statement of the barrister's reasons for claiming that any activities undertaken by the barrister satisfy any requirements for CPD activities under these rules.*

## Repeal

12. The Continuing Professional Development Rules 2008 previously made by the Bar Council are repealed subject to the transitional provisions in these rules.

## Transitional Provisions

13. (a) A CPD activity carried out before the commencement of these rules that complied with the Continuing Professional Development Rules 2008 previously made by the Bar Council complies with these rules.
- (b) The requirement that a barrister maintain a record of his or her engagement in CPD activities for a period of at least three years following each CPD year, being a requirement imposed by the Continuing Professional Development Rules 2008, previously made by the Bar Council continues in relation to any CPD activities engaged in before the commencement of these rules.

