



WESTERN AUSTRALIA
LEGAL PRACTITIONERS COMPLAINTS COMMITTEE

LPCCWA

ANNUAL REPORT 2007/2008

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I. The Chairperson's Report

We are currently awaiting the coming into effect of the Legal Profession Act 2008 which we understand will occur in the very near future. The Committee made substantial submissions on the new Act last year, and made further submissions this year on the draft Act, Rules and Regulations.

The principal changes made with respect to complaints and disciplinary action by the Act relate to the classification of misconduct which attracts sanction, the Committee's summary jurisdiction powers and the introduction of a 6 year time limit on making complaints. In other respects, the present statutory regime is substantially applied, with many matters which were previously implicit now made explicit, at the cost of an overly long statute.

Under the new Act the Committee continues to be the statutory regulatory authority charged with the functions of supervising the conduct of legal practitioners and enquiring into complaints and conduct concerns. The name of the Committee is changed to the Legal Profession Complaints Committee. The Committee is constituted as a Committee of the Legal Practice Board in the new Act. However, it does not derive its functions from the Board. Rather, the functions are conferred directly on the Committee by the Act. This ensures that, as regards the performance of its functions, the Committee acts entirely independently of the Board. Nevertheless, because the functions of the two bodies are related in many respects, cooperation between them is essential to the effective implementation of the regulatory system established by the Act.

With the anticipated introduction of the new Act, it has proven timely for the Committee to review its operations and that of its office. The Committee is committed to ensuring that its functions are carried out at optimum efficiency and to that end the Law Complaints Officer and the Committee have reviewed the handling of complaints and the Law Complaints Officer has implemented changes within her office which have had a marked improvement on the quality and efficiency of complaint handling.

It is pleasing to report that there has been a further modest decline in new complaints received during the year: 411 complaints down from 440 received the previous year and 502 received the year before that. However, we continue to receive a number of substantial, complex complaints which require significant staff resources both at the investigative level and the prosecution level.

The Committee proactively initiates several conduct enquiries of its own volition each year, in the absence of a complaint being received, as part of its statutory supervisory role in respect of the conduct of legal practitioners.

I would like to extend my sincere thanks to the Deputy Chairperson, Mr Ken Martin QC and to other Committee members for their considerable work throughout the year. The legal members are not paid and the lay members receive only a modest stipend for their work.

Finally, I extend my thanks to the Law Complaints Officer and her staff for their hard work on behalf of the Committee throughout the year.

Chris Zelestis QC
Chairperson
December 2008

2. The Law Complaints Officer's Report

A number of matters were achieved by our office during the year.

The Chairperson has commented on the continuing small decrease in the number of complaints received.

The number of outstanding disciplinary proceedings in the State Administrative Tribunal and the Supreme Court were further reduced. At the end of the year there were only six matters outstanding in the Tribunal and two Reports to the Full Bench which had not been determined (both held back pending appeal).

During the year we appointed more senior legal officers which allowed us to implement a change in our office structure so that the more junior legal officers are now more closely assisted by senior legal officers; we reviewed and standardised our file monitoring procedures to make these more efficient and effective; and we created a small senior litigation team to enhance expertise and reduce external legal costs. A program of internal professional development seminars for legal officers was introduced. Towards the end of the financial year, we commenced a general internal review of all procedures with a view to identifying where we could do things better.

We continue to meet on a regular basis with our fellow regulators in the other States with a view to sharing information and facilitating as much as practicable the aim of a national profession. I attended two regulatory officers conferences during the year, with senior staff, for this purpose. It is pleasing to note the level of co-operation between the States in this area and we were pleased to accept an invitation extended at the last conference by the Victorian regulatory body to send a senior complaint investigator to attend a training session being run by that State on the investigation of complaints. We look forward to Western Australia hosting next year's annual conference.

The challenges in the forthcoming year will be implementing changes to the Committee's operations and procedures as required by the Legal Profession Act 2008, upgrading the Committee's electronic systems, working with the Board upgrading our website (with a view to making our office more readily accessible to the public) and identifying opportunities to promote professional standards.

Finally, I would like to record my gratitude to my staff for their hard work and collaborative efforts throughout the year.

Diane Howell
Law Complaints Officer
December 2008

3. About the Committee

OUR PURPOSE:

To supervise the conduct of legal practitioners, enquire into complaints and other conduct concerns, and promote and enforce high professional and ethical standards for the protection of legal consumers, the public generally and in the interests of the administration of justice.

OUR OBJECTIVES:

1. To provide an efficient and expeditious system for dealing with complaints.
2. To proactively monitor the conduct of the legal profession.
3. To initiate disciplinary proceedings as appropriate.
4. To promote and enforce the professional standards, competence and honesty of the profession.
5. To maintain a productive and motivating work environment.

The Committee has been the statutory authority responsible for supervising the conduct of legal practitioners since February 1993. Its functions under the Legal Practice Act 2003 (the Act) are:

- (a) to supervise the conduct of legal practitioners and the practice of the law;
- (b) to receive and enquire into complaints from the Attorney General, the Legal Practice Board (“the Board”), the Law Society of Western Australia, any practitioner or any other person who has a direct personal interest in the matters alleged in the complaint;
- (c) to investigate of its own volition, whether the Committee has received a complaint or not, any conduct on the part of a practitioner or matters relating to legal practice for the purpose of determining whether it may constitute unsatisfactory conduct;
- (d) where appropriate, to conciliate complaints;
- (e) if the practitioner consents, to exercise its summary professional disciplinary jurisdiction;
- (f) to commence disciplinary proceedings against practitioners before the State Administrative Tribunal (“SAT”) or related proceedings before the Supreme Court of Western Australia;
- (g) to supervise and direct the functions of the Law Complaints Officer; and
- (h) to make recommendations in respect of the Act insofar as they affect the functions of the Committee.

Unsatisfactory conduct is defined in Section 3 of the Act to include:

- (a) unprofessional conduct;
- (b) illegal conduct;

- (c) neglect or undue delay in the course of legal practice;
- (d) a contravention of the Act, the regulations or the rules; and
- (e) conduct occurring in connection with legal practice that falls short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent legal practitioner.

ORGANISATIONAL STRUCTURE

The Committee is, under Section 3 of the Act, one of four regulatory authorities in respect of the legal profession in this State. The others are the Board, the Supreme Court and the SAT.

Its accommodation is provided by the Government but it is otherwise funded by the Board.

COMMITTEE MEMBERS

The Act requires that its members consist of:

- (a) a Chairperson and not less than six other practitioners appointed by the Board from amongst its membership; and
- (b) not less than two other persons as representatives of the community, none of whom shall be a person who is or has been a practitioner. Community representatives are appointed by the Attorney General after consultation with the Minister responsible for consumer affairs.

Mr C L Zelestis QC and Mr K J Martin QC continued as the Chairperson and Deputy Chairperson of the Committee respectively.

Practitioners appointed to the Committee by the Board were:

Mr K R Wilson SC, Mr E M Corboy SC, Mr S D Hall SC, Mr J D Allanson SC (from 9 April 2008), Mr T Lampropoulos SC (from 9 April 2008), Mr J G M Fiocco, Mr J R B Ley, Mr J G Syminton, Mr J L Sher (from 9 April 2008), Ms F B Walter, Ms C H Thompson (until April 2008), Ms A M Van Onselen and Ms S M Schlink.

The community representatives appointed by the Attorney General were Ms J Dudley (until 26 November 2007), Ms J McFarlane (from 26 November 2007) and Ms L Anderson. The deputy community representatives were Ms G J Walker and Mr J Hunter.

At least one community representative must be present at each Committee meeting in order to constitute a quorum.

The community representatives can report independently to the Attorney General on any aspect of a complaint or other conduct enquiry.

The Committee sits as two divisions in order to share the workload. Each division meets monthly to consider complaints and other conduct enquiries.

The Committee met on 23 occasions during the year to consider complaints and other conduct enquiries.

LAW COMPLAINTS OFFICER

The Act establishes an office of Law Complaints Officer. It provides that the Board must appoint to the office of Law Complaints Officer a legal practitioner with experience in the conduct of a legal practice. The Law Complaints Officer may, subject to the directions of the Committee, exercise the functions of the Committee, other than the exercise of its summary professional disciplinary jurisdiction. The Law Complaints Officer reports to the Committee on professional matters, and to the Committee and Board on administrative matters. Ms Diane Howell is the Law Complaints Officer.

STAFF

The Law Complaints Officer was assisted by several legal practitioners employed by the Board during the year, the number varying but averaging about the equivalent of 9.5 full time practitioners. Seven support staff were also employed in the Law Complaints Officer's office. The Board's Senior Trust Account Inspector was also based at the Committee's office and conducted inspections for each of the Committee and the Board.

All staff are encouraged to attend courses and undergo training in order to improve work skills and professional knowledge. During the year various of the legal officers attended courses in SAT procedure; Minors Law; In-house and Government Legal Counsel work; Legal information online; Appeals Practice; Expert Evidence; Trial Procedures and Evidentiary Matters; Traffic and Personal Injuries Law; Inheritance Act Claims; Wills and Estates; Mediation and LEADR Course; Costs School and Costs Seminars; Rules of Evidence; Family Law Property; Restitution Law; Legal Profession Act; Freedom of Information Act; GST for Lawyers; Unregistered Investment Schemes; Family Law Advocacy; Discovery; Appointment by the Court and Alternative Dispute Resolution.

SIGNIFICANT ISSUES AND DEVELOPMENTS

Legal Profession Act 2008:

The Committee made further submissions on the draft Act, the Rules and Regulations during the year. The new Act will require changes to the Committee's operations and procedures which are being addressed on an ongoing basis.

Review of office structure and procedures:

A small in-house senior litigation team was established, supported by other senior legal officers/investigators with the purpose of increased specialisation of prosecutorial and appellate work to improve efficiency and reduce external legal costs.

The Board resolved to employ a Trust Account Inspector based at the Board's office, to perform purely Board work. The current Trust Account Inspector, based at the Committee's office, will now be available to work exclusively for the Committee, reporting to the Law Complaints Officer, which will facilitate enquiries into conduct matters involving client monies.

Following the appointment of more senior legal officers during the year, office reporting lines were reviewed so that the supervision of more junior legal staff was spread more broadly amongst senior legal staff, with a view to enhancing the overall quality of the work output.

File monitoring procedures: The Law Complaints Officer and her staff reviewed file monitoring procedures in order to standardise and improve regular file monitoring and review.

General review: The Chairperson, Deputy Chairperson and Law Complaints Officer commenced a broad internal review of the Committee's operations, with a view to seeing where matters could be improved and how that could be achieved. This had not concluded during the period under review.

An integrated electronic complaints data system:

It has been reported previously that there is an urgent need for an integrated electronic complaints data system, to allow easy access to data for information on practitioners, complainants, conduct of complaints and Tribunal proceedings. The Board has taken steps in this regard to upgrade the Board and the Committee's electronic systems. These were not implemented in the Committee's office during the period under review. However, the Board's new database was installed in the Committee's office in October 2008 and it is anticipated that the Board will assist in implementing a new system in 2009.

4. The complaints we received

INFORMAL ENQUIRIES

Members of the public with an enquiry or concern can telephone, visit or write in with an enquiry. This is a free service and a legal practitioner is available each work day to assist with such enquiries. Where necessary, the Law Complaints Officer will arrange an interpreter to assist the enquirer.

During the period under review the Law Complaints Officer's staff received approximately 1446 enquiries, of which 1376 were by telephone. Many callers telephoned on more than one occasion to discuss an ongoing matter of concern. Some were simply requests for information on how to make a complaint and how complaints are investigated. It was possible to resolve several conduct concerns informally.

In those cases where the enquiry or complaint involved a possible conduct concern, or was not a matter that could be resolved by telephone, the caller was invited to make a written complaint or to make an appointment to see the Law Complaints Officer's staff to further discuss the matter, or for assistance in formulating a written complaint.

WRITTEN COMPLAINTS

i) *The number of complaints*

The Committee received a total of 411 written complaints, compared to 440 received last year.

In addition, the Law Complaints Officer or the Committee itself initiated an enquiry into 36 matters in the absence of a complaint being received, compared to 66 such enquiries in the last reporting period. For the purpose of this report, these enquiries have been categorised as complaints by the Committee. These enquiries arise as a result of a possible conduct concern coming to the attention of the Law Complaints Officer or a member of the Committee.

ii) *The Complainants*

Clients or former clients of practitioners continued, as one would expect, to be the largest group of complainants.

Complaints were received from the following:

Source of complaints	Total 2007 – 08	Total 2006 – 07
Client or former client	241	260
Other party to proceedings	105	94
Legal practitioner	23	33
Judiciary	0	1
Legal Practice Board	10	16
Law Society	0	1
Police	1	0
Other	31	35
Committee enquiry	36	66
Total	447	506

iii) *The types of complaints*

Approximately 73% were complaints of unprofessional conduct, 14% were complaints of neglect and/or undue delay, 5% were complaints of incompetence or lack of diligence, 3% were complaints of illegal conduct, 1% were complaints of a contravention of the Act and 2% were negligence only.

Many complaints raised more than one conduct issue.

A few complaints involved more than one area of law. As was the case in previous years, family law attracted the most complaints, followed by civil litigation.

The areas of law in which the complaints arose were as follows:

Areas of law	Total	Total
	2007 – 08	2006 – 07
Commercial/Company law	31	18
Probate/Wills/Inheritance Act	48	54
Professional negligence	2	3
Leases/Mortgages/Franchises	9	8
Conveyancing	21	25
Criminal law	36	46
Employment/Industrial law	2	5
Immigration	2	1
Family/Defacto law	127	116
Personal injuries	42	51
Workers Compensation	11	24
Victims Compensation	3	0
Civil Litigation	93	108
Conduct in respect of legal practice	20	34
Native Title	0	3
Other	15	17

In addition, 10 complaints were in respect of the conduct of legal practitioners outside legal practice (15 the previous year).

The main areas of complaint were:

Areas of complaint	Total	Total
	2007 – 08	2006 – 07
Inadequate estimate of costs	10	16
Overcharging/wrongful charging	91	102
No costs disclosure	22	15
Transfer costs without authority	1	9
Failing/delay to account for moneys	17	17
Failure/delay to provide detailed account	10	10
Failure/Delay tax costs	8	8
Failing to pay third party	2	6
Claiming costs in letters of demand	1	3
No client advice/Inadequate	28	21
Other costs complaint	16	20
Failure to carry out instructions	52	45
Act without/contrary to instructions	25	29
Failure to communicate/inform on progress	52	50

Areas of complaint	Total	Total
	2007 – 08	2006 – 07
Failure to transfer documents/file	13	11
Failing to respond to LPCC/LPB	0	4
Loss of documents	2	5
Not complying with undertaking	3	4
Misleading conduct	74	104
Alleging fraud	2	4
False statement in document	11	14
Failing to pay tax/lodge return	1	3
Failing to disclose information to other party	5	3
Inadequate notice to witness	1	1
Improperly terminating retainer	5	10
Discourtesy	32	37
Disclosure of confidential information	9	18
Communicating with a client of another solicitor	3	4
Improper communication with witness	1	3
Personal interest undisclosed	0	1
Undue pressure to settle	10	7
Incompetence	16	37
Failing to comply with court directions	8	6
Failing to appear in court	3	2
Complaint against child representative	3	1
Conflict of interest	29	29
Advertising	2	2
Practising without certificate/suspended	11	19
Conduct as employer	4	1
Other breach of LPB Act	1	8
Irregularities in trust account dealings	6	16
Neglect	46	44
Delay	67	62
Negligence	38	37
Threat to make complaint	0	1
Defalcation	2	1
Threatening/bullying conduct	25	64
Sexual relationship with client	0	2
Liens	11	0
Public statements	0	1
Other illegal behaviour	10	7
Other	41	23

The above shows that the areas of complaint attracting most complaints were overcharging/wrongful charging; delay; misleading conduct; failure to carry out instructions; failure to communicate or inform on progress; neglect; negligence; discourtesy; conflict of interest; and inadequate advice to clients.

iv) *The practitioners*

Type of employment

Sole practitioners continue to be the largest category of practitioners complained of. Principals of sole practitioner firms received 30% of complaints.

Practitioners complained of by employment status	Total	Total
	2007 – 08	2006 – 07
Barrister	20	22
Employee in sole practitioners firm	31	17
Principal in sole practitioners firm	136	178
Employee in 2 partner firm	14	14
Partner in 2 partner firm	28	19
Employee in 3 to 10 partner firm	21	15
Partner in 3 to 10 partner firm	15	47
Employee in more than 10 partner firm	5	9
Partner in more than 10 partner firm	7	12
Employee other organisation	20	43
Consultant	6	7
Not practising	18	21
Struck off/suspended/deceased	4	4
Firm only	5	7
Not named/not known	8	8
Practitioner in incorporated practice	106	82
Interstate practitioner	3	1
TOTAL	447	506

Area of practice

An analysis of practitioners complained of by location of practice is as follows:

Area of practice	Total	Total
	2007 – 08	2006 – 07
CBD/West Perth	208	276
Suburbs	158	165
Country	68	43

Interstate/Overseas	2	1
Not named/Not known	11	21
Total	447	506

Years in practice and age

The largest number of complaints or conduct enquiries were in respect of practitioners aged between 45 – 49, followed by those aged between 50 - 54.

Complaints by age of solicitor	Total	Total
	2007 – 08	2006 – 07
Under 25	6	0
25 – 29	19	22
30 – 34	31	37
35 – 39	42	67
40 – 44	39	51
45 – 49	97	102
50 – 54	82	95
55 – 59	59	50
60 – 64	32	48
65 – 69	18	11
70 – 75	4	1
76 – 80	3	2
Not known/Not applicable	15	20
Total	447	506

An analysis of the number of complaints received by reference to the years in practice, in Western Australia, of the practitioner is as follows.

Complaints by years in practice	Total	Total
	2007 – 08	2006 – 07
Under 5	60	71
5 – 9	82	66
10 – 14	52	78
15 – 19	58	67
20 – 24	53	57
25 – 29	68	95
30 – 34	41	30
35 – 39	10	12
Over 40	9	6
Not known/Not applicable	14	24
Total	447	506

The number of practitioners complained of

Some 309 practitioners were the subject of one or more written complaints during the period under review, compared to 349 in the last reporting period. Of this total, 242 practitioners were the subject of one complaint, (263 in the previous year), 35 practitioners were the subject of two complaints (61 in the previous year) and 32 practitioners were the subject of three or more complaints (25 in the previous year).

The Board has reported that there were 4510 certificated or deemed certificated practitioners practising in WA during the reporting period (4230 last year). A table of the composition of this figure is at the end of this report. However, this figure does not include those interstate based practitioners practising in this State who are no longer required to take out a practice certificate in WA by reason of holding a home jurisdiction practice certificate.

v) *Family Law complaints*

In light of the number of complaints regularly received in family law matters, the areas of complaint in respect of these complaints were examined. As stated above, 127 such complaints were received this year. The kinds of complaints received are summarised below – they are across a range of matters and no specific trend is noted. Rather, it appears to be the nature of this work which attracts the volume of complaints, involving as it does emotionally distressed parties, their children and their property.

Forty five of the complaints, about 35%, were by one party to proceedings against the legal practitioner acting for the other party.

Areas of complaint	Total 2007 – 08
Overcharging/ wrongful charging	17
No costs disclosure	2
Failing/delay to account for moneys	1
Failure/delay to provide detailed account	3
Other costs complaint	3
No or inadequate advice to client	11
Failure to carry out instructions	17
Act without/contrary to instructions	10
Failure to communicate/inform on progress	19
Failure to transfer docs/file	4
Liens	3
Not complying with undertaking	1
Misleading conduct	21
False statement in document	5
Threatening / bullying conduct	8
Improperly terminating retainer	3
Discourtesy	16

Areas of complaint	Total 2007 – 08
Disclosure of confidential information	6
Improper communication with witness	1
Communicating with a client of another solicitor	3
Undue pressure to settle	2
Incompetence	5
Failing to comply with court directions	6
Inadequate notice to witness	1
Failing to appear in court	1
Complaint against child representative	3
Conflict of interest	1
Advertising	1
Conduct as employer	1
Neglect	10
Delay	15
Negligence	10
Failing to disclose information to other party	2
Other	14

5. How we investigate complaints

Sometimes the Law Complaints Officer's staff will need to obtain further information from the complainant before it can be placed before the practitioner.

The complaint is normally sent to the practitioner who is asked to provide a written answer to the complainant's allegations. Practitioners have a professional responsibility to respond to the enquiries of the Committee and a failure to do so may result in disciplinary proceedings being commenced by the Committee against the practitioner.

The Committee's policy is to send a copy of the practitioner's answer to the complainant for further comment before the matter is considered by the Committee unless there are special reasons why this should not occur.

In some cases the Law Complaints Officer's staff needs to examine the practitioner's file or to check court or other office records relevant to the complaint. On occasions enquiry will be made of a third party who may have information relevant to the complaint. This may include examining witnesses, summoning bank or telephone records or obtaining transcripts of proceedings.

Under the Act the Committee or the Law Complaints Officer can summons a person to give evidence on oath; provide written information verified by statutory declaration; produce records; require a practitioner or firm of practitioners (or incorporated legal practice or multidisciplinary partnership) to allow the Law Complaints Officer or other nominated person to visit a legal practice and examine records including files and trust account records; make enquiry of

practitioners' auditors and take possession of documents. The Act provides a penalty of \$5,000 for failing to comply with such a requirement.

When necessary the Law Complaints Officer's staff will visit a practice and examine the practice records, including an audit of client files. On other occasions the Trust Account Inspector based at the Committee's office will be asked to conduct an examination of the financial and related records of a practice.

Section 201 allows the Committee to require a practitioner to disclose to the Committee privileged information. This section also provides that privilege is not waived by providing the information when so required, and the information cannot be used in any other proceedings or be reported.

Written complaints resolved

In some cases, the answer of the practitioner to the complaint resolved the matter for the complainant.

In a number of other cases the Law Complaints Officer's staff were able to conciliate the matter, by discussion with the parties or by facilitating communications between the practitioner and the complainant client.

6. Complaints considered by the Committee

Complaints not conciliated, or which indicated a possible breach of the Act, were, after investigation by the Law Complaints Officer's staff, referred to the Committee for consideration which dealt with them in one of the following ways.

The Committee considered 328 complaints and other conduct enquiries during the period under review, some of which had been received during the period under review and others received previously. Of these complaints, 60 complaints had earlier initially been considered by the Committee and deferred for further investigation or advice, or pending the conclusion of civil litigation in respect of the same matter, or pending taxation of an account.

i) Decisions to initiate disciplinary proceedings in the State Administrative Tribunal

Where the Committee determines that a conduct matter should be referred to the SAT it resolves to issue a document called an Application against the practitioner concerned. That Application gives particulars of the conduct that is alleged against the practitioner. The Committee acts as the prosecutor when Applications are heard by the SAT and is required to prove the conduct matters alleged.

In respect of 22 complaints considered by it, the Committee resolved to issue a total of 22 Applications in respect of a total of 17 practitioners.

In respect of a further 11 matters considered by it, the Committee determined that an Application should issue against a practitioner but it had not been settled and approved by the Committee before the end of the period under review.

ii) *Decisions to exercise its Summary Professional Disciplinary Jurisdiction*

The Committee has jurisdiction, with the consent of the practitioner concerned, to make a finding that a practitioner has been guilty of unsatisfactory conduct, rather than issue an Application. Generally speaking, the Committee moves to exercise its own summary jurisdiction in cases of a lesser degree of seriousness.

It can order the practitioner to pay a fine not exceeding \$2,500 (\$500 under the old Legal Practitioners Act); reprimand the practitioner; order that the practitioner seek and implement advice in relation to the management and conduct of a legal practice; order that the practitioner reduce or refund any fees or disbursements or order that the practitioner pay part or all of the costs incurred by either or both the complainant or the Committee in relation to the inquiry.

Adverse findings of the Committee form part of the practitioner's disciplinary record.

The Committee exercised its summary professional disciplinary jurisdiction in respect of 20 complaints considered by it. These were as follows:

- A practitioner was found guilty of unprofessional conduct in acting whilst in a conflict of interest by remaining on the court record in appeal proceedings for his clients at the same time as he was suing those clients for unpaid fees. The penalty imposed was a fine of \$400 and a reprimand. The same practitioner was also found guilty of neglect over a three month period in the conduct of the Supreme Court Appeal on behalf of his clients. The penalty imposed was a fine of \$250.
- A practitioner was found guilty of unsatisfactory conduct over a six month period by a contravention of Sections 35 and 123 of the Legal Practice Act 2003, namely practising whilst uncertificated. The practitioner was fined \$100.
- A practitioner was found guilty of unprofessional conduct in that she failed to serve, with a bill of costs sent to a client, a notice of rights as required by the Family Law Rules. Further, the practitioner was found guilty of unprofessional conduct in that she sent bills of costs to three clients which did not include a notice required by Section 65(3)(b) of the Legal Practitioners Act 1893 or Section 231 of the Legal Practice Act 2003. The practitioner was reprimanded in respect of both matters.
- A practitioner was found guilty of unsatisfactory conduct by unprofessional conduct in directing a practitioner who worked under the practitioner's supervision to disclose to a third party confidential information concerning a client without the client's consent. The practitioner was reprimanded.
- A practitioner was found guilty of unprofessional conduct by breaching his duty of confidentiality to his former client by knowingly revealing his former client's confidential information to the plaintiff's legal representative in proceedings in which his former client was a defendant. The practitioner was fined \$500.
- A practitioner was found guilty of unsatisfactory conduct by unprofessional conduct in making statements to a jury in a criminal trial which were misleading or likely to mislead a jury as to how long before the trial began he had been instructed in a matter and as to the reason why his client had spent three years in prison. The penalty imposed was a fine of \$2,000.

- A practitioner was found guilty of unsatisfactory conduct by neglect in the course of legal practice in failing to rectify and resubmit to the Family Court an Application for consent orders on behalf of the client after the Application was not accepted by the Family Court at first instance and by unprofessional conduct in failing to inform the client that the Application had not been accepted by the Family Court. The practitioner was reprimanded.
- A practitioner was found guilty of unprofessional conduct in that without good cause he terminated his firm's retainer to act for a client in a local court action. The practitioner was reprimanded.
- A practitioner was found guilty of unsatisfactory conduct by undue delay in the course of legal practice in failing to provide a bill of costs until on or about 6 March 2005, which bill of costs was requested by the client by letters dated 29 July 2004, 8 November 2004 and 15 December 2004. The penalty imposed was a fine of \$1,000.
- A practitioner was found guilty of unsatisfactory conduct by unprofessional conduct in seeking to have his client acknowledge that he was obliged to pay and/or pay fees:
 - a) in circumstances where the fees were not in accordance with the costs agreement entered into between the client and the practitioner's firm and/or;
 - b) in circumstances where the practitioner's firm was acting for another whose interests conflicted with the client and that had caused the firm to cease acting for the client. The practitioner was fined \$2,000.
- A practitioner was found guilty of:
 - a) illegal conduct in failing to disperse from the vicinity of an area as requested by the police contrary to Section 54 of the Police Act; and
 - b) unsatisfactory conduct by illegal conduct in that he behaved in a disorderly way in a public place contrary to Section 74A(2)(a) of the Criminal Code (WA) and caused unlawful damage contrary to Section 445 of the Criminal Code.

The Committee imposed fines of \$350 and \$2,000 respectively in relation to the two matters.

- A practitioner was found guilty of unsatisfactory conduct by unprofessional conduct in rendering an account in excess of an agreed fixed fee, and further, in threatening to cease acting if the charged party did not agree to pay the additional fees. The practitioner was reprimanded.
- A practitioner was found guilty of unprofessional conduct in acting in his own interest in advising a client to make a prepayment of legal fees where such interest conflicted with his duties to his client. The practitioner was fined \$500.
- A practitioner was found guilty of unsatisfactory conduct by illegal conduct in relation to failing to file three years of tax returns and consequential matters. The practitioner was reprimanded.
- A practitioner was found guilty of unsatisfactory conduct by unprofessional conduct in publishing an advertisement that was in breach of Section 17 of the Civil Liability Act 2003 in that the advertisement by the practitioner constituted a statement that may reasonably be thought to be intended or likely to encourage or induce a person to make a claim under any Act or any law for compensation or damages for personal injuries or to use the services

of the practitioner in connection with the making of such a claim. A fine of \$500 was imposed.

- A practitioner was found guilty of unsatisfactory conduct by contravention of Sections 35 and 123 of the Legal Practice Act 2003 by engaging in legal practice without being the holder of a current practice certificate over a four week period. The practitioner was fined \$300.
- A practitioner was found guilty of unsatisfactory conduct by unprofessional conduct in publishing an advertisement that was in breach of Section 17(b) of the Civil Liability Act in that the advertisement constituted a statement that may reasonably be thought to be intended or likely to encourage a person to use his services in connection with the making of a claim mentioned in Section 17(a) of the said Act. A fine of \$500 was imposed.
- Two practitioners in a firm who were involved in a client matter were each found guilty of unsatisfactory conduct in ceasing to act for a client without good cause or the client's consent and shortly thereafter improperly rendering an account to the client. The first practitioner was reprimanded and the second practitioner was fined \$500.

In a further 23 matters the Committee resolved to exercise its summary jurisdiction in respect of a complaint or conduct enquiry but the matter had not been determined during the period under review.

iii) *Decisions not to take the complaint further*

In respect of 136 complaints referred to it, the Committee decided to neither refer the matter of complaint to the SAT nor deal with it summarily. When it makes such a decision not to take the complaint further the Law Complaints Officer advises the complainant and the practitioner concerned of that decision and its reasons for that decision.

In a further 61 cases, the Committee determined that there had been no apparent breach of the Act by the practitioner complained of, but it cautioned the practitioner about an aspect of his/her conduct or made a recommendation to the practitioner in respect of an aspect of the complaint. The Committee does so with a view to raising professional standards and preventing such conduct by the practitioner in the future. For example:

- The Committee considered a complaint that the practitioner sought to claim costs in a letter of demand where proceedings had not yet been issued. The Committee's view was that this was not acceptable in light of Rule 17.1 of the Professional Conduct Rules of the Law Society of Western Australia. The Committee drew the practitioner's attention to the Rule and informed her that in future she should refrain from claiming costs in a letter of demand unless her client has a right to same.
- A complaint was made that a practitioner had not returned a witness fee paid to him for his forthcoming appearance by way of a subpoena in a Local Court trial after he was excused from attending and did not attend. The practitioner considered that he was entitled to keep the witness fee to cover his costs resulting from the correspondence between himself and the complainant regarding his appearance and in reading the files to ascertain what documents were relevant and needed to be produced pursuant to the subpoena. The Committee was of the view that the practitioner was misguided and the money paid by the complainant was not to cover the practitioner's costs with respect to preparation for his

appearance but for his appearance pursuant to the subpoena. It advised the practitioner that he should return the witness fee to the complainant.

- The Committee enquired into the conduct of a practitioner in respect of one ledger account of the practitioner's trust account which had been overdrawn. It was ascertained that a settlement clerk and the practitioner had left a cheque received at settlement unbanked and had thereafter, and without making the appropriate checks, drawn a cheque against the trust account in payment of an agent's commission resulting in a debit balance. The error was aggravated by the practitioner using a predated cheque butt which bore no relationship to the date upon which the cheque was drawn and the debit posted. The practitioner was advised that any repetition of such conduct would be viewed most seriously by the Committee.
- A client complained that he had informed a practitioner that he wished to revoke an enduring power of attorney appointing the practitioner as the complainant's attorney but the practitioner had not returned the power of attorney document to him notwithstanding requests for same. The Committee agreed with the practitioner's submission that the practitioner's receipt of the complainant's letter had the effect of revoking the power of attorney and therefore there was nothing further for the practitioner to do to give effect to the revocation. However, the Committee informed the practitioner that it was of the view that he should have promptly returned the document to the complainant and that his failure to do so was bad management practice.
- A complaint arose from a letter written by one practitioner under the supervision of another, in relation to a dispute between two adjoining strata property owners. The complainant alleged unsatisfactory conduct by misleading the complainant by wrongly stating in a letter to the complainant that the practitioner's client had no obligation to maintain any structures on their property to support the ongoing supply of services, including a telephone service to the complainant's property, notwithstanding that there was in fact a statutory easement in favour of the complainant's property which extended to such service pursuant to the Strata Titles Act. This statement was inaccurate in that it did not acknowledge the existence of the statutory easement. The letter also requested the complainant to arrange for a direct telephone service to her property to be installed, with which the complainant was not obliged to comply. The Committee resolved not to take the matter further. However, it informed the practitioners that the inaccurate statement in the letter was at the root of the complaint and that in future they should take care to ensure that their correspondence does not contain inaccurate statements of the law.
- A complainant instructed a practitioner in respect of the administration of her late mother's interests in a property which the mother held as a joint tenant with another. The complainant claimed that the practitioner was guilty of unsatisfactory conduct in that he failed to advise her that as the deceased held the property as a joint tenant her share would pass automatically to the joint tenant on the death of the deceased and that the complainant would not have a claim to that interest and hence there was no basis upon which the complainant could pursue a claim against the estate. The Committee was of the view that the practitioner initially advised the complainant of the legal position arising from the joint tenancy. However, it noted that there was a conflict of evidence as to whether the practitioner received further instructions with respect to the complainant's entitlements to the property. The Committee noted that the practitioner did not regularly make a record of telephone conversations with clients unless they were extensive. The Committee advised the practitioner that in future he should keep detailed notes/records of

his telephone discussions with his clients, especially when they relate to his client's instructions and, in particular, the scope of those instructions.

- A complaint was made of unsatisfactory conduct by improperly terminating a retainer between the complainant and the practitioner's firm and a complaint of rendering an account to the complainant prior to the resolution of the relevant Family Court proceedings to which the complainant was a party, notwithstanding that the practitioner was not entitled to charge fees until the proceedings had been resolved. The Committee, upon enquiry, resolved not to take the first complaint further. However, in relation to the second complaint the Committee advised the practitioner that she had rendered an interim account when she was not entitled to do so as there was no valid costs agreement which permitted this and that in future she should ensure that she complies with her obligations in such matters.

Some 47 complaints considered by the Committee during the period under review were deferred for further investigation or advice, or pending the outcome of taxation or related litigation. A further 8 matters considered by the Committee were only for determination on procedural matters ancillary to the complaint.

iv) *Outstanding complaints*

At the commencement of the period under review the Committee and the Law Complaints Officer and her staff had approximately 458 complaints undetermined and still under investigation. During the period 411 new complaints were received and enquired into. At the end of the period 443 complaints remained undetermined and still under investigation or deferred pending the outcome of related litigation. The result is that over the whole of the period under review a total of 426 complaints were finalised upon the conclusion of investigations and, if appropriate, a final determination of the complaint by the Committee. In addition, 85 conduct enquiries commenced by the Committee had not concluded during the period under review.

These statistics include previously closed files which were reopened upon further information being received after the matter was concluded.

7. Promoting professional standards

The Committee is concerned to feed back to legal practitioners conduct concerns arising from complaints, with a view to promoting and enforcing high professional standards. Initiatives during the year were:

- When the Committee decides a complaint which it finds does not amount to unsatisfactory conduct it will, when appropriate, advise the practitioner about an aspect of his/her conduct which it found to be of concern, or make a recommendation to the practitioner in respect of future conduct. The Committee took this course in respect of 61 complaints considered by it.
- The Committee published two articles in Brief Magazine, the Law Society's magazine: one on the importance of obtaining the clients informed consent before briefing counsel on behalf of the client and another concerning the sale by practitioners of legal precedent documents online and the need to warn prospective purchasers of the risks associated with using such documents. The Committee has since arranged to provide a regular page to Brief

on conduct issues, in order to assist the profession. The magazine publishes a summary of relevant disciplinary decisions in the State Administrative Tribunal, at the request of the Committee, to inform the profession.

- The Law Complaints Officer's staff spoke to articled clerks at the Articles Training Program on complaints, how to minimise them and the proper approach to take when a complaint is received.
- Mr Zelestis QC addressed a seminar for the legal profession convened by the Law Society on changes under the Legal Profession Act 2008. He referred to the professional obligation of practitioners to respond properly and appropriately to communications from the Committee.
- Some members of the Committee have joined a working party formed by the Board to review the current Professional Conduct Rules.
- The Law Complaints Officer was pleased to receive an invitation from the WA Family Law Practitioners Association for a staff member to speak at a forthcoming seminar on complaints and ethical issues. The seminar occurred after the period under review.

8. Tribunal and Court Proceedings

THE STATE ADMINISTRATIVE TRIBUNAL (SAT)

On 1 January 2005 the SAT took over the functions of the Legal Practitioners Disciplinary Tribunal (LPDT). Schedule A at the end of this Report lists the remaining two matters transferred by the LPDT to the SAT which were concluded during the period under review.

During the period under review the Committee filed with the SAT registry some 27 Applications against 22 practitioners.

Schedule B lists Applications which were determined during the period under review. There were 33 such Applications, including 3 withdrawn by the Committee before being heard.

At the end of the reporting period there were only 6 Applications filed by the Committee in the SAT registry which had not been determined.

No problems have emerged from the operations of the SAT which is dealing with the Applications expeditiously. It was possible to determine a number of matters by informal or formal mediation, without the need to proceed to a defended hearing. Orders made pursuant to such mediations are published on the SAT website (www.sat.justice.wa.gov.au). The Law Complaints Officer has a team of accredited mediators on her staff.

Section 17 of the Act requires that the Board provide information in respect of proceedings instituted in the SAT in its Annual Report and requires that the Law Complaints Officer provide information to the Board as requested. It is the Committee and not the Board which initiates proceedings against practitioners in respect of conduct matters pursuant to Sections 180 and 198 of the Act. The Board can itself initiate proceedings, of a different kind, under other sections of the Act, for example, Section 39(3) which provides that the Board can apply to the SAT for a determination that a practitioner's practice certificate be suspended or cancelled.

The disciplinary decisions summarized in the schedules are not detailed in this report as the SAT decisions are published in full on its website in order to inform the public and the legal profession.

SUMMARY OF TRIBUNAL MATTERS

SCHEDULE A

**SUMMARY OF MATTERS DETERMINED BY THE SAT
PREVIOUSLY TRANSFERRED FROM THE
LEGAL PRACTITIONERS DISCIPLINARY TRIBUNAL
1.7.07 TO 30.6.08**

* other than directions hearings

APP NO. (LPDT NO.)	HEARING DATE *	PRACTITIONER	ALLEGATION	FINDING
22/04 (17/04)		ELEY, David Ernest		Withdrawn. Practitioner earlier struck from roll on other matters.
27/04 (10/04)		ELEY, David Ernest		Withdrawn. As above.

SCHEDULE B

**SUMMARY OF OTHER MATTERS DETERMINED BY THE SAT
1.7.07 TO 30.6.08**

* other than directions hearings

APP NO.	HEARING DATE *	PRACTITIONER	ALLEGATION	FINDING
58/06	1-7 and 30.11.06 1.12.06 4.7.07	MIJATOVIC, Tomas	Unprofessional conduct by failing to protect client's interests and advancing own interests	Proved. Suspended from practice. Report to Supreme Court. Costs \$71,071.58
59/06	1-7 and 30.11.06 1.12.06 4.7.07	MIJATOVIC, Tomas	Unprofessional conduct by gross overcharging	Per 58/06

APP NO.	HEARING DATE *	PRACTITIONER	ALLEGATION	FINDING
60/06	1-7 and 30.11.06 1.12.06 4.7.07	MIJATOVIC, Tomas	Unprofessional conduct by improper communication with court	Per 58/06
54/07	27.7.07	AMIDZIC, Vesna	Unsatisfactory conduct by practising without certificate	Proved. Fine \$1,500 Costs \$1,500
55/07	24.8.07	DE PARDO, Nino Anthony	Illegal conduct by Centrelink fraud	Proved. Suspended from practice. Report to Supreme Court. Costs \$2,600
56/07	24.8.07	DE PARDO, Nino Anthony	Unsatisfactory conduct by illegal conduct by Centrelink fraud	Per 55/07
108/07	4.7.07 31.7.07	MIJATOVIC, Tomas		Withdrawn. (Report to Supreme Court on other matters)
112/07		WARD, Glen Kenneth		Withdrawn
114/07	27.6.08	PENKIN	Unsatisfactory conduct by gross overcharging	Proved. Reprimand. Restricted practice as employee for 2 years. Costs \$3,000
115/07	27.6.08	PENKIN	Unsatisfactory conduct by conduct falling short of competence and diligence	Proved. Reprimand. Fine \$2,500 Costs \$3,000
116/07	27.6.08	PENKIN	Unsatisfactory conduct by failing to respond to enquiries of Committee	Proved. Reprimand. Fine \$2,000 Costs \$2,000
119/07		MARKS, Peter Beresford Moffit		Withdrawn
123/07	27.2.08	LURIE Jeffrey Somah Lurie		Dismissed
145/07	20.2.08	ARCHER, Garrick John	Unprofessional conduct arising from lending funds to client	Proved. Fine \$6,000 Costs \$6,551

APP NO.	HEARING DATE *	PRACTITIONER	ALLEGATION	FINDING
153/07		NICHOLS, Heather Jean	Unsatisfactory conduct by untrue information to Committee	Proved. Fine \$2,500 Costs \$3,000
154/07		SPENCE, Theresa Gaye	Unprofessional conduct by delay in correcting misleading statement	Proved. Fine \$3,500 Costs \$2,000
155/07		SPENCE, Theresa Gaye	Unsatisfactory conduct by untrue information to Committee	Proved. Fine \$2,500 Costs \$2,000
171/07	25.10.07	KRZYSKO, Isabella Maria	Unsatisfactory conduct by : a) practising without a certificate b) lack of candour to the Board	Proved. a) Reprimand b) Fine \$1,000 Costs \$1,000
172/07	31.10.07	AVERY, Dirk Hazel	Unsatisfactory conduct arising from failing to pay employees superannuation	Proved. Fine \$5,000 Costs \$3,490
181/07	1.5.08	RICHARDSON, Barry Michael	Unprofessional conduct by failing to deposit trust funds and converting \$950 to own use	Suspended from practice 2 years, undertaking not to practice law again or apply for practising certificate. Costs \$4,000
182/07	1.5.08	RICHARDSON, Barry Michael	Unsatisfactory conduct by failing to respond to Committees enquiries and summons.	Proved. Per 181/07
197/07		SEPAROVIC, Tony		Withdrawn. Costs \$750
198/07	12.II.07	GLUESTEIN, Brian Charles	Unsatisfactory conduct by neglect or undue delay in deceased estate.	Proved. Fine \$5,500 Costs \$1,000
199/07	12.II.07	GLUESTEIN, Brian Charles	Unsatisfactory conduct by delay in depositing cheque to trust account.	Proved. Fine \$1,500 Costs \$1,000

APP NO.	HEARING DATE *	PRACTITIONER	ALLEGATION	FINDING
200/07	12.11.07	GLUESTEIN, Brian Charles	Unsatisfactory conduct by neglect or undue delay in administration of estate.	Proved. Fine \$2,500 Costs \$1,000
201/07	12.11.07	GLUESTEIN, Brian Charles		Dismissed.
207/07	31.10.07	JONES, Susan Pamela	Unsatisfactory conduct by practising without a certificate.	Proved. Fine \$2,500 Costs \$1,000
1/08	11.3.08	CRISP, Susan Jean	Unsatisfactory conduct by failing to properly maintain a trust account.	Proved. Reprimand. Fine \$4,000 Costs \$2,000
2/08	19.2.08	SICARD, Michael John	Unsatisfactory conduct by neglect in a) conduct of Local Court Action. b) neglect in conduct of negligence claim	Proved. a) Fine \$1,000 b) Fine \$1,800 Costs \$1,000
25/08	18.6.08	HOLMES, Marcus Richard	Unsatisfactory conduct in respect of costs sought in letter to third parties.	Proved. Reprimand. Fine \$3,000 Costs \$9,000
33/08	5.3.08	BENNETT, Martin Lawrence	Unsatisfactory conduct by a) failing to respond to an agent in respect of unpaid costs. b) failing to respond to enquiries of Committee.	Proved. a) Fine \$1,250 b) Fine \$2,500 Costs \$750
38/08	27.3.08	GANGEMI, Arcangela Maria	Unsatisfactory conduct by breaching confidentiality of document	Proved. Fine \$1,000 Costs \$1,500

APP NO.	HEARING DATE *	PRACTITIONER	ALLEGATION	FINDING
46/08	29.4.08 26.05.08	CAMM, Richard Parker	Unsatisfactory conduct by neglect and undue delay and failing to provide trust statement	Proved. Fine \$5,500 Costs \$3,500

REPORTS TO THE FULL BENCH

If a disciplinary matter is found proved, the SAT can decline to itself impose a penalty (the maximum penalty available to it is a two year period of suspension from practice) and instead transmit a Report to the Full Bench. The Full Bench can strike the practitioner off the roll of practitioners, suspend the practitioner from practice for any period and make any order available to the SAT.

The SAT resolved to make a Report to the Full Bench in respect of the following practitioners during the reporting period: Tomas Mijatovic and Nino Anthony De Pardo.

Practitioners struck from the roll during the period under review were: Robert James Lashansky, David Ernest Eley, Andrew Cecil Thorpe and Nino Anthony De Pardo. The Committee was the applicant in each of the proceedings.

The following practitioners remained, during the period under review, the subject of Reports to the Full Bench which had not been determined: Alan James Camp and Tomas Mijatovic.

APPEALS

An Appeal by Tomas Mijatovic from findings by the SAT was heard and dismissed during the period under review.

An Appeal filed by Stephen John Browne filed during the previous reporting period was discontinued.

The practitioner Alan James Camp was granted leave to appeal on two grounds and his application for leave to appeal was otherwise dismissed. The practitioner lodged an appeal with the Court of Appeal against part of the decision to refuse leave to appeal, which was not determined during the period under review. The appeal, in respect of which leave to appeal was granted, was subsequently dismissed by a single Judge. The practitioner subsequently lodged an appeal with the Court of Appeal which was not determined during the period under review.

One practitioner, Jeffrey Somah Lurie, appealed to the SAT in respect of a finding of unsatisfactory conduct against him by the Committee in the exercise of its summary jurisdiction (the appeal was subsequently withdrawn after the period under review).

9. Information Statements

FREEDOM OF INFORMATION ACT

Pursuant to Part 5 of the Freedom of Information Act 1992 the Committee is required to publish an Information Statement. The Attorney General has approved, in accordance with Section 96(1) of the said Act, publication of the statement by incorporation in an annual report. Accordingly the Information Statement of the Committee is at the end of this report. It has been prepared in accordance with the requirements of Section 94 of the said Act.

PUBLIC INTEREST DISCLOSURE

In accordance with the Public Interest Disclosure Act 2003 the Committee has appointed a Public Interest Disclosure Officer.

FREEDOM OF INFORMATION ACT 1992 (“FOI ACT”)
INFORMATION STATEMENT
LEGAL PRACTITIONERS COMPLAINTS COMMITTEE

1. This information statement is prepared and published pursuant to the requirements of Part 5 of the FOI Act and relates to the Legal Practitioners Complaints Committee (“*Complaints Committee*”).
2. The structure of the Complaints Committee is set out in Sections 162 and 163 of the Legal Practice Act 2003; the functions of the Complaints Committee are set out in Sections 164 and 175.
3. The functions of the Complaints Committee including, in particular, its decision making functions, do not affect members of the public; they affect legal practitioners on the one hand and those among the classes of persons set out in Section 175(2) from whom complaints are received on the other hand.
4. The policy of the Complaints Committee is set forth in Sections 163, 164 and 175; no arrangements exist to enable members of the public to participate in the formulation of its policy or in the performance of its functions other than the fact that representatives of the community are members of the Complaints Committee being appointed as such by the Attorney General.
5. The kinds of documents that are usually held by the Complaints Committee comprise firstly its complaint files containing correspondence, memoranda, and the like, and secondly documents related to meetings of the Complaints Committee, such as agendas, minutes, memoranda, and the like. The Complaints Committee also has a form of brochure which explains the nature and limits of its functions.

There is no written law other than the FOI Act whereunder any of these documents can be inspected.

There is no law or practice whereunder any of these documents can be purchased. Copies of the said brochure can be inspected or obtained from the Complaints Committee free of charge.

6. Copies of the said brochure are available at the offices of the Complaints Committee at 2nd Floor, 55 St Georges Terrace, Perth, to any person who calls at those offices or who otherwise contacts the Complaints Committee with an enquiry concerning the nature and limits of its functions.
7. Ms Karen Whitney of 2nd Floor, 55 St Georges Terrace, Perth, Legal Practitioner is the officer to whom initial enquiries as to access to documents can be made and who has been generally directed to make decisions under the FOI Act; enquiries may be made by telephone (08) 9461 2299.
8. Access applications under the FOI Act can be made to the Complaints Committee by letter to Post Office Box Z5293, St Georges Terrace, Perth WA 6831 or by facsimile message at (08) 9461 2265.

9. The Complaints Committee has no procedures for amending under Part 3 of the FOI Act personal information in its documents. Any application for an amendment would be dealt with in accordance with Part 3.
10. None of its functions affect or are likely to affect rights, privileges or other benefits, or obligations, penalties or other detriments, to which members of the public are or may become entitled, eligible, liable or subject.
11. Applications for access should be in writing, give enough information so that the documents requested can be identified, give an Australian address to which notices can be sent, and be lodged as provided in paragraph 8 with a fee of \$30 (unless the application is one for personal information about the applicant only which may be made without fee); for financially disadvantaged applicants or those issued with prescribed pensioner concession cards that charge is reduced by 25%.
12. Applications will be acknowledged in writing and applicants will be notified of the decision as soon as practicable and in any case within 45 days. In the notice of decision applicants will be provided firstly with the date of its making, the name and designation of the officer making it, the reasons for classifying any particular document as exempt, and the fact that access is given to an edited document and secondly with information as to the right to review and the procedures to be followed to exercise that right.
13. Access to documents may be granted by way of inspection, copies of documents, a copy of an audio or video tape, a computer disk, a transcript of a recording, shorthand or encoded document from which words can be reproduced, or by agreement in other ways.
14. Applicants who are dissatisfied with the decision of any officer may apply for an internal review of the decision; the application should be made in writing within 30 days of receipt of the notice of decision.
15. Applicants will be notified of the result of an internal review within 15 days.
16. Applicants who are dissatisfied with the result of an internal review may apply to the Information Commissioner for an external review; details will be advised to applicants when the internal review decision is issued.

COMPOSITION OF THE WA LEGAL PROFESSION AS AT 30 JUNE 2008

	Resident Females	Non-Resident Females	Resident Males	Non- Resident Males	Totals
Barristers	31	0	151	1	183
Commonwealth Government	31	0	32	1	64
Consultants	25	0	51	1	77
Director	42	1	211	0	254
Employees	1050	53	823	68	1994
Equity Partner	40	0	301	10	351
Fixed Profit-share Partner	4	0	23	0	27
Inhouse	131	13	206	18	368
Locum					0
Not practising (certificated)	126	26	93	22	267
Salaried Partner	18	1	43	1	63
Sole Practitioners	103	1	349	5	458
Judiciary [^]	2	0	5	0	7
Deceased [^]			5		5
Struck Off /Suspended [^]	0	0	1		1
State Government*	21	1	18	0	40
Practice Certificates ISSUED	1624	96	2312	127	4159
S.36 Practitioners					
** State Solicitor's Office	59		38		97
**Director of Public Prosecutions (State)	50		57		107
**Other Departments	93		54		147
TOTAL PRACTITIONERS	1805	95	2443	127	4510

[^] held a practice certificate during 2007/2008, however by 30 June 2007, were appointed judiciary/deceased/struck off/suspended.

* State Government employees who held a practice certificate during 2007 - 2008

** State Government employees taken to be certificate pursuant to Section 36 of the Legal Practice Act 2003