

# **CONSULTATION QUESTIONS**

Continuing

Professional

Development

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CPD REVIEW
CONSULTATION QUESTIONS

**1. Instructions**

The consultation questions below have been taken directly from the Issues Paper accompanying the CPD Review. They are aimed at exploring lawyers’ individual experiences and views about the current CPD requirements. Lawyers and other stakeholders are also encouraged to contribute their views on the general policy issues raised in each section of the Issues Paper and that underpin the consultation questions.

We greatly appreciate your time in completing these consultation questions, which should take about 30 minutes to complete if you answer all the questions. When answering the questions try to think about the most recent examples from your current or the last position you held.

At the conclusion of the consultation questions there are some further questions about your professional details.

We would be grateful if you could complete the details, which would add significantly to our ability to understand the information you provide.

All individual submissions made using the consultation questions will be de-identified and kept in strict confidence. The review might use de-identified comments in its report. The VLSB+C is bound by laws that protect your privacy concerning the collection, use and disclosure of your personal information. You can request access to your personal information by contacting us. For further information and contact details you can refer to the VLSB+C‘s *Privacy Policy* [here](https://lsbc.vic.gov.au/sites/default/files/2020-02/Policy-Privacy-2016.pdf).

Please return this consultation questions form to cpdreview@lsbc.vic.gov.au . You may also post it (this can be anonymously if you wish) to us at 5/555 Bourke St Melbourne VIC 3000.

**2. Questions**

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| **2.1 Learning Styles and Activities** |
| 1. **What type of CPD activity (e.g. seminar, online training materials) do you most commonly undertake? *(please select three from the list below)***
 |
| [ ]  Seminar[ ]  Conference [ ]  Workshop[ ]  Webinar/Web based program[ ]  Presenter/Lecturer[ ]  Private study of audio/visual material[ ]  Formal/Postgraduate study[ ]  Committee/Taskforce attendance/participation[ ]  Discussion group[ ]  Writing or editing published journal article/textbook/law report[ ]  Writing/Marking examinations [ ]  Other |
|  |
| 1. **(a) What type of CPD activities have improved your skills the most?**
 |
|  |
| **(b) What were the factors that contributed to their effectiveness?** |
|  |
| 1. **(a) What type of CPD activities improved your skills the least?**
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|  |
| **(b) What were the factors that contributed to their lack of effectiveness?** |
|  |
| 1. **(a) Are your CPD activities undertaken as part of a cycle of reflection about your professional needs and goal setting?**
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|  |
| **(b) If yes, is it part of a performance management program at your work?** |
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| 1. **How many hours of CPD did you complete in the last CPD year? Please select from:**
 |
| [ ]  <10 hours [ ]  10 hours [ ]  11 -20 hours [ ]  21 – 30 hours [ ]  >30 |
| 1. **What is your best estimate (as a percentage) of the CPD activities you undertook in each of the four subject areas?**
 |
|

|  |  |
| --- | --- |
| % | Ethics & Professional responsibility |
| % | Professional skills |
| % | Practice Management and Business skills |
| % | Substantive law |

 |
| 1. **Overall, what proportion (as a percentage) of the CPD activities that you completed do you think was useful for maintaining or improving your competency as a lawyer?**
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|  |
| 1. **Please rank the four subject areas from 1-4 in terms of their usefulness for maintaining or improving your competence as a lawyer.**
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|

|  |  |
| --- | --- |
|  | Ethics & Professional responsibility |
|  | Professional skills |
|  | Practice Management and Business skills |
|  | Substantive law |

 |
| 1. **Do you think that the requirement to achieve 10 CPD points each year improves or reduces the effectiveness of your learning and development activities? In what way?**
 |
|  |
| 1. **(a) Would you prefer to set your own learning and development goals (in conjunction with your employer if applicable), without being required to complete a fixed number of points?**
 |
|  |
| **(b) If yes, what sort of accountability would be effective for demonstrating achievement of your goals? Do you think this could work for the whole profession?** |
|  |
| **2.2 CPD Subject Areas** |
| 1. **In which of the four prescribed areas of CPD activities (if any), have you encountered difficulty in finding activities that were relevant to your learning and development needs?**
 |
| [ ]  Ethics & Professional responsibility[ ]  Professional skills[ ]  Practice Management and Business skills[ ]  Substantive law |
| 1. **If you encountered difficulty, what was the nature of the problem? (e.g. basic unavailability of activities in that field, unsuitable level, location)**
 |
|  |
| 1. **How useful was the Ethics and Professional Responsibilities activity that you undertook last year? Please elaborate on your response, including describing the format of the activity.**
 |
|  |
| 1. **How useful was the Substantive Law activity that you undertook last year? Please elaborate on your response, including describing the format of the activity.**
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|  |
| 1. **How useful was the Professional Skills activity that you undertook last year? Please elaborate on your response, including describing the format of the activity.**
 |
|  |
| 1. **How useful was the Practice Management and Business Skills activity that you undertook last year? Please elaborate on your response, including describing the format of the activity.**
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| 1. **Are there any specific topics (e.g. technology, sexual harassment) that you think should be included as mandatory topics for all lawyers? If yes, please specify the topics you think should be included.**
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|  |
| 1. **Are there any topics (e.g. technology, sexual harassment) that you think should be included as mandatory topics for some lawyers? If yes, please specify the categories of lawyers and the topics you think should be included.**
 |
|  |
| 1. **Are there any of the four subject areas that you think do not need to be mandatory for all lawyers? If yes, please elaborate.**
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|  |
| 1. **Please provide any views and insights you have about the effectiveness of the current skills requirements for:**

**(a) a principal’s practising certificate, and**  |
|  |
| **(b) authorisation to receive trust money.** |
|  |
| **2.3 Different Levels of Experience** |
| 1. **Overall, would you agree that the CPD activities that you completed in the last CPD year were about right for your level of skill and experience?**
 |
| [ ]  No, not at all[ ]  No, not really[ ]  Yes, about right[ ]  Yes, exactly what I needed |
| 1. **Should the CPD requirements for more experienced lawyers (>15 years post-admission experience) be changed? If yes, how should they be changed?**
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|  |
| 1. **Should the CPD requirements for less experienced lawyers (<3 years post-admission experience) be changed? If yes, how should they be changed?**
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| **2.4 Providers** |
| 1. **In your experience, which type of provider consistently provides the best CPD training?**
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| Choose an item. |
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| 1. **In general, is there a noticeable difference in quality between CPD activities that you or your employer pay for and those that are free? If yes, please describe the difference.**
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|  |
| 1. **What amount, on average, do you or your employer pay for CPD activities (e.g. an annual sum, or an average fee for seminars or conferences)?**
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|  |
| 1. **Would it help you to choose activities if some providers had gained CPD training accreditation?**
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| **2.5 Entity/Employer Role** |
| 1. **If you are employed, what role (if any), does your employer play in assisting you to identify and complete your CPD obligations?**
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| 1. **If you are employed, does your employer contribute to any CPD activity costs?**
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|  |
| 1. **If yes, what proportion (as a percentage) does your employer contribute on average?**
 |
|  |
| 1. **(a) How would you describe the level of support that you receive from your employer to undertake CPD activities?**
 |
| [ ]  None at all[ ]  Not much/disinterested [ ]  Reasonably supportive[ ]  Fully engaged and supportive [ ]  N/A |
| **(b) Please provide any comments about the level of your employer’s support if you wish to.** |
|  |
| 1. **If you do not work as a barrister or sole practitioner, do you think that there is scope for greater recognition of the role that your organisation plays in CPD activities? If yes, please elaborate.**
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| 1. **If you are a partner, director or otherwise responsible for your organisation’s provision of legal services, do you think that having a person who was the accountable officer for CPD obligations would improve your organisation’s engagement with CPD activities?**
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| **2.6 Obstacles to CPD Participation** |
| 1. **What are the two most significant factors that prevent you from participating effectively in CPD activities? Please elaborate on each factor.**
 |
| [ ]  Cost[ ]  Employer[ ]  Availability[ ]  Time[ ]  Accessibility[ ]  Quality [ ]  Relevance[ ]  Level of Experience[ ]  Other (Please specify) |
|  |
| **2.7 Regulator’s Role** |
| 1. **Should the mandatory 10 CPD point requirement be retained, abolished or changed? Please elaborate on your response.**
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| 1. **Should all lawyers be required to prepare CPD plans on an annual basis that identify learning and development needs and activities? Please elaborate on your response.**
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| 1. **Would you welcome more information from the VLSB+C and/or professional bodies about CPD programs in some or all of the four current subject areas? If yes, in which of the four areas would information be most useful?**
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| 1. **Do you think that a competency framework that described the necessary skills for legal practice would help to create a more useful CPD program?**
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|  |
| 1. **Do you think that a voluntary accreditation scheme for CPD providers would provide you with useful information about CPD providers and activities?**
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| **2.8 Compliance and Enforcement**  |
| 1. **How onerous do you find the CPD record keeping requirements? If you think they are too onerous, please provide details of how they could be improved.**
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| 1. **Would an online solution make it easier for you to maintain your records and receive information and reminders about CPD?**
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|  |
| 1. **Have you been audited for compliance with your CPD obligations? If yes, please provide details of your experience, and any suggestions for how the process could be improved.**
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|  |
| 1. **If you work in a firm or organisation, do you think it would be interested in self-auditing its lawyers’ CPD compliance?**
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| **2.9 Technical Issues**  |
| 1. **Do you think that the CPD scheme should move to a triennial reporting basis, subject to a minimum annual activity requirement?**
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| 1. **Do you have any comments on the CPD scheme’s exemption processes?**
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| **2.10 Other Issues**  |
| 1. **Are there any other issues that you think the review should consider in preparing its report?**
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| **2.11 Professional Practice Questions**  |
| Gender identification |
| [ ]  M [ ]  F [ ]  Prefer not to say  |
| What are your main areas of legal practice (select up to three) |
| [ ]  Criminal[ ]  Family[ ]  Personal Injury[ ]  Business and Commercial [ ]  Property[ ]  Wills & Probate[ ]  Migration[ ]  Government & Administrative [ ]  Banking & Finance[ ]  Taxation[ ]  Employment [ ]  Civil Litigation [ ]  Intellectual Property [ ]  Building & Construction[ ]  Planning & Environment[ ]  Other |
| Your practice location? |
| [ ]  CBD [ ]  Regional [ ]  Suburban  |
| The number of years you have held a practising certificate? |
| [ ]  <3 [ ]  4-10 [ ]  11-20 [ ]  >20  |
| The type of practising certificate you hold? |
| Choose an item. |
| Your working hours? |
| [ ]  Full time [ ]  Part time  |

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