



CPD Guide

Your guide to meeting CPD
requirements in Queensland

2014 Edition

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*Maintaining professional standards requires a commitment
to continuing professional development.*

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Why CPD?

Continuing Professional Development (CPD) is an opportunity to develop your abilities as a legal practitioner. It can assist you to stay up to date with legislative changes, enhance your professional and practice management skills, and enlighten your understanding of practical legal ethics.

In practical terms, it can help you to provide the best service to your clients, navigate a career transition or position you for promotion.

Introduced in Queensland in 2005, the CPD scheme is essential to maintaining your ability to practise law. The scheme is governed by Part 6 of the Queensland Law Society Administration Rule 2005.

There are a broad range of activities that count towards fulfilling your CPD requirements. Your firm's practitioners, educational institutions and conference organisations can deliver CPD activities. Queensland Law Society offers an extensive range of cost-effective professional development options, delivered through webinars, conferences and seminars. Your contribution to the Society's committees or to writing for legal journals are also valid CPD activities.

Keeping up with the requirements under the CPD scheme is a good lawyer's practice.

Annual requirements

There are three key aspects of the CPD scheme that you need to consider each year.

1. Complete 10 CPD units

The CPD year begins on 1 April and ends on 31 March the following year. In each year you must complete a minimum of 10 CPD units to maintain your practising certificate.

A failure to comply with the rules relating to CPD may amount to unsatisfactory professional conduct or professional misconduct.

The CPD scheme allows you to claim CPD units gained in January, February or March towards either the current CPD scheme year or the following CPD scheme year. For example, if you have obtained 10 CPD units by December of one year, you may use CPD units gained during the following January, February or March towards the next CPD scheme year.

Units from one activity cannot be split over two CPD scheme years.

Accredited specialists are required to complete 15 CPD units each year. The 15 units must include a minimum of 10 CPD units of an advanced/specialist level in your area of speciality and at least three CPD units in the compulsory core areas. For practitioners completing the specialist accreditation program, you can claim 10 CPD units in the CPD year in which you complete the program (eight general units and one unit in each of the compulsory core areas of practical legal ethics and professional skills). You must complete one additional CPD unit in the core area of practice management and business skills for that CPD year.



SP CPD units at advanced/specialist area in your area of speciality

GEN General CPD units

CORE 1 CPD unit of each – practical legal ethics (PLE), practice management and business skills (PM&BS) and professional skills (PS).

2. Ensure you are accumulating the compulsory core areas

There are three compulsory CPD core areas:

1. practical legal ethics (PLE)
2. practice management and business skills (PM&BS)
3. professional skills (PS).

These have been selected as the three core areas of knowledge that are relevant to all practitioners. Refer to page 7 for examples of core area topics.

You must accumulate a minimum of one CPD unit for each core area annually. Compulsory area units count towards the annual requirement of 10 CPD units and are not an additional requirement.

3. Take part in a range of CPD activities

CPD units can be attained through a variety of activities beyond attending seminars.

Some activities have different CPD unit 'values' that you will need to know for recording purposes (see page 6).

The smallest fraction of a CPD unit that may be claimed is half a unit. Where the duration of an activity is not an exact hour or half hour, units claimed must be rounded down to the nearest half unit.

To be an approved CPD activity, the activity must be:

- of significant intellectual or practical content and must deal primarily with matters directly related to the practice of law
- conducted by persons who are qualified by practical or academic experience in the subject covered
- relevant to a legal practitioner's immediate or long term professional development needs and to the practice of law.

*If you have obtained 10 CPD units by December,
you may use CPD units gained during January,
February or March towards the next CPD scheme year.*

*Accredited specialists are required to complete
15 CPD units each year.*

Examples of CPD units

| Activity type | CPD units | Maximum units/year |
|---|---------------------|--------------------|
| Attending seminars, conferences, workshops and lectures including video conferences, web streamed conferences, webinars and your organisation's professional development events | 1 unit = 1 hour* | unlimited |
| Viewing 'real-time' DVD resources or online recordings of seminars, conferences or webinars recorded in the current CPD year or in January-March of the previous CPD year | 1 unit = 1 hour | unlimited |
| Preparing law lectures or seminars | 1 unit = 1 hour | 5 units |
| Presenting law lectures or seminars | 1 unit = 1 hour | 5 units |
| Postgraduate studies (eg Masters in Law) | 5 units = 1 subject | unlimited |
| Completion of Certificate or Diploma level self-paced study units | 3 units = 1 subject | Unlimited |
| Formal discussion groups | 1 unit = 1 hour | unlimited |
| Writing articles published in law journals, newsletters or other approved publications | 1 unit = 1000 words | 5 units |
| Member of relevant committee or taskforce | 1 unit = 2+ hours | 3 units |
| Online learning packages | 1 unit = 1 hour | Unlimited |
| Completion of specialist accreditation assessment in the year of attempt | 10 units | 10 units |
| Completion of practice management course in the year of attempt | 10 units | 10 units |
| Listening to audio/taped resources | 1 unit = 1 hour | 5 units |

*Refreshment breaks not included

Compulsory core areas

You must accumulate a minimum of one CPD unit for each of the three core areas annually. The list below is provided as a guide only and does not include all topics. Some core areas may be taught as part of a broader topic. While providers may indicate the core area to which their CPD activity belongs, it is up to you to identify which core area it applies to from your perspective.

Practical legal ethics core area

- conflicts of interest
- how to identify legal ethical issue
- communicating directly with third parties
- a lawyer's duties to the court
- ethics within a specific area of practice e.g. corporate law

Practice management and business skills core area

- risk management
- file management
- costs rules
- business planning
- financing a practice
- effective use of technology

Professional skills core area

- communication and interpersonal skills
- client interviewing
- plain English drafting
- negotiation and mediation skills
- career and personal development
- advocacy
- legal research

It is up to you to identify to which core area the CPD activity applies.

Pro rata CPD units

Practitioners who obtain or renew their practising certificate during their practising year must complete pro rata units according to the table below. A practitioner who holds a practising certificate for less than 28 days in a CPD year is exempt from the obligation to comply with these rules during the CPD year.

| Date of grant or renewal of a practising certificate | Minimum number CPD units | Core CPD units |
|--|--------------------------|----------------|
| 1 April – 30 June | 10 units | 3 core units |
| 1 July – 30 September | 7.5 units | 2 core units |
| 1 October – 31 December | 5 units | 1 core unit |
| 1 January – 3 March | 2.5 units | 0 core units |
| 4 March – 31 March | 0 units | 0 core units |

Accredited Specialists who have returned from a leave of absence must complete pro rata units according to the table below.

| Month of re-accreditation | Minimum number of advanced/specialist units | Core CPD units |
|---------------------------|---|---|
| 1 April | 10 units | 2 general CPD units + 3 core area units |
| 1 May | 9 units | 2 general CPD units + 3 core area units |
| 1 June | 8 units | 1 general CPD unit + 3 core area units |
| 1 July | 7 units | 1 general CPD unit + 3 core area units |
| 1 August | 6 units | 3 core area units |
| 1 September | 5 units | 3 core area units |
| 1 October | 4 units | 2 core area units |
| 1 November | 3 units | 2 core area units |
| 1 December | 2 units | 1 core area units |
| 1 January | 1 units | 1 core area units |
| 1 February | 0 units | 0 |

Recording your CPD

There are two ways that you can record your CPD activities. Select the method that is easiest to integrate into your normal working patterns.

Online member profile

You can use your online QLS membership profile to keep a central register for all of your CPD activities. Your profile will be automatically updated if you attend a professional development event run by the Society. You can also update your record with any other CPD activities undertaken, including attendance at committee meetings, and can select a specified period, e.g. activities over the last 12 months, two years, etc. Keeping your online profile up to date can be of great benefit in the event that you are audited as the records can be easily accessed for the CPD Committee.

Photocopy the provided table or keep your own spreadsheet

The table provided at the back of this guide can be used as a template for creating your own tracking method and for including key information that should be recorded to provide the right amount of evidence of your CPD activities each year.

You could photocopy and file it with other supporting documentation of each activity (see page 11), pin it to your office wall and fill in the details by hand as you go or use it as a template for a document which you keep updated in your IT system.

Audits

Queensland Law Society conducts an audit each year of up to 20% of practising certificate holders to ensure CPD requirements are being met.

When renewing your practising certificate, you will be required to declare whether or not you have complied with Part 6 (Continuing Professional Development) of the Queensland Law Society Administration Rule 2005. This will require you to make a declaration which is subject to s 231 (2) (e) of the *Legal Profession Act 2007*.

If selected for audit, you will be notified by email. You will be required to submit your CPD record if it is not already recorded in your QLS online profile, and if requested, further supporting documentation.

Practitioners making a false declaration may be referred to the CPD Committee as failure to meet the CPD requirements may make a practitioner ineligible to hold a practising certificate.

Each practitioner may only be audited once in any three year period.

For accredited specialists, you will be notified by email if you are required to submit a reaccreditation report. This report must set out the professional development activities you have completed during the CPD year to satisfy your specific CPD requirements. The audit process is compulsory in each of the first three CPD years following your accreditation. Once you have been subject to audit for three CPD years, you will only be asked to submit a reaccreditation report if you are selected at random during the annual audit process.

A blank re-accreditation report can be downloaded from qls.com.au/specaccred.

Queensland Law Society will conduct an audit each year to ensure CPD requirements are met.

Supporting documentation should be retained for 12 months after the completion of each CPD year.

Supporting documentation

You must maintain a record of your CPD activities and the units that apply to each activity as outlined on page 6 of this guide.

You will need to retain supporting documentation to support your CPD scheme record.

Supporting documentation will only be required if you are audited. It is not required when you are renewing your practising certificate.

Supporting documentation includes: receipts, enrolment records, certificates, transcripts, attendance lists, assessment reports, employer reports, statutory declarations and detailed diary notes.

Supporting documentation should be retained for 12 months after the completion of each CPD year.

CPD scheme exemptions

There are a number of exemptions in the Rule, and strict criteria apply.

Exemptions

1. In a CPD year, the CPD Committee may, upon application in writing from a legal practitioner in a form approved by the CPD Committee, exempt in whole or in part a practitioner from compliance with this part during a CPD year on such conditions as it may specify, if:
 - a. the practitioner has been in practice for a period exceeding forty years, and:
 - i. holds a practising certificate other than a principal practising certificate; or
 - ii. is a Notary Public whose sole reason for holding a practising certificate is to continue to act as a Notary Public; or
 - b. by reason of the practitioner's geographical location, a physical disability or any other physical exigencies of the practitioner's practice, the practitioner has experienced particular hardship or difficulty in complying with these rules;
 - c. the practitioner has been substantially absent from practice because of parenting leave, unemployment or illness; or
 - d. the CPD Committee considers that there are special circumstances warranting it to do so.

Applications for exemption must be made in writing to the CPD Committee. You will receive a written response within 10 working days.

Exemption application forms can be downloaded at **qjs.com.au** or a copy can be requested by emailing **cpd@qjs.com.au**.

CPD at Queensland Law Society

Queensland Law Society provides many opportunities to earn CPD units.

The Society provides a range of learning and development activities each year in specific practice areas of law, practice management and business skills, legal ethics and professional skills.

Conference, seminar and webinar programs are specifically designed for particular levels of post admission experience. A series of 'tick' symbols is used on our event material to indicate whether any core area units can be claimed and also whether the content covers substantive legal topics.

Practical Legal Ethics 

Professional Skills 

Practice Management & Business Skills 

Substantive Law 

You can check details of what is currently available, and in your area of law, by visiting qls.com.au/events.

Activities provided by Queensland Law Society

Activities provided by Queensland Law Society that can contribute to your CPD requirements include:

- seminars, conferences, workshops and webinars
- online learning courses
- Queensland Law Society and Law Council of Australia committee representation or participation
- regional and suburban association activities
- DVDs available for online purchase from qls.com.au
- writing technical articles for Proctor
- presenting at Queensland Law Society conferences and seminars, program activities or events
- specialist accreditation program
- practice management course
- writing peer reviewed legal articles for the Society's publications.

Visit our website qls.com.au/events to check details of what is currently available, and in your area of law.

Frequently asked questions

| | |
|---|---|
| Do postgraduate studies count towards CPD scheme units? | <p>Yes. Postgraduate study programs are recognised if you can demonstrate relevance to your legal practice, eg Master of Laws. See page 6 for more information.</p> <p>Please note that CPD points gained during your PLT course cannot be applied to your QLS CPD requirements.</p> |
| As an accredited specialist, am I required to complete more than the 10 CPD scheme units? | Yes. Accredited specialists are required to complete 10 CPD scheme units in their area of expertise and five additional units of their choice but must comply with core area requirements. As an accredited specialist, you still need to demonstrate a commitment to the maintenance of a specialist level of competence in the area of practice in which accreditation is held. See page 4. |
| I have recently completed the specialist accreditation program. How many CPD units can I claim? | You can claim 10 CPD scheme units in the year of completion (eight general units and one unit in each of the compulsory core areas of practical legal ethics and professional skills). You are required to complete one additional CPD unit in the core area of practice management and business skills in order to meet your CPD requirements. |
| I reside overseas or interstate. Do I need to comply with the CPD scheme? | Yes. All practitioners holding a current Queensland practising certificate are required to undertake CPD activities wherever they reside. |
| Do I need to submit my record schedule? | No but you are expected to personally maintain a record of your yearly CPD activities. Audits will be carried out to ensure compliance. If selected for audit, you will be notified and requested to submit your CPD record and other supporting documentation. |
| What if I have not completed enough units? | <p>If you have not attained the necessary CPD scheme units by 31 March each year, you can submit a written application to the CPD Committee requesting a 90 day extension.</p> <p>Extensions can only be granted up until 30 June.</p> |
| If I work part-time, do I still need to complete 10 CPD units? | <p>Compliance is mandatory for all practitioners holding a current practising certificate, regardless of whether they are employed full-time or part-time.</p> <p>No reduction or exemption is available for part-time work.</p> |
| What happens if I don't meet my CPD obligations? | If you hold a practising certificate and cannot provide evidence of sufficient CPD commitment when audited, regulatory action can occur. Non-compliance can result in the cancellation, suspension or the placement of further conditions on your practising certificate, as determined by the Queensland Law Society Council. |
| How do I know if the activity I'm completing is appropriate to count towards my CPD requirements? | The CPD scheme involves self-assessment, where you must consider your specific requirements for professional development (whether substantive legal knowledge, professional skills or other needs) and then decide whether the activity is suitable to allow you to develop the knowledge and/or skill to be applied in legal practice. |
| Can I claim CPD units for watching a DVD? | You may claim one unit per hour for watching a DVD of a professional development event, such as a conference or seminar; however the DVD must have been filmed in the current CPD year, or in January – March of the previous CPD year. |
| Who can claim CPD units for watching a webinar or webinar recording? | As with DVDs, you may claim one unit per hour for attending a live webinar or viewing a webinar recording of a professional development event; however the webinar must have been recorded in the current CPD year or in January – March of the previous CPD year. |

| | |
|---|--|
| I have recently completed the QLS Practice Management Course. How many CPD points can I claim? | You can claim 10 CPD units in the year of completion including all core units. |
| I have been practising for over 40 years. Can I claim exemption? | You may request a permanent exemption from completing your annual CPD requirements if you have been practising for more than 40 years AND you do not hold a principal practising certificate. Your application must be made in writing to the CPD Committee at cpd@qls.com.au . You will receive an initial response to your request for exemption within 10 working days. |
| Do I have to apply for an exemption every year? | No. If granted a permanent exemption, it may apply for the remainder of your legal career. You can specify how long you wish to be exempt in your written application. If granted a pro rata or complete exemption, you will need to reapply each year the exemption is required. |
| How long does it take for the CPD Committee to consider and respond to my request? | Requests for exemption are considered and an initial response sent within 10 working days. |
| What happens if I am audited but I don't have supporting documents? | You can apply for an extension of up to 90 days to seek the documentation from the provider/s. |
| How do I know whether the event I am attending meets the requirements for one of the compulsory core areas? | There is no definitive list of events or activities for each of the compulsory core areas. A list is provided on page 7 of this booklet as a guide. It is up to you to assess whether the activity applies to one of the compulsory core areas. |
| Can I claim part of a unit for an activity that is less than an hour? | Yes, however the smallest fraction of a CPD unit that may be claimed is half a unit, and you must round down to the nearest half a unit. For example: <ul style="list-style-type: none"> You may claim two and a half CPD units for attending a two and a half hour seminar. You may claim two CPD units for attending a two and a quarter hour seminar. |

CPD scheme record

| Date | Description | Provider | Core area | Format | Units |
|--|---|---|--|--|------------------------------------|
| <i>Insert the date activity undertaken</i> | <i>Insert the title of the event or a description of the activity</i> | <i>Insert the name of the provider or publisher of the activities (eg 'Queensland Law Society')</i> | <i>Insert the core area that applies, if any, to the event</i> | <i>Select format of activity (eg presentation/ workshop/publication)</i> | <i>Insert the units that apply</i> |
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