

1 March 2024

Dr James Popple  
Chief Executive Officer  
Law Council of Australia

By email: [john.farrell@lawcouncil.au](mailto:john.farrell@lawcouncil.au)

Dear Dr Popple

**THE LAW COUNCIL OF AUSTRALIA MEMORANDUM: CONSULTATION RE PROPOSED AMENDMENT OF THE *LEGAL PROFESSION UNIFORM CONTINUING DEVELOPMENT RULES (BARRISTERS) 2015***

I refer to your Memorandum dated 8 February 2024 and on behalf of the Law Society of Western Australia (Law Society) appreciate the opportunity to provide input on the above Consultation arising from the request from the Australian Bar Association (ABA) to the Legal Services Council to make an amendment to Rule 9 of the *Legal Profession Uniform Continuing Development Rules (Barristers) 2015*.

For the purpose of this response to your Memorandum, the Law Society has consulted with a number of our committees, the Legal Practice Board of Western Australia, and the Western Australian Bar Association. The Law Society's Council considered this matter at its meeting on 28 February 2024.

The Law Society in responding to the two specific questions in your Memorandum has also taken into consideration our response to the LCA's 7 November 2023 Memorandum on scoping CPD in Australia. Our responses to each are as follows:

**1. Do you have any comments on the proposal that you would like the Law Council to convey to the ABA?**

The Law Society does not support the proposed amendment of Rule 9 of the *Legal Profession Uniform Continuing Development Rules (Barristers) 2015* (Barristers CPD Rules) by adding a further category of '(e) Equality and Wellbeing' to the Barristers CPD Rules.

The Law Society is supportive of the principle of ensuring that barristers and solicitors are encouraged to undertake CPD activities directed towards equality and wellbeing and intended to capture anti-discrimination, harassment and bullying, however the Society is not of the view that this should be mandated through an additional CPD category.

The Law Society is of the view that the existing competency areas are adequate to accommodate subject materials from a wide range of areas relating to practice, skills, law and ethics. The current CPD framework has the requisite flexibility to accommodate most issues that have been identified to date, and mandating training should be avoided, with practitioners having responsibility to self-determine areas for professional development.

**2. Should this proposal be considered for implementation across the broader legal profession?**

The Law Society does not support the proposed amendment, however if a further category is to be added, the Law Society supports the position set out at paragraph 6 in the letter to the Law Council of Australia from the Western Australian Bar Association dated 16 February 2024 – (that there be a mandatory requirement to attend a CPD activity every 3 years in the areas such anti-discrimination, harassment and bullying etc) and that this should be determined by CPD regulator (i.e in Western Australia, the Legal Practice Board of Western Australia).

## Initial comments on the impacts of an 'equality and wellbeing' CPD category

The Law Council also sought initial comments in relation to how such a category of CPD might:

- **Promote equality and wellbeing within the profession and within legal workplaces;**

In the absence of data demonstrating the level of equality and wellbeing in the legal profession and legal practices both with and without the influence of this CPD category, it is difficult to determine the likely impact.

- **improve responses by members of the legal profession to those issues identified by external stakeholders';**

Introduction of an additional mandatory CPD category is one of a number of options to consider in order to improve responses by members of the legal profession to issues identified by external stakeholders'.

- **assist the Law Council and its Constituent Bodies in responding to external calls for changes to the legal profession's CPD requirements; and**

Introduction of an additional mandatory CPD category may assist in this regard with respect to matters that fall within the equality and wellbeing category.

- **impact existing CPD operations of Constituent Bodies.**

Introduction of an additional CPD category is likely to increase the administrative burden of delivering the Law Society's CPD programme through adding further complexity to the record keeping requirements. Otherwise, no impact is foreseen as the Law Society already delivers CPD content that is covered by the proposed additional CPD category.

If you have any queries please contact Susie Moir, General Manager Advocacy and Professional Development at [smoir@lawsocietywa.asn.au](mailto:smoir@lawsocietywa.asn.au) or telephone (08) 9324 8646.

Yours sincerely



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