

**THE VICTORIAN BAR INC
LEGAL PROFESSION RULES
CONTINUING PROFESSIONAL DEVELOPMENT RULES 2008**

Introductory

1. These Rules –
 - (a) shall be known as *The Victorian Bar Continuing Professional Development Rules 2008*;
 - (b) are made under s.3.2.9(2) of the *Legal Profession Act 2004*;
 - (c) shall be in effect from 1 April 2008; 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 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:

- (a) has significant intellectual or practical content dealing primarily with matters related to the practice of law as a barrister;
- (b) is conducted by persons who are qualified by practical or academic experience in the subject covered;
- (c) extends the barrister's knowledge and skills in areas relevant to the barrister's practice; and
- (d) consists of any of the following:
 - (i) a seminar, workshop, lecture, conference, discussion group, practical training exercise or multimedia, audio, video or web based program or exercise;
 - (ii) publication of a learned book, article or like work, including editing and updating;
 - (iii) teaching or instructing in the Bar Readers' Course;
 - (iv) teaching or instructing in the Bar, or another, CPD program;
 - (v) teaching in an undergraduate or graduate Law course;
 - (vi) active membership of a committee, taskforce or section of the Bar or the Law Council of Australia;
 - (vii) preparation of a submission on matters relating to the practice of law;
 - (viii) participating in advanced study courses such as for a graduate diploma or Masters degree in Law;
 - (ix) law reporting for the Commonwealth Law Reports, the Victorian Law Reports or like reports;
 - (x) listening or viewing a podcast, audio, DVD or tape of a CPD activity.

CPD points allocation

- 4. The Bar CPD Committee shall determine what, if any, points may be earned by barristers for each CPD activity, taking into account the value and relevance of the particular CPD activity to practice as a barrister.
- 5. Unless the Bar CPD Committee otherwise determines in respect of a particular CPD activity –
 - (a) one (1) CPD point is earned for each completed hour of engagement in an activity under Rule 3(d)(i) or (x)
 - (b) three (3) CPD points are earned for each completed hour for which a barrister teaches or instructs in the Bar CPD program or other form of legal education or CPD;
 - (c) three (3) CPD points are earned for each completed hour for which a barrister teaches or instructs in the Bar Readers' Course;
 - (d) one (1) CPD point is earned for two completed hours of attending meetings of a committee, taskforce or section of the Bar or the Law Council of Australia to a maximum of three (3) CPD points;
 - (e) three (3) CPD points for each Commonwealth Law Reports headnote and two (2) CPD points for each Australian Law Reports or Victorian Reports or

- equivalent headnote – in each case capped at 6 CPD points per annum; ten (10) points for editing the Commonwealth Law Reports or Victorian Reports;
- (f) three (3) CPD points are earned for each semester as a student in advanced study courses such as towards a graduate diploma or Masters degree in Law;
 - (g) No more than five (5) CPD points are earned by a barrister in a CPD year in respect of –
 - (i) teaching or instructing in the Bar Readers’ Course;
 - (ii) teaching or instructing in the Bar CPD Program;
 - (iii) a single CPD activity;
 - (iv) activities at a single conference;
 - (v) membership of a committee, taskforce or section of the Bar or the Law Council of Australia.
6. Notwithstanding anything to the contrary in the foregoing, the Bar CPD Committee may from time to time determine that a number of points different from the number specified in Rule 5 shall be earned by a barrister for engaging in any CPD activity or activities referred to in that Rule.
7. Publication by a barrister of a learned book, article or other work, including editing and updating, and submissions may each earn for a barrister such number of CPD points as is determined by the Bar CPD Committee.

Annual Requirements

- 8. A barrister must in each CPD year engage in CPD activities sufficient to earn at least ten (10) CPD points.
- 9. Subject to Rule 13, a barrister must in each CPD year engage in CPD activities of the descriptions and to the extent in the following table:

Ethics and Professional Responsibility	At least 1 CPD point
Professional Skills	At least 1 CPD point
Substantive Law	At least 1 CPD point
Practice Management and Business Skills	1 CPD point only

- 10. A barrister who applies to the Board for a practising certificate after the start of a CPD year must in the remainder of the CPD year engage in CPD activities sufficient to earn the number of CPD points as are referable to the balance of the CPD year on a pro-rata basis.
- 11. Pro-rating under Rule 10, as applicable to the two major annual intakes of barristers, is, and is deemed to be, that:
 - (a) a barrister who obtains a practising certificate upon signing the Bar Roll in May is to earn at least eight (8) CPD points; and

- (b) a barrister who obtains a practising certificate upon signing the Bar Roll in November is to earn at least four (4) CPD points; in each case, subject to the category requirements of Rule 9.
12. In any other case, pro-rating, and the application of Rule 9 in the pro-rated situation, is to be decided by the Bar CPD Committee.

Records

13. A barrister must maintain a written 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.

Repeal

14. The Compulsory Continuing Legal Education Rules 2007 previously made by the Bar Council are repealed subject to the transitional provisions in these Rules.

Transitional Provisions

15. A CPD activity carried out before the commencement of these Rules that complied with the Compulsory Continuing Legal Education Rules 2004 (as amended) or the Compulsory Continuing Legal Education Rules 2007 complies with these Rules.

