

23 July 2020

CPD Review Team  
Victorian Legal Services Board + Commissioner  
[cpdreview@lsbc.vic.gov.au](mailto:cpdreview@lsbc.vic.gov.au)

Dear Review Team

### **Issues Paper – Continuing Professional Development**

Thank you for the opportunity to provide comments in response to the Issues Paper on Continuing Professional Development (CPD) released by the Victorian Legal Services Board + Commissioner.

The Queensland Law Society (QLS) commends the preparation and release of the paper as an important step opening a dialogue on the current and potential future state of CPD for lawyers.

QLS is supportive of making the CPD regime more fit for purpose and has commenced its own process to review aspects of the scheme operating in Queensland as a result of feedback from the Society's Committees and members.

QLS is supportive of the development of a broad competency framework to better inform the regulatory supports needed to assist legal practitioners to continue to develop as professionals throughout the entirety of their careers. We anticipate such an activity would also have strong reputational benefits for the legal profession as whole and improve consumer protection outcomes. In this regard, we are particularly interested in investigating and better understanding the competencies that need to be developed to progress through the various career stage transition points, i.e. undertaking supervision for the first time, becoming a trust account signatory, becoming a principal of a legal practice etc. These points of transition may prove to be important opportunities for reflection and assessment of competency attainment.

QLS is also open to exploring the suggested approach whereby eligible law firms undertake their own CPD programs and self-audits, with appropriate firm level reporting to regulators of program content and compliance. This proposal in the Issues Paper has the potential benefit of recognising the excellent work already done by many firms in growing the competencies of their practitioners and could facilitate continuing professional development as a competitive advantage for invested law firms. We do note, however, that any such facility must be open

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and accessible to smaller firms and not be constructed in such a way to make it only viable for the largest of legal practices.

In all of the concepts raised in the Issues Paper we are very cognisant that we must not increase the regulatory burden on the profession so as to create a regime which disincentivises law firms to employ junior solicitors. The current regulatory approach to supervised legal practice already shifts the emphasis for much practical legal learning to the first years of the post admission stage. For many firms this is costly to facilitate and may act as a disincentive to engage early career lawyers.

QLS has commenced consideration of the current scheme for CPD as a result of feedback from the Society's committees and members. At this early stage we have considered an approach which would initially focus on the mandatory core CPD, by:

- setting standards for mandatory CPD, including by setting core content syllabus for any particular CPD year to be responsive to issues observed in the profession
- performing a preventative/quality assurance function for core CPD content (e.g. managing the quality of the mandatory CPD requirements, including auditing or approval of core content providers' material to ensure it responds appropriately to the set core content syllabus)
- reviewing the core CPD areas in line with competency gaps including for example, acceptable workplace behaviour, First Nations Cultural Awareness and technology in the law, and
- considering requiring new principals to undertake a trust account refresher every four years to improve trust account compliance.

We see these initiatives as a starting point to address some of the factors raised in the Issues Paper and also to respond to jurisdiction specific matters.

Queensland is not keen, however, to create a continuing professional development scheme which is disparate from the other jurisdictions and as much as possible is interested in refining our requirements within the existing framework. We are not considering, for example, an increase to the national requirement for ten points of development in any practising certificate year. We are open to refining the national requirements in collaboration with the other regulatory bodies.

Thank you again for making a short extension possible and we would be pleased to discuss any aspect of this submission or the CPD regime with your officers at a convenient time.

Yours faithfully

Luke Murphy  
**President**

