

## FREEDOM OF INFORMATION STATEMENT

### *FREEDOM OF INFORMATION ACT 1992*

#### **The Legal Practice Board of Western Australia** **Freedom of Information Statement**

1. This Information Statement is prepared and published pursuant to the requirements of Part 5 of the *Freedom of Information Act 1992* (**FOI Act**) and relates to the Legal Practice Board (**Board**).
2. The structure of the Board is set out in the *Legal Profession Act 2008* part 16 – Regulatory authorities.
3. The functions of the Board including, in particular, its decision making functions, do not directly affect members of the public. The functions of the Board affect legal practitioners, including regulation of the issue of annual practising certificates. The Board has statutory responsibility for the admission and supervision of all legal practitioners in Western Australia. Through the Legal Profession Complaints Committee and the State Administrative Tribunal the Board also administers the discipline of all legal practitioners in Western Australia.
4. No arrangements exist to enable members of the public to participate in the formulation of the Board's policy or in the performance of its functions, other than by virtue of the fact that representatives of the community are members of the Legal Profession Complaints Committee, such being appointed by the Attorney General.
5. The types of documents usually held by the Board comprise the following:
  - (a) files relating to the registration of articles for articled clerks;
  - (b) files containing documents, correspondence and memoranda relating to the admission of practitioners, the issue and regulation of practice certificates, and legal practice;
  - (c) enquiries from overseas and interstate practitioners relating to admission in Western Australia;
  - (d) files relating to the investigation of unqualified and prohibited practice;
  - (e) documents relating to meetings of the Board, such as agendas, minutes, memoranda and the like;
  - (f) documents relating to the management of the Board's assets and facilities, including documents relating to staff, premises, information technology, etc; and

- (g) notes dealing with the Board's procedures relating to application for admission, application for and issue of practice certificates, applications relating to continuing professional development matters and the audit of practitioners trust accounts for auditors.
6. The FOI Act is the only written law under which any of these types of documents may be inspected.
  7. The notes referred to in paragraph 5(g) above are accessible on the Board's website found at the following link:  
<https://www.lpbwa.org.au/General/Downloadable-Forms>. Copies of the notes referred to in paragraph 5(g) may also be made available to any person who calls at the office of the Board, or who otherwise contacts the Board with an enquiry concerning the functions of the Board. Otherwise there is no other law or practice under which any of the documents referred to in paragraph 5 can be purchased.
  8. The Board has no procedures for amending personal information in its documents pursuant to Part 3 of the FOI Act. Any application for an amendment is to be dealt with in accordance with Part 3 of the FOI Act.
  9. The Board has no internal manual as defined in section 95 of the FOI Act. 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.
  10. Initial enquiries as to access to documents under the FOI Act should be made to the Freedom of Information Coordinator at Level 6, 111 St Georges Terrace, Perth, who is the officer at the Board who can deal with such enquiries, and who has been generally directed to coordinate FOI applications. Initial enquiries may be made by telephone on (08) 6211 3600 or by email to [general@lpbwa.com](mailto:general@lpbwa.com).
  11. Access applications under the FOI Act may be made to the Board in person at the address in paragraph 10 above, or by letter to PO Box 5270, St Georges Terrace, Perth WA 6821, or by facsimile on (08) 6211 3650.

### Access Arrangements

12. Access to documents can be granted by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

### Notice of Decision

13. As soon as possible, but in any case within 45 days, an applicant will be provided with a notice of decision which will include the following details –
- The date which the decision was made;
  - The name and the designation of the officer who made the decision;
  - If the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document; and
  - Information on the right to review and the procedures to be followed to exercise those rights.

### Refusal of Access

14. An applicant who is dissatisfied with the decision of the Board is entitled to ask for an **internal review** by the Board. An application for an internal review should be made in writing within 30 days of receiving the notice of decision.
15. An applicant will be notified of the outcome of an review within 15 days.
16. If an applicant disagrees with the internal review, the applicant can apply to the Information Commissioner for an **external review**. Details on applying for an external review will be detailed in the internal review.