

LEGAL BOARDS — REPORTING OF SUSPECTED OFFENCES

2511. Hon Giz Watson to the Parliamentary Secretary representing the Attorney General

With reference to the duty of the Legal Practise Board, and the Legal Profession Complaints Committee, to report suspected offences under section 589 *Legal Profession Act 2008*, I ask —

- (1) How many alleged offences were brought to the attention of the Legal Practice Board, or the Legal Profession Complaints Committee, since commencement of the *Legal Profession Act 2008*?
- (2) Please provide details of each of these allegations?
- (3) How many alleged offences were reported to the appropriate prosecuting authorities, under the mandatory reporting requirement of section 589 of the *Legal Profession Act 2008*?

Hon MICHAEL MISCHIN replied:

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

- (1) The Legal Practice Board (the Board) does not maintain a record of 'alleged' offences and note that such a description is open to very broad interpretation. If the Board is aware of matters that warrant referral to the Legal Profession Complaints Committee (LPCC) those matters are referred to that committee. The categories of complaints received by the LPCC are set out in its Annual reports and are a matter of public record.
- (2) Please refer to the reply to question (1).
- (3) The Board notes that the duty under section 589 of the Legal Profession Act 2008 is relating to 'suspected' offences and not 'alleged' offences. The requirement to report a suspected offence is 'if the Board or the Complaints Committee suspects on reasonable grounds, after investigation or otherwise, that a person has committed an offence against an Act or law'. It is noted that the section excludes offences against the Legal Profession Act 2008 or the Legal Practice Act 2003. The Board has made no reports under that section since 1 March 2009 (the operative date of the Legal Profession Act 2008).

LEGAL PROFESSION COMPLAINTS COMMITTEE

- (1) The categories of complaints received are set out in the Annual Reports of the Legal Profession Complaints Committee (LPCC) which are publicly available. The LPCC does not maintain statistics of complaints under a category of "alleged offences" which description is capable of a wide interpretation.
- (2) Refer the answer to question 1.
- (3) The duty under S.589 is not to report an "alleged offence", rather, to report a suspected offence "if the Board or the Complaints Committee suspects on reasonable grounds, after investigation or otherwise, that a person has committed an offence against any Act or law." The section excludes offences against the Legal Profession Act 2008 or the Legal Practice Act 2003. Such a report will be made following consideration of a matter by the LPCC. The LPCC does not maintain statistics of reports made to prosecuting authorities of suspected offences under S589. However, the LPCC estimates that it has made approximately 2 such reports since 1 March 2009.