

# LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

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## Annual Report 2021/22

Level 6, 111 St Georges Terrace  
Perth WA 6000  
(08) 6211 3600  
[info@lpbwa.com](mailto:info@lpbwa.com)



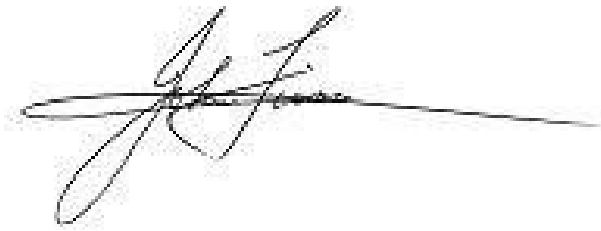
# Statement of Compliance for the year ended 30 June 2022

**The Hon. John Quigley LLB JP MLA.**

Attorney General of Western Australia; Minister for Electoral Affairs.

In accordance with section 51 of the *Legal Profession Uniform Law Application Act 2022*, we hereby submit for your information and presentation to Parliament, the annual report for the Legal Practice Board for the financial year ended 30 June 2022.

The annual report has been prepared in accordance with the provisions of the *Financial Management Act 2006*.



**John Fiocco**

Chair

Legal Practice Board



**Libby Fulham**

Executive Director

Legal Practice Board

22 December 2022.

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# Chair's Message



## Mr John Fiocco

I am pleased to present the Legal Practice Board's annual report for the financial year to 30 June 2022. This report outlines the Board's performance for the year against the Strategic Direction and annual budget. Overall, it has been a very positive year for the Board's performance.

The Board goes beyond its statutory requirements by producing a comprehensive report that is engaging and details a wide range of activities and services that have been delivered throughout the year. It is an important tool to inform the legal profession and key stakeholders about our achievements, challenges and future plans.

The report also provides a platform to engage the Board's membership and employees in how their efforts have contributed to achieving the Board's mission and purpose.

It has been an important time for the Legal Practice Board with cessation of the *Legal Profession Act 2008 (LPA)* and introduction of the Uniform Law Scheme from 1 July 2022, an ongoing organisational reform program, and the challenges of working with COVID-19.

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## Uniform Law

The *Legal Profession Uniform Law (WA)* (**Uniform Law**) commenced on 1 July 2022. The introduction of the scheme has brought with it the challenges of a significant change agenda for management of the Board and the impact on the legal profession. Grappling with transitional powers, delegations and the realignment of roles, the Uniform Law Scheme should propel the Board into a national presence alongside our fellow participants in New South Wales and Victoria. The Uniform Law Scheme is administered with the services provided by the Legal Services Council, making Uniform Rules and monitoring their implementation to ensure consistency across participating jurisdictions.

We welcome two new members to the Legal Services Council, both from Western Australia. Andrew Pascoe and Joshua Thomson SC, the Western Australian Solicitor General, were both appointed to the Council on 31 October 2022 for a 12 month period.

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## Strategic Direction

Notwithstanding the introduction of the Uniform Law, it is important that the Board articulates a direction and that priorities are established for the Board. The Strategic Direction, published in 2021, has set the Board's aims and articulate how those aims will be achieved. Setting the correct goals and targets will help everyone work together and focus efforts to meeting those goals and targets.

The Strategic Direction is also a part of the consideration of an organisation wide organisational reform program. There is more on the Strategic Direction and change program in the reports from the Executive Director and the Management Committee.

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## COVID-19

COVID-19 continues to impact our community daily. There were a number of measures put in place to assist the profession to comply with regulatory requirements during the previous reporting period. In this reporting period there were no concessions made, and notwithstanding, it is pleasing to see that the majority of legal practitioners continue to improvise and meet their professional obligations.

Access to virtual learning platforms has provided easy and ready access to the profession to complete these essential statutory requirements.

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## Online Platforms

It has been identified that the Board needs a more efficient means of managing matters (suitability and disciplinary investigations, file management, case management, and compliance management), including the statistical data associated with matters, the progress of matters and other general information which is relevant to investigating matters.

The Board has used its existing database to build a 'responsive' site to manage continuing professional development (CPD). The system allows providers of CPD to upload into the Board's database records of all CPD activities delivered and the record of attendance by Western Australian practitioners. Practitioners are able to view their centralised CPD record by logging onto their records in the database. The system will assist the Board to monitor CPD compliance and identify activities or practitioners for audit purposes. This is a significant step in Western Australia and will serve as a benchmark tool for strengthening collaborative approaches on the quality and suitability of continuous legal education and managing CPD compliance. As this is the first year of implementation, the data from the system will be assessed in the 2022/23 period.

The Admissions Online project continues. The project allows applicants for admission to make their applications completely online. The Admissions applications are lengthy and require a number of attachments. This system will streamline the application process and reduce manual handling of hard copy applications.

A case management system has also been implemented. The system supports internal workflows and processing of forms, manages and assists with assessments and auditing, manages approvals, and committee outcomes, automates correspondence, reminders and actions, and provide statistical dashboards and automated regular reporting.

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## Acknowledgements

I would like to extend my special appreciation to Sabina Schlink who has been Deputy Chair of the Board since April 2021 and who continues to be the Convenor of the Admissions and Registration Committee. Sabina's support and dedicated contribution to the Board's activities has been essential to the proper operation of the Board.

Special thanks are also extended to Anna Liscia for her long standing period of service to the Board. Anna joined the Board as a member in 1999 and during her time, she served as Deputy Chair and Chair of the Board, and Convenor of the Management Committee, as well her service on a variety of the Board's committees over her time as an elected member. It is of particular note that Anna was the first and only (so far) female Chair of the Board.

My grateful is also extended to John Syminton (Convenor of the Management Committee and the Professional Development Committee), John Ley SC (Chair of the Legal Profession Complaints Committee), and Darren Renton SC (Deputy Chair of the Legal Profession Complaints Committee), for their leadership and guidance of these committees. My appreciation is also extended to the Deputy Convenors for their support and to all members of the Board who selflessly give their time throughout the year.

Finally, my deep appreciation to the Board staff across all divisions, particularly to the Executive Director, Libby Fulham, for their commitment and dedication to the work of the Board, without which the Board and its committees could not efficiently and effectively operate in an ever changing and challenging regulatory environment.



# Executive Director's Message



## Ms Libby Fulham

In my fifth year as Executive Director, my priority has been to continue to drive the Board's Strategic Direction so the Board continues to be an effective, efficient and innovative regulator of legal services in Western Australia.

Using its core values Competence, Integrity and Respect, the Board seeks to advance the administration of justice and protect the public by:

- regulating the competence and behaviour of legal practitioners in Western Australia; and
- enabling the effective operation of the Board and its Committees.

There continue to be many competing priorities, not least of which is my commitment to keeping 7,584 members of the legal profession informed about who we are, what we do, how we do it, and why we do it.

The business of the Board continues through the steady flow of admissions and busy peak periods between March and June with regard to the scrutiny of external examiners reports, the end of the CPD year and renewal of practising certificates.

This year continued to be busy with the Board preparing for the introduction of Uniform Law.

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## Highlights

Whilst the Executive Director holds overarching responsibility for the delivery of the Board's obligations and statutory services, and operations of the Board, these can only be delivered through operational and staffing structures that facilitate those services.

In addition to the regular management of the human, physical and financial resources of the Board, during the reporting year I oversaw the administration relating to the following matters:

- The introduction of the Legal Profession Uniform Law Scheme (**Uniform Law**), finally commencing on 1 July 2022.
- The development and implementation of the online continuing professional development (**CPD**) management system.
- Managing the Board's employment terms and conditions under the current legislation, the Award, and within the Public Sector.
- The oversight of the Board's Service Model Review and implementation of a new organisational structure.
- Managing the impact of COVID-19 on all staff and operations.
- Implementing appropriate responses and resources around matters of sexual harassment and the continuing rise of mental health issues in the profession.

Many of these matters are covered in more detail in the Message's from the Chair and the Convener's of each of the Board's Committees.

## COVID-19

### Legal profession

There is no doubt that the uncertainty associated with COVID-19 restrictions and mandates have caused a shift in the legal profession. Grappling with remote work, technological change, isolation requirements and whether to mandate vaccination in the workplace are all factors that have an immediate effect on the profession. Having said that, there are little to no matters before the Board that associate COVID-19 with compliance or conduct issues warranting a significant response.

### Vaccine mandate

In October 2021, the State Government announced a mandatory COVID-19 vaccination policy, which resulted in the employees to be vaccinated by 31 January 2022, with the exception of those with a medical exemption.

In December 2021, it was then announced that a third COVID-19 vaccine would be mandatory within one month of eligibility, as part of the State Government's revised vaccination policy.

The employees, and visitors (including Board members) were compliant with procedures put in place in response to any mandate, and provided evidence of their vaccination status.

### Board measures

In December 2021, it was announced that on 5 February 2022, Western Australia would fully open its borders to COVID-19 vaccinated people from interstate and overseas. That opening was subsequently delayed to March 2022 due to a rise in cases from an outbreak in December 2021. Social distancing measures and a mask mandate were introduced for all indoor venues, including the workplace.

The Board implemented working from home arrangements for all staff, which included immunocompromised staff members working from home exclusively, and other staff members operating in a mix of 'in-office' and 'working remotely' in order to reduce the risk of infection. Board and Committee meetings were also held via video-conference.

This continued until the pandemic slowed, with a gradual return to work for all employees. Mask mandates were lifted in the workplace in April 2022, which saw all employees return to the office. Board and Committee meetings continued to be offered via video-conference, with most Board Members attending in a hybrid format.

The Board continues maintains COVID-19 hygiene standards for Board Members and staff when at the offices, including nightly cleans.

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## Service Model Review

The Board undertook a Service Model Review in early 2021, which resulted in an organisational re-structure in early 2022. The rationale behind this organisational change was due to a number of pressures, including:

- the introduction of the Uniform Law requiring a new mandate, stronger complaint/dispute resolution focus and professional indemnity insurance responsibilities;
- becoming a respondent to the *Government Officers' Salaries, Allowances and Conditions Award 1989*;
- efficiency directives;
- the Board's strategic direction; and
- the consolidation and enhanced effectiveness building on the one physical Board office.

The Service Model Review identified that activities needed to be organised around a functional structure and better customer service experience. Key issues identified included a historic legacy of strong cultures (including being adversarial and enforcement based), disconnected systems, reactive relationships, information silos and an individual action focus.



The One Team structure has been designed to enhance service and delivery of regulatory outcomes. Three divisions have been formed in the new structure:

- **Enquiries and Complaints** – to take all enquiries, general assessments, and the triage and assistance with straight forward, or simple, matters, regulatory transactions, stakeholder/event support, complaint case management, dispute resolution, and regulatory operations.
- **Investigations and Review** – to undertake investigations, mediations, and prosecutions in relation to breaches, discipline and suitability matters, and review and audit trust accounts and law practices.
- **Strategy and Business Services** – to undertake strategic planning, develop and review internal policies, governance frameworks, stakeholder engagement, communications, education, information technology, projects and business services.

The Executive Director, and the heads of each of the above divisions (the Director Investigations and Review/ Legal Services and Complaints Officer, the Director Enquiries and Complaints, and the Senior Manager Strategy and Business Services) forming the Board's **Senior Leadership Team**.

The future state under the One Team initiative is to focus on:

- collaboration, together and in leadership;
- education in regulation;
- agile and cross-functional;
- strategy-led planned and proactive regulatory approaches;
- information sharing;
- collective action focussed – working together;
- integrated networked system design and delivery;
- outcome focussed, responsive;
- evidence based decisions and actions;
- targeted relationships and engagement; and
- enhanced career pathways.

I am looking forward to the year ahead to develop and grow the One Team structure.

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## Regulatory Approach Statement and Communications Statement

Integral to the success of the One Team structure and objectives under the Board's Strategic Direction has been the development of a Regulatory Approach Statement and a Communications Statement. Both have been developed by the Board's Senior Leadership Team, in alignment with the Board's Strategic Direction.

Though implemented following 1 July 2022, the Board supported the introduction of a Regulatory Approach Statement. The purpose of the statement is to provide an overview of how the Board, and the persons employed or engaged by the Board, intend carrying out its role as the regulator of legal services in Western Australia. It highlights our approach to delivering on our purpose by explaining our regulatory activities, how we will set regulatory priorities, make resource allocation and decisions and apply the range of regulatory tools at our disposal. It is also intended to help the legal profession in Western Australia further understand our role as a regulator and develop a strong ethical and compliance culture.

The Board's Communication Statement sets out the standard of communication in all the Board's dealings. Specifically, this document sets out:

- who our customers are;
- what services we offer;
- our guiding principles;
- what people can expect when they deal with us (our service promise);
- how people can help us serve them better; and
- how to contact the Board.

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## Legal Profession Uniform Law

On 1 July 2022, the *Legal Profession Uniform Law Application Act 2022* came into force.

The Uniform Law harmonises the regulation of the legal profession, cuts 'red tape' and creates a single system to govern legal practice. The Scheme also promotes informed customer choice and has strong consumer protection measures. The Uniform Law's overall objectives are to promote the administration of justice and an efficient and effective Australian legal profession through:

- consistency between States and Territories in the law applying to the Australian legal profession;
- ensuring legal practitioners are competent and maintain high ethical and professional standards;
- enhancing the protection of clients and the public;
- empowering clients to make informed choices about their legal options;
- efficient, effective, targeted and proportionate regulation; and
- a co-regulatory framework with appropriate independence for the legal profession.

The Uniform Law is applied in Western Australia, New South Wales and Victoria by local application Acts. Certain jurisdiction-specific arrangements, including the operation of local authorities and fees, are dealt with under the local Application Acts, Regulations, and Rules. With the introduction of Uniform Law in Western Australia, it will cover the regulation of over 75% of the legal profession nationally.

## Board consultation

In the lead up to the introduction of Uniform Law, extensive consultation was had with relevant stakeholders and the legal profession, which addressed their expectations and concerns.

External consultation was held with the Premier Honourable Mark McGowan MLA and Attorney General of Western Australia the Honourable John Quigley MLA. As well as State Government departments including the Supreme Court of Western Australia, State Solicitor's Office, Department of Transport, and the State Administrative Tribunal.

Meetings were also held with the Law Society of Western Australia (**Law Society WA**), the Western Australia Bar Association, the Victorian Legal Services Board + Commissioner, the Victorian Legal Admissions Board, the Law Institute of Victoria, the Office of the Legal Services Commissioner in New South Wales and the Law Society of New South Wales.

At the Board, consultation was facilitated by a project manager to better understand the Board's current work capacity and practices, as well as what sections of the Uniform Law would most affect them and being prepared for that change prior to 1 July 2022.

Workshops were also held with equivalent teams from New South Wales and Victoria who provided their oversight on areas of learning, potential road blocks and their experience in transitioning into Uniform Law. Each of the jurisdictions provided a wealth of information including templates, guidelines, fact sheets and policies to assist in the preparation of the implementation of Uniform Law in Western Australia.

## Working Groups and presentations

The Board participated in the Law Society Legal Profession Uniform Law Working Group and Costs Committee Working Group, which worked through extensive issues affecting the legal profession in Western Australia.



The Board also assisted with over 30 formal presentations in preparation of Uniform Law including Murdoch University, Aboriginal Legal Service, private law firms, Legalwise, Piddington and the Department of Primary Industries and Regional Development.

The Board's website was updated to include a dedicated Uniform Law tab on its landing page, where resources such as a presentation, frequently asked questions, fact sheets and a dedicated Uniform Law email address were kept.

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## Legal Services Council

The Legal Services Council (**Council**) monitors the overall operation of the Legal Profession Uniform Law Framework and is responsible for the Uniform Rules. The Council can issue guidelines and directions about the exercise of functions by local authorities.

Western Australian representation on the Council includes the Solicitor General Joshua Thomson SC, and Andrew Pascoe.

The Council's Admissions Committee is responsible for the development of the Admission Rules and provides advice to the Council about admission matters generally.

Western Australian representation on the Council's Admissions Committee includes the Hon Rene Le Miere KC, former Justice of the Supreme Court.

On 1 June 2022, the Council held its fourth annual Uniform Law Summit in Perth, to coincide with Western Australian joining the Uniform Law.

The Summit was an opportunity to acknowledge the year's achievements, discuss key priorities and mark the significant progress that has occurred since the last Summit.

Following the Summit, the Council hosted a dinner at the Parmelia Hilton with the Attorney General, the Honourable John Quigley MLA as the guest speaker. Various Board members and staff were in attendance for the events.



*Pictured left to right: Martin Cuerden SC, John Syminton, Fiona McLeay, Dr Matt Collins AM KC, Julianna Warner, Libby Fulham, John Ley SC and Mr John Fiocco.*

In early July 2022, the Chief Executive Officer and Uniform Law Commissioner Megan Pitt, and the Chair of the Legal Services Council, Alan Cameron AO returned to Western Australia to participate in a seminar with myself and Russell Daily on the role of the Council. It was an important step in the continuous understanding of the part the Council has to play in the Uniform Law Scheme, particularly to reinforce it has no role in the day-to-day regulation of legal practitioners.

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## Reconciliation

National Reconciliation Week (**NRW**) is held from 27 May to 3 June each year and is a time for all Australians to learn about our shared histories, cultures and achievements, and to explore how each of us can contribute to achieving reconciliation in Australia.

As part of NRW, expressions of interest were sought from employees to form part of a Reconciliation Working Group (**Group**). The Group was formed and established a Terms of Reference, with objectives to:

- develop and promote appropriate celebrations and acknowledgement of the Aboriginal and Torres Strait Islander culture, including National Sorry Day, NRW and NAIDOC Week;
- advise the Board on matters that impact the Aboriginal and Torres Strait Islander community in the legal profession;
- develop a Reconciliation Action Plan, with the context of the Board's core business and in-line with:
  - over-arching Strategic Direction and Corporate Plan;
  - Aboriginal and Torres Strait Islander employment strategy; and
  - equity and diversity policies.

The Group will continue to meet in 2022/23 and aim to finalise and act on the actions in the Reconciliation Action Plan.

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## Harassment, bullying and discrimination

The issue of harassment (including sexual harassment), bullying and discrimination in the legal profession is receiving overwhelming attention with a demand that it be addressed.

For the Board's part, staff are being proactive in:

1. Calling out harassment (particularly sexual harassment) as an embedded issue in our profession, and not an individual's problem.
2. Improving awareness of harassment, bullying and discrimination – what it is, how it can be identified, and action to take when it is identified.
3. Promoting the utmost ethical and professional responsibilities of members of the profession.
4. Providing resources to practitioners to understand the issues surrounding sexual harassment and other inequality behaviours.
5. Promoting best practice policy and procedure to support the prevention, identification, reporting, and resolution of complaints relating to harassment, bullying and discrimination.
6. Promoting cultural excellence in stamping out harassment, bullying and discrimination in our profession. Calling perpetrators out goes a long way to ensuring that as a profession we are united in upholding our professional obligations.
7. Promoting our credibility as a regulator so the profession is confident in our capability to equip them with an appropriate response to this issue and with the means to bring about effective change.
8. Working with other regulators in this jurisdiction and nationally to challenge accepted bad behaviours in the legal profession.

In part, to meet the above, the following actions have been taken:

- The establishment of a dedicated hub with an email address [harassmentreport@lpbwa.com](mailto:harassmentreport@lpbwa.com) accessible through our website so harassment, bullying and discrimination reports can be made, anonymously or otherwise, and showing we are 'open for business' and can provide guidance through the complaint process.
- A collaboration with the Law Society of WA and the College of Law developing and delivering dedicated CPD activities using the platform of experiential learning.
- Training staff to take information about, address and where appropriate investigate this conduct, and to be active in the education and promotion of cultural change.

The Uniform Law will also assist by allowing the Board to consider the management of a law practice and issue management system directives, which not only require remedial action but include regular review and education to reinforce positive culture.

The ongoing focus will be on long term behavioural change and strengthening the profession by promoting excellence in standards and expectations on equality.

Board staff have established a Harassment Working Group with objectives, also serving as its Terms of Reference, which include providing informative recommendations and draft documents to the staff's Senior Leadership Group in relation to:

- A clear public statement of the Board's position in relation to harassment (including sexual harassment), bullying and discrimination in the legal profession, that can include pre-admission conduct.
- Information about what to expect when someone makes a complaint or seeks information (informal and formal reporting, potential repercussions – like NDAs, FOI, defamation action).
- Information about what to expect if you are the subject of a complaint or have been anonymously attributed to harassment, bullying or discrimination.
- Training of staff (including Board members) and members of the profession.
- How to include this in ongoing educational training (incentives, sanctions, management directions, and so on).
- Links to extrinsic materials and bodies that can also provide advice and assistance to victims, employers, bystanders (local and national legislation, EOC, WorkSafe, best practice policy, and so on).

A [position statement](#) has been published on the Board's website.

Whilst laudable, the dedicated email address has proven to be underutilised and has raised concerns as to whether sending an email is truly anonymous or safe. To that end, approval has been obtained to implement an online reporting platform.

The online reporting tool uses a series of questions that will ask the reporter for some information about an incident of harassment (including sexual harassment), bullying or discrimination.

Reporters are able to skip questions if they do not feel comfortable answering them, or would prefer not to provide the information.

Reports can be saved at any time and return to later. Once submitted the reporter will still have access to their report through a dashboard, using a unique access key.

In addition to the report being confidential, the reporter is in control of whether to remain anonymous, or whether to provide their name and contact details. Reporters are able to change their choice on this at any time.

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## Acknowledgements

During the reporting year, John Fiocco remained Chair and was reappointed to the position by the full Board in April 2022. John Fiocco also remains the Convenor of the Professional Affairs Committee. The role of Deputy Chair, again, went to Sabina Schlink, who also remains the Convenor of the Admissions and Registration Committee. The support provided to me from the Chair and Deputy Chair has been significant and I am sincerely grateful to have the opportunity to work so closely with these senior members of the profession.

I also extend my sincere gratitude to:

- Anna Liscia, former Chair of the Board, who did not stand for re-election in April 2021 therefore, standing down as a Board member and the Convenor of the Management Committee.
- John Syminton, former Chair of the Board, stepped into the role of Convenor of the Management Committee, as well as remaining Convenor of the Professional Development Committee.
- John Ley SC, Chair of the Legal Services and Complaints Committee.
- Robert Wilson, Deputy Convenor of the Admissions and Registration Committee.
- Rebecca Heath, Deputy Convenor of the Professional Development Committee.



- Gary Mack, Deputy Convenor of the Professional Affairs Committee.
- Darren Renton SC, Deputy Chair of the Legal Services and Complaints Committee.
- Russell Daily, the Law Complaints Officer and new Director of Investigations and Review, also a member of the Senior Leadership Team.
- The two new members of the Senior Leadership Team, Jean Mileto Director Enquiries and Complaints, and Kate Malcolm Senior Manager Strategy and Business Services.

The voluntary contribution to the Board from the most knowledgeable and senior members of the Western Australian legal community often goes unrecognised. Their *pro bono* service provides significant benefit to not only the Board, but to the government, the legal profession at large and, most importantly, to the broader Western Australian community. I thank all Board members for that contribution and dedication. Their trust, assistance and support has been extremely valuable and greatly appreciated.

Additionally, a sincere thank you for the most valuable support during the year under review by the new Managers (Analisa Zainal, John-Paul Colella, Dale Wescombe, Stephen Ramsay, Denis Barich, Belinda Piccoli, and Catherine McKinnon), and to my tireless Executive Officer, Sarah Hingston whose support has been instrumental in meeting our objectives over the past months.

Of course, sincere thanks are due to all the excellent staff of the Board. Across all divisions of the Board we do our utmost to deliver services as a unified team and I appreciate the efforts that all staff members make in that regard.

# Profile of the legal profession

The timing of the renewal of local practising certificates was specified under section 44 of the *Legal Profession Act 2008 (LPA)* and rule 5 of the *Legal Profession Rules 2009 (Rules)* (now repealed).

A practitioner who held a local practising certificate must have applied for the renewal of that practising certificate during the renewal period of 1 to 31 May or the late fee period of 1 to 30 June each year, as prescribed by the Rules. Applications received during the renewal periods are renewed from 1 July each year.

An application received during the late period is subject to a 25% penalty surcharge as per item 2 of Schedule 1 – Fees of the Rules.

Pursuant to section 44(4) of the LPA, the Board may reject an application for the renewal of a local practising certificate made during the late fee period and must reject an application for renewal made outside of the renewal periods.

However, pursuant to section 44(5) of the LPA, the Board could accept an application made outside of the late fee period if it was made within six months after the end of the late fee period and the Board was satisfied that the delay was caused by reasons beyond the control of the practitioner or other special circumstances warranting acceptance.

In 2021/22, the Board received a total of 333 applications for the renewal of a practising certificate after 1 July 2021 of which, 279 were accepted. Further detail regarding late applications can be found under the Professional Affairs Committee section of this report (page 35).

The table below sets out the number of renewal and grant applications received during the renewal periods.

Renewal applications received during 2021/22 for the 2022/23 practising certificate	Online application	Paper applications	Total applications	Non-renewal notices
Standard renewal period	6,389	0	6,389	184
Late fee period	333	0	333	54
<b>Totals:</b>	<b>6,722</b>	<b>0</b>	<b>6,722</b>	<b>238</b>

95% of all renewal applications received by the Board were received during the standard renewal period, which is a 1.8% decrease compared to 2020-21. However, the total number of applications received by the Board during the renewals period increased by 2.7%.

The number of practising certificates issued between 1 July 2021 and 30 June 2022 was 7,069, which represents a 4.6% increase in the number of practising certificates issued in the previous reporting period.

Composition of WA local legal practitioners	Resident females	Interstate females	Overseas females	Resident Males	Interstate Males	Overseas Males	Totals
Barristers	70	0	0	211	0	0	281
Commonwealth Government	57	2	0	27	1	1	88
Consultant	5	0	0	7	0	2	14
Director	274	0	0	587	1	0	862
Employee	1,998	18	62	1,186	20	51	3,335
Equity Partner	41	0	3	168	2	7	221

Composition of WA local legal practitioners	Resident females	Interstate females	Overseas females	Resident Males	Interstate Males	Overseas Males	Totals
Fix profit-share Partner	29	0	2	30	0	1	62
In-house	493	3	37	357	2	35	927
Lay associate	1	0	0	0	0	0	1
Locum	0	0	0	0	0	0	0
Legal practitioner Partner	27	0	0	76	1	1	105
Non-practising (certified)	318	8	20	178	8	10	542
Salaried Partner	15	0	1	35	0	8	59
Sole practitioner	153	0	0	263	0	1	417
Judiciary^	3	0	0	6	0	0	9
Deceased^	1	0	0	1	0	0	2
Struck off^	0	0	0	0	0	0	0
Suspended^	0	0	0	0	0	0	0
State Government*	57	0	0	29	0	0	86
Volunteer/ pro bono	11	0	0	10	1	0	22
Practising certificates cancelled	21	3	0	9	2	1	36
Practising certificates issued	3,574	34	125	3,180	38	118	7,069
Section 36 practitioners							
State Solicitor's Office*	106	0	0	51	0	0	157
Director of Public Prosecutions (State)*	75	0	0	57	0	0	132
Other State Government Departments*	170	0	0	84	0	0	254

Composition of WA local legal practitioners	Resident females	Interstate females	Overseas females	Resident Males	Interstate Males	Overseas Males	Totals
Section 39(3) practitioners*	0	0	0	8	0	0	8
<b>Total practitioners</b>	<b>3,904</b>	<b>31</b>	<b>125</b>	<b>3,371</b>	<b>36</b>	<b>117</b>	<b>7,584</b>

^ Held a practising certificate during 2021/22; however, by 30 June 2022 were appointed Judiciary/ deceased/ struck off/ suspended.

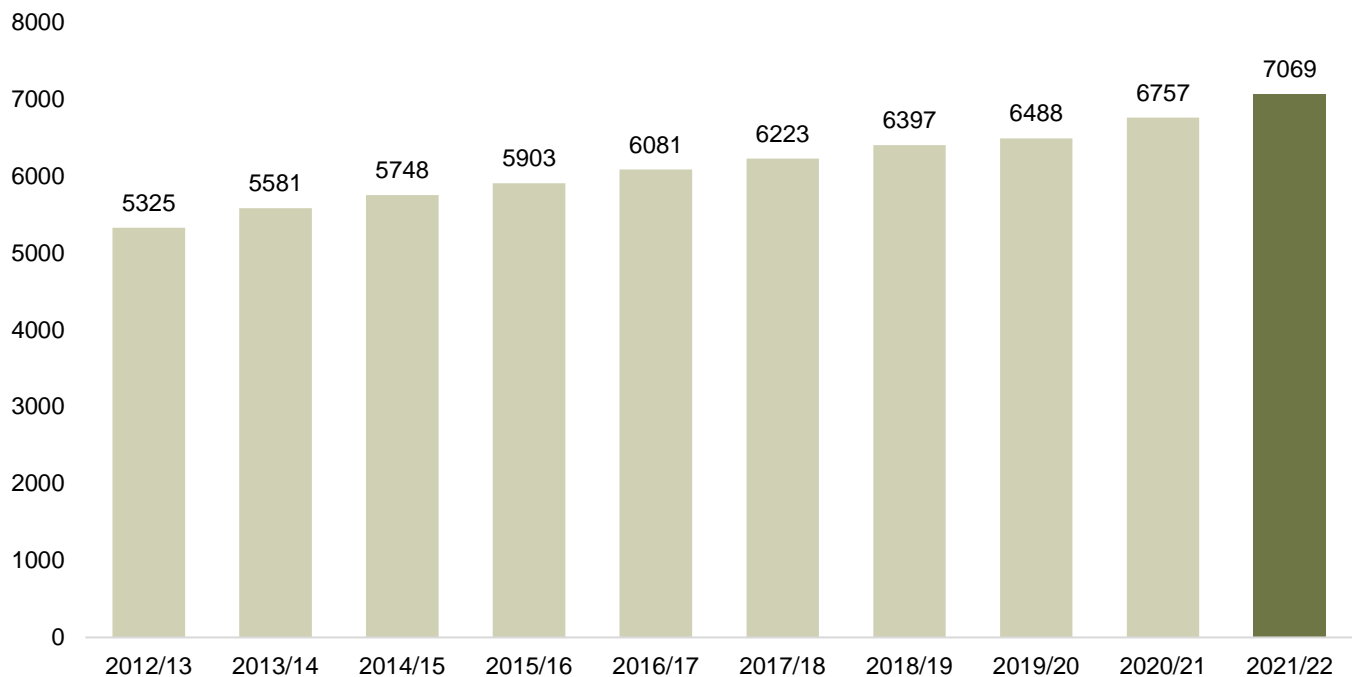
\* State Government employees who held a local practising certificate during 2021/22.

\*\* State Government employees taken to be certificated pursuant to Section 36 of the LPA.

\*\*\* Practitioners whose certificate remains in force pursuant to Section 39(3) of the LPA.

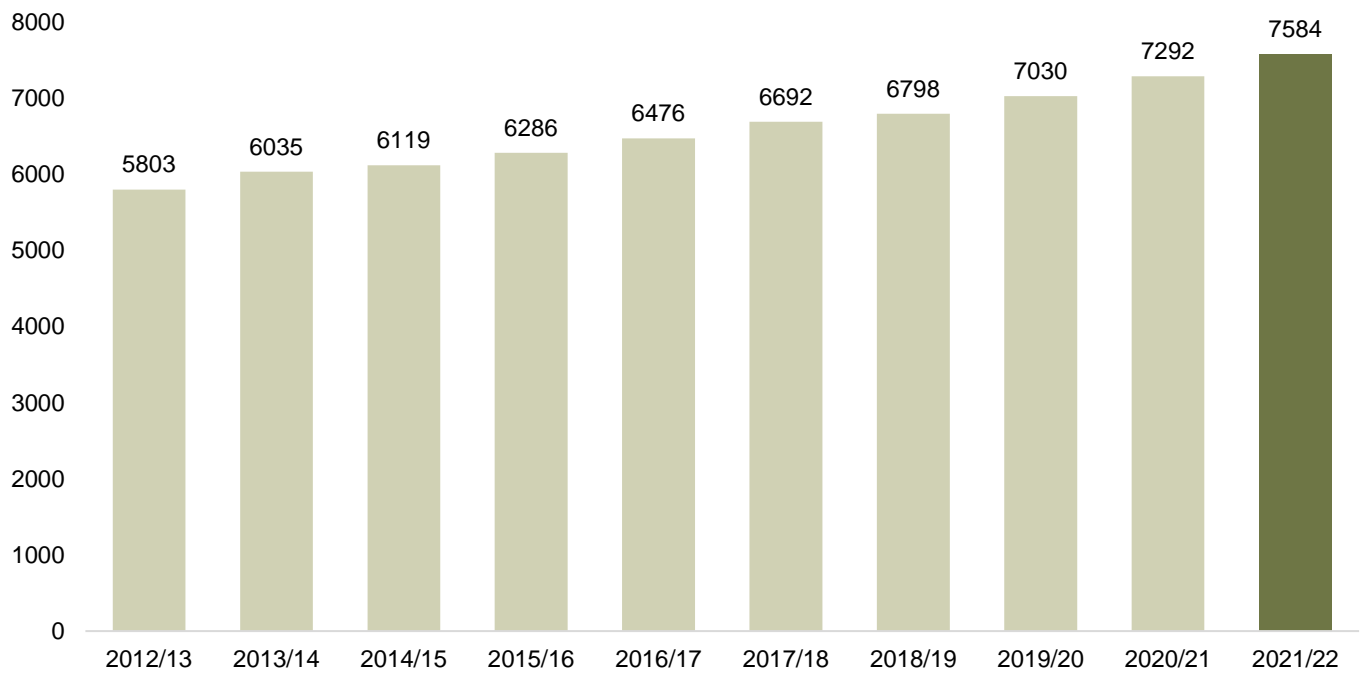
## Graphs

10-year comparison of the number of certificates issued during the reporting years

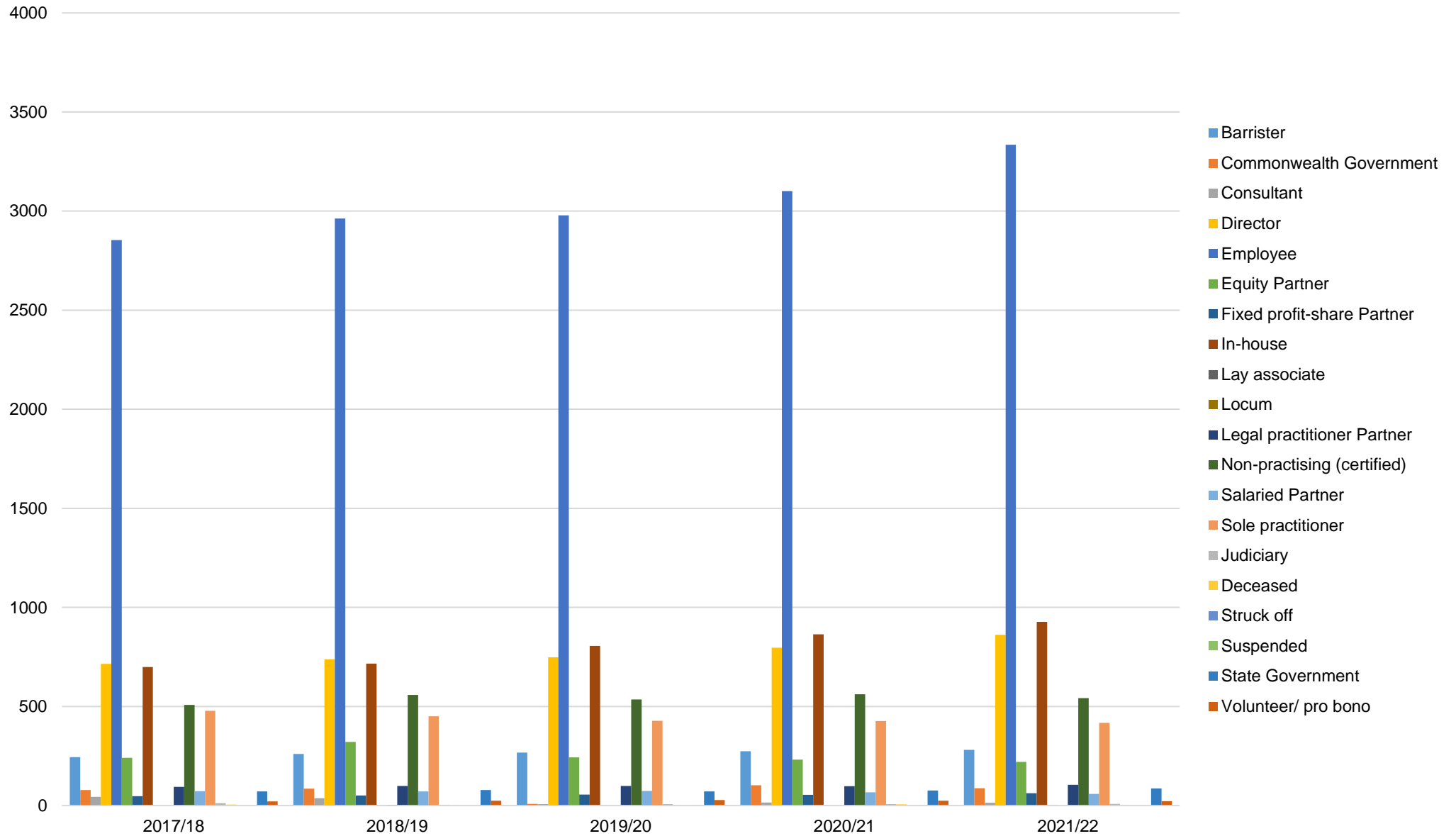


The number of practising certificates issued in the past 10 years has increased by 32.7%. Factors that may affect this increase may include 'importing' practitioners rather than promoting in house, and the increase of Western Australian law schools offering a Bachelor of Law degree.

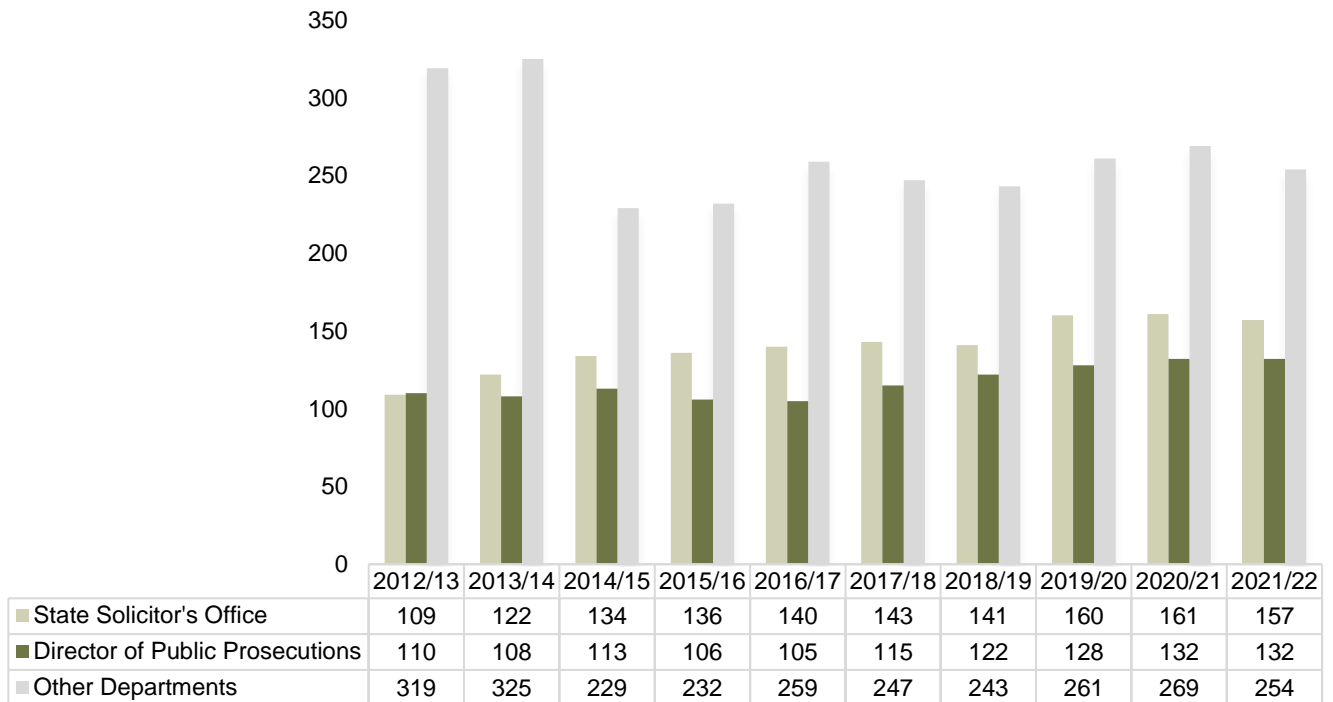
## WA local legal practitioners past 10 years



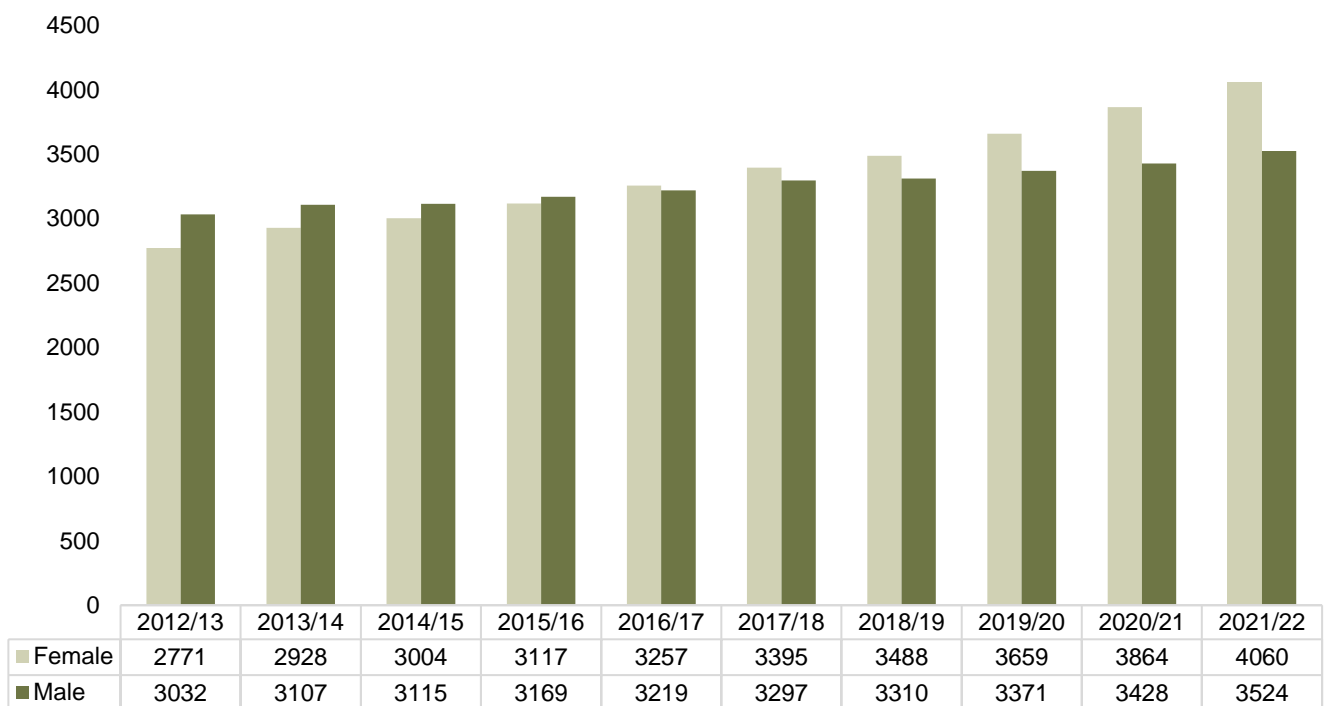
Composition of WA local legal practitioners past 5 years



## Composition of WA local legal practitioners State Government s36 practitioners past 10 years



## WA local legal practitioner's male/ female/ non-gender past 10 years





# Board and Committees

The Board consists of the following members:

- Attorney General;
- Solicitor General or, if there is no Solicitor General, the State Solicitor;
- a current or former Judge of the Supreme Court appointed by the Attorney General;
- each King's\* Counsel and Senior Counsel:
  - whose principal place of practice is in this State;
  - who is not a full-time judicial officer; and
  - who has, in writing, nominated themselves as a member; and
- 12 local legal practitioners of at least three years' standing and practice who are elected as members.

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## Board membership

### King's and Senior Counsel

The King's\* and Senior Counsel must nominate themselves in order to take a position as a Board member.

*\*Queen's Counsel became King's Counsel upon the passing of Her Majesty Queen Elizabeth II.*

### Elected Board Members

There are 12 elected member positions on the Board. An elected member holds office for a term of two years from the date of becoming a member, and is eligible for re-election.

### Board membership as at 30 June 2022

At the end of the year under review the Board had a total of 53 members, which is indicative of the obligation and responsibility many senior members of the profession accept in order to maintain a high level of professional standards and to ensure the ongoing protection of the public. Since July 2021, and up to 1 July 2022, six new Senior Counsel nominated for membership of the Board.

The Board greatly values the *pro bono* contribution given by its members and the vast knowledge, experience and expertise they bring to its considerations. However, due to the very high calibre of its members, the Board invariably loses valued members when they are appointed to the bench, retire or are not re-elected.



*Pictured left to right: Mr Joshua Thomson SC, Solicitor General of Western Australia and the Honourable John Quigley, Attorney General of Western Australia.*



*Pictured left to right: Mr John Fiocco (**Chair**) and Ms Sabina Schlink (**Deputy Chair**).*

### Board Members

The Honourable John Quigley, Attorney General of Western Australia ( <b>ex-officio</b> )	Joshua Thomson SC, Solicitor General of Western Australia ( <b>ex-officio</b> )	John Fiocco ( <b>Chair</b> )	Sabina Schlink ( <b>Deputy Chair</b> )
Robert O'Connor KC*	Stephen Owen-Conway KC	Thomas Percy KC	Kenneth Pettit SC
Matt Zilko SC*	The Honourable Peter M'Callum Dowding SC	Gregory McIntyre SC	Christopher Shanahan SC
Mark Ritter SC	Matthew Howard SC	Stephen Davies SC	Kanaga Dharmananda SC
Sam Vandongen SC	Brahmananda Dharmananda SC	Rodney Hooper SC	Karen Farley SC
Martin Cuerden SC	Paul Yovich SC	John Blackburn SC	Stephen Wright SC
John Ley SC	John Hedges SC	Carolyn Thatcher SC	Gary Cobby SC
Alain Musikanth SC	Jason MacLaurin SC	Joseph Garas SC	Laura Christian SC
Justin Whalley SC	Alan Sefton SC	Matthew Curwood SC	Kim Lendich SC
Lindsay Fox SC	Geoffrey Bourhill SC	Steven Jones SC	Darren Renton SC
Clare Thompson SC	Griffin Ranson SC	Terence Palmer SC	John Syminton
Anna Ciffolilli	Robert Wilson	John Hockley	Maria-Luisa Coulson
Patricia Femia	Rebecca Heath	Gary Mack	Fraser Robertson
Amy Pascoe			

*\*Mr O'Connor KC and Mr Zilko SC stepped down from the Board on 1 July 2022.*

The gender diversity on the Board as at 30 June 2022 is 19% female and 81% male.



Pictured left to right:

Top row: Robert Wilson, John Hockley, Karen Farley SC, Laura Christian SC, Amy Pascoe, Matthew Zilko SC, Anna Ciffolilli, Alain Musikanth SC and Griff Ranson SC.

Middle row: Steven Owen-Conway KC, Martin Cuerden SC, Libby Fulham (**Executive Director**), Mr Russell Daily (**Legal Services and Complaints Officer**), Tom Percy KC, Clare Thompson SC and Lindsay Fox SC.

Bottom row: John Syminton, John Ley SC, Joshua Thomson SC (**Solicitor General of Western Australia**), the Honourable John Quigley (**Attorney General of Western Australia**), John Fiocco (**Chair**), Sabina Schlink (**Deputy Chair**) and Rob O'Connor KC.

Our sincere thanks to the following Board Members who stepped down from the Board in 2021/22:

- His Honour Justice Marcus Solomon (resigned 4 August 2021, appointed as a Judge of the Supreme Court of Western Australia).
- Her Honour Amanda Forrester (resigned 31 May 2022, appointed as a Judge of the Supreme Court of Western Australia).
- The Honourable Justice Michael Feutrill SC (resigned 17 January 2022, appointed as a Judge of the Federal Court of Australia, Perth).
- The Honourable Robin Cohen (resigned 31 January 2022, following her temporary appointment as an acting Magistrate of the Family Court of Western Australia. Her Honour being appointed as a Judge of the Federal Circuit and Family Court of Australia (Division 1) and the Family Court of Western Australia on 17 October 2022).
- The Honourable Michael Berry SC (resigned 7 June 2022, appointed as a Federal Circuit and Family Court of Australia (Division 1) and the Family Court of Western Australia).
- His Honour Henry Jackson SC (resigned 31 January 2022, appointed as a Judge of the District Court and Deputy President of the State Administrative Tribunal).
- Ms Anna Liscia (did not stand for re-election, term ended 6 April 2022).



## Meetings of the Board

The Full Board met formally on two occasions in 2021/22 and conducted 15 electronic meetings. Among other things, it passed resolutions including:

- *Legal Profession Uniform Law Application Bill 2021*;
- appointment of Returning Officer for the Board's Election;
- appointment of Chairperson and Deputy Chairperson of the Board;
- confirmation of Elected Members of the Board;
- appointment of Members to each of the Board's delegated Committees;
- appointment of Convener and Deputy Convener for each of the Board's delegated Committees;
- appointment of the Board's nominated Member of the Theodore & Isabella Wearne Charitable Trust Incorporated;
- The Board's position statement on the issue of sexual harassment in the profession, including the use of online reporting tools;
- approval of Instrument of Revocation, Delegation and Authorisation; and
- approval of the *Legal Profession Uniform Law Application (Accreditation) Rules 2022*.

# Management Committee

## About the Committee

The Management Committee exercises powers delegated to it by the Board in relation to the management of the Board's human, physical and financial resources.

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## Message from the Convener



### Mr John Syminton

The management of the Board's human and financial resources is integral to the smooth operation of the Board.

The past financial year has been challenging and rewarding. Factors like the introduction of the Uniform Law Scheme, undergoing a full service model review with a new organisational structure, developing new online reporting and management platforms, and managing the day-to-day challenges that the impact of COVID-19 has had on the legal profession and the operations of the Board generally, require a wealth of experience and commitment.

I have been honoured to step into the role of Convenor of the Management Committee since April 2022.

I look forward to the reporting year ahead, the first under the Uniform Law scheme in WA. It is indicative of the Board's commitment to regulatory excellence that teams across the business are collaborating to deliver service and technology initiatives required to accommodate new ways of working and adjust and adapt the delivery of regulatory operations to provide continued protection of the consumers of legal services.

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## Meetings of Management Committee

The Management Committee meets every second month and receives and considers information and reports from the Executive Director and Senior Manager, Strategy and Business Services in regard to resourcing and financial issues.

When the need arises to address a pressing issue, either a special meeting is called, or a resolution is determined by electronic quorum. The Management Committee's primary focus is on the strategic direction of the Board, resource and financial management issues and the implementation, corporate governance of, and maintenance of appropriate policies, systems and processes.

The Management Committee convened on seven occasions between 1 July 2021 and 30 June 2022. This included four scheduled meetings and three electronic meetings, or resolutions made without meeting.

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## Committee membership



*Pictured left to right: John Ley SC, John Fiocco (**Convener**), John Syminton and Sabina Schlink.*

*Absent: Kanaga Dharmananda SC, Joseph Garas SC, Gary Mack and Mr Fraser Robertson.*

### Membership as at 30 June 2022

- |  |                            |
|--|----------------------------|
| ○ Mr John Syminton ( <b>Convener</b> ) | ○ Mr Kanaga Dharmananda SC |
| ○ Mr John Ley SC                       | ○ Mr Joseph Garas SC       |
| ○ Mr John Fiocco                       | ○ Ms Sabina Schlink        |
| ○ Mr Gary Mack                         | ○ Mr Fraser Robertson      |

Our sincere thanks to the following Board Members who resigned from the Management Committee during the reporting period:

- |   |  |
|---|--|
| ○ Ms Anna Liscia ( <i>resigned 6 April 2022</i> ) | ○ Ms Anna Ciffolilli ( <i>resigned 25 May 2022</i> ) |
|---|--|

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## Funding of the Board

The Board is self-funded through fees paid by the profession by way of the annual practising certificate fees, those seeking admission as legal practitioners, fees generated by the assessment and approval of continuing professional development (**CPD**) providers and individual CPD events.

Since 1 July 2016, no State Government funding has been provided to the Board and is wholly responsible for meeting all of its accommodation and associated costs; as well as its usual operational expenses.

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## Practising certificate fees

The Management Committee has not recommended a change to the fee required to accompany a practising certificate application since 1 July 2015. The current fee is \$1,250 per annum.

The Management Committee is closely monitoring the Board's expenditure to ensure the current high standards of regulatory oversight that is rightly expected by the public and the profession is maintained, whilst endeavouring to keep the costs of legal regulation as low as possible.

### Uniform Law

The introduction of Uniform Law scheme brings some changes to fees and practising certificate requirements, including that:

- (a) State Government lawyers will be required to hold a practising certificate, mostly at 50% of the usual cost (\$625.00).
- (b) The Board is responsible for managing exemptions from professional indemnity insurance. The prescribed fee for an application for exemption is \$30.
- (c) All private legal practitioners will pay a fee to assist in funding the oversight body known as the Legal Services Council. Those fees are subject to the control of a Standing Committee comprised of members from each jurisdiction that is a participant of the Uniform Law Scheme.

The obligation of parties to the Uniform Law Scheme to make a financial contribution is in proportion to the total number of legal practitioners within the participating jurisdiction.

Western Australia has 7,069 certificated legal practitioners as at 30 June 2022 and an additional 551 government lawyers who are taken to be local legal practitioners.

---

## Board Service Model Review

During the reporting period the Management Committee engaged a consultant to undertake a Service Model Review (**Review**) of the Board's administration. The Review resulted in the realignment of roles and a new organisational structure for the Board.

The rationale behind the Review was influenced by factors including:

- (a) the Board becoming a respondent to the *Public Service and Government Officers CSA General Agreement 2019*;
- (b) the introduction of Uniform Law;
- (c) changes to the Board's Strategic Direction; and
- (d) to meet the Uniform Law objectives of an efficient, effective, targeted and proportionate regulatory body.

The new organisational structure consists of three Directorates, being Investigations and Review, Enquiries and Complaints, and Strategy and Business Services. Together, the reconfigured directorates are organised around a functional structure that will enhance service and delivery of regulatory functions, improve the customer service experience, and meet the changing agency environment.

The new structure officially commenced on 21 March 2022.

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## The Law Library

Since 2016, the Law Library has been owned and operated by the Department of Justice, with members of the profession having a right to use the Library.

The Board remains required by legislation to pay a yearly amount of \$600,000 to assist with the running costs of the Law Library. This amount can be reviewed by the Department at any time in consultation with the Board however, the sum has not varied in the reporting period.



## Human Resources

The Management Committee determines policy in relation to the appointment and management of Board staff.

On 21 December 2018, the Board was named as a respondent to the *Government Officers' Salaries, Allowances and Conditions Award 1989*.

This reporting year saw the number of staff increase to 56 employees, equating to 50.4 full time equivalents.

The overall cost for staff increased by \$60,335.10, with the increase being due to the filling of vacancies in various positions under the new organisational structure.

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## Physical resources

The Management Committee has responsibility for the physical resources of the Board, including accommodation, information technology, and so on.

The Management Committee committed resources towards the development and implementation of online platforms for suitability and disciplinary investigations, including all aspects of matter management and statistical reporting of data.

In addition, the Board has developed and implemented online resources for the management of CPD requirements and for Admission applications.

The Management Committee continues to work towards the reduction of a paper based administration, moving towards a sustainable environment.

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## Strategic Direction

There continues to be an enthusiastic approach to the Board's strategic direction to operate as an effective, efficient, and innovative leader in the regulation of legal services in Western Australia.

The Board is constantly considering the approach taken to regulatory matters, its values, and the effectiveness of its governance models and will continue to do so in the coming years.

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## Acknowledgements

I would like to acknowledge the services provided to the Management Committee by the former long serving Convenor, Anna Liscia. Anna stood down from the committee and the Board in April 2021 after more than 20 years of service to the Board. Anna's initiative and drive have been fundamental to the standing of the Board, especially in the manner in which the Board has maintained its human and financial resources.

I also would like to acknowledge the dedication of my fellow Committee members for their conscientious preparation for and consideration of the many complex issues dealt with during the reporting period.

Thanks are extended to all of the Board's employees for their efforts during the year, and to the Executive Director, Ms Libby Fulham, and new Senior Manager, Business Services, Ms Kate Malcolm, for their implementation of the Management Committee's policies and directives and the provision of support to the Management Committee.

# Admissions and Registration Committee

## About the Committee

Pursuant to the Instrument of Delegation from the Full Board, the Admissions and Registration Committee (**Admissions Committee**) is responsible for the functions and powers of the LPA that regulate:

- the admission of lawyers;
- the registration and practice of foreign lawyers;
- the grant of practising certificates and imposition of conditions, when an applicant has not previously held a local practising certificate, or has not held an Australian practising certificate in the past five years; and
- supervised legal practice.

## Message from the Convener



### Ms Sabina Schlink

As Convener of the Admissions Committee, I wish to extend my sincere thanks to all Board members of the Admissions Committee for their attendance and significant contributions they have made over the past year. I would like to thank those members who have given up their time to meet with applicants for admission, draft and settle reasons for decisions and where relevant instruct counsel. Your contributions are sincerely appreciated.

This year has been an especially busy one for the Committee with the introduction of the Uniform Law and the re-accreditation of the Law Schools at each of the Universities. Thank you to all members of the committee who nominated to review various course materials. As can be appreciated, this was very time-consuming exercise so many thanks to those members who undertook this work. I would also extend my sincere thanks to those Board members who, while not members of the Admissions Committee, kindly volunteered their services to review course materials as part of the re-accreditation review:

- Gregory McIntyre SC;
- Karen Farley SC; and
- Carolyn Thatcher SC.

In addition, I would also extend my thanks to Stephen Wong who reviewed course materials.

Finally, I wish to express my gratitude to the Board staff who provided constant support to the Admissions Committee over the past twelve months. Their tireless work has made the Committee's ever increasing workload much easier to manage.

## Committee membership



Pictured left to right: Robert Wilson (**Deputy Convener**), Amy Pascoe, John Fiocco, Sabina Schlink (**Convener**), Laura Christian SC and Dr John Hockley.

Absent: Sam Vandongen SC, Alan Sefton SC, Rebecca Heath and Fraser Robertson.

### Membership as at 30 June 2022

- |   |   |
|---|---|
| ○ Ms Sabina Schlink ( <b>Convener</b> ) | ○ Mr Robert Wilson ( <b>Deputy Convener</b> ) |
| ○ Mr Sam Vandongen SC                   | ○ Ms Laura Christian SC                       |
| ○ Mr Alan Sefton SC                     | ○ Mr John Fiocco                              |
| ○ Dr John Hockley                       | ○ Ms Rebecca Heath                            |
| ○ Mr Fraser Robertson                   | ○ Ms Amy Pascoe                               |

Our sincere thanks to the following Board members who resigned from the Admissions Committee in 2021/22:

- |  |   |
|--|---|
| ○ Mr John Ley SC ( <i>resigned 10 March 2022</i> )           | ○ Mr John Hedges SC ( <i>resigned 8 November 2021</i> )   |
| ○ Mr Michael Feutrill SC ( <i>resigned 17 January 2022</i> ) | ○ Mr Henry Jackson SC ( <i>resigned 31 January 2022</i> ) |
|  | ○ Ms Anna Maria-Liscia ( <i>resigned 6 April 2022</i> )   |

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## Meetings of the Committee

The Admissions Committee convened on 17 occasions between 1 July 2021 and 30 June 2022. This included nine scheduled meetings and eight electronic meetings, or resolutions made without meeting.

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## Delegations

Some of the functions and powers related to the above matters in 2021/22 were delegated by the full Board to the Executive Director or Manager Regulatory Operations of the Board. Under those policies and in the year ending 30 June 2022, the Executive Director or Manager Regulatory Operations:

- gave approval for 11 assessed overseas applicants to complete their academic study at an Australian law school outside of Western Australia;
  - approved the suitability of 122 applicants for admission who disclosed matters that were minor in nature;
  - approved 79 applications that complied with the Board's policies relevant to supervised legal practice, including part-time and remote supervision arrangements; and
  - approved 12 supervised legal practice arrangements, including part-time, remote supervision and reductions in the required period in circumstances where a practitioner has more than two years recent experience overseas in a common law jurisdiction.
- 

## COVID-19

The ongoing effect of COVID-19 continued in 2021/22 in relation to admission and supervised legal practice requirements as follows:

- Approvals were provided to allow providers of approved academic and practical legal training courses to make arrangements to accommodate the effects of the pandemic and the resulting lockdowns continued.
  - Applications for admission listed to be dealt with on 2 July 2021 were deferred to the 6 August 2021 sittings.
  - Personal attendance remained a requirement for admission in Western Australia.
  - Some applicants who live overseas or interstate have been required to defer their admission until they can travel to Western Australia. A minority have discontinued their admission applications in Western Australia in favour of applying for admission in other States, where it has been possible for them to be admitted without personal attendance.
  - Interim arrangements to allow restricted practitioners to work from home during lockdowns continued.
- 

## Policy, approved forms and guidelines

The Admissions Committee is responsible for approving and reviewing the following policies under which the Executive Director or Manager Regulatory Operations can exercise functions and powers under the Board's Instrument of Delegation:

- applications for admission and compliance certificates;
- restricted practice and supervised legal practice; and
- consideration of suitability matters.

The policies were amended and approved by the Admissions Committee May 2022 to reflect the correct role titles under the Board's restructure.

The Admissions Committee is also responsible for approving and reviewing some of the Board's 'approved forms' and guidelines in relation to the functions and powers under the LPA that fall within its delegated responsibility.

There were no changes to existing approved forms and guidelines in 2021/22.

Further consideration was given to the policies, approved forms and guidelines with the introduction of Uniform Law on 1 July 2022, with Board preparing for what changes were required after that time.

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## Approval and re-accreditation of academic and practical legal training courses

The Admission Committee is responsible for approving and reviewing the academic qualifications and practical legal training (PLT) required for admission. Currently approved academic qualifications are offered by:

- The University of Western Australia
- The University of Notre Dame
- Curtin University
- Murdoch University
- Edith Cowan University

The following providers offer approved PLT courses for admission:

- The College of Law
- The Piddington Society Inc.
- The Leo Cussen Centre for Law – Western Australia
- Curtin University

As at 30 June 2022, the Admissions Committee is currently reviewing the course materials for the five year re-accreditation review of the University of Western Australia, Curtin and Murdoch Universities' Bachelor of Law degrees. The Universities' were last accredited in 2017.

Whilst the reviews were postponed from 2020 to 2021, all are set to be finalised by early 2023.

The Admissions Committee continue to consider law school and PLT providers who are seeking to offer more courses online as a result of COVID-19. Such proposals are treated as a course re-accreditation, requiring the provider to submit comprehensive materials to the Admissions Committee for review. Proposals for minor changes to some of the approved courses have been considered in 2021/22.

On 22 June 2022, the Board received the re-accreditation review material for Sheridan's Bachelor of Laws (LLB). The Board considering the application with the view to present the review material to the Admissions Committee in early 2023.

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## Consideration of academic and PLT qualifications held by individuals and the assessment of overseas qualified applicants for admission

In 2021/22, the Admissions Committee considered:

- Stale law degrees (i.e. those more than five years old when the person applies for admission).
- Enquiries from applicants and Western Australian law schools relating to whether an academic qualification will be accepted for the purposes of admission, if credit is given towards Priestley 11 subjects based on study completed at other Australian law schools.
- Requests for extensions to commence and complete study from persons previously assessed by the Admissions Committee.
- 49 applications for the assessment of overseas qualifications and PLT.

Early commencement of PLT may be approved if the law student has completed all 11 required academic subjects and has only one or two elective units remaining to complete their law degree. The Admissions Committee will also consider approving the commencement of PLT if all assessments for the law degree have been submitted prior to results being made available.

The Admissions Committee approved 24 applications for early commencement of PLT in 2021/22.

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## Consideration of applications for admission, including suitability

There were no applications for re-admission lodged in the year under review.

The Board was taken to have refused to issue a compliance certificate in several applications that had not been completed within six months of the person applying for admission.



The reasons for not having completed the application included:

- the applicant was finding it difficult to meet the English testing requirements;
- COVID-19 restrictions prevented the applicant travelling to Perth to personally attend a ceremony;
- delayed completion of PLT; and
- personal and health reasons.

A trial was supported by the Committee in 2021/22 for applicants who meet the following criteria to be exempt from any/ further English language testing and that those applications do not need to be referred to the Committee:

1. Those who completed their law degree in Australia or another “recognised country” and who also completed the final two years of their secondary schooling in a “recognised country”.
2. Those who completed their law degree in Australia or another “recognised country” and who have resided in a “recognised country” for at least 10 years.
3. Those who have achieved the required scores in the IELTS (Academic) or TOEFL iBT tests, regardless of how long ago the tests were completed (across one or more tests).
4. Those who sit the IELTS (Academic) test and achieve within 0.5 of the required score in one component, or who sit the TOEFL iBT test and achieve within one of the required score in one component (across one or more tests).

All other applicants are required to undergo and meet testing requirements.

It is expected that should the trial be successful, a formal policy would be presented to the Committee for consideration.

The Admissions Committee considered and approved the suitability of 72 applicants for admission, who had disclosed matters to the Board.

Of the 72 applications considered by the Admissions Committee, 20 applicants were required to meet with two Board members before the application was determined and the remaining applications were decided at meetings.

Matters disclosed by the 72 applicants included one or more of the following:

- |   |   |
|---|---|
| ○ Academic misconduct;  | ○ assault;  |
| ○ bankruptcy;   | ○ Centrelink overpayments;  |
| ○ driving with a blood alcohol content (BAC) in excess of 0.08%;                | ○ driving with a blood alcohol content ( <b>BAC</b> ) in excess of 0.08%;                 |
| ○ disciplinary or conduct matters in previous employment and occupations;       | ○ drug related offences;  |
| ○ health and capacity matters (i.e. unexplained delay and mental health issues) | ○ parking infringements or unpaid fines;  |
| ○ providing false documents;  | ○ spent convictions including: breach of a VRO, assault and gaining benefit by fraud; and |
| ○ speeding and other traffic infringements;                                     | ○ unlicensed driving and/ or unregistered vehicles.                                       |

---

## Applications for review of decisions made by the Admissions Committee

On 30 June 2021, the Committee refused to grant a practising certificate to an applicant for the year ended 30 June 2022 on the grounds that the applicant was not a fit and proper person to hold a practising certificate.

The applicant applied to the State Administrative Tribunal (**SAT**) for a review of the decision on 27 July 2021.

On 15 September 2021, the Board filed the section 24 documents and on 21 September 2021, filed the Respondent’s Statement of Issues, Facts and Contentions in the Tribunal.

The applicant proposed consent orders for the application to be dismissed without costs, which the Board agreed to. The Board appeared at a directions hearing before her Honour Justice Pritchard, on 30 November 2022 with the applicant. The application was dismissed, with no order as to costs.

---

## Grant of practising certificates and compliance with conditions

The Admissions Committee considers applications for the initial grant of a practising certificate in circumstances where an applicant has disclosed a suitability matter or show cause event in their application. The Admissions Committee also considers applications for the grant of a practising certificate from applicants who have not held an Australian practising certificate for five years or more.

During 2021/22, 54 applications for the grant of a practising certificate were approved by the Admissions Committee.

The Admissions Committee refused to grant two practising certificate's in 2021/22. The first refusal was made for the following reasons:

- did not clarify the period for which the applicant was applying for the grant of a practising certificate, nor paid the application fee;
- there were insufficient grounds for the Board to release the applicant from the Undertaking;
- took the view that if the applicant lodges a complete application for a practising certificate, the applicant would have been in breach of the Undertaking provided to the Board, Legal Profession Complaints Committee and the SAT; and
- took the view that if the applicant lodged a complete application for the grant of a practising certificate, it would amount to a contravention of section 466 of the LPA.

These second refusal was made for the following reasons:

- the applicant is not current of good fame and character in that the applicant sent explicit, harassing, offensive, discourteous and unprofessional correspondence to members of the legal profession; and
- the applicants conviction for possessing a prohibited drug and for possession of drug paraphernalia.

The Admissions Committee also monitors compliance with conditions that it has previously imposed on the grant of a practising certificate. In 2021/22, the Admissions Committee:

- Monitored a practitioner's continued compliance with a condition requiring regular psychiatric reports. The Admissions Committee considered and refused a request from the practitioner for the revocation of some of the conditions on their practising certificate.
- Monitored compliance with a condition requiring a restricted practitioner to provide regular reports from her supervisor, and subsequently revoked the condition at the practitioner's request.
- Approved 15 further requests for revocation of conditions previously imposed.
- Refused one request for the revocation of a condition.
- Approved one practitioner's request for the variation of a condition.

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## Restricted and supervised legal practice

The Admissions Committee's policy '*Restricted Practice and Supervised Legal Practice*' allows the Board to consider submissions relevant to restricted and supervised legal practice.

The Admissions Committee considered 52 submissions in relation to supervision arrangements, which included:

- whether relevant employment could be counted toward the required experience;
- approvals of part-time arrangements;
- consideration of remote supervision arrangements;
- whether the supervision was adequate; and
- whether the required period had been completed.

The Admissions Committee also approved 34 declined two applications made under section 50(7) of the LPA for a reduction in, or exemption from, the required period of time for supervised legal practice.

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## External representation

### Legal Services Council and Admissions Committee

Since December 2019, the Honourable Rene Le Miere KC has been nominated by the Attorney General of Western Australia as an observer on the Legal Services Council (**LSC**) and LSC Admissions Committee in anticipation of Western Australia entering into Uniform Law. The LSC and LSC Admissions Committee provides the Honourable Rene Le Miere KC with the relevant invitations and meeting papers for meetings held.

The Admissions Committee considered the following matters raised by the LSC and LSC Admissions Committee in 2021/22:

- The Legal Services Council approved the draft Amendment Rule by the LSC Admissions Committee for the Uniform Admission Rules in relation to foreign lawyers to the Standing Committee.
- PLT competency standards would not be updated to include training for managing interpreters until the next major review.
- A Working Group was established to consider the implications of the Solicitors Qualifying Exam (**SQE**) pathway to admission that has been introduced in the United Kingdom and how Australian admitting authorities should assess UK lawyers for admission in Australia if they qualified in the UK via the SQE pathway.
- Consideration of the implication of a person's name being removed from the Roll when a condition admission lapses, in that removal might fall into the current definition of "Disqualified Person" is section 6 of the Uniform Law. Possible solutions included amending the definition to exclude those persons whose condition admission has lapsed with the passage of time. LSC reviewing the need for legislative amendments and feedback was not required.

### Law Admissions Consultative Committee

The Law Admissions Consultative Committee (**LACC**) is one appointed by the Chief Justices' of the Supreme Court in each Australian jurisdiction that provide recommendations to admitting authorities and admissions boards, with the aim of achieving uniformity of admission requirements in Australia.

The Chief Justice of the Supreme Court of Western Australia appointed the Honourable Rene Le Miere KC as his representative for LACC in December 2019.

During 2021/22, the LACC consulted with the jurisdictions about the nomination of law schools in Schedule 2 of the LACC's '*Uniform Principles for Assessing the Qualifications of Overseas Applicant's for Admission to the Australian Legal Profession*' (**Uniform Principles**). The LACC resolved to discontinue its protocol for the accreditation of overseas law courses and work collaboratively with the LSC's Admissions Committee to encourage the admitting authorities to coordinate and adopt a consistent approach in their consideration of overseas applicants for admission.

### Administrators of Australasian Law Admitting Authorities

The Administrators of Australasian Law Admitting Authorities (**AALAA**) meets annually on the day proceeding the annual Conference of Regulatory Officers (**CORO**). CORO is attended by a number of Board staff and addresses all aspects of the regulation of the legal profession. The AALAA meets to discuss matters of mutual interest and to exchange information about admission policies and practices through the various Australian jurisdictions, as well as New Zealand.

The 21<sup>st</sup> meeting of the AALAA was held via Zoom in two sessions on 26 October 2021 and 28 October 2021. Board staff, Deb MacDonald, Coordinator of Admissions and Regulations and Lorna Starling, Admission Officer attended on behalf of the Board.

Matters considered included updates of significant policy and procedure changes and suitability issues from the participating jurisdictions, discussion on legal education, information exchange, English language proficiency, early commencement of PLT, academic qualifications and advanced standing issues, accreditation of law schools and PLT providers, the impact of COVID-19, and assessment of foreign lawyers. The LSC also addressed the meeting of the work of the LSC Admissions Committee and provided an update on the Uniform Law scheme.

## Statistics for the reporting period

### Assessment of foreign qualifications

The number of applications for assessments of foreign qualifications received declined in 2021/22 with 49 applications made. There has been, on average, 86 applications made per year since the year ended 30 June 2018. COVID-19 and the inability to not only enter Western Australia, but Australia would be a significant factor in the decline.

Of the 49 applications made, 20 were admitted overseas and 29 were overseas law graduates.

#### Assessment of qualifications

Qualified	Admitted	No.
Australia	Canada	1
Bangladesh	Bangladesh	1
Canada	Not Admitted	1
Canada	Canada	2
China	China	1
England, Wales and Northern Ireland	Bangladesh and England, Wales and Northern Ireland	1
England, Wales and Northern Ireland	Not Admitted	10
England, Wales and Northern Ireland	Malaysia and England, Wales and Northern Ireland	1
England, Wales and Northern Ireland	Malaysia	1
England, Wales and Northern Ireland	England, Wales and Northern Ireland	3
England, Wales and Northern Ireland	Ireland	1
Ghana	Not Admitted	1
India	Not Admitted	3
India	India	2
Ireland	Ireland	2
Kenya	Kenya	1
Lithuania	Not Admitted	1
Malaysia	Not Admitted	1
Myanmar	Not Admitted	1
Nigeria	Nigeria	1

Qualified	Admitted	No.
Pakistan	Pakistan	1
Philippines	Philippines	2
Scotland	Scotland	1
Singapore	Singapore	1
South Africa	Not Admitted	1
South Africa	South Africa	4
Sri Lanka	Sri Lanka	1
United States	United States	2
<b>Total assessments:</b>		<b>49</b>

#### Admissions including mutual recognition

<b>Admitted pursuant to section 26 of the LPA</b>	<b>497</b>
<b>Admitted pursuant to the <i>Mutual Recognition (Western Australia) Act 2020</i></b>	<b>1</b>
<b>Admitted pursuant to the <i>Trans-Tasman Mutual Recognition (WA) Act 1997</i></b>	<b>2</b>
<b>Total admissions:</b>	<b>500</b>

In 2021/22, there were 497 lawyers admitted pursuant to the LPA, which was a 2.05% increase from the previous year.

Of the 497 lawyers admitted, 292 were female, 204 were male and one remained undefined, and were qualified as follows:

#### Academic qualifications

<b>University of Western Australia</b>	<b>128</b>
<b>Murdoch University</b>	<b>132</b>
<b>University of Notre Dame</b>	<b>69</b>
<b>Edith Cowan University</b>	<b>30</b>
<b>Curtin University</b>	<b>53</b>
<b>Corresponding Australian Law Schools</b>	<b>60</b>
<b>Overseas qualified</b>	<b>25</b>
<b>Total admitted:</b>	<b>497</b>

Of the 25 overseas qualified persons admitted, three had previously been admitted overseas in China and India.



## Practical legal training

<b>WA College of Law</b>	<b>382</b>
<b>WA Leo Cussen PLT</b>	<b>30</b>
<b>Curtin University GDLP</b>	<b>5</b>
<b>Piddington PLT Course</b>	<b>29</b>
<b>Corresponding – ANU</b>	<b>4</b>
<b>Corresponding – other</b>	<b>28</b>
<b>PLT as assessed by the Board (overseas)</b>	<b>19</b>
<b>Total admitted:</b>	<b>497</b>

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## Registered foreign lawyers

As at 30 June 2021, there were 10 registered foreign lawyers.

One returned to the United Kingdom permanently and two of the 10 did not renew their registration for the 2022/23 year. The registration to practice the law of Israel reported in last year's Annual Report was suspended due to lack of PII.

The remaining six renewed registration for the 2021/22 year.

As at 30 June 2022, there were eight registered foreign lawyers, as follows:

- 50% from England, Wales and Northern Ireland;
- 17% from England, Wales, Northern Ireland and Scotland;
- 16% from Canada; and
- 17% from Germany.

# Professional Affairs Committee

## About the Committee

The Professional Affairs Committee (**PAC**) exercises powers and functions delegated to it by the Board in relation to:

- the grant and renewal of practising certificates, subject to conditions in certain circumstances;
- interstate practitioners practising in Western Australia;
- suitability to hold a practising certificate, including:
  - monitoring of compliance with conditions imposed, including the variation and revocation of conditions; and
  - the amendment, suspension or cancellation.
- business structures operating legal practices, including incorporated legal practices and the legal practitioner directors who control and manage these legal practices;
- administration and management of trust accounts;
- external intervention in respect of law practices; and
- the reservation of legal work and related matters, including the prosecution of persons engaging in unqualified practice and approval of lay associates.

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## Message from the Convener



### Mr John Fiocco

The ability of a legal practitioner to carry out the inherent requirements of legal practice, including whether they are a fit and proper person to hold a practising certificate is an integral responsibility of the self-regulation of the legal profession.

It is a matter that has become the primary responsibility of the PAC, and continues to be under the new Uniform Law Scheme.

The past year has continued to demonstrate the resilience of the profession under significant pressures, including COVID-19, health and wellbeing generally, and financial factors. It is pleasing to see that the profession has responded well to these pressures and continue to adapt in a rapidly changing environment.

I am grateful to have remained as Convenor of the PAC and that 2021/22 has been a dynamic, thought provoking, and most importantly successful year. That success would not be possible without the significant contribution from Board members and the extremely proficient support of the staff.

I look forward to even new ways of working under the Uniform Law, and a principles based regulation of the profession.

## Committee membership



Pictured left to right: Alain Musikanth SC, Amy Pascoe, John Fiocco (**Convener**), Lindsay Fox SC, Griffin Ranson SC and Ms Clare Thompson SC.

Absent: Gary Mack (**Deputy Convener**), Gregory McIntyre SC, Rodney Hooper SC, Martin Cuerden SC, Maria-Luisa Coulson and Fraser Robertson.

### Membership as at 30 June 2022

- |                                      |   |
|--------------------------------------|---|
| ○ Mr John Fiocco ( <b>Convener</b> ) | ○ Mr Gary Mack ( <b>Deputy Convener</b> ) |
| ○ Mr Gregory McIntyre SC             | ○ Mr Rodney Hooper SC                     |
| ○ Mr Martin Cuerden SC               | ○ Mr Alain Musikanth SC                   |
| ○ Mr Lindsay Fox SC                  | ○ Ms Clare Thompson SC                    |
| ○ Mr Griffin Ranson SC               | ○ Ms Maria-Luisa Coulson                  |
| ○ Mr Fraser Robertson                | ○ Ms Amy Pascoe                           |

Our sincere thanks to:

- His Honour Justice Marcus Solomon, who was a member of the PAC from 2 April 2014 to 4 August 2021, prior to his appointment to the Supreme Court of Western Australia
- Her Honour Justice Amanda Forrester, who was a member of the PAC from 5 May 2017 to 31 May 2022, prior to her appointment to the Supreme Court of Western Australia

I would like to extend my sincere thanks for the contribution and support provided by Mr Gary Mack, the Deputy Convenor and my fellow PAC members for their consideration of the many matters dealt with before the PAC during the reporting period. Their diligence in dealing with and understanding the issues before the PAC constitute a significant contribution to meeting expectations of professional standards.

My gratitude is also extended to the Executive Director, Ms Libby Fulham, and all of the Board's staff. The day-to-day handling of matters concerning the suitability of members of the legal profession requires particular skill and patience, which is consistently demonstrated and is a significant undertaking.

The staff are to be congratulated for their efforts during the year and their diligent attention to the matters before the PAC.

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## Meetings of the Committee

PAC convened on 19 occasions between 1 July 2021 and 30 June 2022. This included 11 scheduled meetings and eight occasions where resolutions were made electronically or without meeting.

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## Suitability matters

Matters before the PAC in the 2021/22 period were considered under the LPA (now repealed).

With respect to its delegated power to issue practising certificates, in accordance with the LPA the PAC:

- must not grant a local practising certificate unless it is satisfied that the applicant is a “*fit and proper person*” to hold the certificate; or
- must not renew a local practising certificate if it is satisfied that the applicant is not a “*fit and proper person*” to continue to hold the certificate.

The various matters that may be taken into account when considering whether a practitioner is a “fit and proper person” to hold a practising certificate, include:

Whether a person:

- (a) is currently of good fame and character;
- (b) is or has been an insolvent under administration;
- (c) has been convicted of an offence in Australia or a foreign country;
- (d) has engaged in unauthorised legal practice in Australia or in a foreign country;
- (e) is currently subject to an unresolved complaint or an investigation, charge or order under the LPA, any of its predecessor(s) or a corresponding law;
- (f) is the subject of current disciplinary action, or has been the subject of disciplinary action involving a finding of guilt, in another profession or occupation in Australia or a foreign country;
- (g) has had their name removed from a roll of practitioners in Australia (and their name has not since been restored to that roll) or in a foreign country;
- (h) has had their right to engage in legal practice suspended or cancelled in Australia or in a foreign country;
- (i) has contravened, in Australia or a foreign country, a law about trust money or trust accounts;
- (j) has had a supervisor, manager or receiver appointed to their law practice under the LPA, any of its predecessor(s) or a corresponding Australian law;
- (k) is or has been disqualified from being involved in a law practice under the LPA, any of its predecessor(s) or corresponding Australian law;
- (l) is currently unable to carry out the inherent requirements of practice as an Australian legal practitioner.

Other matters pursuant to section 38(2) of the LPA, include whether a person:

- (a) has obtained an Australian practising certificate because of incorrect or misleading information;
- (b) has contravened a condition of an Australian practising certificate held by them;
- (c) has contravened the LPA, any of its predecessor(s) or a corresponding Australian law;
- (d) as contravened an order of the Legal Profession Complaints Committee or the State Administrative Tribunal or Supreme Court (Full Bench) or relevant appellate body exercising jurisdiction under the LPA or any of its predecessors or an order of a corresponding disciplinary body, tribunal or court;
  - i. has failed to pay a required contribution or levy to the Guarantee Fund; or
  - ii. has contravened a requirement imposed under this LPA about professional indemnity insurance; or
  - iii. has failed to pay other costs, expenses or fines for which the
  - iv. person is liable under this LPA or any of its predecessors; and
- (e) any other matters relating to the person the Board considers are appropriate.



With respect to each application for a practising certificate where a relevant suitability matter arises, the application is considered and determined on a case-by-case basis by the PAC as to whether the applicant is a “*fit and proper person*” to hold a local practising certificate.

Where a suitability matter in relation to a practitioner comes to the attention of the PAC during the currency of that practitioner’s local practising certificate, the PAC will consider whether to cancel or suspend the certificate, whether to impose conditions on the certificate, or take no action.

During the reporting period 361 separate “*suitability matters*” were considered by the PAC, Executive Director, Deputy Executive Director, or Manager Regulatory Operations under delegation of power. This is a slight increase from the 317 suitability matters considered in the previous reporting period.

### Disclosure of suitability matters

The Board approved guidelines for the disclosure of suitability matters for the purpose of:

- informing applicants and practitioners that the Board places a duty and onus on each to disclose any matter that could influence the Board’s decision, whether the person is “*currently of good fame and character*” and a “*fit and proper person*”; and
- informing applicants and practitioners that failure to do so, if subsequently discovered, can have serious consequences for an applicant or practitioner as they might be suspended, struck off the role of practitioners, or have an application for the grant or renewal of a local practising certificate refused, if they have not made a full disclosure; and
- providing guidance to the PAC on its considerations of whether the applicant or practitioner is “*currently of good fame or character*” and a “*fit and proper person*”, and PAC’s management of process in that regard.

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### Conditions on practising certificates

In some circumstances, the PAC may resolve that a practitioner should be granted or retain a practising certificate with certain conditions as part of the certificate. These conditions can include matters like restricting the practitioner to particular conditions concerning employment or supervision, restrictions on dealing with trust money, a requirement to undergo medical treatment, or a requirement to obtain a mentor.

Where appropriate, the PAC maintains a monitoring role as to the continuing necessity, appropriateness and sufficiency of the conditions imposed to meet public interest objectives.

During the reporting period, conditions were imposed on practising certificates on 11 occasions and conditions were removed from practising certificates on 6 occasions (these figures do not include the ‘*Barrister only*’ or ‘*Volunteer or pro bono only*’ conditions). These figures indicate a slight decrease in the numbers from the previous reporting period. There was a slight decrease in the number of practitioners disclosing traffic offences (including drink driving offences) and the number of practitioners being convicted of an offence or charged with a serious offence.

During the reporting period, there was an increase from one to two in the number of practitioners required to report on the maintenance of their trust account or to not operate or otherwise be involved in the operation of a trust account.

Seven practitioners sought to exclude their particulars from the public register. All were successful on the grounds their applications demonstrated special circumstances, being practitioners who work for intelligence agencies, being that the practitioners were running a law practice from a residence, appeared in matters where the parties either demonstrated a threat to personal safety or had provided threats to personal safety, and there was no reason not to grant the request.

One practitioner sought approval for a SAT decision to be removed from the Board’s ‘public register of disciplinary action’ pursuant to section 452 of the LPA. However, the application was dismissed by the Supreme Court of Western Australia.



### *'Barrister only' condition*

From 1 July 2012, the Board made available a *'Barrister only'* condition for imposition on a Barrister's practising certificate.

The wording of the *'Barrister only'* condition states:

*The holder requests and agrees pursuant to section 47(3)(i) of the Act, that the following conditions be imposed upon this practising certificate, namely:*

1. *The holder will while engaging in legal practice work solely as an independent Barrister, which comprises:*
  - (a) *appearing as an advocate;*
  - (b) *preparing to appear as an advocate;*
  - (c) *negotiating for a client with an opponent to compromise a case;*
  - (d) *representing a client in a mediation or arbitration or other method of alternative dispute resolution;*
  - (e) *giving legal advice;*
  - (f) *preparing or advising on documents to be used by a client or by others in relation to the client's case or other affairs;*
  - (g) *carrying out work properly incidental to the kinds of work referred to in (a) to (f); and*
  - (h) *such other work as is from time to time commonly carried out by Barristers.*
2. *The holder must, while engaging in legal practice be a sole practitioner, and must not:*
  - (a) *practise in partnership with any person;*
  - (b) *practise as the employer of any legal practitioner who acts as a legal practitioner in the course of that employment;*
  - (c) *practise as the employee of any person;*
  - (d) *be a legal practitioner director of an incorporated legal practice; or*
  - (e) *be a member of a multi-disciplinary partnership.*

The condition is set out in its entirety and attached to a Barrister's practising certificate.

Once imposed, the condition remains on the practising certificate until the Board removes the condition, after the application for removal has been accepted.

Barristers with the *'Barrister only'* condition imposed on their practising certificate must still comply with professional indemnity insurance and continuing professional development requirements.

The *'Barrister only'* condition can only be imposed by the Board on a Barrister's practising certificate with the agreement of the holder, pursuant to section 47(3)(i) of the LPA. The arrangement is voluntary. However a practitioner who does not agree to the *'Barrister only'* condition will not be entitled to use the name, title or description of "*Barrister*", as defined under item 7 in Regulation 5(2) of the *Legal Profession Regulations 2009* (now repealed) (**Rules**). The PAC, the Board's Executive Director, Deputy Executive Director, or Manager Regulatory Operations, exercised delegated power in considering requests for the imposition and removal of the *'Barrister only'* condition on practising certificates.

During the reporting period, the Board received 13 requests to impose the condition. The Board's Executive Director, Deputy Executive Director, or Manager Regulatory Operations imposed all the conditions under delegated authority. There were no applications to have the *'Barrister only'* condition removed during the year.

### *'Volunteer or pro bono only' condition*

From 1 July 2012, the Board made available a nil fee *'Volunteer or pro bono only'* condition for imposition on a practising certificate.

The wording of the *'Volunteer or pro bono only'* condition states:

*This practising certificate is issued free of fees on condition that the holder is only engaged in the provision of legal services on a not-for-profit basis and does not charge any person nor seek to recover a fee from any person, save that the holder may:*

1. receive remuneration via a costs order in a matter if the holder has accepted a referral to act in that matter under Rule 4.14 of the Federal Court of Australia Rules 2011 or under Part 12 of the Federal Circuit and Family Court of Australia (Division 2) (General Federal Law) Rules 2021;
2. recover from a person any out of pocket disbursements reasonably paid by the holder on behalf of a person.

The condition is set out in its entirety as an annexure to a practitioner's practising certificate.

Once imposed, the condition remains on the practising certificate until the Board removes the condition, after the application for removal has been accepted.

Practitioners with the '*Volunteer or pro bono only*' condition imposed on their practising certificate must still comply with professional indemnity insurance and continuing professional development requirements.

The '*Volunteer or pro bono only*' condition can only be imposed on a practitioner's practising certificate with the agreement of the holder, pursuant to section 47(3)(i) of the LPA. The PAC, the Board's Executive Director, Deputy Executive Director, or Manager Regulatory Operations, exercised delegated power in considering requests for the imposition and removal of the '*Volunteer or pro bono only*' condition on practising certificates.

During the reporting period the Board received 13 requests to impose the condition. No requests were refused. The Board's Executive Director, Deputy Executive Director, or Manager Regulatory Operations imposed all the conditions under delegated authority. This represents a decrease in the number of '*Volunteer or pro bono only*' conditions imposed (from 18 to 13).

The Admissions and Registration Committee (**Admissions Committee**) will also impose the '*Volunteer or pro bono only*' condition on practising certificates, if the practitioner has not previously held or has not held a certificate in the previous five years.

Further information on the Admissions Committee can be found in the overall report at page 25.

## Spent convictions

The disclosure of a spent conviction is necessary in order to assist the Board assessing whether the person is a "*fit and proper person*" to hold a practising certificate.

The *Spent Conviction Act 1988* provides that the Board and the former LPCC are exempt from the provisions of section 22 and Part 3 Division 4 in respect of all spent convictions. This means that Australian practitioners and applicants for the grant or renewal of a practising certificate are required to disclose a spent conviction to the Board and that the conviction may be taken into account in considering whether the applicant is a "*fit and proper person*". Additionally, if practitioners are handed a spent conviction during the practising certificate year, they are required to disclose this to the Board under the applicable provisions of sections, 8, 51, 61 or 62 of the LPA.

The above disclosure requirement extends to persons applying to become an Australian-registered foreign lawyer and Australian-registered foreign lawyers, as per sections 8, 179 and 180 of the LPA.

In the reporting period, the Board was notified of 3 practitioners who received a spent conviction as a result of a driving offence.

## Matters considered

The following table sets out the matters considered during reporting period and the outcome of that consideration.

### Matters considered

Matter	Outcome	Total
Pending disciplinary matter before the LPCC/ interstate disciplinary tribunal	Practising certificate issued notwithstanding the pending complaint and reservation of the Board's rights (144)  Notes information and requests advice be provided should there be any change to the matter (1)	149

Matter	Outcome	Total
	<p>Referred for investigation if appropriate to issue summons (1)</p> <p>Requested information received, pending LPCC outcome (1)</p> <p>Disciplinary investigation or outcome in foreign jurisdiction (2)</p>	
Practising certificate suspended/cancelled/not renewed	<p>Suspended until requested information provided (3)</p> <p>Not renewed. Not compliant with application requirements (2)</p> <p>Cancelled on request (1)</p> <p>Cancelled on charge. Since amended subject to conditions (1)</p>	7
Traffic offences, including drink driving	<p>No further action taken (21)</p> <p>Practitioner to advise Board if charged with any further offences, including traffic (1)</p> <p>No further action taken, disqualified from license, received fine and ordered to pay costs (4)</p> <p>Charged only. No further action (2)</p> <p>Conditions revoked (1)</p>	29
Convicted of offence	<p>Historic. Spent Conviction. Renewed, no further action (1)</p> <p>Conviction under Dog Act. Explanation provided, no further action (1)</p> <p>Breach of Family VRO (1)</p>	3
Charged with a serious offence	<p>Notes information and requests advice be provided should there be any change to the matter (6)</p> <p>Requests explanation for failure to respond (1)</p> <p>Notice issued for proposed cancellation, practitioner to advise why proposed action should not be taken (1)</p> <p>Accepted, Board not questioning suitability including reservation of rights (1)</p> <p>Accepted, no further action taken (3)</p> <p>Notes information and requests update on charges (1)</p> <p>Amended, conditions imposed (1)</p>	14
Contravened a law about trust money or trust accounts	<p>Matters to be finalised, Board to consider if fit and proper (4)</p> <p>Supervisor Trust Money appointed, notes ongoing failure to provide requested information (2)</p> <p>No further action taken (10)</p> <p>Accepted exemption (1)</p>	17

Matter	Outcome	Total
Health condition	<p>Condition managed. Practising certificate renewed with no further action (3)</p> <p>Renewed, subject to health assessment reporting to the Board (3)</p> <p>LPB Form 3 accepted and notice of cancellation provided to practitioner (1)</p> <p>Conditions revoked (1)</p>	8
Is or has become bankrupt	Conditions revoked	1
Insolvent law practice	Matter referred for conduct investigation and practitioner to advise Board if claim made for insolvent trading	1
Associate of law practice with appointment of a Manager	<p>Employee of law practice under Management. Explanation provided. Practising certificate issued (2)</p> <p>Former principal of law practice under Management. Disqualified from being employed by, or partner of a legal practitioner, or from managing an incorporated legal practice. Practising certificate issued (1)</p>	3
Entitlement to continue to hold practising certificate	<p>Practitioner to submit why they are a fit and proper and matter referred to LPCC (1)</p> <p>Board's decision does not preclude further action being taken in light of new information (8)</p>	9
Failure to comply with professional indemnity insurance requirements	<p>Refused to renew on the basis that the practitioner did not have professional indemnity insurance (4)</p> <p>Renewed, subject to compliance with LPA (1)</p> <p>Refused to renew, accepted as a grant with conditions being practitioner to write to affected clients and advise the Board that they have done so (1)</p>	6
Failure to respond to Board's requests	Refused to renew, no longer a fit and proper person and failed to comply with CPD compliance requests	1
Contravened the Act	<p>Practitioner to notify affected clients (5)</p> <p>No further action taken (28)</p> <p>Referred to Law Society NSW (1)</p> <p>Brief prepared to commence prosecution (9)</p>	43
Failure to comply with order of a court or tribunal	Accepted, subject to provision of evidence provided to the Board, no further action taken on non-compliance with SAT orders	1
Applicant subject to imposed mentoring conditions	<p>Refused to renew, accepted as a grant with conditions being supervision by a practitioner with minimum 10 years' experience (2)</p> <p>Condition imposed arrange mentor in area of law practitioner is practising in (1)</p>	5

Matter	Outcome	Total
	Accepted, subject to supervision by a practitioner with not less than five years' experience (2)	
Applicant subject to orders of the State Administrative Tribunal imposing conditions on practising certificate	Refused to renew as practitioner is no longer fit and proper as a result of SAT decision	1
Subject to the orders of the State Administrative Tribunal or the Supreme Court	Suspension of practising certificate (2) Referral to full bench of Supreme Court (2) Findings of professional misconduct (12) Findings of unsatisfactory professional conduct (2) Public reprimand (2) Dismissal of application in Supreme Court (3)	23
Name removed from foreign roll	Eligible for reinstatement upon payment of fee	2
Miscellaneous matters	Uniform Law matters (5) WorkCover insurance notice. Rectified, no further action (1) Local Government standards complaint. Explanation, no further action (1) Infringement for failure to vote. Explanation and no further action (1) Contravened the Act. With other Board committee. No further action (14) Disqualified from being employed by, or partner of a legal practitioner, or from managing an incorporated legal practice (1) An entity's once-off fee for wills (1) National Consumer Credit Protection Amendment (1) Royal Commission into the Management of Police Informants (3) Particulars from the public register of local legal practitioners (7) Commonwealth Litigation Funding Reforms (1) National Model Addressing Sexual Harassment (1) Request for SAT decision to be removed from Board's website, application refused until Supreme Court of WA rules SAT decision and report as invalid (1)	38
Total		361



## Failure to apply for renewal

Section 44 of the LPA provided that a person who holds a current local practising certificate must make an application to renew that certificate before it expires.

Section 44(4) provided that the Board may exercise its discretion to accept an application for renewal of a practising certificate lodged after the expiry of that certificate and treat it as if it were received prior to the expiry of the original certificate. That discretion is limited to the Board being satisfied that the delay was caused by:

1. reasons beyond the control of the applicant; or
2. other special circumstances warranting acceptance of the application.

The Board's Executive Director, Deputy Executive Director, and Manager Regulatory Operations were delegated power to accept applications for renewal made after 30 June 2021.

During the reporting period 17 applications to renew a practising certificates were lodged after 30 June 2021, and accepted. No late applications were refused.

These figures indicate a significant decrease in late applications (up to 30 June) from the previous reporting periods, decreasing from 39 to 17. Increased education and awareness has continued to be provided to the profession to minimise any renewals after 30 June. The Board's measures to ensure the profession is aware of the requirement to lodge an application to renew a practising certificate in the prescribed period appear to be having a positive effect.

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## Refund of fees

Rule 2 of the Rules provided that the fee payable for an application for the grant or renewal of a practising certificate is the relevant fee payable in Schedule 1 of the Rules.

Rule 55 provided that if the Board determines that, in a particular case, it is not practicable for a person to comply with any of the rules or that there are other special circumstances, the Board may excuse a person from complying with that rule to the extent and subject to any conditions determined by the Board.

The PAC, Executive Director, Deputy Executive Director, and Manager Regulatory Operations have the delegated power to excuse a person from complying with the Rules, if the non-compliance is of a trivial or technical nature, and subject to any conditions determined by the Board.

During the reporting period, the Board considered 34 applications for the refund of the fee payable for an application for the grant or renewal of a practising certificate. 23 applications were accepted and the applicants excused from complying with the Rules.

Of the 23 applications that were accepted, 1 was approved for a refund of the late fee payable, 7 were approved for the refund of the fee after the application was withdrawn, 12 were approved for the refund of the fee payable after overpaying the prescribed fee, 1 was approved in circumstances where the Board refused to accept the late application as a renewal application and instead considered it as the grant of a practising certificate, as the prescribed fee had not been paid on that occasion, and 2 applications were approved for withdrawal as the prescribed fee had not been paid. 3 applications were refused and the applicants were required to comply with the Rules.

These figures indicate a significant decrease from the previous reporting period in relation to refunds being considered, decreasing from 167 to 34. The Board will continue with its measures to ensure the profession is aware of the requirement to lodge an application to renew a practising certificate in the prescribed period. The Board is also updating its policy on the refund of fees accompanying an application for a local practising certificate.

In addition, 17 applications were considered to waive the requirement to pay the prescribed fee under the Rules in circumstances where the application was seeking the imposition of the '*Volunteer or pro bono only*' condition to be imposed on a practising certificate. All applications were accepted and the prescribed fee not paid.

## Lay Associates

Section 15(2)(a) of the LPA provided that a law practice must not have a lay associate whom any principal or other legal practitioner associate of the practice knows to be an Australian lawyer unless the lay associate is approved by the Board under section 15(3).

Section 15(3) provided that the Board may, on application by a law practice or the lay associate, approve a lay associate.

The Executive Director, Deputy Executive Director, or Manager Regulatory Operations had the delegated power to approve a prospective lay associate application, except in cases where the approval would be outside a policy approved by the Board. In those instances and where the Executive Director did not approve the application, the application was considered by the PAC. There were three lay associate applications considered and approved by the PAC.

In June 2015, the Board delegated to the Executive Director and Manager Regulatory Operations (then Deputy Executive Director), the power to consider a breach of section 15(2) of the LPA and decide to take no action, if satisfied that the breach was inadvertent and if there have been no breaches of the LPA by the law practice or the lay associate. 37 applications were considered where the associate had commenced working for the law practice prior to obtaining approval from the Board. None of the matters were taken any further.

During the reporting period, 75 applications were made and approved for prospective lay associate approval.

These figures indicate a significant decrease in the number of lay associate matters compared to the previous reporting period (from 170 to 75).

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## Business structures

In the reporting period, the Board was notified of the commencement of 100 Incorporated Legal Practices (**ILPs**) and notified that 20 ILPs ceased. This brings the total number of ILPs in Western Australia to 935. The Board was not notified of the commencement of any new Multi-Disciplinary Practices (**MDPs**) and no MDPs ceased. Therefore, total number of MDPs in Western Australia remains at 12.

The PAC considered nine instances of the failure of an ILP to give the Board the required notice of its intention to commence providing legal services in possible contravention of section 102 of the LPA. A corporation that contravened section 102 was not entitled to recover any amount for any legal services provided during the period of time it was in default and is also liable to be fined.

The PAC considered that all nine ILPs may have breached their obligations under section 102 of the LPA. All were required to write to each affected client to inform those clients of the position and advise them of their right to request a refund of fees pursuant to section 102 of the LPA, then to advise the Board in writing that this had been done.

The PAC considered 3 instances of an ILP's failure to give the Board the required notice of its ceasing to provide legal services in possible contravention of section 104 of the LPA. A corporation that contravenes section 104 is liable to a fine. In all cases, the PAC noted explanations from the corporations as to the circumstances of their apparent breach of the LPA.

The PAC accepted undertakings provided the law practice advises of the methods to ensure the public and clients are aware a director or partner of a law practice is not an Australian legal practitioner holding an unrestricted practising certificate.

The PAC considered no instances of a legal practitioner in an existing MDP failing to give the Board the required notice of intention to commence practice before commencing to provide legal services in possible contravention of section 133 of the LPA. A legal practitioner who contravened section 133 was liable to be fined. If this should occur, the Board usually notes the explanation from the MDP and the legal practitioner as to the circumstances of the apparent breach of the LPA.

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## Trust account investigations

The PAC has responsibility for ensuring that practitioners are complying with the requirements prescribed for the administration and management of trust accounts.

Section 237 of the LPA required a law practice to have an external examination of its trust records each financial year.

Section 239 of the LPA required a law practice to have a final external examination of its trust records within 60 days of closing a trust account.

In June 2015, the Board delegated to the Executive Director, Deputy Executive Director, and Manager Regulatory Operations the power to consider a breach of sections 237 and 239 of the LPA and decided to take no action, if satisfied that the law practice has not held or received trust money exceeding \$1,000 during the relevant period, and if there are no other matters of concern in relation to the law practice or the principal(s) of the law practice. Where the Executive Director or Manager Regulatory Operations did not consider the breach, the breach was considered by the PAC.

During the reporting period, 4 matters were considered where the law practice sought the Board to exercise its discretion to grant an exemption in relation to an omission to have an external examination in the current financial year. On all occasions, the Board exercised its discretion to not take any action in relation to omissions to have an external examination or final external examination.

The Board considered the designation of an external examiner on 6 occasions granting status as a designated Accountant qualified to be an external examiner.

The Board considered 4 matters where the practitioner contravened a law about trust money or a trust account.

- On one occasion the principal was suffering from health issues.
- On three occasions a Supervisor of Trust Money has been appointed. The Board has reserved its rights to consider whether the practitioner remains a fit and proper person to hold a practising certificate.

Information on trust account investigations can be found in this report at page 61.

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## External Intervention

Part 14 of the LPA empowered the Board (or, in this instance its delegate the PAC), when it becomes aware of specific circumstances, to appoint a supervisor of trust money of a law practice, to appoint a Manager for a law practice or to apply to the State Administrative Tribunal for an order appointing a receiver for a law practice. In making its determination, the PAC considered, amongst other things, the interests of the clients of the practice in relation to trust money or trust property.

The table below shows the number of external interventions undertaken in 2021/22.

External intervention

Section of Act	Type of external intervention	Opening balance	Commenced	Closed	Closing balance
Part 14 Division 3	Supervisor of Trust Money	3	3	4	2
Part 14 Division 4	Manager	10	3	4	9

When appropriate, the PAC also provided informal assistance to practitioners to help them manage or wind up their practices without the need for formal intervention.

The number of external intervention matters has decreased by 15% from the last reporting period.

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## Unqualified legal practice

The PAC is responsible for investigating complaints regarding, and if required, instituting proceedings against, unqualified persons who perform legal work for reward or who hold themselves out as legal practitioners.

It is an ongoing concern to the PAC that the public is exposed to the risks of unqualified people offering so called 'legal services'. A member of the public utilising those services can have no confidence that the person providing the services has any minimum level of legal training or competence or the protection of professional indemnity insurance.

Unqualified people are not subject to the statutory, professional, and ethical obligations that are imposed upon legal practitioners for the purpose of safeguarding the interests of clients, and who have dealings with other legal practitioners, and the administration of justice.

If a member of the public is dissatisfied with the legal services provided by an unqualified person or that person's conduct towards them, there is no recourse to the LSCC nor, in the case of loss or damage being suffered, is there recourse to the mandatory statutory professional indemnity scheme.

During the reporting period, the Board was notified, or became aware, of 14 new matters regarding possible unqualified legal practice or representing an entitlement to engage in legal practice when not entitled to do so.

This is to be contrasted with the 18 new matters during the previous reporting period. The instances of unqualified legal practice decreased in the last reporting period for the second year.

The Board is developing guidelines with regard to the prosecution of unqualified legal practice that will assist in the investigation and consideration of these matters. Of the new matters considered:

- One matter involved an Australian lawyer in another jurisdiction. The matter was referred to that jurisdiction's legal services regulatory body.
- One matter involved a foreign lawyer using the title of 'associate' without the qualifying statement of place(s) of jurisdiction following it. This was resolved once the title was corrected in the relevant locations and a satisfactory explanation provided.
- Two matters involved the use of prohibited titles or representations of an entitlement to engage in legal practice on websites and social media sites. All were resolved after the unqualified persons amended the offensive content and provided explanations for the conduct being the subject of the complaint
- Four matters were unsubstantiated and were taken no further.
- Six matters were resolved to prepare a brief for prosecution.
- One matter was referred to the WA Police.
- One matter involves the continuation of legal practice while holding a cancelled or suspended practising certificate.

The PAC does not believe the public interest always requires it to bring prosecution proceedings, even when it is satisfied there are reasonable prospects of success. The PAC recognises that there are, in some instances, other more cost-effective ways to protect the interests of the public and the reputation of the profession as opposed to prosecution through the court system and in those cases appropriately exercises its discretion accordingly.

# Professional Development Committee

## About the Committee

The Professional Development Committee (**PDC**) exercises powers delegated to it by the Board in relation to continuing professional development and legal education.

The role of the PDC is to determine and review policy in regard to legal education and continuing professional development (**CPD**).

The PDC monitors compliance with continuing professional development obligations and imposes conditions on practising certificates where required. The PDC also monitors the practice management course condition imposed on practising certificates, as well as practice management course providers.

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## Message from the Convener



### Mr John Syminton

The competence of the legal profession is fundamental to advancing the administration of justice.

The past year has continued to see the impact of COVID-19 on the delivery of CPD activities, both in access to activities and format.

The benefits of our new online CPD management system are being realised. While the focus has been on managing the broader system implementation, the improved data and associated insights will enable greater oversight and management of CPD, and legal education more broadly across the profession.

I am pleased to have continued in the role of Convenor of the PDC and that 2021/22 has been another successful year. This success would not be possible without the significant contribution of committee members and the highly competent support provided by staff.

I look forward to the challenges in the year ahead, particularly with the introduction of the Uniform Law and the changing landscape to legal education, both in its delivery and scope.

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## Meetings of the Committee

The PDC convened on 10 occasions between 1 July 2021 and 30 June 2022. This included nine scheduled face to face meetings, with attendance in person and via video-conference, and one occasion where resolutions were made electronically without meeting.

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## Committee Membership



*Pictured left to right:* Libby Fulham (**Executive Director**), Martin Cuerden SC, John Syminton (**Convener**) Ms Karen Farley SC.

*Absent:* Rebecca Heath (**Deputy Convener**), Stephen Wright SC, Gary Cobby SC, Jason MacLaurin SC, Matthew Curwood SC, Steven Jones SC, Terence Palmer SC, Patricia Femia, Gary Mack and Fraser Robertson.

### Membership as at 30 June 2022

- |  |   |
|--|---|
| ○ Mr John Syminton ( <b>Convener</b> )                     | ○ Ms Rebecca Heath ( <b>Deputy Convener</b> )               |
| ○ Ms Karen Farley SC                                       | ○ Mr Martin Cuerden SC                                      |
| ○ Mr Stephen Wright SC                                     | ○ Mr Gary Cobby SC  |
| ○ Mr Jason MacLaurin SC                                    | ○ Mr Matthew Curwood SC                                     |
| ○ Ms Patricia Femia  | ○ Mr Terence Palmer SC ( <i>appointed 9 February 2022</i> ) |
| ○ Mr Fraser Robertson                                      | ○ Mr Gary Mack  |
| ○ Mr Steven Jones SC ( <i>appointed 17 November 2021</i> ) |   |

Our sincere thanks to Her Honour Justice Robin Cohen who was a member of the PDC from 12 November 2021 to 31 January 2022, prior to her acting appointment as a Magistrate of the Family Court of Western Australia and her permanent appointment to the Federal Circuit and Family Court of Australia and Family Court of Western Australia.

I would like to extend my sincere thanks for the contribution and support provided by Rebecca Heath, the Deputy Convenor and my fellow PDC members for their consideration of the many matters dealt before the PDC during the reporting period. Their thorough understanding of the matters raised embodies their dedication to ensuring the profession maintains a high standard of competence.

My thanks are also extended to the Executive Director, Ms Libby Fulham, and all of the Board's staff. The day-to-day management of the delivery of quality and relevant legal education is a significant undertaking. The staff are to be congratulated for their efforts during the year and their diligent attention to the matters before the PDC.

## Practice management scheme

In 2014/15, the Board directed the introduction of a mandatory Practice Management Course (**PMC**) for all practitioners wishing to practise in the capacity of a principal of a law practice.

It was decided that the PMC would be introduced through the imposition of a condition on the practising certificate of all practitioners who were not practising as a principal of a law practice as at the date of introduction of the scheme, that being 1 July 2016 (**PMC Condition**).

The PMC Condition requires the successful completion of the PMC before the practitioner can engage in legal practice as a principal of a law practice. Practitioners may seek a revocation or variation of the condition by application and must give notice to the Board of their intention to commence practising as a principal of a law firm.

The College of Law continues to be the only approved external provider of a PMC in Western Australia.

Practitioners may seek a revocation or variation of the PMC Condition by application to the Board and must give notice to the Board of their intention to commence practising as a principal of a law practice. This includes barristers. However, a barrister may seek to vary the PMC Condition to make its effect nugatory while the practitioner practises only in the manner of a barrister, has the 'Barrister only' condition imposed on the practitioner's practising certificate and has completed, or has undertaken to complete, a suitable course for practice as a barrister that is approved by the WA Bar Association, or equivalent, within a specified period of time, or if the practitioner has the demonstrated skills or experience to practise as a barrister.

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## Decisions regarding PMC matters

The PDC, the Board's Executive Director and the Board's Manager Regulatory Operations exercise delegated power in considering applications for variation and revocation of the PMC Condition. During 2021/22, 313 applications for the variation or revocation of the PMC Condition were considered. This represents an increase in the overall number of applications, from 273 in the last reporting period to 313. Please see the tables below.

### Variation of PMC Condition

Application type – variation	Decisions by PDC	Decisions by the Executive Director or Manager Regulatory Operations
Approved a variation of the PMC Condition	1	96
Approved a further variation to the PMC Condition (time extension)	0	33
Approved a variation of the PMC Condition for Barristers, subject to completion of an approved 'Bar Reader's course' within two years	0	14
Approved a further variation to the PMC Condition for Barristers, subject to completing an approved 'Bar Reader's course' within two years	0	6
Approved a variation from the PMC Condition practising as a Principal on a 'Volunteer or pro bono only' basis	0	0
<b>Total variations approved</b>	<b>1</b>	<b>149</b>

## Revocation of PMC Condition

Application type – revocation	Decisions by PDC	Decisions by the Executive Director or Manager Regulatory Operations
Approved the revocation of the PMC Condition on the basis that the practitioner had completed an approved local practice management course	1	142
Approved the revocation of the PMC Condition on the basis that the practitioner had completed an interstate or overseas approved practice management course	0	4
Approved the revocation of the PMC Condition on the basis that the practitioner had demonstrated the requisite skills or experience to practise as a Principal	0	13
Approved the revocation of the variation on the PMC Condition no longer practising as a Principal. PMC Condition to remain	0	1
Approved revocation of the PMC Condition incorrectly imposed on local practising certificate	0	0
<b>Total revocations approved</b>	<b>1</b>	<b>160</b>

Any breach of the PMC Condition or undertaking is considered on a case-by-case basis.

## Refused revocation of PMC Condition

Application type – revocation	Decisions by PDC	Decisions by the Executive Director or Manager Regulatory Operations
Refused application for the revocation of the PMC Condition, instead approving imposition of a variation to a PMC Condition	0	2
Refused application for the revocation of the PMC Condition	0	0
Refused application for the revocation of the PMC Condition after the practitioner successfully completed an approved PMC, as the practitioner expressed no intention of practising as a Principal of a law practice	0	0
<b>Total revocations refused</b>	<b>0</b>	<b>2</b>

## CPD

The PDC continued to monitor the mandatory CPD scheme between 1 April and 31 March requiring practitioners to complete at least 10 CPD points, with at least six being interactive, across four competency areas (**CPD Condition**). CPD points continued to be earned by completing minimum periods of time in an approved activity, being 0.5 points for every 30 minutes.

## Variations to the CPD Condition

A practitioner can seek a variation to the CPD Condition on a case-by-case basis. The circumstances in which the Board may consider a practitioner's application for a variation to the CPD Condition include:

- parenting leave;
- completing equivalent CPD activities while practising in another jurisdiction;
- absence from legal practice due to illness;
- a practitioner engaged in legal practice for a period exceeding 40 years; or
- other circumstances.

## CPD Variations

During 2021/22, the Board processed variations to the CPD Condition, as detailed in the table below.

The number of applications for a variation of the CPD Condition has decreased from 369 in the last reporting period to 239 received in 2021/22, 143 were assessed and 11 were withdrawn before 1 July 2022. This represents a 35.2% decrease in the number of variation of the CPD Condition applications received.

### CPD variation

CPD variation	Total received	Approved	Not approved/ withdrawn	Outstanding as at 1 July 2022
Parenting leave	124	109	8	7
Overseas	101	31	1	69
Illness	6	1	1	4
Exceeding 40 years in legal practice	3	1	1	1
Other circumstances	5	1	0	4
<b>Total</b>	<b>239</b>	<b>143</b>	<b>11</b>	<b>85</b>

## CPD management system

In February 2021, the Board's online CPD Management System (**CPDMS**) went live for use by approved CPD providers. For the first time, the CPDMS has been used to monitor and assess CPD compliance for all practitioners who held a practising certificate for the CPD period ending 31 March 2022.

With the introduction of the CPDMS, there have been significant changes to how CPD is managed. The onus is now on the approved CPD providers and the providers of approved CPD events to upload attendance records and point allocations into the CPDMS. Practitioners are then able to monitor their CPD compliance via the information uploaded.

In previous years the Board has conducted an audit of approximately 10% of the profession. However, the CPDMS has effectively meant every practitioner who held a practising certificate has had their CPD compliance audited, removing the need to conduct the traditional resource heavy CPD audit based on a random sample, a time consuming exercise without the benefit of empirical evidence of trends or issues.

## CPD compliance

Of the practising certificate renewal applications received for the year commencing 1 July 2022, 267 practitioners declared that they had not complied with the CPD Condition. This is a 30.9% increase from the previous reporting period in which 204 practitioners declared that they had not complied with the CPD Condition in the previous reporting period. This increase can be attributed to the increased transparency in

compliance enabled by the CPDMS combined with the delay of some CPD providers in uploading attendance records and point allocations into the new CPDMS.

The outcomes of these disclosures are set out in the table below.

### Disclosure non-compliance with CPD Condition

Declaration of non-compliance with the CPD Condition on local practising certificates	2018/19	2019/20	2020/21	2021/22
Practising overseas and the Board approved an application for a variation of the CPD Condition	38	59	80	31
Cited illness and the Board approved an application for a variation to the CPD Condition	4	2	3	1
Cited other reasons and the Board approved an application for a variation to the CPD Condition	5	5	12	1
Admitted post 1 April 2019 or had not held a practising certificate for the CPD period	6	0	15	27
Practitioner is no longer practising	0	1	0	2
Answered “no” by mistake and on review was found to have complied with the CPD Condition	4	10	3	0
Answered No at Renewal and declared that they had not met their CPD compliance. Additional CPD Condition imposed on their practising certificate requiring them to complete the outstanding CPD points in specific competency areas, and providing periodic reports of their successful completion of CPD points to the Board	41	52	58	2
Complied once application for Single CPD Activities was submitted and approved	5	0	13	101
Complied once application by non-QA Approved Provider was submitted and approved	n/a	2	6	45
Practitioner was awaiting a response from the Board regarding the outcome of their Audit	1	0*	11	0
Practitioner awaiting response from the Board regarding previous Additional CPD Condition compliance outcome	3	6	0	0
Ongoing communication between Practitioner and the Board	6	1	1	30
Referred to Professional Affairs Committee	1	0	0	0
Referred to Professional Development Committee	1	5	2	0
Practitioner withdrew renewal application prior to Additional CPD Condition being imposed	n/a	1	0	27
<b>Total</b>	<b>115</b>	<b>144</b>	<b>204</b>	<b>267</b>

\*No Audit carried out.



While 267 practitioners declared non-compliance with CPD in their practising certificate renewal application, internal checks and reporting through CPDMS identified 999 practitioners who were non-compliant with CPD requirements as at 31 March 2022. Of these, 37% did not achieve the required 10 points, 16% did not achieve the required 6 interactive points, and 32.5% did not achieve the required CPD points in each competency area. This non-compliance has been assessed and, where appropriate, a condition has been imposed on practising certificates for the year ending 30 June 2023 to enable practitioners to rectify the discrepancy. The decisions made to impose the additional condition will be reported in the 2022-2023 annual reporting period.

The non-compliance is shown in the table below.

#### CPD Non-compliance

Area of Non-compliance	2021/22
Number of CPD Points	369
Interactive CPD Points	160
Competency Areas	325
Number of CPD Points, Interactive CPD Points, and Competency Areas	145
<b>Total</b>	<b>999</b>

#### Conditions imposed for non-compliance with CPD requirements

The PDC, the Board's Executive Director or Manager Regulatory Operations exercise delegated power to impose conditions on a practitioner's practising certificate, where it is decided that it is appropriate to do so.

A condition requiring the practitioner to complete additional CPD activities was imposed on 18 practising certificates relating to the 2021/22 CPD period. The condition required those practitioners to complete additional CPD points in specific competency areas as rectification of the breach, and provide to the Board periodic reports of their successful completion of CPD activities. Compared to the previous reporting period there is a 79.3% decrease. This decrease is as a result of several factors including:

- the removal of CPD audits as a result of the implementation of the CPDMS;
- changes to the general processing of applications as a result of the Board's new organisational structure; and
- the implementation of the *Legal Profession Uniform Law (WA)*.

#### Additional CPD Condition

Additional CPD Condition	2018/19	2019/20	2020/21	2021/22
Additional CPD Condition imposed	70	96	87	18
Compliance with additional CPD Condition imposed	36	41	24	54
Breach of additional CPD Condition	34	55	63	28
Compliant – breach of additional CPD Condition in previous financial year	4	30	6	76
Non-compliant – breach of additional CPD Condition in previous financial year	0	4	2	5

## Approval of QA providers and single CPD activities

During 2021/22, the Board received 99 applications for approval as a QA provider of CPD. This is a 27.2% decrease from the 136 received in the previous reporting period. Please see the table below for a breakdown of the different provider categories in which applications were received. In 2021/22, the Board assessed 87 of the applications received.

### QA provider applications

QA provider applications	Total received	Approved	Not approved/ withdrawn	Outstanding as at 1 July 2022
Commercial provider	2	2	0	0
Legal education provider	4	4	0	0
Community group or small non-commercial member organisation	5	1	0	4
Community legal centre	0	0	0	0
Discussion group	3	3	0	0
Law practice category	43	39	0	4
Additional activities within law practice category	42	38	0	4
<b>Total</b>	<b>99</b>	<b>87</b>	<b>0</b>	<b>12</b>

The Board received 68 requests from organisations to approve CPD activities delivered on a single activity basis. This is significant decrease from the last reporting period where 109 requests were received. Please see the table below.

### Non-QA provider applications

Non-QA approved provider applications	Total received	Approved	Not approved	Outstanding as at 1 July 2022	Received 2020/21 processed 2021/22
1-2 hour activity	51	36	6	9	105
Half day activity	6	5	0	1	15
Activity longer than half day	11	4	3	4	15
<b>Total</b>	<b>68</b>	<b>45</b>	<b>9</b>	<b>14</b>	<b>135</b>

The Board received 108 requests from practitioners to approve attendance at CPD activities that were not approved through the relevant organisations as single activities or delivered by a QA Provider. This is a minor increase from the last reporting period when the Board received 102 requests. Please see the table below.

### Single CPD activity applications

Form 3 applications	Total received	Approved	Not approved/ withdrawn	Outstanding as at 1 July 2022
Single CPD Activity by individual practitioner	108	95	13	0

The table below sets out the breakdown of CPD applications the Board has received over the past eight years, identifying an overall decrease in applications from the previous reporting period.

#### CPD applications

Application type	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
QA providers	15	47	64	55	135	71	136	99
Individual activities by non-QA provider	160	131	79	92	296	105	109	68
Single activities by an individual practitioner	152	188	147	207	202	124	102	108
Variation of CPD Condition	100	84	99	143	229	273	369	239
<b>Total</b>	<b>427</b>	<b>450</b>	<b>389</b>	<b>497</b>	<b>863</b>	<b>573</b>	<b>691</b>	<b>514</b>

# Leadership and Administration



## Leadership

### Executive Director

The Executive Director of the Board, Libby Fulham is responsible for the day-to-day operations and to ensure that:

- The Board's functions are performed, and its decisions and policies are implemented promptly and efficiently.
- The Board's human resources are supported, supervised and managed in accordance with best practice.
- The Board's financial resources are protected and managed in accordance with effective financial controls.

### Senior Leadership Team

Supporting the Executive Director is the Senior Leadership Team (**SLT**), who is comprised of the following staff who are responsible for their respective Directorates.



### Russell Daily

Law Complaints Officer/ Director Investigations and Review  
(appointed 10 February 2020)



### Jean Mileto

Director Enquiries and Complaints (appointed 2 May 2022)



### Kate Malcolm

Senior Manager Strategy and Business Services (appointed 9 May 2022)



The role of the SLT is to:

- Work collaboratively with the Board and be forward-thinking in setting goals that align with the Board's vision.
- Proactively understand and drive the scope of the Board, building and aligning stakeholders and combining resources for efficiency and achieving outcomes.
- Work collectively and clear through complex key issues and problems.
- Attract, develop and retain high performers to ensure the right skills and motivations are in place to meet business needs.
- Considers information from multiple sources and integrates it to drive decision-making and optimise performance.
- Accept, embrace and work across the organisation to drive change.

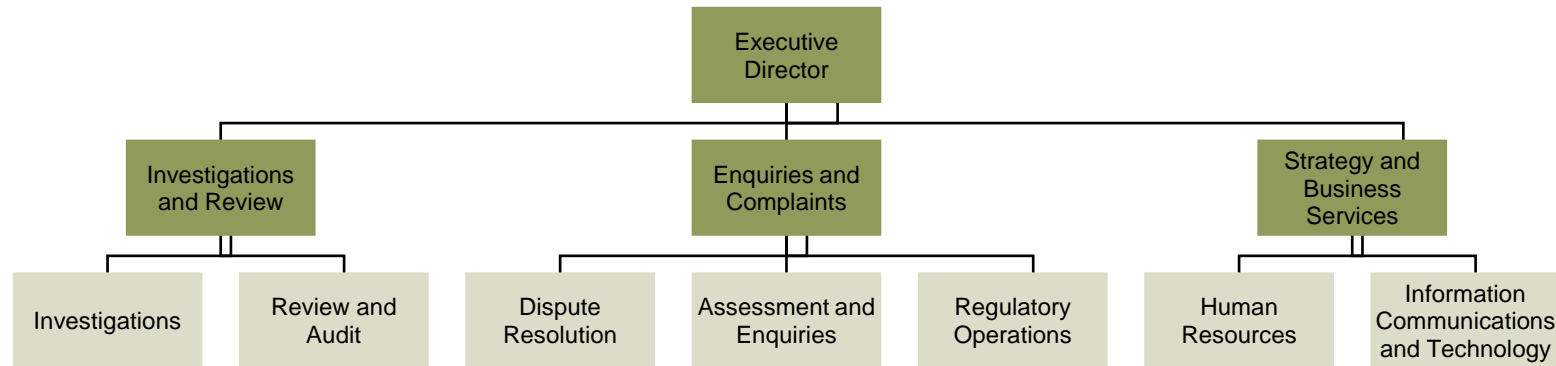
The SLT meet weekly and its objectives are to provide a forum where matters can be discussed and decisions can be collectively made that will advance the leadership of the Board's corporate operations and activities.



Pictured left to right: Jean Mileto, Libby Fulham, Russell Daily and Kate Malcolm.



## Organisational Chart



### Directorate responsibilities

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>○ Administering disciplinary/ complaints management and practice examinations.</li> <li>○ Responds to, assesses and allocated disciplinary, suitability or breach complaint matters.</li> <li>○ Case manages disciplinary, investigations and/ or litigable matters.</li> <li>○ Plans and carries out practice and trust related investigations, reviews and audits.</li> <li>○ Investigates professional misconduct matters and other practice related complaints.</li> <li>○ Plans, schedules and undertakes reviews and audits of practice and financial aspects.</li> <li>○ Escalates issues arising from reviews and audits to Dispute Resolution or Investigations and Litigation.</li> <li>○ Provides regulatory advice and administrative support to the Board and its Committees, overseeing disciplinary and complaint matters.</li> </ul> | <ul style="list-style-type: none"> <li>○ Handling enquiries and complaints and triaging enquiries.</li> <li>○ Manage a resolve simple disputes.</li> <li>○ Assess information and documentation for admissions, registration, and continuous professional development process.</li> <li>○ Ensures compliance across processes and where actual or suspected non-compliance and responds accordingly.</li> <li>○ Provides regulatory advice and administrative support to the Board and its Committees, overseeing admissions, registration and professional development of practitioners and administers the statutory requirements for practising lawyers.</li> <li>○ Develop and improve risk-based, intelligence led approaches to enhance compliance outcomes and inform the Board's priorities.</li> </ul> | <ul style="list-style-type: none"> <li>○ Coordination of planning, policy, strategic engagement, project governance and corporate performance management monitoring and reporting, policy development and review processes.</li> <li>○ Provide policy leadership for all regulatory functions and profession issues, inclusive of a governance program to support Board and Committee engagement and annual regulatory planning activities.</li> <li>○ Management of strategic engagement relationships.</li> <li>○ Provide in partnership with the business technological, human resource, records management and financial services.</li> <li>○ Provide an end-to-end solution for strategic financial and risk management services, as well as people and culture initiatives.</li> </ul> |
|---|---|--|

## Board employees

As at 30 June 2022, the following numbers of employees were in full-time, part-time or contract employment with the Board:

Divisions	Number of employees
Legal Practice Board <i>(including Legal Profession Complaints Committee)</i>	56
Trust Account Inspector	1
Chairperson	1

The FTE count as at 30 June 2022 is 57 FTE's (excluding Chairperson).

## Salaries

Difference between the salary costs from 30 June 2019 and 30 June 2022 is provided below:

Division	30 June 2019	30 June 2020	30 June 2021	30 June 2022
Legal Practice Board <i>(including Chairman)*</i>	\$2,001,076.63	\$2,048,682.28	\$2,275,350.69	\$4,764,812.73
Legal Profession Complaints Committee	\$2,623,668.27	\$2,527,128.81	\$2,472,428.84	n/a
Trust Account Inspector	\$506,287.79	\$369,130.81	\$278,681.00	\$321,982.90
<b>Total</b>	<b>\$5,131,032.69</b>	<b>\$4,944,941.90</b>	<b>\$5,026,460.53</b>	<b>\$5,086,795.63</b>

*\*Legal Practice Board June 2022 figures include staff who were employed by the Legal Profession Complaints Committee as part of the restructure.*

## Statistics

<b>56</b> Employees	Average tenure at the Board is <b>4.06</b> years	<b>21-73</b> Age range <b>41</b> Average age	Representation of <b>10</b> cultures and nationalities
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Female employees		Male employees	
<b>59%</b> Total	<b>18%</b> In leadership roles	<b>41%</b> Total	<b>21%</b> In leadership roles

# Trust Accounts

The Review and Audit Team investigate and report on trust accounting matters to the Board, the LPCC, the Legal Contribution Trust and the legal profession.

## Trust account educative seminars

In 2021/22, the Review and Audit Team presented three seminars under the subject title of 'Trust Accounting Requirements: A Refresher and Current Issues'. The seminars attracted a total of 175 attendees and these numbers included not only legal practitioners, but also support staff who deal with the trust account. These seminars are an excellent opportunity for practitioners to not only update their knowledge on trust issues, but to also connect with the Board and fellow practitioners.

The Review and Audit Team also provided presentations through organisations such as the College of Law, Legalwise and the Australasian Legal Practice Management Association. These presentations dealt with what issues a legal practitioner should be aware of when maintaining a trust account.

## Reporting of trust irregularities

The reporting of irregularities to the Board is a statutory requirement as per section 227 of the LPA. The table below sets out the number of reported trust account irregularities during 2021/22.

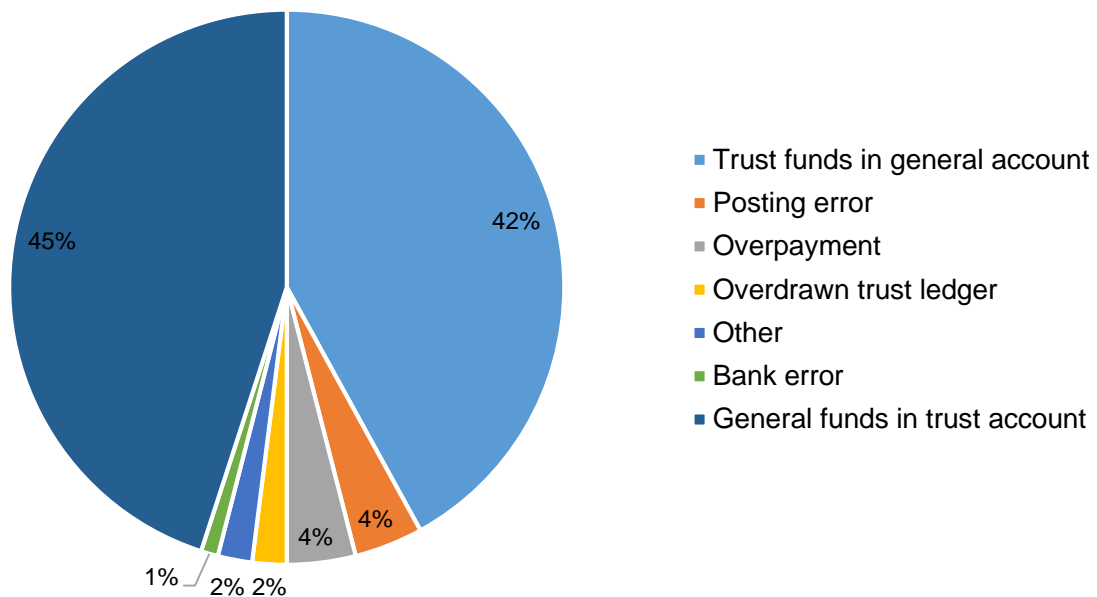
### Trust irregularities reported past 10 years

Quarter ended	30 September	31 December	31 March	30 June	Total
2012/13	208	160	199	277	844
2013/14	239	218	221	278	956
2014/15	217	239	236	349	1,041
2015/16	321	255	384	449	1,409
2016/17	331	312	345	347	1,335
2017/18	399	408	353	274	1,434
2018/19	213	227	611	425	1,476
2019/20	774	717	495	635	2,621
2020/21	967	1,372	1,125	1,830	5,294
2021/22	154	1,266	1,313	1,350	5,476

Figures for irregularities do not include irregularities identified and reported as part of the annual external examination (audit) process. Categorised for 2021/22, the errors comprised:

- 42% trust funds deposited in error to the general bank account by either the client or the law practice and the overpayment of invoices.
- 45% general funds deposited in the trust account in error by clients with respect to the payment of tax invoices, clients using the wrong bank account or the law practice incorrectly processing the deposit.
- 4% posting error where funds deposited to the incorrect trust client ledger.
- 4% overpayment of funds from trust.

- 2% overdrawn trust ledgers due to transposition errors, bank errors and drawing against uncleared funds.
- 2% clerical and other errors.
- 1% related to bank errors, generally fees being charged to trust but also lost deposits, delay in processing deposits and processing to the incorrect account.



There has been a 3.4% increase in the number of irregularities reported in 2021/22 in comparison to 2020/2021.

## External Examiners Report

All law practices that operate a trust account are required to have their trust records externally examined by a Board approved external examiner each year. The external examiner must submit an External Examiners Report ('EER') (including a declaration and statement from the practitioner) to the Board by 31 May of each year, covering the previous 12 month period from 1 April to 31 March of the following year. The submitted report includes an assessment by the examiner as to whether the trust account has been properly maintained or not.

For the examination period ended 31 March 2022, there were 806 law practices that were required to lodge an EER. As at 30 June 2022, 750 EER have been received and the remaining law practices have either requested an extension or are being followed up.

All reports received are reviewed by the Review and Audit Team and so far, 175 of these reports have been reviewed. The information collected through these annual audits is useful in considering complaints or regulatory issues that come to the Board's attention.

### External Examiner's Reports

	2017/18	2018/19	2019/20	2020/21	2021/22
Law practices with trust accounts	701	765	746	764	806
EERs lodged and approved	626	720	675	255	175
EER received to be reviewed	0*	0*	0*	267	750
Waivers granted	33	28	30	267	36
EERs outstanding	8	17	41	34	56

	2017/18	2018/19	2019/20	2020/21	2021/22
EERs reviewed	626	720	675	255	175
EERs qualified	65	46	17	2	1
EERs qualified %	10%	6%	3%	1%	1%

## Inspections

Trust account investigations are drawn from the Board's regular investigation program as well as issues that are reported to the Board, and form a key part of the Board's regulation of trust money and trust accounts. A target list of routine investigations is generated each December to obtain a current list for the following year.

The table below sets out the number of law practices investigated by the Review and Audit Team, including routine and causal investigations.

### Trust account investigations

Year	Commenced	Finalised	Pending	Conducted by
2011/12	19	2	21	Board only
2012/13	17	4	16	Board only
2013/14	17	4	17	Board only
2014/15	17	0	21	Board only
2015/16	26	0	27	Board only
2016/17	29	0	29	Board only
2017/18	17	1	16	Board only
2018/19	100	82	15	Trust Account Team
2019/20	84	84	7	Trust Account Team
2020/21	117	108	13	Trust Account Team
2021/22	58	71	5	Trust Account Team



# Information Communications and Technology

The Board's Information, Communications and Technology (**ICT**) Team provide a range of internal support services including ICT infrastructure, security monitoring and management, end-user computing, mobile support functions, record keeping and information management, application and database management, website development, data analysis and reporting services.

The Team continues to be agile in their approach to adapt to the ever-changing environment, including factors such as COVID-19 and flexible working, supporting an organisational re-structure, preparation for Uniform Law, or improving work efficiencies and services to the public and the legal profession. The ability to adapt has proven the Board's processes, systems and systems architecture to be resilient and flexible, a reflection of its investment in modern technology.

## ICT Projects

Application and web development project	Project description
Case Management System ( <b>CMS</b> ) – Phase 1	Phase 1 of this project went live on 14 November 2021 where the core components of the CMS were developed to allow a more efficient and effective means of managing cases and more specifically, in the first instance, complaint related cases.
Case Management System – Phase 2	The commencement of Phase 2 involves the design and development of a workflow enabling automations and a stepped guidance approach for users to manage their cases.  This phase focused on the workflows of handling enquiries and disputes, and is aimed to be completed in July 2022.
Continuing Professional Development ( <b>CPD</b> ) Management System ( <b>CPDMS</b> ) – Phase 2	The Board continues its commitment to establishing an effective system to monitor and manage compliance with CPD obligations for the Western Australian legal profession. This provides the practitioner an avenue to access their own CPD records and lodge applications relating to CPD activities.  Phase 2 of the CPDMS project commenced in June 2021 and was implemented on 31 August 2021. The implementation allows practitioners the ability to view their CPD activities, as uploaded by the CPD providers.
CPDMS – Phase 3	Phase 3 of the CPDMS project was to provide practitioners and CPD providers a means of submitting CPD related forms online.  Due to the restructure and introduction of Uniform Law, Phase 3 will commence in the 2022-23 financial year.
CPDMS – upload facility enhanced	In response to feedback received by CPD providers, the online facility to upload activities was overhauled and a new facility was developed. The facility was made available on 3 April 2022, providing robust validations and the returning of constructive error messages for self-troubleshooting and resolving.  Providers are now provided with the facility to manage their own activities and ability to amend records as required.

Application and web development project	Project description
Online Professional Indemnity Insurance (PII) Exemption	Works are underway to provide practitioners and firms the ability to apply for PII exemptions online. Implementation is planned for the 2022-23 financial year.
TechnologyOne – system changes	The restructure resulted in the need for system changes to the Board's financial, Human Resources and payroll system in TechnologyOne. Designing a new chart of accounts, organisational chart and approval structure has commenced and is will completed in the 2022-23 financial year.
Website and other online service enhancements	A number of enhancements were carried out to accommodate the different online services being made available. These included a landing page for the CPDMS and Uniform Law. In addition, significant changes to the online application for a practising certificate is required and envisaged to be implemented August 2022.

Information Management project	Project description
Business Classification Scheme (BCS) review	As a result of the restructure, the Board's BCS required review, as well as the functions and activities within the Electronic Document and Records Management System (EDRMS). Roles and user groups also required updating.
Archiving – physical records	A significant archiving task was undertaken to archive old physical enquiries, complaints and associated records that were held at the Board's offices.
Legal Services Council – contribution to the National database	Data mapping exercises and extractions are underway to develop a means to commence the regular sharing and contribution of data to the Legal Services Council National database. Data to be shared includes detail regarding certified practitioners, admission and complaints under the Uniform Law.
Disposal of source records	Development of a Disposal of Source Records Plan for submission to the State Records Office has commenced.

## Information Management

The records of the Board are managed within the framework specified in the *State Records Act 2000* and the *Principles and Standards 2002* produced by the State Records Commission (SRC).

### Evaluation of recordkeeping systems

The Board continues to review and develop its current recordkeeping program to ensure compliance with the SRC principles and standards governing recordkeeping by State Government agencies.

The security and integrity of the Board's ICT systems and data holdings remain key priorities. The Board completed an extensive review of information assets, assigned classifications and privileges against the re-structure, resulting in a re-organisation of the Board's records functions and activities and amendments to the Board's BCS.

### Recordkeeping Plan

The Board's Recordkeeping Plan (**RKP**) was approved by the SRC on 21 March 2021, with the next review date of 21 March 2026. However, due to the substantial changes introduced by re-structure and the introduction of Uniform Law, the RKP now requires revision and re-submission to the State Records Office (**SRO**). A review of the RKP has commenced and will be submitted to the SRO by March 2023.

### Recordkeeping training program

The Board continues to develop recordkeeping training strategies to support record management activities undertaken. The training strategies aim to consolidate records management policy and procedures.

A formal recordkeeping training program has been developed to incorporate recordkeeping awareness and best practice standards, core recordkeeping processes, electronic document and records management system functionality and workflow activities, and an improved delivery method approach for training.

During 2021/22, there was an emphasis on team specific training and identified individual training needs were also addressed.

### Evaluation of the recordkeeping training program

The Board continues to evaluate recordkeeping training, with findings used to develop training strategies that deliver knowledge of recordkeeping systems, practices and processes.

### Recordkeeping induction program

The Board's well-established induction program continues to be provided to all new staff members, which covers both technical recordkeeping procedures, as well as policies and responsibilities in compliance with the Board's RKP.

# Disclosures and legal requirements

The Board has fully complied with the *Public Sector Standards and Ethical Codes* (**Public Sector Standards**) and section 31(2) of the *Public Sector Management Act 1994* (**PSM**) in relation to the operations of the Board and requirement to maintain a Code of Conduct for 2021/22.

The Board is committed to maintaining a high standard of accountability, integrity and transparency in its functions and activities, in line with the Public Sector Standards. To achieve this, the Board continues its program of regular review of policies and procedures in relation to its internal and external functions including Human Resources and workforce management.

The Board has a commitment to maintain and review the Code of Conduct for both Board Members and employees in line with the Commissioner's Instruction No 8 as at 8 February 2020.

The Board provides the information detailed below regarding compliance during the period under review.

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## Public Sector Standards

- There was one breach claim in the reporting period.
- Information on standards is provided at recruitment and the Board's Code of Conduct is included in the Offer of Employment contract.
- All employees receive an induction manual upon employment at the Board. The Code of Conduct is included in the Board's employee induction manual. The employee's induction manual sets out the Board's policies and conditions of employment and all employees are required to sign a document stating they have read the manual.
- Training is provided to persons on recruitment panels to ensure compliance with the relevant standards.
- The Board's policies are consistent with ethical principles and are subject to regular review and update.

As per the Commissioner's Instruction No 8, the Board's Code of Conduct for both staff and Board members address's the following seven areas:

- personal behaviour;
- communications and official information;
- fraudulent or corrupt behaviour;
- use of public resources;
- recordkeeping and use of information;
- conflicts of interest and gifts and benefits; and
- reporting suspected breaches of the code.

The Board is committed to continually seeking to review and update its current practices through avenues including: the auditing and review of its functions, performance management, ongoing training and seeking feedback from stakeholders.

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## Work Health and Safety

The Board is committed to promoting a safe healthy and congenial workplace. To this end, the Board has the following policies and initiatives in place:

- A comprehensive Occupational Safety and Health (**OS&H**) policy document, which outlines the Board's procedures for dealing with OH&S matters. The Board has an appointed OS&H Officer who is compliant with Worksafe standards and responds to any OS&H issues that may arise. The Board provides information on OS&H matters to all new staff on induction.
- There were no cases of OS&H injury during the reporting year.
- There were no staff grievances received during the reporting year.
- Where possible, the Board sought to accommodate flexible working arrangements for staff, including remote working arrangements for in response to COVID-19.

- The Board's Employee Assistance Program is available for all staff, through its nominated service provider Relationships Australia.
- The Board will be funding Mental Health First Aid training for the Senior Leadership Team, Manager and nominated senior employees in January 2023.
- Various social activities for the staff take place, including each year holding an inclusive event to raise funds for the Cancer Council. In addition, the Board staff also contribute to Containers for Change with proceeds going towards Helping Little Hands.
- All endeavours are made to be environmentally conscious and encourage recycling, as well as through the Containers for Change initiative.

It is a committed operational objective of the Board to continue to maintain the Board as a safe, healthy, welcoming and community aware work environment for all Board staff.

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## Freedom of information

In accordance with the *Freedom of Information Act 1992 (WA)* the Board has a dually appointed Freedom of Information Officer.

- Five freedom of information applications were received and dealt with in the year under review.
- As 30 June 2022, there were no freedom of information applications in progress.

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## Corruption prevention

The Board has acknowledged the risk of corruption when managing organisational risk.

As part of the induction of new staff, they are made aware of the policies, practices and procedures of the Board in dealing with private and confidential information collected and held by the Board.

During meetings of the Board and its committees, the policy of the disclosure of conflicting interests, and the related self-disqualification from deliberating a matter because of a potential rise of conflicting interests is strongly upheld.

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## Public interest disclosure

In accordance with the *Public Interest Disclosure Act 2013*, the Board has a dually appointed Public Disclosure Officer and policies and procedures in place for making a public disclosure.

No public disclosure requests were received during this period under review.

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## Substantive equality

The Board is committed to providing equal employment opportunities to all its employees, it encourages diversity and has devised policy statements with a view to encouraging and supporting staff development and employment opportunities. Policy statements are provided to all new staff as part of their induction.

As previously stated the Board has a policy of providing flexible working conditions where appropriate. It should also be noted that the Board's premises have facilities for wheelchair access to assist both staff and clients should it be required.

The Board recognises that the legal profession is a diverse profession and as such the Board continually strives to perform its regulatory duties in a fair and equitable manner.



**LEGAL PRACTICE BOARD  
OF WESTERN AUSTRALIA**

**Special Purpose Financial Statements**

**For the financial year ended 30 June 2022**

# **LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA**

## **SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR ENDED 30 JUNE 2022**

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Statement of Profit or Loss and Other Comprehensive Income	6
Statement of Cash Flows	6
Statement of Changes in Equity	7
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**LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA**

**STATEMENT BY EXECUTIVE DIRECTOR**

**For the year ended 30 June 2022**

As detailed in note 1 to the financial statements, the Legal Practice Board of Western Australia is not a reporting entity because in the opinion of the Board there are unlikely to be users of the financial statements who are not able to command the preparation of reports tailored so as to specially satisfy all of their information needs. Accordingly, this 'special purpose financial report' has been prepared to satisfy the Board's reporting obligations under Section 549, 550 and 551 of the Legal Profession Act 2008.

The Board declares that:

- (a) In the Board's opinion, there are reasonable grounds to believe that the entity will be able to pay its debts as and when they become due and payable; and
- (b) In the Board's opinion, the attached financial statements and notes thereto are in accordance with the Legal Profession Act 2008, including compliance with accounting standards and giving a true and fair view of the financial position and performance of the entity.



Ms Elizabeth Fulham  
Executive Director

Date: 21 October 2022  
Perth WA

## Legal Practice Board of Western Australia

Independent auditor's report to the Legal Practice Board of Western Australia

### Report on the Audit of the Financial Statements

#### Opinion

We have audited the financial report of the Legal Practice Board of Western Australia, which comprises the statement of financial position as at 30 June 2022, the statement of profit or loss and other comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies, and statement by the Executive Director.

In our opinion, the accompanying financial report presents fairly, in all material respects, the financial position of the Legal Practice Board of Western Australia as at 30 June 2022, and its financial performance and its cash flows for the year then ended in accordance with the financial reporting requirements of section 549, 550 and 551 of the *Legal Professional Act 2008*.

#### Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Legal Practice Board of Western Australia in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (including Independence Standards) (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### Emphasis of Matter – Basis of Accounting

We draw attention to the *Financial Reporting Framework* section within the introduction to the financial report, which describes the basis of accounting. The financial report has been prepared to assist the Legal Practice Board of Western Australia to meet the requirements of section 549, 550 and 551 of the *Legal Professional Act 2008*. As a result, the financial report may not be suitable for another purpose. Our opinion is not modified in respect of this matter.

## Independent auditor's report to members (Cont.)

### **Responsibilities of Management and Those Charged with Governance for the Financial Report**

Management is responsible for the preparation and fair presentation of the financial report in accordance with the financial reporting requirements of section 549, 550 and 551 of the *Legal Professional Act 2008* and for such internal control as management determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, management is responsible for assessing the Legal Practice Board of Western Australia's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless management either intends to liquidate the Legal Practice Board of Western Australia or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Legal Practice Board of Western Australia's financial reporting process.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of these financial statements is located at the Auditing and Assurance Standards Board website at:

[https://www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf)

This description forms part of our independent auditor's report.

*William Buck*

William Buck Audit (WA) Pty Ltd  
ABN 67 125 012 124

*CM*

Conley Manifis  
Director

Dated this 21<sup>st</sup> day of October 2022



LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2022

	Note	2022 \$	2021 \$
<b>CURRENT ASSETS</b>			
Cash and Cash Equivalents	4	9,548,246	5,233,037
Term Deposits	4	9,143,588	11,195,800
Trade and Other Receivables	5	420,688	1,128,549
Other Current Assets	6	17,613	3,487
<b>TOTAL CURRENT ASSETS</b>		<u>19,130,135</u>	<u>17,560,873</u>
<b>NON-CURRENT ASSETS</b>			
Leasehold Improvements	7	245,516	262,786
Plant and Equipment	7	203,183	288,384
Software Systems	7	357,575	352,404
Right-of-use Asset	8	3,789,029	4,164,801
<b>TOTAL NON-CURRENT ASSETS</b>		<u>4,595,303</u>	<u>5,068,375</u>
<b>TOTAL ASSETS</b>		<u>23,725,438</u>	<u>22,629,248</u>
<b>CURRENT LIABILITIES</b>			
Trade and Other Payables	9	235,757	192,914
Provisions	10	788,996	1,103,953
Income in Advance	11	8,501,900	8,090,096
Lease Liability	12	244,594	220,888
<b>TOTAL CURRENT LIABILITIES</b>		<u>9,771,247</u>	<u>9,607,851</u>
<b>NON-CURRENT LIABILITIES</b>			
Provisions	10	89,506	208,647
Lease Liability	12	4,557,061	4,801,658
<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>4,646,567</u>	<u>5,010,305</u>
<b>TOTAL LIABILITIES</b>		<u>14,417,814</u>	<u>14,618,156</u>
<b>NET ASSETS</b>		<u><u>9,307,624</u></u>	<u><u>8,011,092</u></u>
<b>EQUITY</b>			
Retained Earnings	13	9,307,624	8,011,092
<b>TOTAL EQUITY</b>		<u><u>9,307,624</u></u>	<u><u>8,011,092</u></u>

**LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA**

**STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME  
FOR THE YEAR ENDING 30 JUNE 2022**

<b>REVENUE</b>	<b>Note</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
Office of the Board	14	9,430,753	9,227,470
Trust Account Inspector	15	488,576	506,603
Legal Profession Complaints Committee	16	130,162	143,693
<b>TOTAL REVENUE</b>		<b>10,049,491</b>	<b>9,877,766</b>
<b>EXPENDITURE</b>			
Office of the Board	14	5,154,229	5,182,593
Trust Account Inspector	15	260,808	348,652
Legal Profession Complaints Committee	16	3,337,922	3,534,522
<b>TOTAL EXPENDITURE</b>		<b>8,752,959</b>	<b>9,065,767</b>
<b>Profit for the year from continuing operations</b>		<b>1,296,532</b>	<b>811,999</b>

**STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED 30 JUNE 2022**

<b>Operating Receipts</b>			
Receipts from Customers		11,127,525	10,811,013
Interest received		41,791	131,945
<b>Operating Payments</b>			
Payments to Employees & Suppliers		(8,454,082)	(8,490,636)
<b>Net cash provided by/(used in) operating activities</b>	19 (b)	<b>2,715,234</b>	<b>2,452,322</b>
<b>Cash Flows from Investing Activities</b>			
<b>Investing Payments</b>			
Payment for property, plant & equipment		(83,674)	(211,681)
Purchase of Term Deposits (net)		2,052,212	75,618
Lease Finance paid		(368,563)	(352,295)
<b>Net cash used in investing activities</b>		<b>1,599,975</b>	<b>(488,358)</b>
Net increase/(decrease) in cash and cash equivalents		4,315,209	1,963,964
Cash and cash equivalents at the beginning of period		5,233,037	3,269,073
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	19 (a)	<b>9,548,246</b>	<b>5,233,037</b>

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LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

STATEMENT OF CHANGES IN EQUITY  
FOR THE YEAR ENDED 30 JUNE 2022

	Retained Earnings
	<u>\$</u>
<b>Balance as at 1 July 2020</b>	<b>7,199,093</b>
Profit for the Year	811,999
Total comprehensive income	<u>811,999</u>
<b>Balance as at 30 June 2021</b>	<b>8,011,092</b>
<b>Balance as at 1 July 2021</b>	<b>8,011,092</b>
Profit for the Year	1,296,532
Total comprehensive income	<u>1,296,532</u>
<b>Balance as at 30 June 2022</b>	<b><u>9,307,624</u></b>

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**LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2022**

	2022 \$	2021 \$
<b>2 Auditors Remuneration</b>		
William Buck Audit (WA) Pty Ltd		
- Audit Services	<u>17,408</u>	<u>20,008</u>
<b>3 Supreme Court Law Library</b>		
The management of the Supreme Court Law Library was passed to the Attorney General's Department from 1 July 2016 and the operational costs are no longer the direct responsibility of the Board. Arising from this rearrangement the Board has undertaken to meet certain costs as follows:		
- Agreed cost reimbursement	<u>600,000</u>	<u>600,000</u>
<b>4 Monetary Assets</b>		
<b>Cash and cash equivalents</b>		
Cash at Bank	8,537,646	5,232,437
Cash on Hand	600	600
Term Deposits maturing within 3 months	1,010,000	-
<b>Total cash and cash equivalents</b>	<u>9,548,246</u>	<u>5,233,037</u>
<b>Terms deposits</b> maturing between 3-12 months	<u>9,143,588</u>	<u>11,195,800</u>
	<u>18,691,834</u>	<u>16,428,837</u>
<b>5 Trade and Other Receivables</b>		
Trade Receivables	325,730	1,047,877
Less Allowance for Expected Credit Loss	(111,315)	(126,097)
Prepayments	206,273	206,769
	<u>420,688</u>	<u>1,128,549</u>
Refer to Note 1(l)		
<b>6 Other Current Assets</b>		
Accrued Income	<u>17,613</u>	<u>3,487</u>

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2022

7 Property, plant and equipment	Office Equipment \$	Software Systems \$	Leasehold Improvements \$	Total \$
<b>Cost</b>				
Balance at 30 June 2021	789,552	1,756,403	330,398	2,876,353
Additions	5,013	78,662	-	83,675
Disposals	-	-	-	-
<b>Balance at 30 June 2022</b>	<b>794,565</b>	<b>1,835,065</b>	<b>330,398</b>	<b>2,960,028</b>
<b>Accumulated Depreciation</b>				
Balance at 30 June 2021	(501,168)	(1,403,999)	(67,612)	(1,972,779)
Depreciation for the year	(90,214)	(73,491)	(17,270)	(180,975)
Depreciation on disposals	-	-	-	-
<b>Balance at 30 June 2022</b>	<b>(591,382)</b>	<b>(1,477,490)</b>	<b>(84,882)</b>	<b>(2,153,754)</b>
<b>Net Book Value</b>				
As at 30 June 2021	288,384	352,404	262,786	903,574
<b>As at 30 June 2022</b>	<b>203,183</b>	<b>357,575</b>	<b>245,516</b>	<b>806,274</b>



LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2022

	2022 \$	2021 \$
<b>8 Right-of-use Asset</b>		
<b>Right-of-use Asset at cost</b>	4,916,344	4,916,344
<b>Accumulated Depreciation</b>		
At the beginning of the year	(751,543)	(375,771)
Depreciation for the year	(375,772)	(375,772)
At the end of the year	(1,127,315)	(751,543)
<b>Net book value at end of year</b>	<b>3,789,029</b>	<b>4,164,801</b>
The Board's right-of-use asset comprises its offices situated at Level 6, 111 St Georges Terrace, Perth, WA.		
<b>9 Trade and Other Payables</b>		
Trade Payables	43,672	41,880
Other Payables	5,267	8,755
Accruals	186,818	142,279
	<b>235,757</b>	<b>192,914</b>
<b>10 Provisions</b>		
<b>Current</b>		
Provision for Annual Leave	455,183	592,712
Provision for Long Service Leave	333,813	511,241
Total current provisions	<b>788,996</b>	<b>1,103,953</b>
<b>Non-current</b>		
Provision for Long Service Leave	<b>89,506</b>	<b>208,647</b>
<b>11 Income in Advance</b>		
Continuing Professional Development Fees in Advance	179,317	224,490
Photocopying in Advance	3,353	3,353
Practising Certificates in Advance	8,318,185	7,855,473
Solicitors Guarantee Fund	1,045	6,780
	<b>8,501,900</b>	<b>8,090,096</b>
<b>12 Lease Liability</b>		
Current portion payable in 12 months	244,594	220,888
Non-current portion	4,557,061	4,801,658
Total	<b>4,801,655</b>	<b>5,022,546</b>
<b>13 Retained Earnings</b>		
Balance at Beginning of the year	8,011,092	7,199,093
Net Profit for the year	1,296,532	811,999
Balance at End of Year	<b>9,307,624</b>	<b>8,011,092</b>

**LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2022**

<b>14 Office of the Board</b>	<b>2022</b>	<b>2021</b>
	<b>\$</b>	<b>\$</b>
<b>Income</b>		
Admissions	189,720	165,460
Assessment of Qualifications	17,200	22,600
Bank Interest	55,917	99,130
Continuing Professional Development	228,262	234,527
Evidentiary Certificates	24,000	21,809
External Examiner Reimbursement	328,412	236,293
Fines and Costs	25,576	2,681
Foreign Lawyers	8,750	7,500
Miscellaneous Income	3,084	875
Practice Certificates	8,549,832	8,436,595
	<b><u>9,430,753</u></b>	<b><u>9,227,470</u></b>
<b>Expenditure</b>		
Accommodation expense (Note 17)	730,897	724,405
Advertising and Recruitment	17,191	10,279
Audit and Accounting Fees (Note 2)	17,408	20,008
Expected Credit Loss	(31,486)	33,382
Bank Charges	46,422	63,672
Computer Expenses	281,726	286,490
Conferences	-	291
Depreciation of office equipment/software	180,974	167,988
Election Services	10,818	5,160
Fringe Benefits Tax	4,775	4,027
Insurance	20,172	8,048
Law Library Expenses (Note 3)	600,000	600,000
Legal and Consulting Costs	524,410	272,781
Miscellaneous Costs	44,894	40,240
Parking	20,823	18,689
Payroll Tax	115,401	150,334
Postage	11,714	15,592
Printing & Stationery	7,255	7,889
Professional Memberships	9,443	10,810
Reference Materials	31,603	211
Salaries	2,223,353	2,425,716
Seminars	3,287	-
Service and Maintenance	1,202	2,161
Storage	12,151	21,948
Superannuation Contributions	208,043	218,143
Telephone	35,833	35,862
Training	10,907	21,645
Travel & Accommodation	-	(906)
Workers' Compensation	15,013	17,728
	<b><u>5,154,229</u></b>	<b><u>5,182,593</u></b>

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LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2022

15	Trust Account Inspector	2022	2021
		\$	\$
	<b>Income</b>		
	TAI Reimbursements	364,254	324,014
	Seminar fees	12,714	10,959
	General Admin Costs	111,608	171,630
		<b><u>488,576</u></b>	<b><u>506,603</u></b>
	<b>Expenditure</b>		
	Parking	93	6
	Payroll Tax	19,454	15,487
	Professional Membership	685	655
	Salary	211,159	297,638
	Seminars	4,448	3,696
	Superannuation Contributions	21,621	26,372
	Telephone	1,536	1,610
	Training	655	725
	Travel & Accommodation	1,157	2,463
		<b><u>260,808</u></b>	<b><u>348,652</u></b>

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**LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2022**

<b>16</b>	<b>Legal Profession Complaints Committee</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
	<b>Income</b>		
	Costs Recovered	80,662	93,193
	Fines	34,500	39,000
	Fines – Summary Jurisdiction	15,000	11,500
		<u><b>130,162</b></u>	<u><b>143,693</b></u>
	<b>Expenditure</b>		
	Conferences	3,085	206
	Fringe Benefits Tax	4,775	1,630
	Legal Costs	475,856	424,292
	Parking/travel allowance	17,612	18,689
	Payroll Tax	141,800	137,946
	Professional Memberships	20,275	17,560
	Salaries	2,424,962	2,697,640
	Superannuation Contributions	240,777	231,061
	Training	8,780	5,498
		<u><b>3,337,922</b></u>	<u><b>3,534,522</b></u>
<b>17</b>	<b>Accommodation expense</b>	<b>2022</b>	<b>2021</b>
		<b>\$</b>	<b>\$</b>
	Accommodation expense comprises:		
	- Depreciation of Right-of-use Asset	375,772	375,772
	- Lease Finance Charges	147,672	153,933
	- Outgoings	207,453	194,700
		<u><b>730,897</b></u>	<u><b>724,405</b></u>

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LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2022

**18 Employee Benefits**

The aggregate employee benefit liability recognised and included in the financial statements is as follows:

Provision for employee benefits:	2022	2021
	\$	\$
Current (note 10)	788,996	1,103,953
Non-current (note 10)	89,506	208,647
	<u>878,502</u>	<u>1,312,600</u>

**19 Notes to the cash flow statement**

**19 (a) Reconciliation of cash and cash equivalents**

For the purposes of the statement of cash flows, cash and cash equivalents includes cash on hand and in banks and investments in money market instruments, net of outstanding bank overdrafts.

Cash and cash equivalents at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:

Cash and cash equivalents (Note 4)	<u>9,548,246</u>	<u>5,233,037</u>
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**19 (b) Reconciliation of profit for the year to net cash flows from operating activities**

	2022	2021
<b>Profit and loss account:</b>	\$	\$
Profit for the year	1,296,532	811,999
Expected Credit Loss	(14,782)	(81,805)
Lease liability finance cost	147,672	153,933
Depreciation and amortisation of non-current assets	556,746	543,760
	<u>1,986,168</u>	<u>1,427,887</u>

**Changes in net assets and liabilities:**

(Increase)/decrease in assets:		
Trade and other receivables	722,643	(248,586)
Other current assets	(14,126)	32,815
Increase/(decrease) in liabilities:		
Current payables	42,843	(86,423)
Income in advance	411,804	1,203,793
Employee benefit provisions	(434,098)	122,836
<b>Net cash from/(used in) operating activities</b>	<u><b>2,715,234</b></u>	<u><b>2,452,322</b></u>

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LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDING 30 JUNE 2022

**20 Subsequent events**

No subsequent events have occurred since that would impact on the financial statements.

**21 Additional Company Information**

The Legal Practice Board of Western Australia is a statutory authority.

*Registered Office and Principal Place of Business*

Level 6

111 St Georges Terrace

PERTH WA 6000

Tel: (08) 6211 3600

**22 Commitments for Expenditure**

**2022**

**2021**

**Capital Expenditure Commitments**

Nil

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**23 Contingent liabilities**

There are certain cases under appeal. Depending on the outcomes of the cases there may be some orders for costs. As the outcomes are not yet determined the amounts cannot be reliably estimated and so no adjustment has been made in the financial statements at the reporting date.

**24 Related party transactions**

The following Board Members provided legal services to the Legal Practice Board during the financial year ended 30 June 2022:

**2022**

**2021**

**\$**

**\$**

Mr Gary Cobby SC

77,252

-

Mr Martin Cureden SC

12,010

29,832

Mr Alain Musikanth SC

47,389

19,610

Mr Sam Vandongen SC

18,350

9,200

Mr Paul Yovich SC

114,974

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# LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2022

### Introduction

#### Financial Reporting Framework

The Legal Practice Board is not a reporting entity because in the opinion of the Board there are unlikely to be users of the financial report who are not able to command the preparation of reports tailored so as to specially satisfy all of their information needs. Accordingly, this special purpose financial statement has been prepared to satisfy the Board's reporting obligations under Section 549, 550 and 551 of the Legal Profession Act 2008.

#### Statement of Compliance

The financial statements have been prepared on the basis of recognition and measurement specified by all Accounting Standards and Interpretations, and the disclosure requirements of Accounting Standards AASB 101 'Presentation of Financial Statements', AASB 107 'Cash Flow Statements', AASB 108 'Accounting Policies, Changes in Accounting Estimates and Errors' and AASB 1054 'Australian Additional Disclosure'. Accounting standards applicable to 'not-for-profit' entities have been applied.

#### New or amended Accounting Standards and Interpretations adopted

The Board has adopted all of the new or amended Accounting Standards and Interpretations issued by the Australian Accounting Standards Board ('AASB') that are mandatory for the current reporting period. Any new or amended Accounting Standards or Interpretations that are not yet mandatory have not been early adopted.

#### Basis of Preparation

The financial statements have been prepared on the basis of historical cost, except for certain non-current assets and financial instruments that are measured at revalued amounts or fair values, as explained in the accounting policies below. Historical cost is generally based on the fair values of the consideration given in exchange for assets. All amounts are presented in Australian dollars, unless otherwise noted. For the purpose of preparing the financial statements, the entity is a 'not-for-profit' entity.

Fair value is the price that would be received on sale of an asset, or paid to transfer a liability, in an orderly transaction between market participants at the measurement date, regardless of whether that price is directly observable or estimated using another valuation technique.

#### Critical Accounting Judgements and Key Sources of Estimation Uncertainty

In the application of A-IFRS management is required to make judgments, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstance, the results of which form the basis of making the judgments. Actual results may differ from these estimates. The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

Judgments made by management in the application of Accounting Standards that have significant effects on the financial statements and estimates with a significant risk of material adjustments in the next year are disclosed, where applicable, in the relevant notes to the financial statements.

Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

The accounting policies set out below have been applied in preparing the financial statements for the year ended 30 June 2022 and the comparative information presented in these financial statements for the year ended 30 June 2021.

## LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2022

#### 1. Significant Accounting Policies

##### a) Depreciation

All assets are carried at cost less provision for depreciation.

Depreciation is calculated on a straight-line basis so as to write off the net cost of each asset to its estimated residual value during its expected useful life using rates between 5 – 25%.

The estimated useful lives, residual values and depreciation method are reviewed at the end of each reporting period, with the effect of any changes in estimate accounted for on a prospective basis.

##### b) Employee Benefits

A liability is recognised for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave when it is probable that settlement will be required and they are capable of being measured reliably.

Liabilities recognised in respect of employee benefits are measured at their nominal values using the remuneration rate expected to apply at the time of settlement. Liabilities recognised in respect of long-term employee benefits are measured as the present value of the estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

##### c) Property, Plant and Equipment

The residual values and useful lives of assets are reviewed, and adjusted if appropriate, at each reporting date.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses arising on disposals or retirement of an item of property, plant and equipment are determined as the difference between sales proceeds and the carrying amount of the asset. These are recognised in the Statement of Profit or Loss.

##### d) Right-of-use Assets

A right-of-use asset is recognised at the commencement date of a lease. The right-of-use asset is measured at cost, which comprises the initial amount of the lease liability, adjusted for, as applicable, any lease payments made at or before the commencement date net of any lease incentives received, any initial direct costs incurred, and, except where included in the cost of inventories, an estimate of costs expected to be incurred for dismantling and removing the underlying asset, and restoring the site or asset.

Right-of-use assets are depreciated on a straight-line basis over the unexpired period of the lease or the estimated useful life of the asset, whichever is the shorter. Where the Board expects to obtain ownership of the leased asset at the end of the lease term, the depreciation is over its estimated useful life. Right-of use assets are subject to impairment or adjusted for any remeasurement of lease liabilities.

The Board has elected not to recognise a right-of-use asset and corresponding lease liability for short-term leases with terms of 12 months or less and leases of low-value assets. Lease payments on these assets are expensed to profit or loss as incurred.

##### e) Intangible Assets

Intangible assets with finite lives that are acquired separately are carried at cost less accumulated amortisation and accumulated impairment losses. Amortisation is recognised on a straight-line basis over their useful lives. The estimated useful life and amortisation method are reviewed at the end of each reporting period, with the effect of any changes in estimate being accounted for on a prospective basis.

## LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

### NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2022

#### 1. Significant Accounting Policies (cont'd)

##### **f) Income Tax**

The entity is exempt from income tax under Chapter 2 Division 50 s.50-25 of the Income Tax Assessment Act 1997.

##### **g) Revenue Recognition**

###### Interest Revenue

Interest revenue is recognised as interest accrues using the effective interest method. This is a method of calculating the amortised cost of a financial asset and allocating the interest income over the relevant period using the effective interest rate, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to the net carrying amount of the financial asset.

###### Certifications

Revenue from the issue of certificates is recognised proportionately over the period to which the certificate relates.

###### Rendering of Services

Revenue from the provision of services is recognised in the period to which the services relate.

##### **h) Goods and Services Tax**

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances, the GST is recognised as part of the cost of acquisition of an asset or as part of an item of expense.

Receivables and payables are stated with the amount of GST included.

The net amount of GST recoverable from, or payable to, the ATO is included as a current asset or liability in the statement of financial position.

##### **i) Impairment of assets**

At each reporting date the entity reviews the carrying amount of its assets to determine whether there is any indication that those assets have suffered any impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss (if any). Recoverable amount is the higher of fair value less costs to sell and value in use. If the recoverable amount of an asset is estimated to be less than its carrying amount, the carrying amount of the asset is reduced to its recoverable amount and an impairment loss is recognised immediately in the Statement of Profit or Loss.

##### **j) Cash and Cash Equivalents**

Cash and cash equivalents comprise cash on hand, cash in banks and investments in term deposits with maturities of 3 months or less.

##### **k) Provisions**

Provisions are recognised when the entity has a present obligation as a result of a past event, it is probable that the entity will be required to settle the obligation and a reliable estimate can be made of the amount of the obligation.

The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at the end of the reporting period, taking into account the risks and uncertainties surrounding the obligation. When a provision is measured using the cash flows estimated to settle the present obligation, its carrying amount is the present value of those cash flows.

## **LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA**

### **NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2022**

#### **1. Significant Accounting Policies (cont'd)**

When some or all of the economic benefits required to settle a provision are expected to be recovered from a third party, the receivable is recognised as an asset if it is virtually certain that reimbursement will be received and the amount of the receivable can be measured reliably.

##### **l) Trade and Other Receivables**

Trade receivables are initially recognised at fair value and subsequently measured at amortised cost using the effective interest method, less any allowance for expected credit losses.

The Board has applied the simplified approach to measuring expected credit losses, which uses a lifetime expected loss allowance.

Other receivables are recognised at amortised cost, less any allowance for expected credit losses.

##### **m) Trade and Other Payables**

These amounts represent liabilities for goods and services provided to the Board prior to the end of the financial year and which are unpaid. Due to their short-term nature they are measured at amortised cost and are not discounted. The amounts are unsecured and are usually paid within 30 days of recognition.

##### **n) Lease Liabilities**

A lease liability is recognised at the commencement date of a lease. The lease liability is initially recognised at the present value of the lease payments to be made over the term of the lease, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, the Board's incremental borrowing rate. Lease payments comprise of fixed payments less any lease incentives receivable, variable lease payments that depend on an index or a rate, amounts expected to be paid under residual value guarantees, exercise price of a purchase option when the exercise of the option is reasonably certain to occur, and any anticipated termination penalties. The variable lease payments that do not depend on an index or a rate are expensed in the period in which they are incurred.

Lease liabilities are measured at amortised cost using the effective interest method. The carrying amounts are remeasured if there is a change in the following: future lease payments arising from a change in an index or a rate used; residual guarantee; lease term; certainty of a purchase option and termination penalties. When a lease liability is remeasured, an adjustment is made to the corresponding right-of use asset, or to profit or loss if the carrying amount of the right-of-use asset is fully written down.