
JUSTICE

JU301*

Legal Profession Act 2008

Legal Profession Amendment Rules 2015

Made by the Legal Practice Board.

1. CitationThese rules are the *Legal Profession Amendment Rules 2015*.**2. Commencement**

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

3. Rules amended

These rules amend the *Legal Profession Rules 2009*.

4. Part 2 Division 2 Subdivision 1 heading inserted

At the beginning of Part 2 Division 2 insert:

Subdivision 1 — Preliminary**5. Rule 7 amended**

- (1) In rule 7 delete the definitions of:

certificate year

CPD condition

CPD point

individual activity

- (2) In rule 7 in the definition of *professional development activity* delete paragraphs (c) and (d) and insert:

(c) the preparation of material to be used by participants in an educational or training activity, whether or not the material is to be presented by the person who prepared the material; and

(d) the editing, publishing or refereeing of a journal, or article in a journal, or similar publication (whether in print or an electronic format and whether in a publication primarily intended for the legal profession or otherwise);

6. Part 2 Division 2 Subdivision 2 heading and rule 8A inserted

After rule 7 insert:

**Subdivision 2 — Local practising certificates in force before
1 July 2015****8A. Terms used**

In this Subdivision —

certificate year means the period during which a local practising certificate is in force;

CPD condition means the condition imposed on a local practising certificate by rule 8(1);

CPD point means a point earned in accordance with rule 9;

individual activity means an approved CPD activity that is not an interactive activity.

7. Rule 8 amended

In rule 8(1) delete “2009” and insert:

2009, but before 1 July 2015,

Note: The heading to amended rule 8 is to read:

**Condition on practising certificates before 1 July 2015:
practitioner must complete professional development**

8. Rule 9 amended

(1) In rule 9(3) delete “subrule (4)” and insert:

subrules (4) and (5A),

(2) After rule 9(4) insert:

(5A) Subrules (3) and (4) do not apply to points earned after 31 March 2015 and before 1 July 2015.

Note:

Subdivision 3 deals with earning CPD points after 31 March 2015.

9. Rule 12 amended

Delete rule 12(2).

10. Part 2 Division 2 Subdivision 3 inserted

After rule 12 insert:

Subdivision 3 — Local practising certificates in force on or after 1 July 2015

13A. Terms used

In this Subdivision —

CPD condition means the condition imposed on a local practising certificate by rule 13B(1) or (2);

CPD period means the period from 1 April to 31 March;

CPD point means a point earned in accordance with rule 13C;

electronic activity means an approved CPD activity provided by way of the electronic communication of information in the form of data, text, sound or images, or a combination of those things.

13B. Condition on practising certificates on and after 1 July 2015: practitioner must complete professional development

- (1) A local practising certificate that is granted on or after 1 July 2015 is subject to the condition that the local legal practitioner must, during the CPD period that ends in the same financial year during which the certificate is in force, earn the number of CPD points set out in the Table corresponding to the month in which the certificate is granted.

Table

Month in which local practising certificate granted	Number of CPD points to be earned in the CPD period
July	9
August	8
September	7
October	6
November	5
December	4
January	3
February	2
March	1

- (2) A local practising certificate that is renewed on or after 1 July 2015 is subject to the condition that the local legal practitioner must earn 10 CPD points during the CPD period that ends in the same financial year during which the certificate is in force.
- (3) If requested by the Board to do so a local legal practitioner, or a person who was a local legal practitioner, must provide to the Board any document or information in relation to the person's compliance with a condition imposed under subrule (1) or (2).

13C. Earning CPD points

- (1) A local legal practitioner earns CPD points by completing approved CPD activities.
- (2) The number of CPD points earned by completing a particular approved CPD activity is to be determined under rule 13F(1), subject to rule 13F(2) and (3).

- (3) A practitioner may complete an interactive activity —
 - (a) as a participant by attending in person or by remote communication; or
 - (b) as a participant in an interactive electronic activity; or
 - (c) as a presenter, commentator or chair of the activity.

13D. Competency area requirements

- (1) The CPD points earned to satisfy the CPD condition for a CPD period must include —
 - (a) at least one CPD point earned by completing approved CPD activities that are within competency area 1; and
 - (b) at least one CPD point earned by completing approved CPD activities that are within competency area 2; and
 - (c) at least one CPD point earned by completing approved CPD activities that are within competency area 3; and
 - (d) at least one CPD point earned by completing approved CPD activities that are within competency area 4.
- (2) An approved CPD activity is within *competency area 1* if it involves professional development in an area of practice management.
- (3) An approved CPD activity is within *competency area 2* if it involves professional development in an area of professional skills.
- (4) An approved CPD activity is within *competency area 3* if it involves professional development in an area of ethics or an area of professional responsibility.
- (5) An approved CPD activity is within *competency area 4* if it involves professional development in an area of substantive law.
- (6) An approved CPD activity is to be taken to be in the competency area determined —
 - (a) if the activity is provided by a QA provider — by the provider; or
 - (b) otherwise — by the Board at the time it approves the activity under rule 15.

13E. Requirements for interactive and publication CPD points

- (1) The CPD points earned to satisfy the CPD condition for a CPD period must include at least 6 CPD points earned —
 - (a) by completing interactive activities; or
 - (b) by completing a combination of interactive activities and publication activities.
- (2) The CPD points earned to satisfy the CPD condition for a CPD period cannot include more than 5 CPD points earned by completing publication activities.

13F. CPD points for particular approved CPD activities

- (1) The CPD points earned by completing an approved CPD activity are as set out in the Table.

Table

1. Interactive activity	
Participant	0.5 points for each complete 30 minutes
Presenter who prepared the material used in the activity	1.5 points for each complete 30 minutes
Presenter who presents material prepared by someone else	1 point for each complete 30 minutes
Commentator	1 point for each complete 30 minutes
Chair	0.5 points for each complete 30 minutes
2. Publication activity	
All publication activities	0.5 points for each set of 500 words to a maximum of 5 points for a single article
As editor, as an alternative to the previous item	1 point for each edition to a maximum of 5 editions
3. Electronic activity that is not an interactive activity or a publication activity	
As participant	1 point for each complete 60 minutes to a maximum of 4 points for a conference, course or other event comprising one or more approved CPD activities

- (2) The maximum number of CPD points that can be earned from attending a conference, course or other event comprising one or more interactive activities is 6.
- (3) CPD points cannot be earned by completing an electronic activity, whether interactive or not, unless the material for the activity —
 - (a) was prepared in the period of 12 months before completion of the electronic activity; or
 - (b) has been reviewed and, if necessary, updated in that period.

11. Part 2 Division 2 Subdivision 4 heading inserted

Before rule 13 insert:

Subdivision 4 — Other matters about continuing professional development

12. Rule 13 amended

Before rule 13(1) insert:

- (1A) In this rule —
- CPD points* means points earned in accordance with rule 9 or 13C, as is relevant to the case.

13. Rule 14 amended

After rule 14(2) insert:

- (3) The Board may audit, or cause to be audited, a person, body or group of persons approved as a QA provider under subrule (2) in relation to the provision by the QA provider of professional development activities.

Note: The heading to amended rule 14 is to read:

QA providers

14. Rule 15 amended

- (1) In rule 15(3) delete “rule 10.” and insert:

rule 10 or 13D.
- (2) After rule 15(3) insert:

 - (4) When approving an activity under this rule the Board may allocate to it a number of CPD points different

from that set out in the Table to rule 12(1) or the Table to rule 13F(1), as is relevant to the case, in which case a person completing the activity earns the number of points allocated by the Board.

15. Rule 16 amended

In rule 16 delete “rule 14” and insert:

rule 14(2)

16. Rule 17 amended

(1) Delete rule 17(2) and insert:

(2) The Board may vary the condition imposed on a practising certificate by rule 8(1) or 13B(1) or (2) by doing either or both of the following —

- (a) reducing the number of CPD points the local legal practitioner is required to earn;
- (b) reducing the minimum points requirements imposed by rules 10 and 11 or 13D and 13E, as is relevant to the case.

(2) In rule 17(3):

(a) delete paragraph (a) and insert:

(a) the time when, or length of the period during which, the certificate is in force;

(b) in paragraph (d) delete “certificate year;” and insert:

period during which the certificate is in force;

17. Rule 18 replaced

Delete rule 18 and insert:

18. Electronic activities to be reviewed yearly

(1) In this rule —

provider means —

- (a) a QA provider; or
- (b) a person, body or group of persons providing a professional development activity approved under rule 15.

- (2) The provider of an electronic activity, whether interactive or not, must review and, if necessary, update the material for the activity at least every 12 months.

Made by the Legal Practice Board under Part 17 of the Act for the purposes of section 52 of the Act.

JOHN LEY, Member.

ANNA LISCIA, Member.

SABINA SCHLINK, Member.

MELVIN YEO, Member.