



ANNUAL REPORT 2022/23

Legal Practice Board of Western Australia

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The Legal Practice Board of Western Australia acknowledges the Nyoongar Whadjuk people, traditional custodians of this land, and offer our respects to Elders past and present.

STATEMENT OF COMPLIANCE

For the year ended 30 June 2023

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 2023.

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



John Syminton
Chair
Legal Practice Board



Libby Fulham
Executive Director

CHAIR'S MESSAGE

Mr John Syminton



I am pleased to present the Legal Practice Board's annual report for the financial year to 30 June 2023. This report gives comprehensive details of the Board's activities throughout the year and allows Government, stakeholders and the community insight into the Board's operations and financial governance.

Elements of the annual report satisfy the Board's statutory obligations to report on its activities, but more than that it gives a useful overview and informative data on the way the Board delivered its key objectives to protect the public, promote competence and ethical behaviour of Western Australian legal practitioners, and advance the administration of justice.

While many challenges remain ahead for the Board, important progress has been made in this financial year to improve service performance, clear outstanding matters, and deliver on our strategic direction.

The Board is now seeing improvements delivered after the first full year since joining other Australian jurisdictions under the Uniform Law, and ongoing benefits and efficiencies of a revitalised office following an organisational restructure.

I also must acknowledge the invaluable service of our Board and committee members who give their time and significant knowledge and experience to the legal profession in Western Australia. In particular, I thank former Chair John Fiocco for an immense contribution to the Board since 2005; and my predecessor His Honour Justice Matthew Howard, who was elected Chair in April but appointed to the Supreme Court in June.

Acknowledgements

I give special thanks for many years of exceptional service to former Deputy Chair Sabina Schlink, who left the board after the 2023 elections; and John Ley SC, former Chair of the Legal Services and Complaints Committee. My thanks also to the Chairs/Conveners of the Board's committees, and their deputies: Gary Cobby SC, Joseph Garas SC, Lindsay Fox SC, Gary Mack, Robert Wilson, Rebecca Heath and Fraser Robertson.

I welcome to the Board nominated members Seamus Rafferty SC, Robert Owen SC and Michael Sims SC, and elected, or re-elected, members Brett Davies, Amy Pascoe, Rebecca Heath, Gary Mack, Patricia Femia and Brie Rogers (filling a casual vacancy).

I acknowledge the Attorney General as an ex-officio member, the former Solicitor General Joshua Thomson SC who remains a Board member, and Board member Craig Bydder SC who was appointed Solicitor General in November 2023.

EXECUTIVE DIRECTOR'S MESSAGE

Ms Libby Fulham



In my sixth 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 of 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 7097 legal practitioners 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 navigating the first year under the Uniform Law.

Later in this report you can read about the introduction of the Board's reporting tool Speak Safely. The portal gives a person the opportunity to report acts of bullying, harassment (including sexual harassment), and discrimination, in a totally anonymous fashion. Speak Safely is just one part of our dedication to eliminating unwanted behaviours in the profession. I have been, and remain, consulting with stakeholders on education programs and other initiatives in this important area.

The Board has also committed to developing an integrated framework that will allow our systems to work seamlessly together, reducing road blocks, bottlenecks, and delays in processing and overall improving our digital systems in our operational environment. This is a significant undertaking and there is much work to get through before the integration is complete, but the user experience should be improved immensely once it is complete.

We also mark the end of the first year of our operational structure. A year in, the goal in the coming year is to review the operating structure to work on further improvements in our operations. With a Corporate Plan in place, along with Operational Plans and individual development plans it is time to measure the individual skills required of our people to build capability and plan for meeting our future goals.

I would like to thank the dedicated staff for their efforts throughout the year. There is a focus in ensuring our staff are clear on the objectives we have under the Strategic Direction, Corporate Plan and Operational Plans. Carefully managing our workforce capability is a clear step in achieving our goal to be an efficient and effective administration.

There are more highlights in the pages that follow.

HIGHLIGHTS

Uniform Law – the first year

Western Australia joined Victoria and New South Wales under the *Legal Profession Uniform Law (WA)* (**Uniform Law**) from 1 July 2022. The move created a common legal services market across the three states, including more than three quarters of Australia's lawyers.

The Uniform Law harmonises regulation of the legal profession, cuts red tape, promotes informed consumer choice and has strong consumer protection measures. It governs admission to the Australian legal profession, legal practice, continuing professional development, business practice and professional conduct, legal costs, dispute resolution and professional discipline, and the functions and power of local authorities.

In its first year of operation in Western Australia, the Uniform Law has allowed greater flexibility, more effective decision-making and faster processing of complaints, dispute resolution and disciplinary proceedings. It has improved the Board's capacity to resolve outstanding matters, provide better service to the legal profession and increased protection for the community.

The Investigation into the handling of complaints by the Legal Services and Complaints Committee

On 21 September 2022, the Ombudsman released his report on giving effect to the recommendations arising from the *Investigation into the handling of complaints by the Legal Profession Complaints Committee* (**Investigation Report**) into the handling of complaints by the (then) Legal Profession Complaints Committee (**LPCC**). The LPCC has been replaced with the Legal Services and Complaints Committee (**LSCC**) under the Uniform Law.

Following a request to the Ombudsman by the Honourable John Quigley MLA, Attorney General, to consider the handling of complaints by the LPCC, the Ombudsman conducted an investigation into the handling of complaints by the LPCC between 2014 and 2019, and produced the Investigation Report on 11 December 2020.

In the Investigation Report, the Ombudsman set out a series of opinions regarding the handling of complaints by the former LPCC. Arising from these opinions, the Ombudsman made 13 recommendations to the former LPCC.

The thirteen Recommendations are as follows:

1. That the LSCC retain a triaging and rapid resolution process but improve that process with a view to having 75% of matters subject to rapid resolution being resolved in less than 90 days, and 95% of matters subject to rapid resolution being resolved within 6 months, by no later than the end of the financial year 2020-21, with further improvements to those key performance indicators to be reviewed upon the introduction of the Uniform Law.
2. That the LSCC immediately identify all investigations older than two years of age and ensure they are resolved as a matter of priority, with at least 50% of those investigations to be resolved by the end of the financial year 2020-21, another 25% by the end of the financial year 2021-22, and the remaining 25% by the end of the financial year 2022-23.
3. That the LSCC retain a separate disciplinary investigation process but improve that process with a view to 75% of matters subject to disciplinary investigation being resolved in less than two years by the end of the financial year 2021-22.

4. Upon the achievement of Recommendation 3, the LSCC seek to have 75% of disciplinary investigations resolved in less than 12 months, and 90% of disciplinary investigations resolved within two years by end of the financial year 2022-23 with no investigation open after two years by 2023-24 unless there are circumstances beyond the control of the LSCC.
5. The LSCC have 85% of disciplinary investigations resolved within 12 months by the end of the financial year 2023-24 and maintain that timeliness of resolution.
6. That the LSCC optimise their funding through the achieving of complaint handling efficiencies.
7. That the LSCC identify a series of key performance indicators regarding timeliness of complaint handling.
8. That the LSCC identify a series of key performance indicators regarding the cost of complaint handling.
9. That the LSCC publish these key performance indicators in their annual report in 2022-23.
10. That the LSCC publish their performance against these key performance indicators in their annual report for the financial year 2023-24 and then each annual report thereafter.
11. That the LSCC adjust these key performance indicators in line with the timeliness to be achieved through the implementation of recommendations 2-5.
12. That the LSCC seek to improve their key performance indicators over time.
13. That the LSCC implement an electronic complaints management system by no later than the end of the financial year 2021-22 and should aim to do so by December 2021.

Steps taken by the Board

Recommendations 2, 3 and 13 were completed by the Board during the reporting period.

The Board has continued its work on the Recommendations into 2023/24 by:

- completing the key performance indicators regarding the cost of complaint handling (Recommendation 8), which is detailed below
- completing the key performance indicators regarding the timeliness of complaint handling under the Uniform Law (Recommendations 1, 7, 11 and 12), and
- finalising the legacy complaint investigations being handled under the repealed *Legal Profession Act 2008 (LPA)*.

Key Performance Indicators

Recommendation 9 of the Investigation Report states “*That the LPCC publish these key performance indicators in their annual report in 2022-23*”.

Speak Safely

The Speak Safely portal was launched on the final day of the financial year, allowing anyone who has experienced or witnessed harassment or inappropriate behaviour by a lawyer or anyone else in legal workplaces to report it securely, confidentially, and even anonymously.

The launch was welcomed by the Attorney General, the Honourable John Quigley MLA.

The launch of the portal follows similar facilities in other jurisdictions, and complements existing reporting channels. It affords the Board numerous options to take further action, and reinforces the Board's determination that harassment and inappropriate behaviour – including sexual harassment – should not be tolerated in any workplace, including legal workplaces.

The Speak Safely portal reflects the Board's remit to protect the public and raise professional standards in the legal profession, and to promote integrity and positive cultural change in legal profession workplaces.

Inappropriate behaviours can seriously affect the mental health, sense of security, work satisfaction and productivity of those affected.

Harassment by a legal practitioner is a breach of professional responsibility and may amount to unsatisfactory professional conduct or professional misconduct. Harassment by others in legal profession workplaces or activities is of equal concern to us.

The Board has a responsibility to act on complaints of harassment, and promote a workplace culture where victims feel empowered to complain of harassment and confident that complaints will be taken seriously and acted on without fear of retribution.

The Board has an equal responsibility to promote workplace change so that harassment can be consistently identified, universally seen as unacceptable in a professional office environment, and eradicated from responsible workplace behaviour.

People who have experienced or witnessed harassment, discrimination or bullying by a lawyer or someone in a legal setting, but do not want to make a formal complaint, can contact the Board informally and anonymously by submitting a report using our online reporting tool Speak Safely.

The Speak Safely Team has special training in managing reports or complaints about harassment (including sexual harassment), bullying and discrimination.

<https://www.lpbwa.org.au/Harassment-Report>

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.

In 2022, the Board established a Reconciliation Working Group whose objectives are 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.

In 2022/23, the Group:

- developed and launched a Reconciliation Action Plan (**RAP**)
- met quarterly to monitor and report on RAP implementation
- organised an internal event during NRW
- provided Reconciliation Australia resources to all staff
- extended an invitation to Aboriginal and Torres Strait Islander legal professionals to share their reconciliation experience
- promoted reconciliation through ongoing engagement with stakeholders
- updated recruitment strategies to attract Indigenous applicants
- provided cultural awareness training to all new employees, and
- encouraged an Acknowledgement of Country at the commencement of all internal and external meetings.

The Group will continue to meet in 2023/24 to progress more of the RAP objectives and identify new ones.

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 during the reporting period included the (now former) Solicitor General Joshua Thomson SC, and Andrew Pascoe.

The Council's Admissions Committee is responsible for the development of the *Legal Profession Uniform Admission Rules 2015* (**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.

PROFILE OF THE LEGAL PROFESSION

In accordance with regulation 37(2) of the *Legal Profession Uniform Law Application Regulations 2022 (Regulations)*, the renewal period for an Australian practising certificate is the period from 1 to 31 May. Applications received, accepted, and approved during that renewal period are renewed from 1 July each year.

Regulation 37(3) specifies that the late fee period for the renewal of an Australian practising certificate is the period from 1 June to 30 June. Applications received during the late fee period incur a greater fee, as per Schedule 1 – Fees of the Regulations.

In accordance with section 117(3) of the *Legal Profession Uniform Law Application Act 2022 (Application Act)*, the Board may reject an application for renewal made during the late fee period and must reject an application that is not made during the standard or late fee period, unless the application is accepted under subsection (4) should the Board be satisfied that the delay was caused by matters beyond the control of the applicant or, there are other circumstances warranting acceptance of the application.

The number of practising certificates issued during the reporting period was 7907 (with 6 cancelled), which is a 11.8% increase in the number of practising certificates issued compared to the previous period.

Table 1

Renewal applications received during 2022/23 for the 2023/24 practising certificate

	Online application	Paper applications	Total applications	Non-renewal notices
Standard renewal period	7216	101	7317	19
Late fee period	160	19	179	54
Totals:	7376	120	7496	73

Table 2

Composition of WA local legal practitioners

Composition of WA Local Legal Practitioners	Resident Females	Non-Resident Females	Resident Males	Non-Resident Males	Resident Other	Non-Resident Other	Totals
Barristers	77	0	218	0	0	0	295
Commonwealth Government	75	4	25	2	0	0	106
Consultants	1	0	1	0	0	0	2
Director	277	0	572	1	0	0	850
Employees	2045	72	1204	62	11	0	3394
Equity Partner	1	0	4	3	0	0	8
Fixed Profit-share Partner	0	0	0	0	0	0	0
Inhouse	576	49	400	39	0	0	1064
Lay Associate	0	0	0	0	0	0	0
Local Government	16	0	7	0	0	0	23
Legal Practitioner Partner	98	8	281	6	0	0	393
Not practising (certificated)	268	30	164	20	1	0	483
Salaried Partner	28	1	41	8	0	0	78
Sole Practitioners	156	0	284	0	0	0	440
Judiciary^	6	0	7	0	0	0	13
Deceased^	3	0	1	0	0	0	4
Struck Off^	0	0	0	0	0	0	0
Suspended^	2	0	1	0	0	0	3
State Government*	438	3	252	0	0	0	693
Volunteer/pro bono	10	0	8	0	0	0	18
Community Legal	28	0	12	0	0	0	40
Practising Certificates ISSUED	4105	167	3482	141	12	0	7907
Practising certificates cancelled	2	1	3	0	0	0	6
TOTAL PRACTITIONERS	4103	166	3479	141	12	0	7901

Table 3

Australian practising certificate categories imposed during the year in this jurisdiction

Certificate Categories of WA Local Legal Practitioners	Resident Females	Non-Resident Females	Resident Males	Non-Resident Males	Resident Other	Non-Resident Other	Totals
Principal of a law practice	571	12	1155	9	0	0	1747
Employee of a law practice	2180	88	1325	77	12	0	3682
Government legal practitioner	536	9	278	2	0	0	825
Barrister only	76	0	214	0	0	0	290
Volunteer or pro bono	11	0	5	0	0	0	16
Corporate	578	50	402	40	0	0	1070

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 home jurisdiction is in Western Australia
 - who is not a full-time judicial officer
 - who has, in writing, nominated themselves as a member, and
- 12 local legal practitioners of at least 3 years' standing and practice who are elected as members.

Board membership

King's and Senior Counsel

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

**Queen's Counsel became King's Counsel upon the passing of Her Majesty Queen Elizabeth II on 8 September 2022.*

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 2023

As at 30 June 2023, the Board had a total of 47 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 1 July 2022, 3 new Senior Counsel nominated for membership of the Board.

Board members as at 30 June 2023

The Honourable John Quigley, Attorney General of Western Australia (ex-officio) Joshua Thomson SC, Solicitor General of Western Australia (ex-officio)	
John Syminton, Chair Stephen Owen-Conway KC Thomas Percy KC Kenneth Pettit SC The Honourable Peter McCallum Dowding SC Gregory McIntyre SC Christopher Shanahan SC Stephen Davies SC Kanaga Dharmananda 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 Justin Whalley SC Alan Sefton SC Matthew Curwood SC Kim Lendich SC Lindsay Fox SC Geoffrey Bourhill SC Darren Renton SC Clare Thompson SC Griffin Ranson SC Terence Palmer SC Bettina Mangan SC Craig Bydder SC Eric Heenan SC Robert Wilson John Hockley Patricia Femia Rebecca Heath Gary Mack Fraser Robertson Amy Pascoe Brett Davies Brie Rogers

Our sincere thanks to the following Board members who stepped down from the Board in 2022/23:

- The Honourable Justice Sam Vandongen (appointed as a Judge of the Supreme Court of Western Australia effective 2 November 2022, appointed as a Judge of the Court of Appeal effective 22 May 2023)
- His Honour Judge Mark Ritter SC (appointed as a Judge of the District Court of Western Australia effective 1 February 2023)
- The Honourable Justice Steven Jones SC (appointed as a Judge of the Federal Circuit and Family Court of Australia (Division 1) and the Family Court of Western Australia effective 30 March 2023)
- The Honourable Justice Matthew Howard SC (resigned as Chair of the Board 22 June 2023, appointed as a Judge of the Supreme Court of Western Australia effective 17 July 2023)
- Her Honour Judge Laura Christian SC (resigned 3 May 2023, appointed as a Judge of the District Court of Western Australia effective 22 May 2023)
- John Fiocco (did not stand for re-election, term ended 5 April 2023)
- Sabina Schlink (resigned from the Board 27 April 2023)
- Maria-Luisa Coulson (resigned from the Board 4 May 2023), and
- Anna Ciffolilli (resigned from the Board 26 June 2023, effective 1 July 2023).

Meetings of the Board

The Full Board convened on 9 occasions between 1 July 2022 and 30 June 2023. This included 1 scheduled meeting and 8 meetings by resolution without meeting. Among other things, it passed resolutions including:

- appointment of a Returning Officer and Deputy Returning Officer for the Board's annual election
- appointment of a Chairperson and Deputy Chairperson of the Board and LSCC
- confirmation of elected members of Board
- appointment of members to each of the Board's delegated committees
- appointment of Convenor and Deputy Convenor for each of the Board's delegated committees, and
- nomination for Western Australian representative for the Legal Services Council.

Annual election of the Board

Pursuant to regulation 5(1) of the Regulations, elections to elect Board members must be held on the first Tuesday in April each year.

The 2023 annual election of Board members was held on Tuesday, 4 April 2023 for 6 vacant positions, with notice provided to the profession inviting a notice of intention to stand as a local legal practitioner of at least three years' standing and practice.

A notice of intention was due for submission to the Board no less than 28 days prior to the date of election, which was Tuesday, 7 March 2023.

At 5:00pm Tuesday, 7 March 2023 the Board received 7 nominations, which exceeded the number of vacancies, being 6. An election was called and held on Tuesday, 4 April 2023.

This year, a hybrid voting system was implemented by the Board and conducted by CorpVote Pty Ltd, who were appointed by the Board to protect privacy and ensure a fair voting process.

Australian legal practitioners chose whether to vote using the online voting system or ballot paper.

The 6 nominees with the highest number of votes cast were elected as members of the Board for a 2 year period being:

- Brett Davies
- Amy Pascoe
- Rebecca Heath
- Gary Mack
- Sabina Schlink, and
- Patricia Femia.

There were 7,337 eligible votes with 1,198 total votes received (16.33% response rate).

13 votes were cast using ballot paper.

Year	2019	2020	2021	2022	2023
Ballots received	926	231	652	444	1,198
Eligible voters	6422	6422	7054	7457	7,337
Number of candidates	17	25	14	12	7

Management 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.

Meetings

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.

Membership as at 30 June 2023

- John Syminton (Convenor)
- Fraser Robertson (Deputy Convenor)
- Kanaga Dharmananda SC
- John Ley SC
- Joseph Garas SC
- Gary Cobby SC (appointed 5 April 2023)
- John Hockley, and
- Gary Mack.

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

- John Fiocco (resigned 5 April 2023), and
- Sabina Schlink (resigned 27 April 2023).

Meetings of the Committee

The Management Committee convened on 7 occasions between 1 July 2022 and 30 June 2023. This included 6 scheduled meetings and 1 meeting by resolution without meeting.

Admissions and Registration Committee

About the Committee

The Admissions and Registration Committee is responsible for the functions and powers of the Board 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.

Membership as at 30 June 2023

- Robert Wilson (Convenor) (appointed 6 June 2023)
- John Syminton (Deputy Convenor) (appointed 6 June 2023)
- Alan Sefton SC
- John Hockley
- Rebecca Heath
- Amy Pascoe
- Fraser Robertson, and
- Brett Davies (appointed 17 May 2023).

Our sincere thanks to the following Board members who resigned from the Admissions Committee in 2022/23:

- His Honour Justice Sam Vandongen (resigned 1 November 2022)
- Her Honour Judge Laura Christian SC (resigned 3 May 2023)
- John Fiocco (resigned 5 April 2023), and
- Sabina Schlink (Convenor) (resigned 27 April 2023).

Meetings of the Committee

The Admissions Committee convened on 15 occasions between 1 July 2022 and 30 June 2023. This included 11 scheduled meetings and 4 meetings by resolution without meeting.

Professional Affairs Committee

About the Committee

The Professional Affairs Committee exercises powers and functions delegated to it by the Board for:

- 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
 - 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
- the reservation of legal work and related matters, including the prosecution of persons engaging in unqualified practice and approval of lay associates.

Membership as at 30 June 2023

- Convenor (vacant)
- Gary Mack (Deputy Convenor)
- Gregory McIntyre SC
- Rodney Hooper SC
- Martin Cuerden SC
- Alain Musikanth SC
- Lindsay Fox SC
- Clare Thompson SC
- Griffin Ranson SC
- Bettina Mangan SC (appointed 22 February 2023)
- Craig Bydder SC (appointed 22 February 2023)
- Amy Pascoe
- Fraser Robertson, and
- Brie Rogers (appointed 14 June 2023).

Our sincere thanks to the following Board members who resigned from the Professional Affairs Committee in 2022/23:

- John Fiocco (Convenor) (resigned 5 April 2023)
- Maria-Luisa Coulson (resigned 4 May 2023), and
- His Honour Justice Matthew Howard (Convenor) (resigned 22 June 2023).

Meetings of the Committee

The Professional Affairs Committee convened on 15 occasions between 1 July 2022 and 30 June 2023. This included 11 scheduled meetings and 4 meetings by resolution without meeting.

Professional Development Committee

About the Committee

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

The role of the Professional Development Committee is to determine and review policy in regard to legal education and continuing professional development.

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

Committee Membership

Membership as at 30 June 2023

- Mr John Syminton (Convenor)
- Ms Rebecca Heath (Deputy Convenor)
- Ms Karen Farley SC
- Mr Martin Cuerden SC
- Mr Stephen Wright SC
- Mr Jason MacLaurin SC
- Mr Matthew Curwood SC
- Mr Terence Palmer SC
- Ms Patricia Femia
- Mr Gary Mack, and
- Mr Fraser Robertson.

Our sincere thanks to the following Board members who resigned from the Professional Development Committee in 2022/23:

- His Honour Justice Steven Jones SC (resigned 30 March 2023), and
- Mr Gary Cobby SC (resigned 5 April 2023).

Meetings of the Committee

The Professional Development Committee convened on 16 occasions between 1 July 2022 and 30 June 2023. This included 10 scheduled meetings and 6 meetings by resolution without meeting.

Legal Services and Complaints Committee

About the Committee

One of the Board's core activities under the Uniform Law is to receive and assess enquiries and complaints about lawyers, legal practice structures and unqualified legal practice, attempt to resolve disputes, and conduct investigations and disciplinary processes where appropriate.

The LSCC is a statutory committee of the Board. The Board has been given the power to delegate to the LSCC the powers of dispute resolution and professional discipline under Chapter 5 of the Uniform Law.

The objectives of this chapter are:

- to provide a framework for the timely and effective resolution of disputes or issues between clients and lawyers or law practices
- to provide a scheme for the discipline of the Australian legal profession, in the interests of the administration of justice and for the protection of clients or law practices and the public generally, and
- to monitor, promote and enforce the professional standards, competence and honesty of the Australian legal profession.

A complaint against any legal practitioner, including a barrister, can be made to the Board.

The LSCC may delegate any power or duty of the committee under the provision of the Application Act or the Uniform Law to the Legal Services and Complaints Officer (**LSCO**) who has the following functions:

- to carry out Chapter 4 functions delegated by the Board
- to carry out any power or duty delegated under section 61 of the Application Act, and
- other functions conferred on the LSCO by the Application Act, Uniform Law or another Act.

The Board ensures that the LSCO is provided with the necessary services and facilities to enable the LSCC to perform its functions.

Committee membership and operations

The Board appoints a legal member, who is a Board member, as Chairperson and Deputy Chairperson of the LSCC.

Membership of the LSCC consists of at least 7 Australian legal practitioners (legal members) appointed by the Board, a majority of whom are Board members and at least 2 representatives of the community appointed in writing by the Attorney General, none of whom is to be or has been an Australian lawyer.

A legal member's term is no more than 6 years in total.

A community representative's term is no more than 3 years in total, subject to section 65 of the Application Act.

Community representatives are paid remuneration and allowances as per section 70 of the Application Act.

Meetings of the Committee

The LSCC convened on 13 occasions between 1 July 2022 and 30 June 2023. This included 11 scheduled meetings and 2 meetings by resolution without meeting.

During 2022/23, the LSCC was constituted by:

- Mr John Ley SC (Chairperson) (appointed as Chairperson and member to 2 March 2023)
- Mr Gary Cobby SC (Chairperson) (appointed as a member 7 October 2022 and appointed as Chairperson 3 March 2023)
- Mr Darren Renton SC (Deputy Chairperson) (appointed as Deputy Chairperson to 5 June 2023), and
- Mr Joseph Garas SC (Deputy Chairperson) (appointed 6 June 2023).

Other LSCC members included:

Division A

- Darren Renton SC (Division A Chairperson to 5 June 2023)
- Joseph Garas SC (Division A Chairperson from 6 June 2023)
- Matthew Curwood SC
- Ms Amy Pascoe
- Mr Fraser Robertson , and
- Mr Murali Mahendran (community representative) (appointed 1 March 2023).

Division B

- John Ley SC (Division B Chairperson to 2 March 2023)
- Gary Cobby SC (Division B Chairperson from 3 March 2023)
- John Hedges SC
- Jason MacLaurin SC
- Geoffrey Bourhill SC
- Eric Heenan SC (appointed 22 February 2023)
- Robert Wilson
- Gary Mack
- Ms Brie Rogers (appointed 14 June 2023), and
- Ms Margaret Pyrchla (community representative) (appointed 1 March 2023).

Suzanne Hunt is the deputy community representative for Divisions A and B.

Our sincere thanks to the following Board members who resigned from the LSCC in 2022/23:

- John Ley SC (Chairperson) (resigned 8 March 2023)
- Carolyn Thatcher SC (resigned 10 February 2023)
- His Honour Steven Jones SC (resigned 30 March 2023)
- John Syminton (resigned 28 June 2023)
- Ms Anna Ciffolilli (resigned 26 June 2023, effective 1 July 2023)
- Ms Maria-Luisa Coulson (resigned 4 May 2023)
- Karina Ballard AM (community representative, term ceased 28 February 2023), and
- Terry Buckingham (community representative, term ceased 28 February 2023).

ENTERING LAW

Admission to the Australian legal profession

The Application Act designates the Board as the entity which determines the eligibility and suitability of persons seeking admission to the legal profession in Western Australia. The Board provides the Supreme Court with a compliance certificate in respect of a person seeking admission for this purpose.

Admission of lawyers

The Admission of lawyers is governed by the *Legal Profession Uniform Admission Rules 2015*.

To be admitted to the Australian legal profession a person must meet the eligibility and suitability requirements. To be eligible a person must have:

- attained the specified academic qualifications prerequisite, and
- satisfactorily completed the specified practical legal training prerequisite, and
- be fit and proper to be admitted to the Australian legal profession.

Applicants for admission utilise the online practitioner portal available via the Board's website to make application and provide the necessary supporting documentation.

If the Board is satisfied with the eligibility and suitability of an applicant, the Board may provide the Supreme Court with a compliance certificate in respect of the applicant.

During the period 1 July 2022 to 30 June 2023:

- A total of 508 persons were admitted
- 59% of applicants were female
- 26 applicants obtained their academic qualifications in a foreign jurisdiction¹
- 470 applicants attained their academic qualifications wholly or partly in Australia
- 3 applicants from other Australian jurisdictions were admitted pursuant to the *Mutual Recognition (WA) Act 2020*, and
- 9 applicants from New Zealand were admitted under the *Trans-Tasman Mutual Recognition Act (WA) 1997*.

Admissions 2020/21 to 2022/23

Year	2020/21	2020/21	2022/23
Admissions	487	500	508

¹ This data may differ from that reported by the Legal Services Council due to changes in the way data was calculated.

Academic qualifications

The Board accredits academic law courses and practical legal training providers in accordance with the *Legal Profession Uniform Admission Rules 2015*.

The Board has accredited 5 academic institutions that provide law courses in WA.

Currently accredited academic qualifications are offered by:

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

As at 30 June 2023, the Board were finalising the 5-year reaccreditation of Murdoch University, who were last reaccredited in 2017. As well as conducting accreditation assessment for the Sheridan Institute Bachelor of Laws (LLB), being a proposed new law course in Western Australia.

Of the 459 applicants for admission who obtained their academic qualifications in Australia, almost 25% completed an accredited law course at the University of Western Australia and 22% completed an accredited law course at Murdoch University. Just over 11% completed their academic qualifications in another Australian jurisdiction.

Applicants who obtained a law qualification overseas (or who hold an Australian law qualification which is more than 5 years old) must apply for an assessment of what, if any, additional study is necessary in order to be eligible for admission. The Board received 26 applications² during the reporting period, a minor increase compared with the previous year.

Academic qualifications

	2018/19	2019/20	2020/21	2021/22	2022/23	Total
Australian	410	370	464	472	470	2187
Overseas	32	15	19	25	26	117
MRA/TransMutual Recognition	7	6	4	3	12	32
TOTAL	449	391	487	500	508	2336

² This data may differ from that reported by the Legal Services Council due to changes in the way data was calculated

Assessment of Qualifications		
Qualified	Admitted	No.
Africa	Africa	2
Argentina	Argentina	1
Belgium	Not Admitted	1
Cambodia	Not Admitted	1
China	Not Admitted	1
China	China	1
Egypt	Egypt	1
England, Wales and Northern Ireland	Not Admitted	14
England, Wales and Northern Ireland	England, Wales and Northern Ireland	13
England, Wales and Northern Ireland	England, Wales and Northern Ireland and Mauritius	1
England, Wales and Northern Ireland	England, Wales and Northern Ireland and Gibraltar	1
England, Wales and Northern Ireland	Malaysia	1
England, Wales and Northern Ireland	Singapore	1
England, Wales and Northern Ireland	Sri Lanka	1
Ireland	Ireland	1
Fiji	Not Admitted	1
Fiji	Fiji	3
France	Not Admitted	3
India	Not Admitted	5
India	India	9
Indonesia	India	1
Italy	Italy	1
Japan	Japan and United States	1
Kenya	Kenya	3
Kyrgyz Republic	Kyrgyz Republic	1
Pakistan	Not Admitted	1

Philippines	Philippines	3
South Africa	Not Admitted	7
South Africa	South Africa	6
South Africa	South Africa and Jersey Channel Islands and England, Wales and Northern Ireland	1
Scotland	England, Wales and Northern Ireland	1
Singapore	Singapore	3
Sri Lanka	Sri Lanka	4
Thailand	Thailand	1
United States	Not Admitted	2
United States	United States	1
Zimbabwe	Zimbabwe	1
Total assessments		100

Practical legal training courses

The Board has accredited 4 practical legal training (**PLT**) providers in WA to provide legal training by participation in course work.

The following providers offer approved PLT courses for admission into the profession:

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

In the 2023/24 financial year, the Board will be undertaking a 5-year reaccreditation review of the College of Law, the Leo Cussen Centre for Law Western Australia and the Piddington Society as PLT providers in Western Australia.

Over 75% of admission applicants completed their PLT with the College of Law.

Fitness and propriety

The Board determines whether an applicant for admission is of good fame and character and a fit and proper person to be admitted to the Supreme Court of Western Australia. The Board considered circumstances surrounding matters of suitability and determined whether an applicant is a fit and proper person for admission.

Applicants for admission must disclose to the Board any matter which could influence the assessment of their fitness and propriety to be admitted to the legal profession.

Approximately 38% of applicants in the reporting period made one or more disclosures which may have an impact on their fitness and propriety to be admitted to the Australian legal profession. The percentage of applicants with disclosures is consistent with the previous year.

The main disclosures were for matters associated with:

1. Parking infringements or similar
2. Traffic convictions and offences
3. Spent convictions
4. Academic misconduct, and
5. Health or other capacity related matter.

Suitability Disclosures	2018/19	2019/20	2020/21	2021/22	2022/23	Total
Academic Misconduct	11	10	11	9	5	46
Assault charge or conviction			1			1
Bankruptcy	1		1		1	3
Centrelink overpayment or offence	6	17	5	9	4	41
Charge			2	1	1	4
Criminal Conviction	3		1		1	5
Delay		1		1	1	3
Drug and Substance Abuse				1		1
Early declaration of suitability appln		2	2	1	1	6
Health or other capacity issue	3	5	7	11	5	31
Infringements Parking and similar	2	1	24	75	97	199
Inquiry re Conduct		1	2	2	4	9
No disclosure but matters considered		2	1	1		4
Spent Conviction	7	1	9	6	6	29
Traffic Conviction or Offence	61	36	48	25	21	191
Unqualified Legal Practice investigation or finding		6	0			6
Various disclosures	35	33	48	52	47	215
TOTAL	129	115	162	194	194	794

Objections to issue compliance certificates

The Board is required to publish notice of an application for compliance certificate on its website, and does so by publishing the full name of applicants and their proposed dates of admission. Any person may object to the Supreme Court against the issue of a compliance certificate to a particular person. The Board will not issue a compliance certificate until the Court has dealt with the objection.

The Board did not receive notification of any notice of objections during the period 1 July 2022 to 30 June 2023.

PRACTISING LAW

The Board is responsible for the grant and renewal of Australian practising certificates in Western Australia to eligible and suitable persons who are admitted to the Australian legal profession. The Board also facilitates the internationalisation of legal services by administering the framework for the regulation of the practice of foreign law in Western Australia by foreign lawyers.

The grant and renewal of Australian Practising Certificates (including conditions)

The Board may grant or renew an Australian practising certificate if it is satisfied that the applicant: is an Australian lawyer; has professional indemnity insurance, if required by the law; and does not hold another Australian practising certificate that would be in force concurrently with the certificate whose grant or renewal is sought. The Board must not grant or renew an Australian practising certificate if it considers that the applicant is not a fit and proper person to hold the certificate.

Applicants for an Australian practising certificate typically utilise the online practitioner portal available via the Board's website to make an application for an Australian practising certificate and provide the necessary supporting documentation.

During the reporting period the Board issued a total of 7496 Australian practising certificates for the practising year ending 30 June 2023. Of these, approximately 5% were grants and 95% were renewals. This represents a 6% increase in the number of practising certificates issued in the previous reporting period.

The standard renewal period for an Australian practising certificate is the period beginning 1 May before the expiry day and ending on 31 May before the expiry day. Approximately 95% of renewal applications are received during this standard renewal period. Australian practising certificates can also be renewed during the late fee period. The late fee period begins on the 1 June before expiry and ends on 30 June.

The table on page 10 under "Profile of the legal profession" sets out the number of renewal and grant applications received during the standard and late renewal period for the 2023/24 practising year.

Australian Practising Certificate conditions

An Australian practising certificate granted in WA is subject to conditions imposed by or under the Uniform Law.

Division 3 of Part 3.3 of the Uniform Law sets out the conditions of Australian practising certificates. As the designated local regulatory authority, when granting, renewing and amending Australian practising certificates the Board must determine conditions for:

- categories of practice
- trust money
- supervised legal practice
- reading programs (barrister only)
- other matters, as determined at the discretion of the Board.

Categories of practice

All Australian practising certificates are issued with a condition that authorises the holder to engage in legal practice:

1. in one or more of the following categories:
 - a. as a principal of a law practice
 - b. as an employee of a law practice
 - c. as a corporate legal practitioner
 - d. as a government legal practitioner, or
2. as or in the manner of a barrister only, or
3. both as a volunteer at a community legal service and otherwise on a pro bono basis, only.

The breakdown of the number of Australian practising certificates issued in each category is shown in the table below.

Certificate Categories of WA Local Legal Practitioners	Total
Principal of a law practice	1747
Employee of a law practice	3682
Government legal practitioner	825
Barrister only	290
Volunteer or pro bono	16
Corporate	1070

Supervised legal practice

In accordance with Uniform Law, all Australian practising certificates granted in WA are subject to a statutory condition that the holder must engage in supervised legal practice only, until the holder has completed:

- a period or periods equivalent to 18 months of supervised legal practice, if the holder completed practical legal training principally under the supervision of an Australian lawyer to qualify for admission, or
- a period or periods equivalent to 2 years of supervised legal practice, if the holder completed other practical legal training to qualify for admission to the Australian legal profession.

Form 5 applications	Total received in 2022/23	Approved in 2022/23	Not approved/ Withdrawn in 2022/23	Outstanding as at 1 July 2023
Application to Remove Supervised Legal Practice Condition	363	342	3	18

Practice management

When a practitioner successfully completes the required period of supervised legal practice the Board imposes a Practice Management Course (**PMC**) condition on the practitioner's Australian practising certificate. 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.

The College of Law continues to be the only approved public provider of a PMC in WA.

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.

During the reporting period 110 applications for the variation of the PMC condition were approved and 90 applications for the revocation of the PMC Condition were approved. This represents a 35% decrease compared to the previous reporting period.

The Board refused a total of 6 applications for the revocation of the PMC during the reporting period, an increase from the 2 refusals in the previous year.

	Approved	Refused	Total
Variation	110	0	110
Revocation	90	6	96
Total	200	6	206

Unqualified legal practice

The Board commenced 16 investigations into unqualified legal practice allegations, of which the Professional Affairs Committee considered 4 and resolved to take no further action.

Seven of the allegations were concluded for reasons including that the individuals under investigation were:

- charged with one count of contravening section 169 of the Criminal Code “False Statement on Oath”
- convicted under s13(1) of the former LPA, not being an Australian legal practitioner, represented that they were entitled to engage in legal practice
- not charged due to the limitation period passing and insufficient evidence being available
- convicted under s12(2) of the LPA, engaging in legal practice without being an Australian legal practitioner
- not charged due to the matter not being taken further.

9 investigations remain ongoing into 2023/24.

Continuing Professional Development

The Board is responsible for monitoring and managing compliance with the Uniform Law Continuing Professional Development (**CPD**) rules for solicitors and barristers. Solicitors and barristers are required to complete at least 10 CPD units/points, with at least six being interactive, across four fields/categories (**CPD Condition**). CPD units/points continued to be earned by completing minimum periods of time in an approved activity, typically being 0.5 units/points for every 30 minutes.

CPD Management System

The Board continues to utilise its online CPD Management System (**CPDMS**) to monitor and assess CPD compliance for all practitioners who hold an Australian practising certificate in this jurisdiction. The CPDMS was implemented on 1 April 2021.

Under the Application Act an Australian legal practitioner does not complete a CPD activity unless that activity is: an excluded activity; an activity provided by an authorised QA (CPD) provider; or the practitioner is an authorised CPD provider in relation to the activity.

Authorised QA providers are required to upload CPD units/points attained by a practitioner for participating in a CPD activity to the practitioners CPD activity record in the Board’s CPDMS.

In previous years the Board has conducted an audit of approximately 10% of the profession. Through the CPDMS, every practitioner who holds an Australian practising certificate is now audited.

CPD compliance

Internal checks and reporting through the CPDMS in relation to all practitioners with an Australian practising certificate during May 2023 identified 2087 practitioners who were non-compliant with CPD requirements as at 31 March 2023 for one or more of the following reasons:

- did not achieve the required 10 CPD units/points
- did not achieve the required 6 interactive CPD units/points
- did not achieve the required CPD unit/point in each of the four fields/categories.

For the first time a digital assessment of the non-compliance with the CPD requirements was undertaken. This assessment resulted in a condition requiring the practitioner to complete additional CPD activities being imposed on 2087 Australian practising certificates relating to the 2022/23 CPD year. The condition required those practitioners to complete additional CPD units/points in specific fields/categories as rectification of the breach.

Compared with the previous reporting period the imposition of 2087 additional CPD conditions was a significant increase. However, in a number of circumstances the initial digital assessment process was inaccurate resulting in the erroneous imposition of the Additional CPD Condition on some Australian practising certificates.

A project to review all of the 2087 additional CPD conditions imposed on Australian practising certificates commenced in July 2023. This review involved direct liaison with CPD providers and practitioners. The review was expected to take several months to complete.

The Board is making changes to its CPD processes as well as the way data is configured to improve transparency and consistency in relation to CPD records going forward.

CPD variations

Practitioners can seek a variation to the CPD condition on a case by case basis in circumstances that 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, and
- other circumstances.

During the reporting period the Board received 215 applications to vary the CPD condition of which 106 were approved. A further breakdown of these requests is detailed in the table below.

The number of variation applications decreased by 10% from the previous reporting period.

CPD Variation	Total received	Approved	Not approved/ withdrawn	Outstanding as at 1 July 2023
Parenting leave	125	79	2	44
Overseas	62	21	2	39
Illness	11	3	2	6
Exceeding 40 years in legal practice	3	1	0	2
Other circumstances	14	2	6	6
Total	215	106	12	97

Approval of QA (CPD) Providers

During the reporting period the Board received 105 applications requesting approval to be a CPD provider accredited by the Board (QA Provider). This is a small increase from the previous year.

A breakdown of the different provider categories in which applications were received is in the table below.

QA Provider applications	Total received in 2022/23	Approved in 2022/23	Not approved/withdrawn 2022/23	Outstanding as at 1 July 2023
Commercial Provider	4	3	0	1
Legal Education Provider	13	12	0	1
Community Group or small non-commercial member organisation	5	3	1	1
Community Legal Centre	1	1	0	0
Discussion Group	2	1	0	1
Law Practice category	37	36	0	1
Additional activities within Law Practice category	43	32	0	11
TOTAL	105	88	1	16

Non-QA Provider accreditation of CPD activities

The Board received 95 requests from non-QA providers to accredit CPD activities delivered on a single activity basis. This is a 40% increase from the previous year.

A breakdown of the non-QA provider applications received during the reporting period is shown in the table below.

Non-QA Approved Provider applications (Form 2)	Total received in 2022/23	Approved in 2022/23	Not approved/Withdrawn in 2022/23	Outstanding as at 1 July 2023	Rec. 21/22 processed 2022/23
1-2 hour activity	33	32	1	0	3
Half day activity	8	8	0	0	0
Activity longer than half day	8	7	1	0	0
Form 2	46	14	2	30	0
TOTAL	95	61	4	30	3

Single CPD Activity accreditation by individual practitioners

The Board received 154 requests from practitioners to accredit attendance/participation in a CPD activity that was not delivered by an accredited provider. This represents a 43% increase from the previous year.

A breakdown of these requests is in the table below.

Form 3 applications	Total received in 2022/23	Approved in 2022/23	Not approved/ Withdrawn in 2022/23	Outstanding as at 1 July 2023
Single CPD Activity by individual practitioner	154	94	20	40

The table below sets out the breakdown of CPD applications the Board has received over the past 8 years, identifying an overall increase in applications from the previous reporting period.

Application type (1 July - 30 June)	15/16	16/17	17/18	18/19	19/20	20/21	21/22	22/23
QA Providers	47	64	55	135	71	136	99	105
Individual activities by Non QA Provider	131	79	92	296	105	109	68	95
Single activities by an individual practitioner	188	147	207	202	124	102	108	154
Variation of CPD condition	84	99	143	229	273	369	239	215
TOTAL	450	389	497	863	573	691	514	569

Registration of foreign lawyers

The Board is responsible for the regulation of the practice of foreign law in WA by foreign lawyers. An Australian-registered foreign lawyer is entitled to practice foreign law in WA in accordance with the Uniform Law and any conditions imposed on their Australian registration certificate. The Board is responsible for the grant and renewal of Australian registration certificates.

As at 30 June 2023 there were 6 registered foreign lawyers in WA. This is a 25% reduction compared to the previous period.

Registration of foreign lawyers	
Canada	1
Germany	1
England, Wales and Northern Ireland	3
France and United States	1

TRUST ACCOUNTS

The Board's Review and Audit team works collaboratively to provide the legal profession with clear guidance on the regulatory framework under Uniform Law and to support the profession in complying with their obligations to ensure that WA has an engaged, active, competent and ethical legal profession. The Review and Audit team's role in the delivery of the Board's regulatory activities is focused on the:

- monitoring, audit and investigation of law practices and their trust accounts
- education of the legal profession and identification of continuing professional development requirements and opportunities, and
- establishment of strong working relationships with a range of internal and external stakeholders such as legal profession regulators from other jurisdictions, law societies, law practices, lawyers, universities, accountants, auditors and the major banks to exchange information and gain their commitment and support in ensuring that WA has an engaged, active, competent and ethical legal profession.

Trust account educative seminars

During the reporting period the Review and Audit team presented nine face-to-face seminars, with the option to participate via webinar so as to cater for lawyers and others living regionally. The subject title of *Uniform Law Updates: Trust Accounting and External Examination Requirements* attracted a total of 573 attendees which was a significant increase over previous years. Attendees included not only lawyers but also support staff who deal with the trust account, and also external examiners. These seminars are an excellent opportunity for lawyers to not only update their knowledge on trust issues but to also connect with the Board and fellow practitioners.



A trust account seminar at 111 St Georges Terrace, Perth

Reporting of trust irregularities

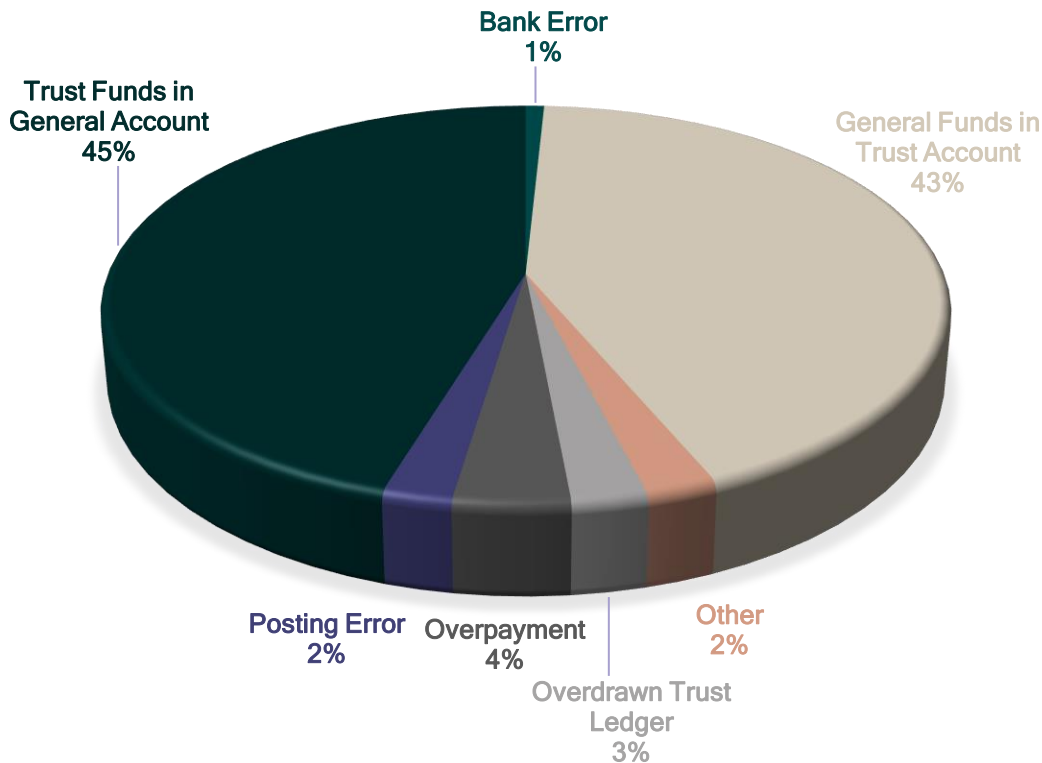
The reporting of irregularities to the Board is a requirement of section 154 of the Uniform Law. Table 1 below sets out the number of reported trust account irregularities during the reporting periods over the past 10 years.

Trust irregularities reported past 10 years					
Quarter ended	30 Sep	31 Dec	31 Mar	30 Jun	Total
2013/14	239	218	221	278	956
2014/15	217	239	236	349	1041
2015/16	321	255	384	449	1409
2016/17	331	312	345	347	1335
2017/18	399	408	353	274	1434
2018/19	213	227	611	425	1476
2019/20	774	717	495	635	2621
2020/21	967	1372	1125	1830	5294
2021/22	1547	1266	1313	1350	5476
2022/23	1347	1523	1467	2000	6337

Figures for irregularities do not include irregularities identified and reported as part of the annual external examination process.

Categorised for 2022/23 the irregularities comprised of (see chart below):

TRUST IRREGULARITIES



There has been a 15.7% increase in the number of irregularities reported in 2023 compared to 2022. This increase can be attributed to the increased attendance at the Trust Account Educative Seminars and the increased awareness among the legal profession of what constitutes an irregularity.

External Examiners Reports

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 2023 there were 799 law practices that were required to lodge an EER. To date 744 EER have been received (the remaining 17 law practices have either requested an extension or are being followed up).

All reports received have been reviewed by the Review and Audit Team. As a result of this process it has been identified that 42 practices will require further follow up and assistance. The information collected through these annual audits is also useful in considering complaints or regulatory issues that come to our attention.

Table 2

External Examiners Reports (EER)					
	2022/23	2021/22	2020/21	2019/20	2018/19
Law Practices with Trust Accounts (WA)	799	806	764	746	765
EERs Lodged	744	175	255	675	720
EER received to be reviewed	0	750	267	0	0
Waivers Granted	38	36	28	30	28
EERs Outstanding	17	56	34	41	17
Qualified & Trivial EER	2022/23	2021/22	2020/21	2019/20	2018/19
EERs Reviewed	744	175	255	675	720
EERs Qualified	26	1	2	17	46
EERs Qualified %	3%	2%	1%	3%	6%

Trust account investigations

Trust account investigations this year have been conducted in response to issues that have been reported to the Board, and form a key part of the Board's regulation of trust money and trust accounts.

The table below shows the number of investigations into law practices focusing on trust accounts over the last 10 years.

Trust Account Investigations			
Year	Commenced	Finalised	Pending
2013/14	17	4	17
2014/15	17	0	21
2015/16	26	0	27
2016/17	29	0	29
2017/18	17	1	16
2018/19	100	82	15
2019/20	84	84	7
2020/21	117	108	13
2021/22	58	71	5
2022/23	0	5	0

Trust account investigations

The Board's Professional Affairs Committee has responsibility for ensuring that lawyers are complying with the requirements prescribed for the administration and management of trust accounts.

Section 155 of the Uniform Law requires a law practice to have an external examination of its trust records each financial year.

The Board considered 3 matters where the practitioner contravened a law about trust money or a trust account.

On each of the 3 occasions a Supervisor of Trust Money was been appointed. The Board has reserved its rights to consider whether the practitioner remains a fit and proper person to hold a practising certificate.

External intervention

Part 6.3 of the Uniform Law empowers the Board (or, in this instance its delegate the Professional Affairs Committee), 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 Professional Affairs Committee considers, among 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 2022/23.

External Intervention

Section of Act	Type of external intervention	Opening balance	Commenced	Closed	Closing balance
Part 6.3 Chapter 4	Supervisor of Trust Money	2	3	3	2
Part 14 Division 4	Manager	10	3	4	9

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

PROFESSIONAL STANDARDS

Message from the Chair of the Legal Services Complaints Committee

Mr Gary Cobby SC



I am pleased to present the section of the Legal Practice Board Annual Report regarding the handling of complaints by the Legal Services Complaints Committee (**Committee**) for the financial year ending 30 June 2023.

As Chair of the Committee I have come to appreciate the invaluable contribution its members and staff make towards maintaining the profession's standards and assisting and protecting the public.

I wish to express my sincere gratitude to my predecessor John Ley SC for his many years as Chair, a task to which he dedicated countless hours over many years. His contribution to the profession has been immeasurable.

This year has seen the introduction to Western Australia of the Uniform Law. This, along with the local Application Act, has meant a rapidly changing landscape for the Committee and Board in assisting to resolve disputes and protect the public over the 2022/23 financial year. It has allowed new opportunities and new efficiencies in the handling of complaints, and to learn from our data. Further benefits will be realised as we build on the objectives of efficient, effective, targeted and proportionate regulation.

At the same time, we have continued to resolve outstanding matters commenced under previous legislation, as provided for in the transitional arrangements of the Uniform Law. I am happy to report that in doing so, we have been able to respond to the recommendations made by the Ombudsman in his 2020 report into complaint handling by the Committee. Those recommendations have assisted with the transition to working under the Uniform Law and in the resolution of matters under the previous legislation. In this report we publish a suite of performance indicators relating to complaint handling under the Uniform Law, on which the Committee will report commencing next year.

The Committee has also begun taking steps this year to increase diversity amongst its membership.

I am grateful for the expertise and commitment of the Committee members and acknowledge with thanks the dedication and integrity of the Board's staff, all of whom support the Committee and its important functions, sometimes in trying circumstances. All members of the Committee volunteer a substantial amount of their time to the regulation of the profession, with our community representatives adding an invaluable perspective from outside of the profession.

Finally, I also wish to thank the retiring members of the Committee, namely Carolyn Thatcher SC, Steven Jones SC, John Syminton, Anna Ciffolilli, Maria-Luisa Coulson and community representatives Karina Ballard AM and Terry Buckingham.

Message from the Legal Services and Complaints Officer

Mr Russell Daily



This year brought about the long anticipated commencement of the Uniform Law in Western Australia.

This change brings a modern complaint handling scheme to WA, with a focus on the timely and effective resolution of disputes, consumer protection and empowerment, ensuring high standards in the profession, and overall regulation that is efficient, effective, targeted and proportionate.

The Board has developed its Strategic Direction and Regulatory Approach Statement to guide how it works to achieve these goals – including using these dispute resolution and professional discipline powers – managing risks and concerns, looking at issues holistically.

This year has also seen the prioritising of legacy complaints initiated under the former LPA, bringing them to an appropriate conclusion, bearing in mind the same approach. Both the staff of the office and the members of the Complaints Committee have worked hard to balance old and new, working with the feedback and recommendations of the Ombudsman WA, and improved ways of working.

I would like to express my gratitude to all of the staff and members of the Board and Complaints Committee for their efforts and support, and in particular the new Complaints Committee Chair, Gary Cobby SC, for everything he has done to date. I also want to thank John Ley SC, the former Chair who retired from the role during the year. His commitment to the objectives of the Complaints Committee, and his diligence in its work, were immense. His long service to the public and the profession have prepared us well for the future.

Complaint handling

Introduction

Since 1 July 2022 all new complaints about lawyers in Western Australia are handled under Chapter 5 of the Uniform Law, so far as is consistent with the law.

Under the Application Act the Board has been designated the local regulatory authority to handle complaints. The Application Act however also establishes the Legal Services and Complaints Committee (**LSCC**) as a committee of the Board, and the Legal Services and Complaints Officer (**LSCO**) as an employee of the Board.

The Board has delegated the handling of incoming complaints to the LSCC, LSCO and Board staff.

Transitional provisions under the Application Act also allow for outstanding complaints and investigations commenced under the former LPA (legacy complaints) to continue to be handled as if the LPA remained in place.

Uniform Law changes

The Uniform Law introduces a different scheme for the handling of complaints about lawyers than existed under the LPA, and focuses on providing efficient, effective, targeted and proportionate regulation, while also enhancing consumer protection, and empowering clients to make informed choices.

The new scheme introduces the concept of complaints dealing with consumer matters and costs disputes, where the Board must attempt to resolve the complaint by informal means as soon as practicable.

The statutory objectives of the complaint handling regime under Chapter 5 of the Uniform Law (Dispute resolution and professional discipline) are:

- a. to provide a framework for the timely and effective resolution of disputes or issues between clients and lawyers or law practices; and
- b. to provide a scheme for the discipline of the Australian legal profession, in the interests of the administration of justice and for the protection of clients of law practices and the public generally; and
- c. to monitor, promote and enforce the professional standards, competence and honesty of the Australian legal profession.

Complaints about issues that may warrant a disciplinary response are handled with a view to protecting the public by providing deterrence and denunciation.

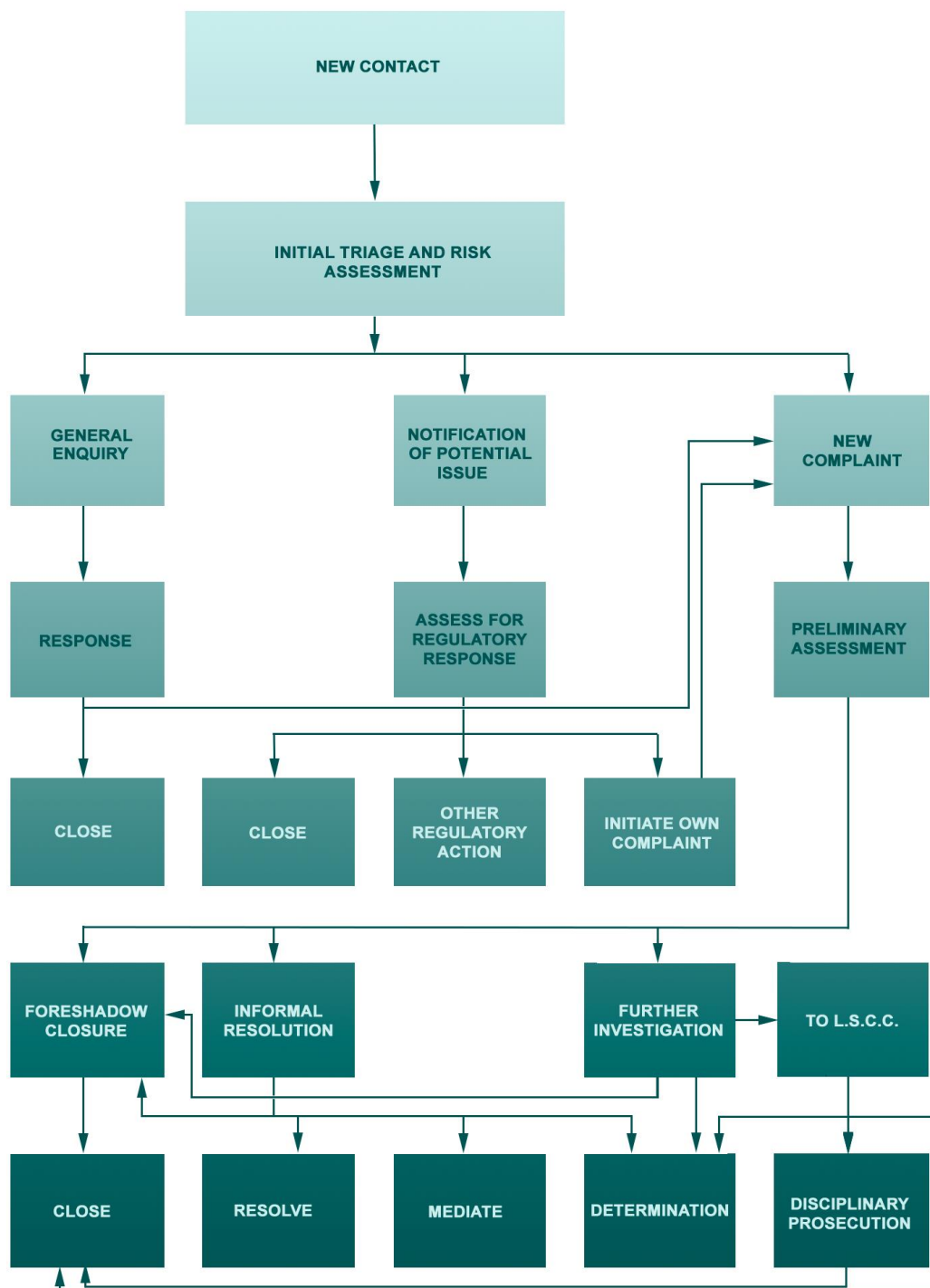
The changes brought about by the Uniform Law have not only changed the way that complaints are handled but have also changed the way in which the data is recorded. There are now different categories of complaints, where now a complaint can contain a consumer matter, a disciplinary matter, or both. A costs dispute, which is a particular type of consumer matter, is another new concept introduced in Western Australia by the Uniform Law.

Under the LPA, all complaints had to be investigated except in limited cases. The primary objective of that scheme was to consider whether disciplinary action was warranted. This could lead to a disproportionate focus on a legalistic enquiry into allegations that did not warrant such levels of attention.

The Strategic Direction and Regulatory Approach Statement (**RAS**) now adopted by the Board also assist in more outcome-focused complaint handling in line with the objectives of the Uniform Law.

The Board has worked on utilising the changes brought about by the Uniform Law to find new ways of trying to assist complainants with their concerns. At the same time there has remained a number of outstanding legacy complaints that progressed under the LPA regime and less modern ways of working. These have also been progressed in line with the Board's RAS, and with the benefit of recommendations made by the Western Australian Ombudsman in his investigation report.

Complaint handling flow chart



Legacy complaints decided by the LSCC

The LSCC has been delegated powers by the Board to deal with complaints under the Uniform Law. However, as the LSCC also is the same entity as, and a continuation of, the former LPCC established under the former LPA; the LSCC therefore continues to handle remaining LPA legacy complaints.

Under the LPA, complaints were generally investigated unless they were dismissed summarily. Where a full investigation was conducted, a report and recommendation are generally produced by the investigator which is then considered and a decision is made. Speaking generally there are three options available:

- dismiss the complaint (or take no further action if it is an own-initiative investigation)
- deal with cases of unsatisfactory professional conduct summarily, avoiding the need to bring proceedings at the State Administrative Tribunal (**SAT**), where the lawyer consents
- refer the matter to the SAT.

During 2022/23 the LSCC determined 85 legacy complaints. In 2 own-initiative investigations it determined to take no further action, whereas 16 complaints were summarily dismissed, 25 complaints were otherwise dismissed, 11 investigations were dealt with by way of summary conclusion and 31 were referred to SAT.

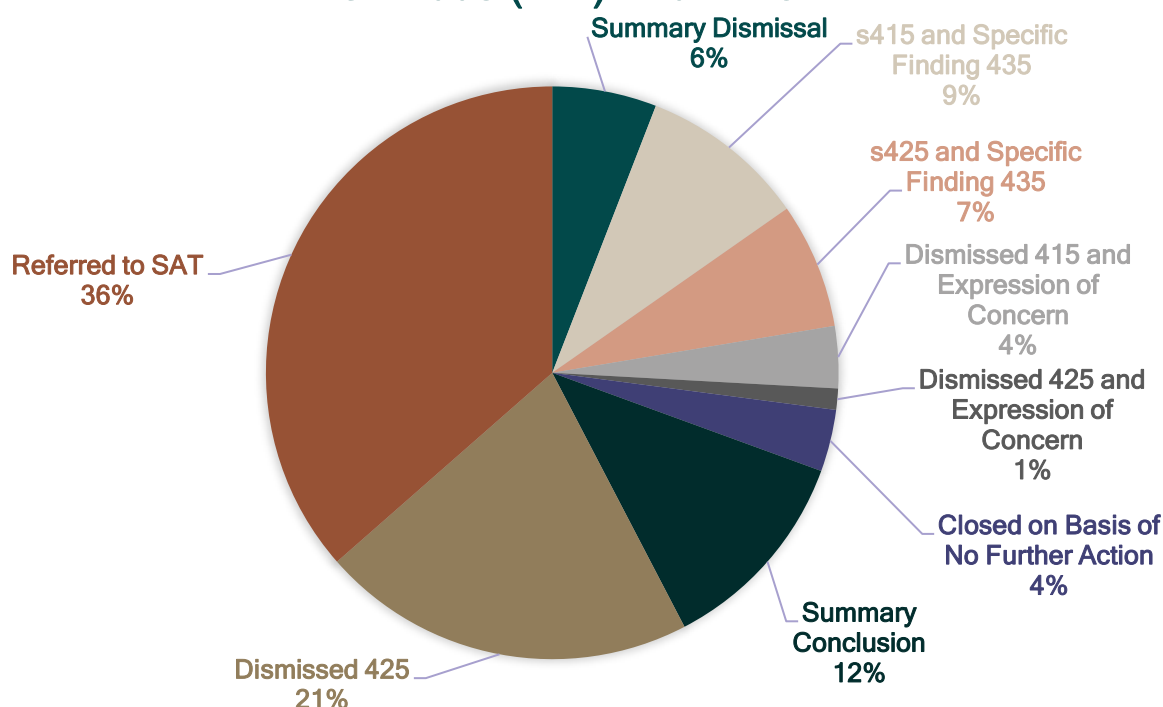
The LSCC also exercised the delegated power of the LSCC to conclude 118 legacy complaints, many by summary dismissal.

On 4 occasions the LSCC expressed some concern about the actions (or inaction) of the lawyer. A lawyer may make an error, or not provide service that could be described as best practice, but still not attract disciplinary sanction. It is recognised that to amount to unsatisfactory professional conduct there must be an appreciable departure from the required standard of competence and diligence expected of a reasonably competent practitioner. The required standard however does not require perfection or even correctness.³

If a lawyer recognises that there are learnings from what occurred that led to the complaint, and shows insight into what occurred, this is a positive in terms of improving standards for future clients and raising standards. An important tool available to the LSCC and Board is to help educate lawyers and help encourage improvements and prevent future issues.

³ *De-Abreu and LPCC* [2022] WASAT 42 at [155]

LSCC DECISIONS UNDER LEGAL PROFESSION ACT 2008 (WA) - 2022/23



Uniform Law complaints dealt with by the LSCC, LSCO and other delegates

The LSCC dealt with 8 complaints and investigations that were commenced under the Uniform Law in 2022/23. In relation to these the LSCC closed 4 of them, made two determinations and subsequent orders for unsatisfactory professional conduct, and initiated prosecutions for allegations of professional misconduct in 2 further cases.

The LSCO and other delegates made decisions to close an additional 84 complaints under the Uniform Law.

Many of the investigations that are escalated to the LSCC consideration involve matters of legal and factual complexity. Often careful review, consideration and analysis of extensive amounts of material is required by the investigator and the LSCC, as does whether there is a reasonable likelihood of a disciplinary breach being made out, and whether taking such action is in the public interest.

The Board has the power to investigate disciplinary matters of its own initiative. This discretion is exercised where it is appropriate to take action, weighing up the various issues involved. These will include what evidence is available, how long ago the allegations are said to have taken place, the severity of the conduct, and whether there is any ongoing risk to the public.

Investigations and any subsequent prosecutions can involve the use of significant resources. Decisions are made bearing in mind the role of the Board in protecting the public, maintaining standards and generally acting in the public interest. Initiating an investigation where there is no complaint is considered an important part of this function, as is considering other forms of regulatory action in line with the Board's RAS.

The Board's RAS builds on the objectives of the Uniform Law to bring complaints to a timely and expeditious resolution with a proportionate use of resources and outcome.

The Uniform Law's focus on dispute resolution, different categorisation and broader palate of tools to achieve the above objectives has meant that it is not possible to compare complaint data under the Uniform Law with that from previous years. However some comparisons are made in the tables ahead which highlight certain trends.

Further, under the Uniform Law scheme the Board is required to share data on regulatory activity, including in complaint handling, with the Legal Services Council and the Commissioner for Uniform Legal Services Regulation who oversee the scheme. All participating jurisdictions share data in a standardised common format. This includes the numbers of incoming complaints and the areas of law they relate to, the categories of matters within a complaint, issues arising and outcomes.

Trends/special problems that have emerged

The number of complaints received in the first year of the operation of the Uniform Law has been ten-fold of that received under the former LPA. However this does not represent an increase in the number of people contacting the Board and the LSCC raising concerns about a lawyer or law practice. Rather it is result of the changes brought about by the Uniform Law which have in part led to a decrease in what has been handled under what used to be referred to simply as an enquiry.

Before the commencement of the Uniform Law, many matters were handled outside of the complaint handling scheme set out in the LPA; as it was limited and focused only on disciplinary matters, rather than establishing a more modern complaint handling regime.

One consequence of more contacts now being dealt with as complaints is that we are seeing an increase in the percentage of complaints that are received in the area of family law. Again this does not reflect any real change in the number or nature of concerns being raised with us. Rather it shows that while family law is the area that gives rise to the greatest number of people seeking assistance and raising their concerns with the Board, a significant number of the matters raised are a result of misconceptions about the roles of the various lawyers involved in family law matters. A number of these were dealt with as enquiries rather than complaints under the LPA.

The commencement of the Uniform Law also introduced consumer matters and costs disputes. This has not only impacted the way the data looks but has driven a quite different approach to complaint handling.

Some of the powers brought about by the Uniform Law here (for example, making binding determinations in costs disputes) were not immediately available to use in all new complaints given the transitional arrangements. However, as our ability to handle more and more complaints using the enhanced suite of powers under the Uniform Law increases, and our approach matures, we will gain further insights.

Forecast of 2023/24 workload

It is not anticipated that there will be any noticeable increase in incoming complaints in 2023/24, compared to the new baseline set with the commencement of the Uniform Law in 2022/23. Revised ways of working (in part to do with the Uniform Law) including greater emphasis on an up-front risk assessment and the timeliness of bringing matters to an appropriate resolution, have impacted on workloads at the front end. Bringing the vast bulk of legacy complaints to a conclusion has also meant a number of prosecutions in the SAT will require resourcing in the coming year.

Although the Board is far from alone in its experience, it should be acknowledged that the employment market of 2022/23 presented challenges in recruiting a full complement of skilled staff. This has had some impact on workloads and timelines.

Proposals for improving operations

SPEAK SAFELY

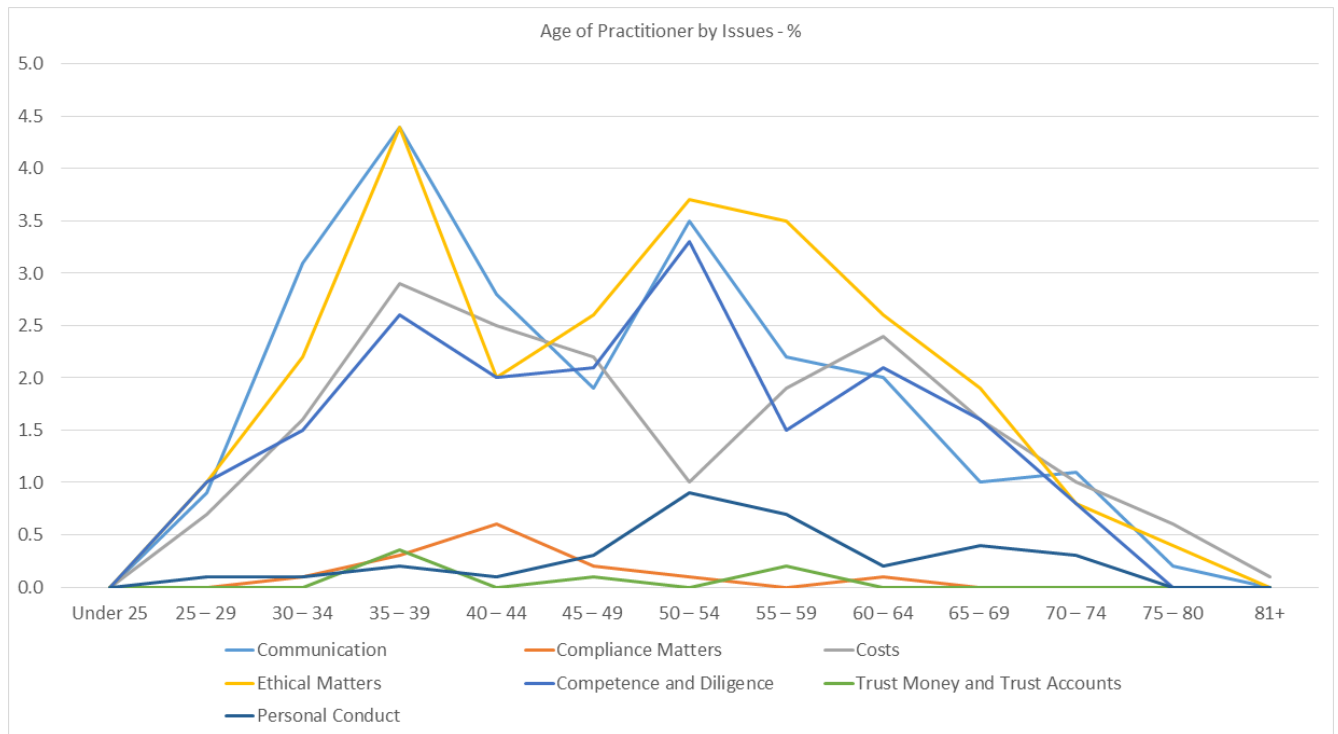
As has been set out earlier in this report, the Board launched the Speak Safely initiative on 30 June 2023, which provides an online reporting tool as a further option for anyone who has experienced or witnessed harassment or inappropriate behaviour by a lawyer or anyone else in legal workplaces to report it securely, confidentially, and even anonymously. This can be done without making a formal complaint.

Historically, complaints about sexual harassment (and other inappropriate personal behaviour by lawyers) have been low. This fits with the Board's duty to protect the public and raise professional standards in the legal profession, and to promote integrity and positive cultural change in legal profession workplaces.

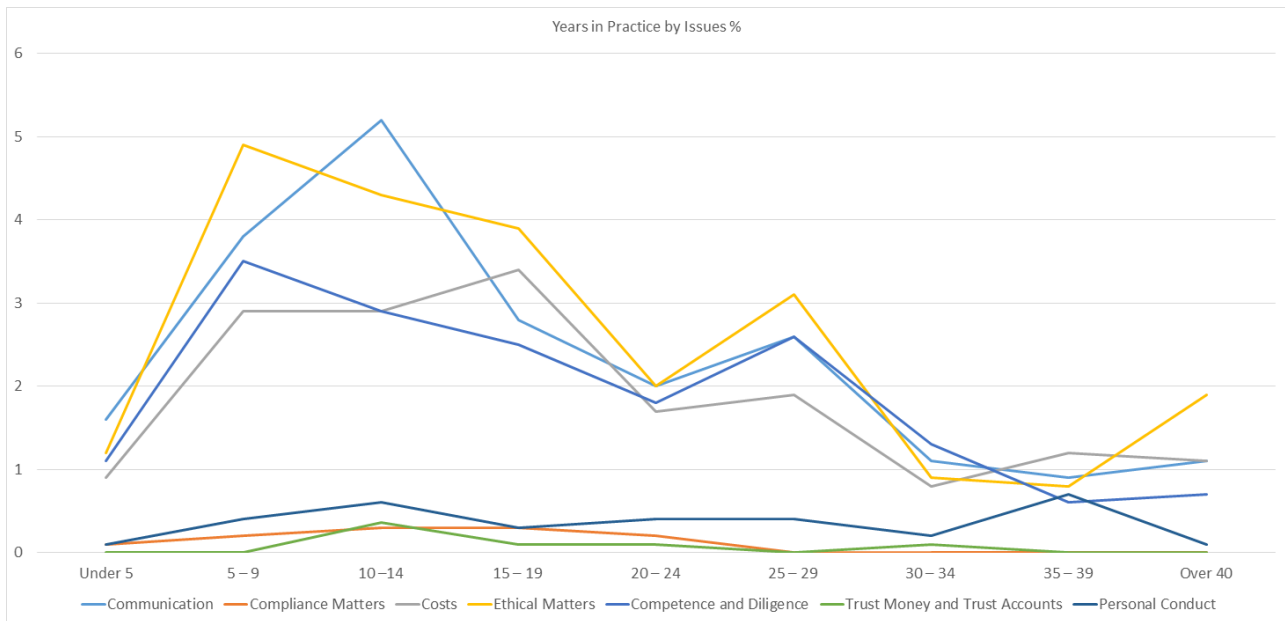
The data on complaints received does not correlate with the anecdotal experience. The reasons for the low reporting of harassment, discrimination or bullying are well understood, and include fear about retribution and the impact on an individual's career, and allegations not being taken seriously or being dealt with.

The complaints data⁴ from the last year shows that while complaints about communication, ethical matters, costs and competence peak in early years of a lawyer's professional life, complaints about personal conduct (which includes these areas) while still small in number, peak later than other areas.

Further work will be considered in this area in developing responses to help the Board eliminate **harassment** and other negative or inappropriate behaviours.



⁴ See tables inserted



Ombudsman Western Australia

Also as set out earlier in this report, the Ombudsman made a number of recommendations in his 2020 report arising from his investigation report. The LSCC and Board have largely completed those key performance indicators (**KPIs**) which focus on resolving outstanding legacy complaints under the LPA and initial improved timeliness of complaint handling.

Work continues in relation to identifying and implementing a series of new KPIs with regard to both the timeliness and cost of complaint handling now that the Uniform Law has commenced.

The below series of KPIs has been developed and incorporated into planning for our 2023/24 reporting. Data is being collected to assess our performance and will be reported on next year.

In summary, the following shows the time-based and cost-based KPIs, where the former has certain targets set as a percentage of all matters handled, and the latter shows the target average cost for all matters.

Time-based KPIs – Uniform Law complaint handling

KPI	Description	Timeframe
1	80% of consumer matters resolved	90 days from receipt
2	80% of costs disputes resolved	90 days from receipt
3	80% of disciplinary matters resolved	90 days from receipt
4	80% of Highest complexity significant investigations resolved	12 months from commencement
5	90% of requests for internal review determined	10 working days from when information provided in support of request
6	80% of internal reviews resolved	20 working days from when decision made to conduct internal review

Cost-based KPIs – Uniform Law complaint handling

KPI	Description	Cost per matter
1	Basic resolution: quick resolution	\$1,307.85
2	Standard resolution: informal alternative dispute resolution	\$2,143.44
3	Complex resolution/investigation: more formal handling	\$5,808.49
4	Significant investigation: suitability and/or disciplinary action	\$95,992.11

Disciplinary action under the LPA

Complaints and investigations where the LSCC summarily concluded unsatisfactory professional conduct outcomes.

Case	Grounds of unsatisfactory professional conduct	Outcome
1.	<ul style="list-style-type: none"> Making a decision not to lead certain evidence in the client's defence, which was not capable of being justified as a reasonable forensic judgment and which prejudiced the client's defence. 	<ul style="list-style-type: none"> Public reprimand. \$2000 fine.
2.	<ul style="list-style-type: none"> Sending intemperate, unprofessional and discourteous correspondence making a statement which was liable to intimidate or unduly pressure the complainant and her husband, and had the effect of furthering, or attempting to further, the client's interests by unfair means. 	<ul style="list-style-type: none"> Public reprimand.
3.	<ul style="list-style-type: none"> Sending a letter to the court appointed Independent Children's lawyer that contained language that was rude, offensive, insulting, provocative and/or discourteous. 	<ul style="list-style-type: none"> Public reprimand.
4.	<ul style="list-style-type: none"> Failing to adequately advise the client on whether or not they should give evidence in their own defence at trial. 	<ul style="list-style-type: none"> Public reprimand. \$1800 fine.
5.	<ul style="list-style-type: none"> Acting in circumstances which gave rise to a conflict of interest publishing, without consent, his client's confidential information on a Facebook community group which was disparaging and intemperate in tone. 	<ul style="list-style-type: none"> Public reprimand. \$1500 fine.
6.	<ul style="list-style-type: none"> Certifying and submitting a mortgage without complying with Landgate's Verification of Identity and Authority Practice failing to act competently and diligently. 	<ul style="list-style-type: none"> Public reprimand. Fine of \$2,500.
7.	<ul style="list-style-type: none"> Failing to provide a receipt following payment of costs failing to advise the complainant's lawyers in a timely manner that costs were received failing to respond to the complainant's lawyers in a timely manner failing to provide comprehensive information to the complainant's lawyers. 	<ul style="list-style-type: none"> Public reprimand. Fine of \$500.
8.	<ul style="list-style-type: none"> Borrowing, via a company they controlled, up to \$1,250,000 from a client and providing a personal guarantee procuring a loan of \$1,350,000 from a client to a company which they were a director of and providing a guarantee to the client for that loan acting for both the borrower and lender in connections with transactions, in circumstances where he failed to ensure the client obtained independent legal advice on both occasions. 	<ul style="list-style-type: none"> Public reprimand. Fine of \$5,000.
9.	<ul style="list-style-type: none"> Providing legal advice in circumstances where there was a conflict of interest communicating directly with a represented party failing to render an invoice failing to adequately disclose costs disclosing a confidential client document without consent failing to seek client instructions when required failing to provide a response to the Committee. 	<ul style="list-style-type: none"> Public reprimand. Fine of \$1,500. Compensation of \$25,482.56.

10.	<ul style="list-style-type: none"> • Facilitating the purchase of the property upon a false basis • adducing that the removal of the caveat was essential for a transaction when it was not • failing to inform parties regarding instructions received creating a material advantage • failing to fully inform parties of obligations under the contract of sale • drafting an agreement with missing elements and failing to respond regarding corrections • failing to adequately advise their client regarding settlement • deliberately delaying settlement. 	<ul style="list-style-type: none"> • Fine of \$750. • Compensation of \$550.
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Disciplinary referrals to State Administrative Tribunal

During the year, the LSCC resolved to refer 31 legacy complaints to the SAT, involving 18 lawyers. As at 30 June 2023, 13 of the matters in relation to 8 lawyers had been commenced at the SAT. A significant proportion of the referrals involve multiple clients and matters and issues of some legal and factual complexity.

Making such a referral is a decision to prosecute an allegation about a lawyer's conduct in the SAT. These prosecutions allege disciplinary breaches, and are subject to the civil standard before the SAT. Findings of professional misconduct or unsatisfactory professional conduct made by the SAT are published on the register of disciplinary action on the Board's website. This provides the public with access to information that can help the consumer make an informed choice in engaging a lawyer to act for them. The Register also has general deterrence value by providing an incentive to other lawyers to learn from the experience of others and help lift standards across the profession.

After a matter is referred to the SAT under the LPA, the LSCC prepares and then lodges an application with the SAT. The application sets out the grounds of the alleged professional misconduct or unsatisfactory professional conduct, together with the supporting facts and contentions.

A barrister from the independent bar will often be briefed to advise and appear in matters where appropriate.

Many prosecutions are settled without the need to proceed to a defended hearing, where consent orders are made following SAT ordered mediation where the LSCC and the lawyer reach an agreement on the orders to be sought. The SAT however is not bound by that agreement, but is required to consider and determine if the proposed orders are appropriate before it can make orders in those terms.

During the year, the LSCC filed 15 applications with the SAT, and 7 applications were determined by the SAT. 6 of these matters were determined (including sanction) as a result of consent orders, and one matter was determined after a hearing.

Summary of disciplinary applications determined by the State Administrative Tribunal

No.	Matter Identification	Summary of SAT Findings	Summary of Orders Made
1.	LSCC and Goldsmith – [2022] WASAT 43 (S) Delivered 11 November 2022 <i>*Decision has since been successfully appealed and sent back to the SAT for reconsideration*</i>	Five findings of professional misconduct and one finding of unsatisfactory professional conduct <ul style="list-style-type: none"> • Failure to pay fees of counsel engaged to represent practitioner in Supreme Court matter • Lodging a complaint with the WA Bar Association without reasonable basis • Filing a defence knowing it contained false and misleading statements • Seeking to engage counsel to appear in further proceedings knowing ongoing dispute between them. 	<ul style="list-style-type: none"> • Practitioner suspended from practice for a 12 month period. • Practitioner to pay the applicant's costs fixed at \$105,755.
2.	LSCC and Bostock – [2022] WASAT 100 Delivered 17 November 2022	One finding of professional misconduct and 4 findings of unsatisfactory professional conduct by: <ul style="list-style-type: none"> • failing to act in a timely, competent and diligent manner • failing to provide costs disclosure • failing to carry out instructions • withdrawing trust monies where there was no direction. 	<ul style="list-style-type: none"> • The practitioner is reprimanded. • The practitioner is fined \$5,000. • The practitioner is to pay the applicant's costs fixed at \$5,000.
3.	LSCC and Rajendran – [2021] VR 78 Delivered 28 November 2023	One finding of professional misconduct by making false and misleading statements regarding PII.	<ul style="list-style-type: none"> • The practitioner is reprimanded. • The practitioner is fined \$8,500. • The practitioner is to pay the applicant's costs fixed at \$623.
4.	LSCC and Fifield – [2020] VR 95 Delivered 21 February 2023	One finding of unsatisfactory professional conduct by taking instructions from a client who did not have capacity.	<ul style="list-style-type: none"> • The practitioner is reprimanded. • The practitioner is fined \$7,500. • The practitioner is to pay the applicant's costs fixed at \$6,000.
5.	LSCC and Abou Haidar – [2023] WASAT 23 Delivered 29 March 2023	One finding of professional misconduct by sending unsolicited and inappropriate correspondence to other lawyers and the LSCC.	<ul style="list-style-type: none"> • The lawyer is reprimanded. • The lawyer is not to be granted a practising certificate for 9 months. • The lawyer is to pay the applicant's costs fixed at \$5,000.
6.	LSCC and Cain – [2022] VR 106	One finding of professional misconduct by causing practitioners who were not on the LAWA panel to appear for clients	<ul style="list-style-type: none"> • The practitioner's practising certificate is suspended for 9 months.

	Delivered 5 May 2023	and obtaining a financial benefit from LAWA grants.	<ul style="list-style-type: none"> The practitioner is to pay the applicant's costs fixed at \$5,000.
7.	LSCC and Blenkinsop – [2021] VR 48 Delivered 6 June 2013	Two findings of professional misconduct by: <ul style="list-style-type: none"> making misleading statements regarding a false attestation statement giving false and misleading evidence on oath in the Supreme Court. 	<ul style="list-style-type: none"> The practitioner is reprimanded. The practitioner's practising certificate is suspended for 6 months. The practitioner is to pay the applicant's costs fixed at \$15,000.

Summary of disciplinary applications not yet determined by the State Administrative Tribunal as at 30 June 2023

No.	Matter Identification	Allegation	Status
1.	VR 70 of 2023	Engaged in professional misconduct on three occasions by: <ul style="list-style-type: none"> failing to provide adequate advice made a concession without instructions selecting an inappropriate case theory. 	<ul style="list-style-type: none"> SAT application filed 30 June 2023. Awaiting initial directions hearing.
2.	VR 64 of 2023	Engaged in professional misconduct on two occasions and unsatisfactory professional conduct on three occasions by: <ul style="list-style-type: none"> providing false or misleading information to a government department providing incorrect information to beneficiaries administered an estate in a furtive and/or dishonest manner failing to act in a timely manner failing to comply with Supreme Court orders failing to distribute estate monies failing to commence a compensation claim failing to respond to correspondence. 	<ul style="list-style-type: none"> SAT application filed 23 June 2023. Awaiting initial directions hearing.
3.	VR 60 of 2023	Engaged in professional misconduct on two occasions by: <ul style="list-style-type: none"> inappropriately communicating with the Justice hearing a matter failing to disclose the inappropriate correspondence to the other parties. 	<ul style="list-style-type: none"> SAT application filed 21 June 2023. First directions hearing listed for 18 July 2023.
4.	VR 59 of 2023	Engaged in professional misconduct on two occasions by: <ul style="list-style-type: none"> failing to deposit trust money into trust account failing to provide receipts delay failing to adequately advise and act for the client. 	<ul style="list-style-type: none"> SAT application filed 21 June 2023. First directions hearing listed 18 July 2023.

5.	VR 41 of 2023	<p>Engaged in professional misconduct on one occasion and unsatisfactory professional conduct on one occasion by:</p> <ul style="list-style-type: none"> • failing to update costs estimation • delay • taking instruction regarding an estate where letters of administration had been granted • failed to disclose matters required by section 260(1) if the LPA. 	<ul style="list-style-type: none"> • SAT application filed 18 May 2023. • Programming orders made 27 June 2023. • Respondent to file a response to annexure by 26 September 2023 and mediation to be listed.
6.	VR 39 of 2023	<p>Engaged in professional misconduct on 10 occasions by:</p> <ul style="list-style-type: none"> • failing to file appeal within time • delay • failing to comply with court orders • failing to respond to court correspondence • misleading the court • failing to attend hearings • misleading the client • poor case handling • failing to keep the client informed and to respond to client correspondence • failing to comply with LSCC summons. 	<ul style="list-style-type: none"> • SAT application filed 17 May 2023. • First directions hearing listed 14 August 2023.
7.	VR 34 of 2023	<p>Engaged in professional misconduct on one occasion and unsatisfactory professional conduct on one occasion by:</p> <ul style="list-style-type: none"> • failing to provide client with adequate costs disclosure • failure to notify clients of rights regarding costs • making submissions in support to costs containing false and misleading representations • dishonest retaining of costs ordered by the Court to be paid to the client. 	<ul style="list-style-type: none"> • SAT application lodged 9 May 2023. • Referred to mediation on 27 July 2023.
8.	VR 26 of 2023	<ul style="list-style-type: none"> • Engaged in professional misconduct on four occasions and unsatisfactory professional conduct on one occasion by: • acting with reckless disregard as to whether actions would be in breach of SAT orders • making representations that were false or misleading • failure to give a full, frank and candid account of the facts of the matter to the Tribunal. 	<ul style="list-style-type: none"> • SAT application lodged 4 April 2023. • Referred to mediation on 16 August 2023.

9.	VR 20 of 2023	<p>Engaged in professional misconduct on six occasions and unsatisfactory professional conduct on three occasions by:</p> <ul style="list-style-type: none"> • repeated discourteous behaviour towards a fellow legal practitioner • intimidating or threatening behaviour in breach of conduct rules • making an application without reasonable basis and/or for improper purposes • alleging serious misconduct in an affidavit filed with the court without any proper basis • failing to obey terms of a court order • engaging in conduct which may bring the profession into disrepute • failure to deliver competent and diligent legal services. 	<ul style="list-style-type: none"> • SAT application lodged 17 March 2023. • Referred for mediation on 28 August 2023.
10.	VR 13 of 2023	<p>Engaged in professional misconduct on two occasions and unsatisfactory professional conduct on one occasion by:</p> <ul style="list-style-type: none"> • failing to correct documents knowing they contained false and misleading information • communicating unprofessionally and inappropriately with client • making improper use of confidential client information. 	<ul style="list-style-type: none"> • SAT application lodged 28 February 2023. • Referred for mediation on 31 August 2023.
11.	VR 11 of 2023	<p>Engaged in professional misconduct on one occasion by:</p> <ul style="list-style-type: none"> • intentionally, alternatively recklessly, misleading or attempting to mislead a client. 	<ul style="list-style-type: none"> • SAT application lodged 22 February 2023. • Programming orders made 14 March 2023. • Listed for mediation on 5 July 2023.
12.	VR 114 of 2022	<p>Engaged in professional misconduct by:</p> <ul style="list-style-type: none"> • receiving payment of legal fees in circumstances where the client lacked capacity to make complex financial decisions. 	<ul style="list-style-type: none"> • SAT application lodged 22 December 2022. • Programming orders made 14 March 2023. • Listed for mediation on 5 July 2023.
13.	VR 113 of 2022	<p>Engaged in professional misconduct on three occasions and unsatisfactory professional conduct on one occasion by:</p> <ul style="list-style-type: none"> • preparing and sending statements that were false and misleading • failing to deliver documents to client in timely manner. 	<ul style="list-style-type: none"> • SAT application lodged 19 December 2023. • Applicant granted leave to amend application by 7 June 2023. • Amended application filed with tribunal 6 June 2023.

14.	VR 80 of 2022	<p>Engaged in professional misconduct on nine occasions by:</p> <ul style="list-style-type: none"> • mishandling trust money • invoicing for work not completed • failing to pay Government departments • failing to respond to the LSCC • failing to comply with a summons • failing to deliver legal services diligently • failing to complete or advance administration of estate • failing to comply with Supreme Court orders. 	<ul style="list-style-type: none"> • SAT application lodged 8 September 2022. • Awaiting decision.
15.	VR 74 of 2022	<p>Engaged in professional misconduct on three occasions and unsatisfactory professional conduct on two occasions by:</p> <ul style="list-style-type: none"> • failing to disclose how legal costs would be calculated • mishandling trust money • preparing and causing to be filed, affidavits in the Supreme Court that had the potential to compromise the integrity of the client's sworn evidence • failing to follow instructions • failing to attend hearings • failing to update relevant parties • making false and misleading statements. 	<ul style="list-style-type: none"> • SAT application lodged 22 August 2022. • Directions hearing listed 18 July 2023.
16.	VR 46 of 2021	<p>Engaged in professional misconduct on six occasions by:</p> <ul style="list-style-type: none"> • purporting to act for defendant when not instructed • preparing and sending correspondence and statements containing misleading information. 	<ul style="list-style-type: none"> • SAT application lodged 18 June 2021. • Closing submissions heard by the Tribunal on 26 June 2023. • Awaiting decision.
17.	VR 52 of 2019	<p>Professional misconduct by:</p> <ul style="list-style-type: none"> • attempting to further matter of client by unfair/dishonest means • making false/misleading statements • acting for clients in circumstances where practitioner knew, or was recklessly indifferent as to whether, there was a conflict or potential conflict. • preparing or assisting with the preparation of statutory declaration which contained false or misleading conduct. 	<ul style="list-style-type: none"> • SAT application lodged 16 April 2019. • Directions hearing listed 8 August 2023.

18.	VR 98 of 2018	Professional misconduct by: <ul style="list-style-type: none"> • preparing and causing to be sent letters that were threatening, intimidating or discourteous • attempting to interfere with the due administration of justice • failure to comply with summons from the Committee for the purpose of seeking to hinder Committee's investigation • failure to comply with undertaking to provide submission to the Committee. 	<ul style="list-style-type: none"> • SAT application filed 8 June 2018. • Awaiting decision.
19.	VR 159 of 2017	Professional misconduct by: <ul style="list-style-type: none"> • practices in breach of conduct rules surrounding entering into retainer agreement • knowingly making false and misleading representations to Junior Counsel and the Legal Practice Board • attempting to avoid the liabilities of practice, including obligations to pay Junior Counsel's fees • failing, without reasonable excuse, to respond to correspondence from the Committee. 	<ul style="list-style-type: none"> • SAT Application filed 18 August 2017. • Final hearing 20 to 24 March 2023.
20.	VR 47 of 2021	Two grounds of professional misconduct, conduct relating to: <ul style="list-style-type: none"> • receiving trust money in circumstances where practitioner did not maintain a general trust account • failure to adequately advise client of legal costs • rendering of invoices to client for legal costs which were not fair and reasonable • failure to competently and diligently progress matter. 	<ul style="list-style-type: none"> • SAT Application lodged 24 June 2021. • Listed for final hearing 4 to 5 December 2023.
21.	VR 133 of 2019	Three grounds of professional misconduct. Conduct relating to: <ul style="list-style-type: none"> • maintaining and commencing legal proceedings in circumstances where they had no proper basis • making submissions in the court which had no proper basis • discourteous or improper communication • preparing, swearing and filing affidavit with the court knowing it contained false and/or misleading material. 	<ul style="list-style-type: none"> • SAT application lodged 10 September 2019. • Final hearing on 5 May 2022 • Decision reserved. • Awaiting decision from Tribunal.

Reviews before the State Administrative Tribunal in the LPA matters

A complainant who had their complaint dismissed under the LPA was able to apply to the SAT for a review of that decision. If the complaint was found to be trivial, unreasonable, vexatious or frivolous, then the complainant had to seek leave from the SAT to apply for a review. Further, with the commencement of the Uniform Law, the ability to seek a review before the SAT came to an end (although for Uniform Law complaints the Board can conduct an internal review).

There were eight review applications filed during 2022/23, and two applications pending from the previous period. Two review applications were dismissed by the SAT during the year, and no decisions were set aside and sent back for reconsideration. Eight review applications remain pending.

The role of the LSCC in the SAT review proceedings is to use its best endeavours to assist the SAT to make its decision on the review.⁵ The extent of that role however depends on the circumstances of the particular matter. It can vary from providing a book of documents and written submissions to the SAT (where the SAT makes a decision on the papers), through to appearing at a full oral hearing.

Review Applications	Total
Pending as at 1 July 2022	2
Lodged during year	8
Dismissed	2
Sent for reconsideration	0
Pending as at 30 June 2023	8

A comparison of the decisions that have been the subject of review proceedings since 2018/19 is produced below (prior to 2020/21 the LSCC made very few decisions).

Review sought	Total for 2018/19	Total for 2019/20	Total for 2020/21	Total for 2021/22	Total for 2022/23
LSCO decision	0	0	4	3	8
LSCC decision	3	2	0	1	2
Total	3	2	4	4	10

Summary of State Administrative Tribunal review applications determined

Matter	Summary of outcome	Date
<i>Thillagaratnam and LSCC [2022] WASAT 116</i> (VR 68 of 2022)	Dismissed – no jurisdiction as no decision under LPA.	1 December 2022
<i>Charisteas and LSCC [2023] WASAT 48</i> (VR 83 of 2022)	Dismissed – no jurisdiction with repeal of LPA.	29 June 2023

⁵ s30, *State Administrative Tribunal Act 2004*

Internal reviews under the Uniform Law

Under the Uniform Law a complainant may request an internal review of a decision to close a complaint. This must be made with 30 days generally, and whether an internal review is conducted is at the Board's discretion.

Guidance and directions in handling review applications have been developed for delegates. Any assessment of whether to conduct a review, or any review itself, is conducted by an officer with no previous involvement in the decision or handling of the complaint.

In 2022/23 there were 11 request received for an internal review. 10 of the requests were declined and reasons were given to the complainant.

One internal review was conducted and a new decision was made. Feedback from review requests is also informative generally in improving the way matters are handled and communicated.

State Administrative Tribunal reports to the Full Bench of the Supreme Court

After making a finding of unsatisfactory professional conduct or professional misconduct, the SAT has a number of orders or sanctions it can make. These include fining or reprimanding the lawyer, imposing conditions on their practising certificate, or suspending or cancelling the lawyer's practising certificate.

The purpose of disciplinary action is the protection of the public and the maintenance of standards. It is protective rather than punitive, albeit that one way this protection is achieved is by the principle of general deterrence.

A further way to protect the public is by the removal of a lawyer's name from the roll kept of all lawyers admitted by the Supreme Court of Western Australia.

Where it decides to do so, the SAT can therefore report to the Full Bench of the Supreme Court, and may include a recommendation that a lawyer's name should be removed from the roll of practitioners. The Supreme Court then will consider the recommendation and make the order it considers appropriate.

Two of these matters are currently pending.

Appeals and other proceedings

In 2022/23 the following appeals or other matters were commenced or dealt with. No special leave applications were commenced or dealt with.

CACV 66 of 2022 - Lee v Law Complaints Officer as the Delegate of the LPCC

- Application filed 11 July 2022, and
- Appellants application dismissed by order of CoA on 18 April 2023.

CACV 73 of 2022 - Papamihail v LPCC (Appeal of Judicial Review)

- Application filed 14 June 2021, and
- Appellants application dismissed by order of CoA on 26 July 2022.

CACV 25 of 2023 - Mezger v LSCC

- Application filed 7 March 2023, and
- Orders made 23 May 2023 that appellant discontinued the appeal and was to pay respondents' costs fixed at \$430.

CACV 123 of 2022 – Goldsmith v LSCC

- Application filed 20 December 2022, and
- Orders made on 15 June 2023 outlining deadline for submissions.

DATA ANALYSIS

Table 1 – Type of enquirer 2020/21 to 2022/23

	Percentages for 2020/21	Percentages for 2021/22	Percentages for 2022/23
Friend/relative of client	4.2	5.5	3.9
Opposing party	26.8	26.3	14.7
Beneficiary/executor/administrator	4	3.2	2
Practitioner on own behalf	5.4	5.3	4.9
Practitioner on another's behalf	0.8	1.3	0
Other	12.2	10.4	31.4

Table 2 – Enquiries by areas of law 2020/21 to 2022/23

	Percentages for 2020/21	Percentages for 2021/22	Percentages for 2022/23
Commercial/corporations/franchise	7.3	5.6	8.8
Conveyancing	2.8	2.7	2
Criminal	11.7	9.4	4.9
Family/defacto	35	35.5	34.3
Immigration	0.6	0.2	0
Employment Law	3.1	4.6	2.9
Land and environment	1.6	1.8	2
Leases	1.1	1.3	2
Professional negligence	0.2	0.5	1
Personal injuries	3.4	5.4	2
Probate/family provisions	4.5	5.4	2.9
Victims compensation	0.9	1.7	1
Workers compensation	4.7	4	1
Building Law	0.4	1.3	0
Insolvency	0.1	0	0

	Percentages for 2020/21	Percentages for 2021/22	Percentages for 2022/23
Strata bodies/corporates	0.8	0.3	1
Wills/Powers of Attorney	6.4	5.8	3.9
Other civil	15.5	14.5	30.4

Table 3 – Enquiries by issues raised 2020/21 to 2022/23

	Total % 2020/21	Total % 2021/22	Total % 2022/23
Communication			
Rudeness/threatening behaviour/discourtesy	9.8	9.5	7.1
Poor/no communication	8.9	10.2	11.6
Other communication	6.3	4.2	7.1
Subtotal	25.1	24	25.9
Compliance Matters			
Practising certificate issues	0.1	0	0.0
Non-compliance with fiscal obligation	0	0	0.0
Failure to respond to regulator	0.1	0	0.0
Other breaches of the LPA, Regs or Rules	0.1	0.1	1.8
Other compliance matters	0.7	0.2	5.4
Subtotal	0.9	0.4	7.1
Costs			
Disclosure	2.8	2.1	0.0
Billing issues	3.7	6	3.6
Overcharging	3.9	5.8	0.9
Liens	0.6	0.7	0.9
Other costs	12	8.1	5.4
Subtotal	22.9	22.7	10.7
Ethical Matters			
Settlement issues	0.7	0.4	0.0
Fraud (not trust fund)	0.1	0.6	0.9
Misleading conduct	6.7	6	0.0
Ceasing to act	0.2	1.1	0.9
Conflict of interest	2.8	3.6	4.5

Communicating with another lawyer's client	0.2	0.5	0.0
Undertakings	0	0.1	0.0
Breach of confidentiality	1.6	1.8	0.9
Instructions issues	5.3	3	2.7
Advertising	0.1	0.1	0.0
Failure to pay third party	0.4	0.2	0.9
Abuse of process	0.8	0.7	0.9
Failure to comply with court orders	0.7	0.4	1.8
Unethical conduct	2.8	3.4	4.5
Other ethical matters	1.2	1.3	4.5
Subtotal	23.6	23.1	22.3
Competence and Diligence			
Failure to supervise	0.2	0	0.0
Delay	3.3	3.4	5.4
Poor advice / case handlings	8.2	10.7	7.1
Client capacity	0.3	0.2	0.0
Record management	0.1	0.4	3.6
General incompetence	0	6	4.5
Other competence and diligence	6.4	0.9	2.7
Subtotal	18.5	21.5	23.2
Trust Money and Trust Accounts			
Failure to account for trust monies	0.1	0.2	0.0
Other breaches of the LPA, Regs or Rules	0.2	0	0.0
Other trust money and trust accounts	0.2	0.1	0.9
Subtotal	0.5	0.3	0.9
Personal Conduct			
Discrimination	0	0.2	0.9
Sexual harassment	0.1	0.5	0.9
Workplace bullying	0	0.1	0.9
Other Personal conduct	8.5	3.8	7.1
Subtotal	8.6	4.1	9.8

Table 4 – Resolution of enquiries 2020/21 to 2022/23

	Total % 2020/21	Total % 2021/22	Total % 2022/23
Conciliated Outcome			
Fee waiver	1.4	1	0.0%
Apology	0.5	0.8	0.9%
Undertaking	0	0.3	1.8%
Discounted fees	2.4	1.2	2.2%
Expression of concern	0	1	4.5%
Release of lien	0.2	0	0.0%
Withdrawn	5.2	9	25.0%
Improved communication	2.5	1.7	0.0%
Improved legal practice, training, supervision, mentoring or management systems	0.5	0.3	0.4%
Subtotal	12.7	15.4	34.8%
No Further Action			
Accepted Committee/practitioner's response	21.8	12.9	8.0%
Brochures provided	0.4	1	1.8%
Suggested direct approach to practitioner	1.2	0.8	2.2%
No further information provided	29.1	42.3	15.6%
Advised to get legal advice	6.3	3.4	8.9%
Misconceived	6.7	13	10.3%
Other	11	11.2	18.3%
Subtotal	76.4	84.6	65.2%

Table 5 – New complaints and enquiries 2020/21 to 2022/23

	Total 2020/21	Total 2021/22	Total 2022/ 23
Complaints received	59	72	725
Own initiative investigations commenced	25	8	10
Enquiries received	1060	924	102
Total	1144	1004	837

Table 6 – New complaints by type of complainant 2020/21 to 2022/23

	% of total 2020/21	% of total 2021/22	% of total 2022/23
Client/ former client	38.1	27.3	51.2
Client's friend/ relative	1.2	7.8	2.8
Opposing party	8.3	28.6	28.4
Beneficiary/ executor/administrator	1.2	7.8	4.3
Practitioner on own behalf	17.9	5.3	2.8
Practitioner on another's behalf	0	1.3	1.9
Other	29.2	19.5	7.6
Party to proceedings (independent children's lawyer)	1.2	1.3	1.1

Table 7 – New complaints by area of law 2020/21 to 2022/23

	% of Total 2020/21	% of Total 2021/22	% of Total 2022/23
Commercial/corporations/franchise	7.1	4.5	5.2
Conveyancing	4.8	12.4	2.2
Criminal	16.7	11.2	6.8
Family/defacto	20.2	21.3	40.8
Immigration	2.4	-	0.4
Employment Law	1.2	6.7	2.1
Land and environment	-	6.7	0.8
Leases	2.4	3.4	0.6
Professional negligence	16.7	1.1	0.3
Personal injuries	2.4	1.1	5.2
Probate/family provisions	4.8	6.7	5.8
Victims compensation	1.2	1.1	1
Workers compensation	3.6	-	3.9
Building Law	-	4.5	1.1
Strata bodies/corporates	-	-	0.3
Wills/Powers of Attorney	2.4	6.7	3
Other civil	10.7	12.4	20.6

Table 8 – New complaints by issues raised 2020/21 to 2022/23

Communication	% of Total 2020/21	% of Total 2021/22	% of Total 2022/23
Rudeness/threatening behaviour/discourtesy	8.9	5.6%	10.9%
Poor/no communication	5.9	4.5%	10.0%
Other communication	1.2	4.5%	4.3%
Subtotal	16	14.6%	25.2%
Compliance Matters			
Practising certificate issues	1.2	-	-
Non-compliance with fiscal obligation	0.6	-	0.1%
Failure to respond to Regulator	3	-	-
Other breaches of Legislation, Regulations or Rules	2.4	2.2%	0.3%
Other compliance matters	1.8	-	0.5%
Subtotal	8.9	2.2%	1.0%
Costs			
Disclosure	2.4	4.5%	2.0%
Billing issues	3	13.5%	8.8%
Overcharging	3	5.6%	3.7%
Liens	-	-	0.2%
Other costs	-	11.2%	7.0%
Subtotal	8.3	34.8%	21.7%
Ethical Matters			
Settlement issues	-	3.4%	0.4%
Fraud (not trust fund)	4.1	2.2%	0.9%
Misleading conduct	10.7	4.5%	3.1%
Ceasing to act	-	-	1.2%
Conflict of Interest	4.7	5.6%	3.3%
Communicating with another lawyer's client	-	-	0.3%
Undertakings	-	-	0.2%
Breach of confidentiality	-	2.2%	1.5%
Instructions issues	0.6	-	5.1%
Advertising	0.6	-	-
Failure to pay third party	-	-	0.2%

Abuse of process	1.8	-	1.3%
Failure to comply with court orders	1.8	1.1%	0.4%
Unethical conduct	7.1	9.0%	4.7%
Other ethical matters	2.4	3.4%	3.9%
Subtotal	34.3	31.5%	26.6%
Competence and Diligence			
Failure to supervise	0.6	-	0.4%
Delay	4.7	-	4.3%
Poor advice/case handlings	10.1	4.5%	10.6%
Client capacity	0.6	-	0.8%
Record management	-	-	1.4%
General incompetence	-	5.6%	1.9%
Other competence and diligence	9.5	1.1%	2.0%
Subtotal	25.4	11.2%	21.3%
Trust Money and Trust Accounts			
Failure to account for trust monies	1.2	1.1%	-
Other Breaches of the LPA, Regs or Rules	1.2	-	0.1%
Other trust money and trust accounts	2.4	-	0.7%
Subtotal	4.7	1.1%	0.8%
Personal Conduct			
Discrimination	-	-	0.3%
Sexual harassment	-	-	0.2%
Workplace bullying	-	-	0.3%
Other personal conduct	2.4	4.5%	2.5%
Subtotal	2.4	4.5%	3.4%

Table 9 – New complaints by practitioner category 2019/20 to 2022/23

	% of Total 2020/21	% of Total 2021/22	% of Total 2022/23
Barrister	9.5	11.1	4.7
Sole Principal	40.5	19.4	12.8
Other Principal	9.5	27.8	34.9
Non Principal	21.4	26.4	28.7
Government legal position	-	1.4	1.0
Corporate legal position	-	2.8	0.3
Firm only	1.2	4.2	13.1 *
Struck off/suspended	2.4	-	0.1
Other	15.5	6.9	4.4

* complaints can now be made about firms under the Uniform Law.

Table 10 – New complaints by location of practice 2020/21 to 2022/2

	% of Total 2020/21	% of Total 2021/22	% of Total 2022/23
CBD/West Perth	59.5	45.8	48.6
Suburbs	34.5	47.2	43.2
Country	3.6	2.8	5.8
Interstate	2.4	2.8	2.1
Not known	-	1.4	0.4

Table 11 – New complaints by years in practice 2020/21 to 2022/23

	% of Total 2020/21	% of Total 2021/22	Total (%) 2022/23
Under 5	2.4	5.6	7.2
5 – 9	11.9	13.9	16
10 –14	13.1	20.8	17.9
15 – 19	15.5	18.1	13.1
20 – 24	17.9	15.3	8.4
25 – 29	20.2	11.1	9.5
30 – 34	3.6	5.6	4.3
35 – 39	7.1	2.8	4.6
Over 40	7.1	6.9	5.2
Not known/not applicable	1.2	-	13.8 *

* complaints can now be made about firms under the Uniform Law

Table 12 – New complaints by practitioner age 2020/21 to 2022/23

	Total (%) 2020/21	Total (%) 2021/22	Total (%) 2022/23
Under 25	0	0 (0)	0 (0.0)
25 – 29	0	1 (1.0)	25 (3.4)
30 – 34	4 (4.8)	9 (9.3)	57 (7.8)
35 – 39	4 (4.8)	8 (8.2)	104 (14.2)
40 – 44	6 (7.1)	9 (9.3)	66 (9.0)
45 – 49	12 (14.3)	12 (12.4)	66 (9.0)
50 – 54	27 (32.1)	15 (15.5)	88 (12.0)
55 – 59	10 (11.8)	12 (12.4)	68 (9.3)
60 – 64	9 (10.7)	12 (12.4)	68 (9.3)
65 – 69	8 (9.5)	9 (9.3)	46 (6.3)

	Total (%) 2020/21	Total (%) 2021/22	Total (%) 2022/23
70 – 75	3 (3.6)	6 (6.2)	38 (5.2)
76 – 80	1 (1.2)	0 (0)	7 (1.0)
81+	0	0 (0)	1 (0.1)
Not known/not applicable	0	4 (4.1)	100 (13.6) *
Total	84	97	734

* complaints can now be made about firms under the Uniform Law

Table 13 – Percentage of practitioners receiving complaints 2020/21 to 2022/23

	as % of Total Practitioners	as % of Total Practitioners	as % of Total Practitioners
Practitioners/firms with 1 complaint	0.78	0.76	5
Practitioners/firms with 2 complaints	0.09	0.03	1.2
Practitioners/firms with 3 or more complaints	0.04	0.04	0.4
Total number of practitioners or firms	0.9	0.8	6.6

Table 14 – Number of complainants making multiple complaints

	as % of Total Complainants 2022/23
Complainants with 1 complaint	73.8
Complainants with 2 complaints	9.2
Complainants with 3 or more complaints	1.8
Total number of Complainants	626

Table 15 – Resolution of LPA complaints by LSCC 2020/21 to 2022/23

		Total % 2020/21	Total % 2021/22	Total % 2022/23
LSCC (or former LPCC) Decision				
Summary dismissal	-	4.0%	5.9%	Summary dismissal
s415 and specific finding 435	-	-	9.4%	s415 and specific finding 435
s425 and specific finding 435	-	-	7.1%	s425 and specific finding 435
Dismissed 415 and expression of concern	-	-	3.5%	Dismissed 415 and expression of concern
Dismissed 425 and expression of concern	23.0%	12.0%	1.2%	Dismissed 425 and expression of concern
Closed on basis of no further action	2.0%	8.0%	3.5%	Closed on basis of no further action
Summary conclusion	13.0%	17.0%	11.8%	Summary conclusion
Dismissed 425	31.0%	19.0%	21.2%	Dismissed 425
Referred to SAT	31.0%	40.0%	36.5%	Referred to SAT
Subtotal	100.0%	100.0%	100.0%	Subtotal

Table 16 – Resolution of other LPA complaints 2022/23

LPA outcomes or delegate decision	Total % 2022/23
Conduct investigation - no further action	9.3%
Expression of concern issued	0.0%
No further action	8.4%
s415/425 and specific finding 435	0.0%
Misconceived	0.0%
Transferred to another Regulator	0.0%
Referred for investigation	0.0%
415/425 summary dismissal	65.4%
Subtotal	83.2%
Conciliated	
Fee waiver	0.0%

Withdrawn or suspended	16.8%
Discounted fees	0.0%
No further action	0.0%
Subtotal	16.8%

Table 17– Resolution of Uniform Law complaints

	2022/23
LPUL - s273(1) withdrawal of a complaint	76.6%
LPUL - s277(1)(a) - closed - misconceived/lacking in substance	8.0%
LPUL - s277(1)(b) - closed – complaint out of time	80.0%
LPUL - s277(1)(b) - closed – costs dispute out of time	0.8%
LPUL - s277(1)(c) - closed - failure/inadequate response to request for info	0.7%
LPUL - s277(1)(d) - closed - duplicate complaint	0.3%
LPUL - s277(1)(g) - closed - is the subject of civil proceedings – not DM	0.8%
LPUL - s277(1)(h) - closed - no further investigation - except consumer matter	2.5%
LPUL - s277(1)(j) - closed - public interest	0.7%
LPUL – s287 - closed - following informal resolution	8.0%
LPUL - s289(1) - closed - settlement agreement	0.3%
LPUL - s290(2)(a) - closed - consumer matter - order caution	0.2%
LPUL - s299(1)(f) – closed - disciplinary matter - order fine <\$25K	0.3%
LPUL – s300 – closed - initiate tribunal proceedings	0.3%
Subtotal	100.0%

Table 18 – Closed and outstanding complaints

	Total 2022/23
Closed complaints	782
Outstanding complaints	277

Table 19 – Case categories

Total 2022/23	
Consumer matter costs dispute	85
Consumer matter no costs	185
Disciplinary matter	358
Consumer matter costs dispute; consumer matter no costs	24
Consumer matter costs dispute; disciplinary matter	35
Consumer matter no costs; disciplinary matter	35
Consumer matter costs dispute; consumer matter no costs; disciplinary matter	3
Total	725

INFORMATION STATEMENTS

Pursuant to Part 5 of the *Freedom of Information Act 1992*, the Board is required to publish an information statement. See the Board's website for the Information Statement, which is updated annually.

(<https://www.lpbwa.org.au/Documents/Information/Freedom-of-Information-Statement-2022-PDF.aspx>)

Public interest disclosure

In accordance with the *Public Interest Disclosure Act 2003*, the Board has an appointed Public Interest Disclosure Officer. There were no public interest disclosures received during the reporting period.

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.

POLICIES

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 articulates 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 was also a part of the consideration of an organisation-wide reform program.

Regulatory Approach Statement and Communications Statement

Integral to the success of the organisational restructure and objectives under the Board's Strategic Direction was the development of the Board's RAS and Communications Statement. Both were developed by the Board's Senior Leadership Team, in alignment with the Board's Strategic Direction.

The purpose of the RAS 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.

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, and
- 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**), which is comprised of the following staff who are responsible for their respective Directorates.

Russell Daily

Legal Services and 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
- consider information from multiple sources and integrate it to drive decision-making and optimise performance
- accept, embrace and work across the organisation to drive change.

The SLT meets 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.

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 accreditation of continuing professional development (**CPD**) providers and individual CPD activities, and professional indemnity insurance exemptions.

Funding was also provided to the Board by the Legal Contribution Trust, for Law Practice inspection services. Since 1 July 2022 the Legal Contribution Trust ceased funding that service.

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

OUR PEOPLE

Workforce management directive

Our people are our most valuable resource. Their knowledge, skills, commitment and ongoing development are critical for the Board to achieve its strategic aims and objectives

In October 2022, the Board launched its first Workforce Management Directive to guide all workforce initiatives to ensure the Board builds a sustainable organisation and a high calibre workforce. The Board achieved a number of the initiatives in the first 8 months including:

- Investing in leadership and management training
 - first time Managers completing the Public Sector Commission Propel Managers to leaders development program
 - 2 staff completing the Search Inside Yourself - Leadership Training, and
 - Managers and Directors participating in a variety of Public Sector Commission Leadership Conversations webinars.
- Investing in employee development
 - developed and rolled out individual development and performance planning tool for all employees, and
 - dedicated training budget and proactive identification of training opportunities for employees:
 - Freedom of Information training for all employees
 - Professional Courtesy workshop
 - Handling Difficult Callers training
 - Call Control training
 - Mental Health First Aid training for senior employees, managers and directors
 - Industry forums and conferences, and
 - improved induction program.
- Enhancing information sharing between teams and directorates through project collaboration and cross-directorate activities
- Established clear definitions for each of the Board's values and embed our values in:
 - meeting agendas
 - the individual development and performance planning tool
 - our regulator approach guiding principles, and
 - our communications guiding principles.

Internship program

The Board partnered with the McCusker Centre for Citizenship at the University of Western Australia as part of its award-winning internship program. Under the program, current undergraduate and postgraduate students from UWA complete 100 hours of community service at an organisation. The program provides students with the opportunity to:

- engage in real work in a community context
- demonstrate an understanding of professional responsibility and citizenship
- apply and develop valuable and transferable skills for the benefit of the community
- develop a deeper awareness of social issues challenging society
- make connections and create a professional network, and
- explore options for ways to apply knowledge and skills post-degree.

During the year, the Board had five interns assisting with the Board's risk analytics project or as a legal intern in the Investigations team. Feedback from the students and employees has been very positive, and the Board is thrilled to be continuing this partnership next year.

Diversity and inclusion within our workforce

The Board has a diverse workforce. Over half of the workforce is female, and 50 per cent of management is female. The ages of the workforce range from 22 to 65, with 9 different cultures and nationalities represented.

The Board has achieved and exceeded most of the Public Sector Commission diversity targets, and is working towards achieving the Aboriginal and Torres Strait Islander people and the culturally and linguistically diverse people targets.

Workforce diversity	PSC targets*	Board profile 30 June 2023
Female employees	n/a	62.5%
Male employees	n/a	37.5%
Female in leadership (manager position and above)	50.0%**	50.0%
Aboriginal and Torres Strait Islander people	3.7%	0.0%
Culturally and linguistically diverse people	15.5%	45%
Number of different cultures and nationalities represented	n/a	9
People with disability	5.0%	6.3%
Young people (24 years and under)	5.8%	8.3%
Mature age (over 45 years)	n/a	41.7%
Mature age (over 55 years)	n/a	14.6%

* PSC Targets are the Aspirational Targets in the Workforce Diversification and Inclusion Strategy for WA Public Sector Employment 2020/25.

** PSC Target of 50.0% is for representation of women in the Senior Executive Service.

The Board continues to invite applicants for vacant positions from all diversity groups and all vacant positions are advertised on the WA Aboriginal jobs board. The Board will continue to explore new initiatives to enhance its diversity.

Ensuring workforce stability

The Board continues to offer permanent appointment when suitable permanent vacancies become available in accordance with Commissioner's Instruction No. 2: Filling a Public Sector Vacancy.

However, the employment market was extraordinarily competitive during the year. To be able to respond to the competition, the Board utilised the streamlined recruitment process set out in Commissioner's Instruction 39: Interim Arrangements to Fill Public Sector Vacancies, as well as filling vacancies with secondees from other public sector agencies.

A safe and healthy workforce

Initiatives to reduce psychosocial hazards in the workplace at the Board included:

- promoting Our Values particularly empathic engagement
- zero tolerance for violence, bullying, unlawful discrimination and harassment in the workplace
- providing counselling to all employees and their families through the Board's Employee Assistance Program
- encouraging employees to take their full entitlement to annual leave each year for their health and wellbeing
- allowing employees to take leave if work is adversely affecting their mental wellbeing
- providing flexible working arrangements balanced with operational requirements
- one-on-one development meetings focussed on the employee's self-identified development aspirations
- various inclusive activities for the staff, including a Bake Off to raise funds for the Cancer Council, NAIDOC Week guest speaker and morning tea, R U Ok day activity, and
- in addition, the Board staff also contribute to Containers for Change with proceeds going towards Helping Little Hands.

Various Work Health and Safety (**WHS**) training was provided to employees including:

- WHS induction for new employees
- Warden Emergency Management training
- WHS representative training, and
- Mental Health First Aid training for the Senior Leadership Team, managers and nominated senior employees.

INFORMATION TECHNOLOGY

Roadmap 2023

The Board's mission is to be an effective, efficient and innovative regulator of legal services and deliver quality services to practitioners and the public. To achieve this, the **Roadmap 2023 (R23)** project will significantly change the architecture of the organisation's existing systems to support and streamline end-to-end processes effectively and holistically, better manage data and provide better and more timely services to our stakeholders.

3 Degrees North is the chosen development group delivering the solutions.

Planning for R23 started in April and developed a 12 month program consisting of a number of projects to deliver:

- a single view of all relevant information
- a staff portal that draws information from and stores information in multiple systems on demand
- a system-managed, organisation-wide workflow and automation system
- shared access to all email communications by implementing an inbound email management system
- a reporting tool analysing data across multiple systems
- a comprehensive review of the organisation's business processes in relation to the roadmap, and
- an upgrade and redevelopment of the Board's website including a redeveloped service hub providing more comprehensive and accessible online interactions between the Board and external parties including practitioners, the public, organisations and Board members.

This project started in May 2023, and by the end of the 2022/23 financial year had implemented a reporting tool to assist with the reporting of complaints. A communication tool to manage large volumes of inbound electronic communications was being testing and integration between systems was being developed.

The year ahead

Projected R23 achievements for the 2023/24 year include the development and introduction of a new Legal Practice Board website (www.lpbwa.org.au) with a new Service Hub featuring an improved continuing professional development management system; and a new system for the application or renewal of Australian practising certificates.

Also planned for the year ahead are fully integrated systems to manage workflows and automation, assisting and guiding staff through the processing of information and submitted forms, and a staff portal providing a single view of information from multiple systems.

Other achievements

A number of system changes resulted from preparation for the introduction of Uniform Law. These included the online facility to apply or renew Australian practising certificates, and significant changes to business rules for processing renewal applications.

Further system changes were required for additional business activity of managing professional indemnity insurance exemptions, provision of practising certificates for government lawyers, different practising certificate categories, and new fee structures.

The Board will start regular data sharing of complaints, admission and practitioner information with the Legal Services Council from July 2023. Special thanks to Maria Di Palma from the Victorian Legal Admissions Board, and Maria Wizbicki from The Law Society of New South Wales for their assistance in the introduction of the Board's data sharing capacity.

FINANCIAL OVERVIEW

Sources of revenue

The Board is self-funded, it does not receive any funding from State Government consolidated revenue, for capital projects or from grant programs.

The primary source of revenue for the Board is application fees for grants or renewals of Australian practising certificates. During the year, there was an increase in this revenue due to the introduction of Uniform Law, which requires State government lawyers to hold a practising certificate, where previously they did not. Though the fee for most government lawyers is set at a reduced rate as stipulated in the *Legal Profession Uniform Application Regulations 2022*.

The introduction of Uniform Law also resulted in the Board taking over the processing of Professional Indemnity Insurance exemption applications from Law Mutual. The application for an exemption was set at a cost recovery fee of \$30.

Revenue from bank interest significantly increased during the year as a result of economic environment and high interest rates.

Revenue from Fines and Costs increased during the year as a result of increased proceedings and cost orders by the courts and the SAT.

There has been a loss of revenue from the Legal Contribution Trust. Prior to the introduction of the Uniform Law the Legal Contribution Trust contributed to the cost of inspecting law practices and regulating law practice trust accounts as a mitigation strategy against defalcation. That source of revenue ceased on 1 July 2022.

Capital Investment

A component of Reserves are reinvested in capital projects to enable the Board to be an effective, efficient and innovative regulator in the long term.

We have committed to a \$684,000 capital investment to commence our digital transformation. Our capital investment benefits legal practitioners, consumers of legal services and our employees.

Financial Stability

The Board requires financial stability to ensure it meets its purpose of regulating the competence and behaviour of legal practitioners in Western Australia. A component of Reserves is held as Investments, utilised to fulfil the Board's future obligations.

**LEGAL PRACTICE BOARD
OF WESTERN AUSTRALIA**

Special Purpose Financial Statements
For the financial year ended 30 June 2023

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

SPECIAL PURPOSE FINANCIAL STATEMENTS FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023

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LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

STATEMENT BY EXECUTIVE DIRECTOR

For the year ended 30 June 2023

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 49, 50 and 51 of the Legal Profession Uniform Law Application Act 2022.

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 Uniform Law Application Act 2022, 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: 18 October 2023
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 2023, 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 2023, and its financial performance and its cash flows for the year then ended in accordance with the financial reporting requirements of section 49, 50, and 51 of the *Legal Professional Uniform Law Application Act 2022*.

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 49, 50, and 51 of the *Legal Professional Uniform Law Application Act 2022*. 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 49, 50, and 51 of the *Legal Professional Uniform Law Application Act 2022* 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

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 18th day of October 2023

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2023

	Note	2023 \$	2022 \$
CURRENT ASSETS			
Cash and Cash Equivalents	5	11,904,299	9,548,246
Term Deposits	5	9,251,895	9,143,588
Trade and Other Receivables	6	791,912	420,688
Other Current Assets	7	241,949	17,613
TOTAL CURRENT ASSETS		<u>22,190,055</u>	<u>19,130,135</u>
NON-CURRENT ASSETS			
Leasehold Improvements	8	250,848	245,516
Plant and Equipment	8	177,963	203,183
Software Systems	8	546,328	357,575
Right-of-use Asset	9	3,413,203	3,789,029
TOTAL NON-CURRENT ASSETS		<u>4,388,342</u>	<u>4,595,303</u>
TOTAL ASSETS		<u>26,578,397</u>	<u>23,725,438</u>
CURRENT LIABILITIES			
Trade and Other Payables	10	382,338	235,757
Provisions	11	983,012	788,996
Income in Advance	12	9,345,175	8,501,900
Lease Liability	13	269,530	244,594
TOTAL CURRENT LIABILITIES		<u>10,980,055</u>	<u>9,771,247</u>
NON-CURRENT LIABILITIES			
Provisions	11	230,940	89,506
Lease Liability	13	4,287,521	4,557,061
TOTAL NON-CURRENT LIABILITIES		<u>4,518,461</u>	<u>4,646,567</u>
TOTAL LIABILITIES		<u>15,498,516</u>	<u>14,417,814</u>
NET ASSETS		<u><u>11,079,881</u></u>	<u><u>9,307,624</u></u>
EQUITY			
Retained Earnings		11,079,881	9,307,624
TOTAL EQUITY		<u><u>11,079,881</u></u>	<u><u>9,307,624</u></u>

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

**STATEMENT OF PROFIT AND LOSS AND OTHER COMPREHENSIVE INCOME
FOR THE YEAR ENDING 30 JUNE 2023**

	Note	2023 \$	2022 \$
Revenue			
Admissions		178,560	189,720
Assessment of Qualifications		42,040	17,200
Bank Interest		351,730	55,917
Continuing Professional Development		252,149	228,262
Evidentiary Certificates		24,779	24,000
Expense Reimbursement		445,112	804,274
Fines and Costs		328,996	155,738
Foreign Lawyers		13,750	8,750
Miscellaneous Income		746	3,084
PII Exemption Applications		54,790	-
Practice Certificates		9,450,880	8,549,832
Seminars		45,056	12,714
Uniform Law Framework Contributions		18,570	-
		11,207,158	10,049,491
Expenditure			
Accommodation expense	3	719,077	730,897
Advertising and Recruitment		39,199	17,191
Audit and Accounting Fees	2	20,210	17,408
Expected Credit Loss		(187)	(31,486)
Bank Charges		53,176	46,422
Depreciation of office equipment/software		155,755	180,974
Election Services		6,842	10,818
Fringe Benefits Tax		10,579	9,550
Information Technology		400,146	284,811
Insurance		22,509	20,172
Law Library Expenses	4	600,000	600,000
Legal and Consulting Costs		1,071,343	1,000,266
Miscellaneous Costs		27,177	44,894
Parking		39,550	38,528
Payroll Tax		278,586	276,655
Postage		11,319	11,714
Printing & Stationery		14,024	7,255
Professional Memberships		20,780	30,403
Reference Materials		31,611	31,603
Salaries		5,114,168	4,859,474
Seminars		27,719	7,735
Service and Maintenance		1,935	1,202
Storage		13,605	12,151
Superannuation Contributions		501,313	470,441
Telephone		38,426	37,369
Training		29,286	20,342
Travel & Accommodation		1,162	1,157
Uniform Law Framework Expenses		170,184	-
Workers' Compensation		15,407	15,013
		9,434,901	8,752,959
Profit for the year		1,772,257	1,296,532

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

**STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 JUNE 2023**

	2023	2022
	\$	\$
Operating Receipts		
Receipts from Customers	11,169,894	11,127,525
Interest received	127,394	41,791
Operating Payments		
Payments to Employees & Suppliers	(8,122,990)	(8,454,082)
Net cash provided by/(used in) operating activities	15 (b) 3,174,298	2,715,234
Cash Flows from Investing Activities		
Investing Payments		
Payment for property, plant & equipment	(324,620)	(83,674)
Acquisition of Term Deposits (net)	(108,307)	2,052,212
Lease Finance paid	(385,318)	(368,563)
Net cash used in investing activities	(818,245)	1,599,975
Net increase/(decrease) in cash and cash equivalents	2,356,053	4,315,209
Cash and cash equivalents at the beginning of period	9,548,246	5,233,037
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	15 (a) 11,904,299	9,548,246

**STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 JUNE 2023**

	2023	2022
	\$	\$
Balance at beginning of the year	9,307,624	8,011,092
Profit for the Year	1,772,257	1,296,532
Total comprehensive income	1,772,257	1,296,532
Balance at end of the year	11,079,881	9,307,624

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

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 49, 50 and 51 of the Legal Profession Uniform Law Application Act 2022.

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 2023 and the comparative information presented in these financial statements for the year ended 30 June 2022.

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2023

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 2023

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 2023

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.

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDING 30 JUNE 2023**

	2023 \$	2022 \$
2 Auditors Remuneration		
William Buck Audit (WA) Pty Ltd		
- Audit Services	<u>20,210</u>	<u>17,408</u>
3 Accommodation expense	2023 \$	2022 \$
Accommodation expense comprises:		
- Depreciation of Right-of-use Asset	375,826	375,772
- Lease Finance Charges	140,714	147,672
- Outgoings	202,537	207,453
	<u>719,077</u>	<u>730,897</u>
4 Supreme Court Law Library		
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>
5 Monetary Assets		
Cash and cash equivalents		
Cash at Bank	10,887,909	8,537,646
Cash on Hand	700	600
Term Deposits maturing within 3 months	1,015,690	1,010,000
Total cash and cash equivalents	<u>11,904,299</u>	<u>9,548,246</u>
Terms deposits maturing between 3-12 months	9,251,895	9,143,588
	<u>21,156,194</u>	<u>18,691,834</u>
6 Trade and Other Receivables		
Trade Receivables	854,539	325,730
Less Allowance for Expected Credit Loss	(349,778)	(111,315)
Prepayments	287,151	206,273
	<u>791,912</u>	<u>420,688</u>
Refer to Note 1(l)		
7 Other Current Assets		
Accrued Income	<u>241,949</u>	<u>17,613</u>

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

**NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDING 30 JUNE 2023**

8 Property, plant and equipment

	Office Equipment	Software Systems	Leasehold Improvements	Total
	\$	\$	\$	\$
Cost				
Balance at 30 June 2022	794,565	1,835,065	330,398	2,960,028
Additions	28,542	272,727	23,352	324,621
Disposals	-	-	-	-
Balance at 30 June 2023	823,107	2,107,792	353,750	3,284,649
Accumulated Depreciation				
Balance at 30 June 2022	(591,382)	(1,477,490)	(84,882)	(2,153,754)
Depreciation for the year	(53,762)	(83,974)	(18,020)	(155,756)
Depreciation on disposals	-	-	-	-
Balance at 30 June 2023	(645,144)	(1,561,464)	(102,902)	(2,309,510)
Net Book Value				
As at 30 June 2022	203,183	357,575	245,516	806,274
As at 30 June 2023	177,963	546,328	250,848	975,139

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDING 30 JUNE 2023

	2023 \$	2022 \$
9 Right-of-use Asset		
Right-of-use Asset at cost	4,916,344	4,916,344
Accumulated Depreciation		
At the beginning of the year	(1,127,315)	(751,543)
Depreciation for the year	(375,826)	(375,772)
At the end of the year	(1,503,141)	(1,127,315)
Net book value at end of year	3,413,203	3,789,029
The Board's right-of-use asset comprises its offices situated at Level 6,111 St Georges Terrace, Perth, WA.		
10 Trade and Other Payables		
Trade Payables	95,966	43,672
Other Payables	27,310	5,267
Accruals	259,062	186,818
	382,338	235,757
11 Provisions		
Current		
Provision for Annual Leave	557,154	455,183
Provision for Long Service Leave	425,858	333,813
Total current provisions	983,012	788,996
Non-current		
Provision for Long Service Leave	230,940	89,506
12 Income in Advance		
Continuing Professional Development Fees in Advance	214,338	179,317
Photocopying in Advance	3,353	3,353
PII Exemptions	108,523	-
Practising Certificates in Advance	8,757,211	8,318,185
Solicitors Guarantee Fund	72,300	1,045
Uniform Law Framework Contributions	189,450	-
	9,345,175	8,501,900
13 Lease Liability		
Current portion payable in 12 months	269,530	244,594
Non-current portion	4,287,521	4,557,061
Total	4,557,051	4,801,655

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDING 30 JUNE 2023

14 Employee Benefits

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

	2023	2022
	\$	\$
Provision for employee benefits:		
Current (note 11)	983,012	788,996
Non-current (note 11)	230,940	89,506
	<u>1,213,952</u>	<u>878,502</u>

15 Notes to the cash flow statement

15 (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 5)	<u>11,904,299</u>	<u>9,548,246</u>
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15 (b) Reconciliation of profit for the year to net cash flows from operating activities

	2023	2022
	\$	\$
Profit and loss account:		
Profit for the year	1,772,257	1,296,532
Expected Credit Loss	238,463	(14,782)
Lease liability finance cost	140,714	147,672
Depreciation and amortisation of non-current assets	<u>531,581</u>	<u>556,746</u>
	2,683,015	1,986,168

Changes in net assets and liabilities:

(Increase)/decrease in assets:		
Trade and other receivables	(609,687)	722,643
Other current assets	(224,336)	(14,126)
Increase/(decrease) in liabilities:		
Current payables	146,581	42,843
Income in advance	843,275	411,804
Employee benefit provisions	<u>335,450</u>	<u>(434,098)</u>
Net cash from/(used in) operating activities	<u>3,174,298</u>	<u>2,715,234</u>

LEGAL PRACTICE BOARD OF WESTERN AUSTRALIA

NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDING 30 JUNE 2023

16 Subsequent events

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

17 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

18 Commitments for Expenditure	2023	2022
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Capital Expenditure Commitments

Systems upgrade

570,000

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19 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.

20 Related party transactions

The following Board Members provided legal services to the Legal Practice Board during the financial year ended 30 June 2023:

	2023	2022
	\$	\$
Mr Gary Cobby SC	32,307	77,252
Mr Martin Cureden SC	440	12,010
Mr Alain Musikanth SC	149,964	47,389
Mr Sam Vandongen SC	6,300	18,350
Mr Paul Yovich SC	82,292	114,974
Mr Eric Heenan SC	8,883	-
Mr Matthew Howard SC	10,788	-