

LEGAL PROFESSION ACT 2008 — SUSPECTED OFFENCE REPORTING

2761. 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 of the *Legal Profession Act 2008*, I ask —

- (1) How many suspected 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 suspected offences?
- (3) How many suspected offences were reported to the appropriate prosecuting authorities, under the mandatory reporting requirement of section 589 of the *Legal Profession Act 2008*?
- (4) Please provide details to each of the suspected offences reported under (3)?

Hon MICHAEL MISCHIN replied:

Legal Practice Board

- (1) The Legal Practice Board (the Board) does not maintain a record of matters brought to its attention as suspected offences. However, if the Board suspects on reasonable grounds, after investigation or otherwise, that a person has committed an offence against any Act or law, it is obliged under the provisions of section 589 to report the suspected offence to the appropriate prosecuting authority. The Board has done so on 1(one) occasion since the commencement of the Legal Profession Act 2008.
- (2) The matter reported by the Board to the prosecuting authority is still before that authority for its consideration and in those circumstances it would be inappropriate for the Board to release those details.
- (3) As advised in point (1) above the Board has made 1 (one) report under section 589 since 1 March 2009 (the operative date of the Legal Profession Act 2008).
- (4) Please refer to the answer at point (2).

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 made by complainants who suspect an offence has been committed.
- (2) Refer the answer to question 1.
- (3) The duty under S.589 is to report a suspected offence "if the Board or 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 S.589. However, the LPCC estimates it has made approximately 2 such reports since 1 March 2009.
- (4) Reports of the kind referred to are generally treated as confidential by the LPCC and not public information.