

# Guidelines For The allocation of Topics to Continuing Professional Development (CPD) Fields and Categories

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## 1. Purpose

These Guidelines are intended to inform providers of continuing professional development (CPD) activities and practitioners with respect to the allocation of CPD topics within each of the fields listed in rule 6.1 of the *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015 (Uniform Solicitors CPD Rules)* and each of the categories listed in rule 9(1) of the *Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015 (Uniform Barristers CPD Rules)* (together the **CPD Rules**).

## 2. Context

The *Legal Profession Uniform Law (WA) (Law)* imposes a statutory condition on all Australian Practising Certificates that the holder must comply with the applicable requirements of the CPD Rules<sup>1</sup>.

To comply with the CPD Rules, Solicitors must complete 10 CPD units or points in each CPD year including at least one unit or point in each of the following fields or categories<sup>2</sup>:

- Ethics and professional responsibility;
- Practice management and business skills;
- Professional/Barristers skills; and
- Substantive law (including practice and procedure, and evidence for Barristers).

These Guidelines set out a list of examples of topics only, to assist with the allocation of CPD units or points to a CPD activity, and it is the content of the activity that should determine allocation to a particular field or category. By way of example, CPD units or points for an activity covering workplace behaviour (including sexual harassment) or occupational health and safety may be allocated to Practice Management and Business Skills if the activity relates to the drafting and application of workplace policies and procedures, but may be allocated to Ethics and Professional Responsibility if the focus is on ethical obligations, or to Substantive Law if the activity relates to providing legal provisions and requirements.

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<sup>1</sup> *Legal Profession Uniform Law Application Act 2022 s 52*

<sup>2</sup> Rule 6.1 of the Uniform Solicitors CPD Rules or rule 9(1) of the Uniform Barristers CPD Rules

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### 3. Allocation of CPD Topics

#### Ethics and Professional Responsibility

- Lawyer’s responsibilities as set out in the *Legal Profession Uniform Law Australian Solicitors’ Conduct Rules 2015* or the *Legal Profession Uniform Conduct (Barristers) Rules 2015*
- How to identify an ethical issue
- Conflicts of Interest
- Professional conduct (including unlawful conduct)
- Professional courtesy
- Ethics of social media conduct
- Ethics of dealing with foreign governments
- Bribery and corruption

#### Practice Management and Business Skills

- Costs and costing/billing
- Trust Account management, procedures, requirements, and responsibilities
- File management
- Risk management
- Cyber risk
- Organisational culture and leadership
- Business planning
- Business structures
- Succession planning
- Financial planning
- Cash-flow management
- Growth and development strategies
- Accounts procedures
- Staff management and human resources
- Supervision
- Insurances
- OH&S (occupational health and safety)
- Workplace behaviour (equal employment opportunity, bullying, harassment, discrimination)

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- Gender equity and diversity
- Tax obligations
- Applications of Technology
- eDiscovery
- eConveyancing
- Managing workload
- Self-management, including mental health and wellbeing
- Procedures, templates and manuals
- Statutory and regulatory obligations of a law practice
- Scams and fraudulent actions
- Pricing
- Project management

#### **Professional/Barristers' Skills**

- Research skills
- Communication skills
- Plain English drafting, letter writing
- Negotiation/Advocacy/Mediation skills
- Appearing in court
- Client interviewing and taking instructions
- Taking witness statements
- Drafting will, contracts, affidavits
- Use of precedents
- Understanding cultural diversity of clients
- Dealing with unrepresented clients
- Using independent experts
- Personal branding (in circumstances where the activity includes development of practical legal skills e.g. legal research, communication, presentation skills)
- Domestic and family violence & safety

#### **Substantive Law (including practice and procedure, and evidence for Barristers)**

- This area is self-explanatory.

If further information and assistance is required please contact the Legal Practice Board on (08) 6211 3600 or by email to [enquiries@lpbwa.com](mailto:enquiries@lpbwa.com).

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