

LEGISLATIVE COUNCIL
Question Without Notice

Thursday, 24 November 2022

C1367. Hon Nick Goiran to the Parliamentary Secretary representing the Attorney General

I refer to the answer to my Question Without Notice No.1090 regarding the Attorney General's request that the Ombudsman consider the handling of complaints by the then Legal Profession Complaints Committee, and I ask:

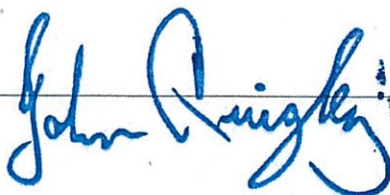
1. Why did you falsely tell the House on 27 October 2022 that "there is no such document" when in fact you wrote to the Ombudsman on 29 August 2019?
2. Do you still maintain that it is reasonable and appropriate to not provide that document to Parliament because of section 23A of the Parliamentary Commissioner Act 1971?
3. Are you aware that the Office of the Auditor General is not aware of any instance where that office has had to consider a non-disclosure decision made for that reason?
4. Will you comply with section 82 of the Financial Management Act 2006 so that your decision can be tested, particularly given your press release on 23 November 2022 about granting the Auditor General "unprecedented access to sensitive information"?
5. If yes to 4, when will you do this?

Answer

1. The Attorney General's request for the Ombudsman to conduct an inquiry into the then Legal Profession Complaints Committee's handling of complaints was made verbally on 28 August 2019. On 15 November 2022 the Member sought access to the first document created by the Attorney General or his office related to the request after it had been made verbally, including a letter. This search by the Attorney General's Office produced a letter dated 29 August 2019 which confirmed, in writing, the verbal request made the previous day. The answer was clarified in good faith at the first available opportunity on 15 November 2022.

2. The Ombudsman has advised me today that in accordance with, and having regard to, section 23(1b) of the *Parliamentary Commissioner Act 1971*, he is of the opinion that it is in the public interest for the letter to be publicly disclosed, with a redaction to remove the name of a particular legal practitioner. I table the document.

3–5. Not applicable.





E-MAILED
29 AUG 2019

Attorney General; Minister for Commerce

Our Ref 67-13580

Mr Chris Field
Ombudsman Western Australia
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469 Wellington Street
PERTH WA 6000

By email chris.field@ombudsman.wa.gov.au

Dear Mr Field

LEGAL PROFESSION COMPLAINTS COMMITTEE AND [REDACTED]

I confirm our meeting yesterday morning and my request for your office to conduct a broad inquiry into the Legal Profession Complaints Committee's (LPCC) handling of complaints against practitioners

Since becoming Attorney General, I have become concerned that the processes and procedures of the LPCC, as they are currently being applied, are allowing complaints against practitioners to drag on for multiple years without resolution. One complaint I am aware of has been on foot for six years

As well as the negative effects such a delay would have on a practitioner's professional advancement, I worry for the mental health of any practitioner who has been kept under this kind of pressure for six years

To that end, I request that you carry out a broad inquiry into whether the processes and procedures of the LPCC are currently providing fair and efficient resolution of complaints against practitioners

Yours sincerely

Hon John Quigley, MLA
ATTORNEY GENERAL; MINISTER FOR COMMERCE

29 AUG 2019