

A vertical photograph of a dense, lush green forest. In the center, a waterfall cascades down a rocky cliff face. The forest is filled with various types of trees and ferns, creating a rich, textured green landscape. The lighting is bright, suggesting a sunny day, and the overall atmosphere is serene and natural.

Annual Report

2023–2024

Legal Profession Board of Tasmania
Independent Regulator

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30 August 2024

Attorney-General / Minister for Justice
The Honourable Guy Barnett LLM
Level 5, 4 Salamanca Place,
HOBART TAS 7000

Dear Attorney-General

LEGAL PROFESSION BOARD OF TASMANIA – ANNUAL REPORT 2023-24

Please find enclosed the Annual Report of the Legal Profession Board of Tasmania for the period 2023-24, in satisfaction of section 601(2) of the Legal Profession Act 2007.

In accordance with the Annual Report Procedures, two loose leaf copies and eighteen electronic copies have been included for your convenience.

Yours sincerely

Graeme L. Jones
CHAIRPERSON,
LEGAL PROFESSION BOARD OF TASMANIA

Frank Ederle
CHIEF EXECUTIVE OFFICER,
LEGAL PROFESSION BOARD OF TASMANIA

The Legal Profession Board of Tasmania acknowledges the palawa people as the traditional custodians of lutruwita/Tasmania and pays its respect to elders past, present and emerging.

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Report of the Chairperson



I am pleased to present the Legal Profession Board of Tasmania's annual report for the financial period ending 30 June 2024.

This year's report marks 15 years since the Board commenced operations in January 2009.

In July 2024, Mr Keyran Pitt KC's final term of appointment with the Board came to an end having served more than 10 years. Mr Pitt KC was first appointed to the Board on 17 January 2014 by the then Governor of Tasmania, the Honourable Peter George Underwood. It is with a level of sadness that the Board farewells Mr Pitt KC and his calm, considered and excellent stewardship of the Board over such a significant period. He will be missed by my fellow Board members and the employees of the Board.

I take this opportunity to thank Mr Pitt KC for his service to and guidance of the Board over a long period and wish him well in his future endeavours.

Workload of the Board

For the period ending 30 June 2024, the Board received 147 complaints being the highest number of complaints received since the Board commenced operations in 2009.

The number of complaints received in the reporting period was significantly more than for the previous financial year (110 complaints received) and represents a percentage increase of 34%.

As reported in last year's annual report, the increase in the volume of complaints received by the Board continues to reflect a consistent upward trajectory in complaint numbers in recent years. This increase has placed added pressure on the operations of the Board.

On analysis of this year's statistics, complaint allegations in relation to negligence/competency; costs/overcharging; dishonest/misleading conduct remain the most prevalent issues raised by consumers of legal services for the reporting period.

The Board commenced 17 formal investigations within the reporting period where an investigator was appointed by the Board. This represents an increase of 54% compared to last financial year.

The Board finalised a total of 117 matters in the reporting period which is an increase of 17% compared to last financial year. The Board continues to maintain a commitment to the early resolution of complaints by mediation in appropriate circumstances. Several complaints were resolved through this process.

This year's report provides other insightful statistics in relation to the Board's operations, which are explored further in Part 2 of the report.

Meetings and Determinations of the Board

The Board convened 10 complaints-specific meetings over the past 12 months, and a further 4 section 456 (1) meetings (procedure for less serious matters), whereby a practitioner is required to provide an explanation to the Board in relation to their conduct arising from a complaint.

As has been the case for many years, the Board combines both its complaint and administrative meetings for reasons of financial restraint.

In accordance with the *Legal Profession Act 2007*, both a complainant and practitioner the subject of a complaint, are entitled to receive a written determination and reasons following a decision to finalise a complaint. The Board provided 88 written determinations and reasons in the reporting period.

Membership of the Board

In February 2022 Ms Regina Weiss was appointed to the Board as the nominee of the Tasmanian Bar. Ms Weiss, a former Associate to the Honourable Chief Justice Alan Blow, was also a prosecutor at the International Criminal Court in the Hague between 2007 and 2016.

Ms Weiss brings to the Board a significant breadth of experience in the regulatory space having led the legal teams of several Federal Government agencies such as the Australian Commission for Law Enforcement Integrity in Canberra. I welcome Ms Weiss to the Board.

The Board continued to operate throughout the reporting period in an efficient and effective manner and is supported by a dedicated team of professional employees under the guidance of the Board's Chief Executive Officer, Mr Frank Ederle.

I take this opportunity to express my sincere thanks and gratitude to all current serving members of the Board for their outstanding commitment over the past 12 months. Without exception, all members generously contribute their valuable time and effort to ensure the important work of the Board is being done.

Financial Performance of the Board

It is with satisfaction that I can report that over the reporting period no additional funding has been sought by the Board. This is a direct consequence of sound financial management with the Board consistently operating within agreed financial parameters.

I take this opportunity to thank the Attorney-General for his continued support and interest in the work of the Board.

Finally, on behalf of all members of the Board, I gratefully acknowledge the work and dedication of the CEO, Mr Frank Ederle and his loyal and professional team for their work, dedication and continued enthusiasm for the Legal Profession Board of Tasmania.



Graeme L Jones

CHAIRPERSON, LEGAL PROFESSION BOARD OF TASMANIA

Report of the Chief Executive Officer



The period ending 30 June 2024 has again been a challenging one for the operational arm of the Board. As canvassed in the Chairperson's report, the Board received a record number of complaints within the reporting period, representing a significant increase of 34% in complaints received compared to the previous financial year. Such an increase inevitably places further pressure on the Board's resources.

As in the previous reporting period, the number of matters for which the Board has resolved to litigate, either before the Board or by way of an application to either the Supreme Court or Disciplinary Tribunal, has remained at very high levels. At the conclusion of the reporting period, the Board had 24 active litigation matters on foot which represented an increase of 50% compared to the same period last year.

Law Week

As has been the case for the previous two years, the Board hosted and organised Law Week in May 2024 as part of its ongoing statutory function to conduct education programs relating to client-lawyer relationships for members of the public.

Law Week is a national week of community events and activities designed to help the community understand their rights, find answers to legal questions, explore what help is available and how the legal system works. It is described as an annual festival that is all about creating greater access to justice for Australians.

Engagement with the Profession

The Board's Manager Operations, Mrs Marilyn Williams, and her team also continued to engage directly with members of the profession at all levels through the Law Society's continuing professional development scheme; the Legal Practice Course; and Tasmania University Law Faculty.

This excellent and worthwhile work has at its core the goal to improve client-lawyer relationships both with emerging professionals as well as with established legal practitioners

Conference of Regulatory Officers

In October 2023, the Board hosted the national conference for legal regulatory officers in Hobart. Every State and Territory of Australia was represented, including delegates from New Zealand. The conference was very well attended with 110 delegates travelling to Hobart for the 3-day event.

The hosting of such a prestigious conference is a large undertaking for the smaller regulatory jurisdictions in Australia, however the feedback received in relation to the Board's efforts was impressive. I extend my thanks to all those who assisted in the organisation of the conference and in particular to the Attorney-General, the Honourable Guy Barnett, who graciously opened the conference having only then been recently appointed to his Office, and to the Governor of Tasmania, Her Excellency the Honourable Barbara Baker AC, who kindly hosted the opening cocktail party at Government House

Finance and Resources

The Board has continued to exercise financial restraint in all of its dealings within the reporting period. As I have noted in previous reports, although the *Legal Profession Act 2007* empowers the Board to impose levies on local legal practitioners (s 592(2)), it has not been necessary to do so since the commencement of the Board's operations in 2009.

Notwithstanding the strains placed upon the organisation through higher complaint and litigation activity, I am grateful to all Board members and employees for consistently appreciating the need for financial restraint and careful financial planning to ensure the Board is able to meet its obligations and liabilities into the future.

I also take this opportunity to gratefully acknowledge the Attorney-General, the Honourable Guy Barnett, for supporting the Board's work which enables the Board to fulfil its statutory obligations.

Finally, it is with great pleasure that I thank all the staff of the Board whose diligence, professionalism and energy have again been exceptional this year. I also thank the Board for their guidance, patience and sound decisions over the past 12 months.



Frank Ederle

CHIEF EXECUTIVE OFFICER, LEGAL PROFESSION BOARD OF
TASMANIA

Part 1.

The Legal
Profession Board

OUR STATUTORY FUNCTIONS

The Board has the following statutory functions under section 591 of the *Legal Profession Act 2007* (Act):

- to maintain the Register (of legal practitioners);
- to monitor the standard and provision of legal professional services;
- to receive, investigate and, where appropriate, determine complaints and, as necessary, refer complaints to the Tribunal or Supreme Court for hearing and determination;
- to approve terms and conditions of professional indemnity insurance policies provided to law practices;
- to advise the profession on appropriate standards of conduct;
- to monitor and identify trends and issues that emerge within the legal profession;
- to approve courses of continuing legal education;
- to advise the Minister for Justice on any matters relating to the Act;
- to conduct education programs relating to client-lawyer relationships for members of the public; and
- any other functions imposed by the Act or any other Act.

As the regulator of the legal profession, there are several other duties imposed on the Board by the Act.

THE PURPOSE OF THE DISCIPLINARY PROVISIONS

The Board exercises its functions under the Act with the following aims in mind:

- protect consumers of legal services within Tasmania against unsatisfactory professional conduct and professional misconduct of Australian lawyers and legal practitioners;
- promote and enforce the application of professional standards, competence and honesty within the legal profession in Tasmania; and
- provide an effective and efficient redress mechanism for persons unhappy with the conduct of Australian lawyers and legal practitioners in Tasmania.

OUR BOARD MEMBERS

The Board is the independent statutory body responsible for receiving and investigating complaints about the conduct of lawyers. It consists of six members appointed by the Governor of Tasmania for a term not exceeding five years.

Chairperson of the Board



Mr Keyran Pitt KC (appointment expired on 16 June 2024)

Mr Pitt KC has formerly held appointments as Chairman of the Resource Management and Planning Appeal Tribunal; the Planning Appeals Board; the Mental Health Review Tribunal; the Medical Complaints Tribunal; and as a coroner. He was also the Deputy Chairman for the Building Appeals Board and the Environmental Protection Appeal Board.

Mr Pitt KC is a former President of the Bar Association of Tasmania and Medico-Legal Society of Tasmania. He actively supported the legal profession in Tasmania as a former Council Member of the Law Society of Tasmania and Bar Association of Tasmania.

Mr Pitt KC worked as a Barrister until 30 June 2022. He currently works as an Arbitrator and was also the Chairman of the Forest Practices Tribunal before amalgamation with Tasmanian Civil and Administrative Tribunal (TASCAT) when he became a Senior Member. He is President of the Property Agents Tribunal. He is an Honorary Fellow of the Royal Planning Institute of Australia.

Mr Pitt KC was a nominee of the Minister.

Lay Members



Ms Heather Kent

Ms Heather Kent commenced her term in November 2018.

Ms Kent is presently CEO of the St Vincent de Paul Society of Tasmania, a large organisation that provides support to those most vulnerable across the community through a broad variety of programs. Prior to this, she was CEO of the RHH Research Foundation, an independent entity that is recognised as one of the largest funding bodies for local medical research in Tasmania.

In pursuing a desire to contribute to the community, Heather has previously served on the Board of the Tasmanian Community Fund, Primary Health Tasmania and Crimestoppers Tasmania. She also served two terms as the Deputy National Chair of the Australian Marketing Institute and Chaired the Board of St Michael's Collegiate School for five years.

Ms Kent has previously been on the Tasmanian Women's Council and also served as Chair of the Panel of Judges for the Tasmanian Honour Roll of Women for four years. Ms Kent was acknowledged as the Telstra Business Woman of the Year (Community and Government) in 2013.

Ms Kent is a nominee of the Minister.



Ms Marion Hale

Ms Marion Hale commenced her term in November 2018.

Ms Hale has worked in improving equity and justice in the community for the last 28 years. Her career has spanned across the areas of education, crisis support, counselling, community development, policy development and population health. In 2012 Ms Hale was awarded a Churchill Fellowship to visit programs, around the world, that support women to become smoke free in pregnancy. As a result of the Fellowship, Ms Hale was elected to be the President of the International Network of Women Against Tobacco in 2015.

Ms Hale works as an Educator for the Drug Education Network. She is also a member of the Tasmanian Civil and Administrative Tribunal (TASCAT) Mental Health Stream, a Consumer Representative on The College of Emergency Medicine, a Panel Member on the Alcohol Review Panel and a Community Member of the Psychology Board of Australia.

Ms Hale is a nominee of the Minister.

Legal Members



Mr Graeme Jones (elected Chair on 24 June 2024)

Mr Graeme Jones completed a Bachelor of Laws degree at the University of Tasmania in 1977 and was admitted as a practitioner of the Supreme Court of Tasmania in 1980.

He is an active member of the legal profession and the community. His current and previous activities are as follows:

- Legal Assistance Committee member (1983-1990)
- Bar Association Committee member (1981-1992)
- Member of the Board of Legal Education (2004-2008)
- Council member of the Law Society of Tasmania (2006-2013)
- President of the Law Society of Tasmania (2009-2010)
- Chairman Law Foundation of Tasmania (2009-2010)
- Board member of the Centre of Legal Studies (2008-2019)
- Member of the Legal Profession Board of Tasmania (2015-current)
- Board member of Eskleigh Foundation Inc. (2005-2009)
- Board member of Wildcare Inc. (2009-2013)

Mr Jones is an experienced legal practitioner having practiced as both a barrister and solicitor for over thirty-five years. He has retired from private legal practice..

Mr Jones is a nominee of the Law Society.



Mr Anthony Mihal

Mr Mihal is a director of a generalist law practice in Ulverstone and he undertakes mainly litigious work including civil, criminal and child protection matters.

He served on the Council of the Law Society of Tasmania for 7 years including as President in 2013/2014, the Law Foundation of Tasmania, the Management Committee of the North West Community Legal Centre including as Chair, and the Law Council of Australia's Regional, Remote, Rural Lawyers' Advisory Committee. He is currently Chairman of a charitable organisation called the Roland View Estate Trust, and a member of the Local Government Code of Conduct Panel and Tasmanian Civil and Administrative Tribunal (TASCAT) Guardianship Stream.

Mr Mihal is a nominee of the Law Society.



**Ms Regina Weiss
(appointment 16 August 2023)**

Ms Weiss is a graduate of the University of Tasmania and commenced her legal career as Associate to the Honourable Chief Justice Alan Blow. She was a Federal Prosecutor and then moved to The Hague, where from 2007 to 2016, she prosecuted war crimes and crimes against humanity at the International Criminal Court.

Ms Weiss returned to Australia and from 2016-2021, led the legal teams of Federal Government agencies Sport Integrity Australia, the Australian Sports Anti-doping Authority and the Australian Commission for Law Enforcement Integrity in Canberra. Since her call to the Bar, Regina has led various reviews into allegations of historical abuse as independent counsel, acts for plaintiffs in institutional abuse matters and advocates human rights globally. Regina is the Australian Red Cross International Humanitarian Law Chair (Tas), is listed on the International Criminal Court List of Counsel for Defence and Victims and is the International Criminal Court Bar Association Focal Point on Sexual and Gender-Based Violence..

Ms Weiss is a nominee of the Tasmania Bar.

BOARD MEETINGS

The Board convened 10 complaint-specific meetings during the reporting period. The table below illustrates the number of meetings each Board member attended during that period.

The conduct of ordinary board meetings is governed by Schedule 3 of the Act.

Board hearings in accordance with section 453 are open to the public, unless the Board considers that there are reasonable grounds to make an order that the hearing be closed to the public. Hearings are governed by Schedule 1 of the Act.

However, board meetings convened for purposes of dealing with a less serious complaint in accordance with section 456 of the Act are not open to the public.

TABLE 1 – BOARD MEETINGS AND HEARINGS ATTENDED IN 2023-2024

BOARD MEMBER	BOARD MEETINGS	S450(A) HEARING	S456 HEARING
Keyran Pitt KC	9	0	4
Heather Kent	10	0	4
Marion Hale	10	0	4
Graeme Jones	10	0	4
Anthony Mihal	10	0	3
*Regina Weiss	6	0	3

In addition to the above meetings, the Board also convened 4 section 456(1) hearings for less serious complaints.

Consequent to the Board meetings and hearings, the Board produced 88 written complaint determinations with reasons during the reporting period.

* Ms Weiss commenced her term in August 2023.

FUNDING OF THE BOARD

The Act provides at section 359 that the Board is to submit an application for funding to the Minister by 30 April each year. The Minister approves an amount to be paid from the Solicitors' Guarantee Fund and directs the Solicitors' Trust to pay the approved amount from the Fund to the Board.

In 2023-24, the funding which was approved in principle by the Minister was **\$1,782,113.00**.

The Board, by virtue of section 591(d) of the Act is to approve terms and conditions of professional indemnity insurance policies provided to law practices. No changes were made to the terms and conditions of the current policies in this reporting period.

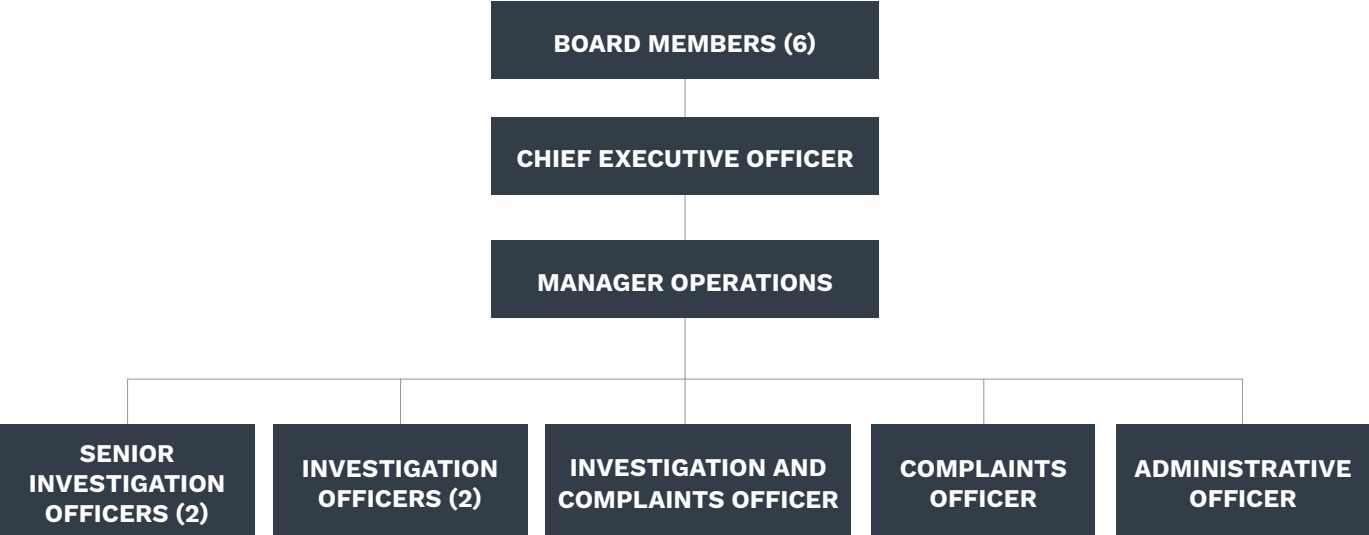
THE BOARD'S GOAL

Through its statutory functions, the Board seeks to assist the legal profession in Tasmania to meet the highest standards of propriety and efficiency and to give effective redress to members of the public adversely affected by any shortfall in meeting those standards. To this end, the Board seeks to maintain a complaints handling process which is as good as, or better than, any other in the nation.

ORGANISATIONAL CHART

The Legal Profession Board is supported by an administrative and investigative team as represented in the organisational chart as at 30 June 2024.

The Board also retains the services of external investigators, lawyers and counsel, as required, and when prosecuting matters in either the Disciplinary Tribunal or Supreme Court.



Part 2.

Operations Report

THE YEAR IN REVIEW

COMPLAINTS TO THE LEGAL PROFESSION BOARD OF TASMANIA

The following statistical information regarding the Board's performance is based on the twelve-month period, 1 July 2023 to 30 June 2024.

ENQUIRIES TO THE BOARD

Enquiries to the Board comprise a significant part of the Board's overall workload. The enquiries, in large part, account for the Board's public education function.

It is important that the Board deals effectively with complaints at the time of the initial enquiry as, on occasions and where appropriate, it provides an opportunity to resolve a problem before it escalates into a formal complaint. Not all enquiries to the Board involve a person who is experiencing difficulties with their legal representative. The Board on occasion receives enquiries where we recommend a person seek independent legal advice or other appropriate action.

The Board continues to receive several enquiries which seek information related to applications for admission to legal practice. Those enquiries and other purely administrative matters are recorded separately.

Recognising that the first enquiry to the Board represents a significant step in the complaint process, as far as possible senior officers at the Board deal with the initial enquiry. Our senior officers can spend some time trying to understand the root cause of the issue which prompted the enquiry and where possible will assist the caller to resolve or understand what may simply be a service issue, rather than a conduct issue.

The table below shows that the Board has dealt with a total of **215** enquiries. The number of enquiries has remained, in the main, reasonably constant since the Board commenced operations.

The Board records the total time spent per enquiry throughout the period which includes not only the time taken with the initial enquiry, but also the administrative work that flowed from the enquiry. The average time spent per enquiry, including follow up if required, is just over **23** minutes.

A total of **56** enquiries in the reporting period resulted in a written complaint. This represents a conversion rate of **26%**.

Over **90%** of enquiries were dealt with by telephone, with the remaining enquiries being by email or letter. Members of the public are invited to attend the Board's offices to discuss their issues in person if they wish to. **4** people made an enquiry in person at the Board's offices.

Consistent with our complaints data, enquiries primarily concern:

- family law;
- probate and estate work;
- criminal law;
- conveyancing; and
- wills / powers of attorney.

Negligence/competency, costs, bill shock, delays and failure to communicate were the most common areas of enquiry.

The enquiries we receive, coupled with the complaints, continue to indicate that a client's understanding of what to expect and of what has happened, and the lawyer's delivery of that service, can be at times at odds. In most matters, it is the lack of communication that leads to problems rather than any actual wrongdoing.

TABLE 2 - ENQUIRIES BY SOURCE

MONTH	ENQUIRIES BY PHONE	ENQUIRIES IN PERSON	ENQUIRIES BY EMAIL	ENQUIRIES BY LETTER	TOTAL ENQUIRIES 2023-24	TOTAL ENQUIRIES 2022-23	TOTAL ENQUIRIES 2021-22
July	14	0	0	0	14	15	27
August	22	0	1	0	23	9	17
September	11	1	0	1	13	12	19
October	14	0	0	0	15	20	18
November	15	0	3	0	18	19	15
December	14	0	0	1	15	11	15
January	10	0	1	0	11	20	13
February	22	1	3	0	26	15	14
March	15	0	1	0	16	16	14
April	22	0	3	0	25	15	11
May	19	1	0	0	20	19	13
June	16	1	2	0	19	24	16
Total Enquiries	194	4	14	2	215	195	192

Enquiries about non-lawyers

The Board also receives enquiries about the status of persons who may appear to be providing legal advice or acting in a legal capacity.

It is an offence under the Act to engage in legal practice when a person is not entitled to do so. The penalty following a conviction for doing so is a fine or a term of imprisonment.

If a person engaging in legal practice in Tasmania is not an Australian legal practitioner, the Board has limited scope to make relevant enquiries.



COMPLAINTS

Our process

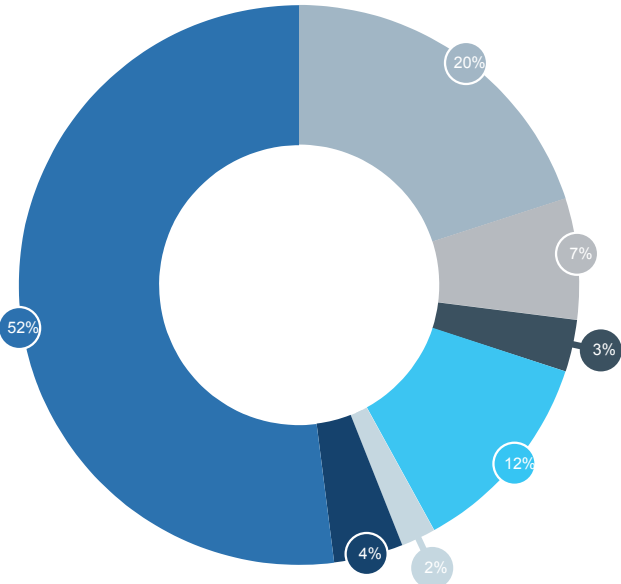
A complaint may be made about the conduct of an Australian legal practitioner by any person, including the Board itself. The Board is required by the Act to take all reasonable steps to ensure that any person wishing to make a written complaint is given the appropriate assistance to do so.

A complaint to the Board must be in writing and must identify the complainant, the lawyer (if possible) and describe the alleged conduct. The Board receives written complaints in several ways, including from complainants in person, handwritten forms posted to the Board, via email to our enquiry inbox, and via the online complaint form on our webpage.

- 76 complaints via the online form
- 11 complaint forms by email
- 30 complaints by email
- 17 complaint forms by post
- 4 complaint forms in person
- 6 letters of complaint by post
- 3 letters of complaint by email

As can be seen in the chart on the right, complaints are in the main received via the online form on the Board's website followed by emailed complaints.

A small number of complaints are made to the Board in person. The Board, pursuant to its obligations under section 511 of the Act to provide assistance to members of the public in making complaints, will meet with complainants when they require assistance.



Anonymous communications

On occasion, the Board will receive anonymous ‘complaints’ in that the complainant does not identify themselves. An anonymous communication with the Board, even if in writing, is not a complaint as it is a fundamental requirement under the Act that the person making the complaint is identified. However, having regard to its primary purpose of protecting the public, the Board may make enquiries relevant to the issues raised anonymously.

FLOW CHART 1 – PROGRESS OF A COMPLAINT THROUGH THE BOARD

When a complaint is received by the Board, a preliminary consideration is made and if necessary further information is sought from the complainant to specifically identify the conduct that is alleged to have occurred, to seek documents referred to in the complaint or to seek additional information relevant to the Board’s jurisdiction.

A complaint may include any number of allegations against a legal practitioner or law firm.

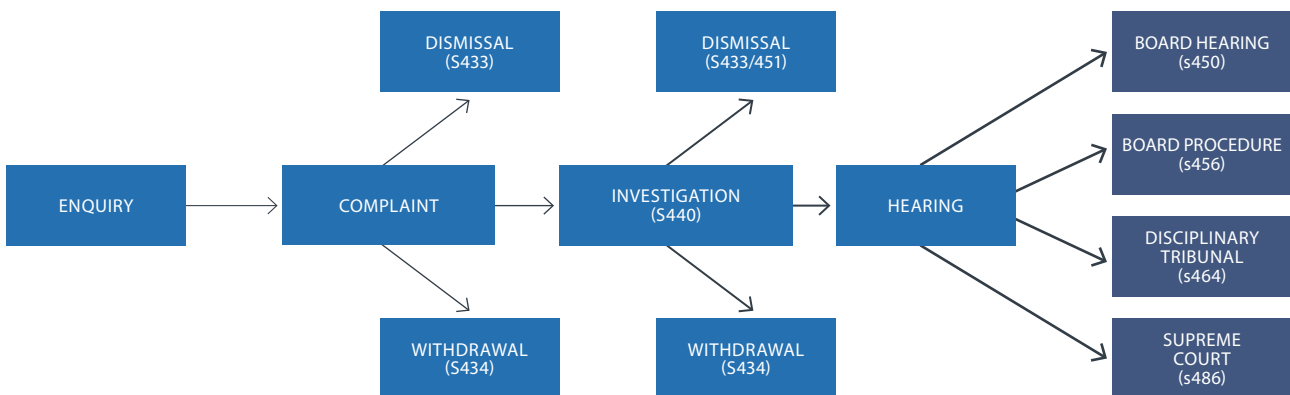
If a complainant is not able to clearly describe the specific matters of complaint against a practitioner, the Board is required, under section 427(5) of the Act, to take all reasonable steps to ensure that they are given the necessary assistance to do so. Further, at section 511(c) of the Act, the Board must provide assistance to members of the public in making complaints.

In the Board’s view, the public interest requires that any conduct capable of amounting to unsatisfactory professional conduct or professional misconduct, which may have been omitted or missed from inclusion in a complaint by a complainant, ought to be properly considered by the Board.

This may result in the omitted or missed conduct being included in the complaint. Section 588 of the Act relevantly prescribes that if an investigator becomes aware of any matter in the course of a complaint investigation which may constitute conduct capable of amounting to unsatisfactory professional conduct or professional misconduct, the investigator must refer the matter to the Board to consider whether disciplinary action should be taken against the practitioner. In other words, there is a positive obligation for the Board, irrespective of whether conduct is raised in a complaint or otherwise, to consider whether action should be taken in respect of conduct capable of amounting to a disciplinary matter.

Once the preliminary inquiries have been completed, a ‘Notice of Complaint Received’ together with a copy of the complaint is sent to the practitioner, accompanied by an invitation to provide comment (submissions) in relation to it.

The practitioner’s submissions are provided to the complainant for further comment. On occasion a complainant, having received a detailed explanation, may withdraw their complaint.



All information obtained initially is collated and all the material is then considered by the Board at a monthly meeting. At that stage the complaint will either proceed to have an investigator appointed, or is summarily dismissed. As complaints may contain several allegations, on some occasions the Board may summarily dismiss part of the complaint, with the other part of the complaint remaining until the investigation is finalised.

The Board has a duty to deal with complaints as efficiently and expeditiously as is practicable. The preliminary process prior to the appointment of an investigator, or the complaint being summarily dismissed, may take several months as sufficient time is allowed to both the complainant and the practitioner to provide submissions.

The Board has produced fact sheets which can be found on its website to assist both the complainant and the practitioner to understand the statutory framework for dealing with complaints.

Complaints this year

The Board received **147** complaints in the reporting period which represents **34%** increase for the same period last year.

TABLE 3 - WRITTEN COMPLAINTS RECEIVED

MONTH	COMPLAINTS RECEIVED 2023-24	COMPLAINTS RECEIVED 2022-23	COMPLAINTS RECEIVED 2021-22	COMPLAINTS RECEIVED 2020-21
July	9	13	11	7
August	13	11	35	6
September	15	3	18	4
October	3	16	10	9
November	7	11	7	16
December	10	2	8	5
January	12	5	2	2
February	11	13	15	8
March	11	7	10	8
April	20	6	5	11
May	24	12	6	15
June	12	11	6	11
Total Complaints	147	110	133	102

The Board collates as much additional data about complaints as it can, in an effort to provide greater awareness to the legal profession about the complaints it receives.

Practising certificates

Of the **147** complaints, **123** were directed against lawyers who held local practising certificates issued by the prescribed authority (the Law Society of Tasmania).

The Board received **3** complaints against legal practices and there were **3** complaints received concerning lawyers holding practising certificates in New South Wales, Queensland and South Australia respectively, however the alleged conduct principally arose in Tasmania.

A further **9** complaints were directed at judicial officers.

There were **2** complaints against Australian lawyers whom at the time of the complaint did not hold a practising certificate for a variety of reasons including because they were retired, on extended personal leave, or had not renewed for unknown reasons.

In the reporting period the Board also received **5** complaints against Tasmanian government lawyers. In Tasmania, a government lawyer is entitled to practise in Tasmania without a practising certificate. However, government lawyers still fall within the jurisdiction of the Board.

1 complaint was received regarding an inhouse corporate lawyer employed by a local council and **1** lawyer who was unable to be identified.

Consistent with the previous year, most complaints were made against lawyers holding a principal local practising certificate (**46%**) with the next biggest category being those holding an employee practising certificate.

Table 4 – Complaints by practising certificate type in Tasmania

PC Type	Number of complaints
Barrister	8
Community	6
Corporate	1
Employed	41
Principal	67
Grand Total	123

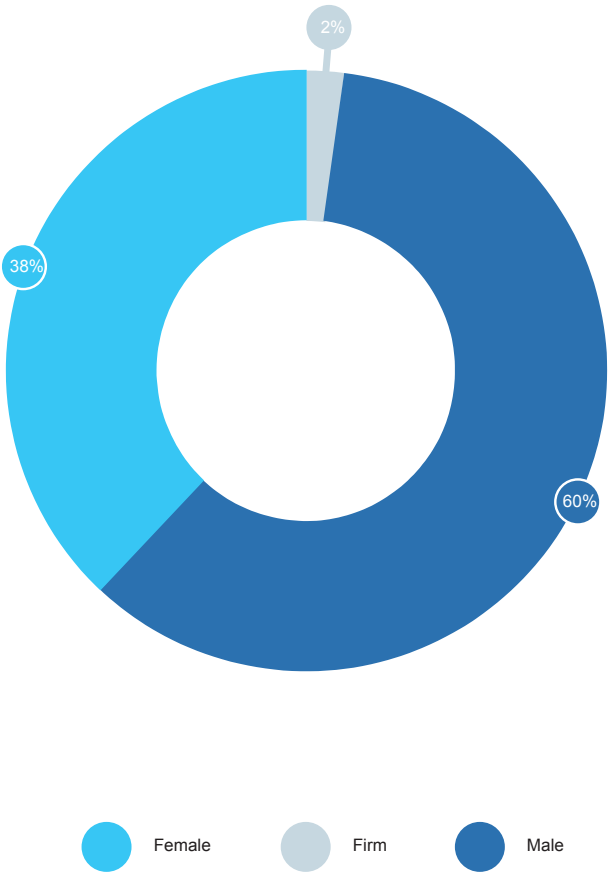
35 complaints identified lawyers employed by an incorporated legal practice, with **74** against lawyers working in a law firm. **6** complaints were against lawyers working at a community legal centre, **1** complaint was against a corporate lawyer and **8** complaints were against barristers.



Gender

Of the 147 new complaints, 88 complaints (60%) identified a male lawyer while 56 identified a female lawyer (38%), with 3 complaints against legal practices (2%)*.

*The Complainant was not able to identify the lawyer



Admission dates

The admission date of the lawyer against whom a complaint had been made was available for 143 of the complaints received.

NO OF COMPLAINTS	DATE RANGE OF ADMISSION	MALE	FEMALE	PRINCIPAL PC
19	2018 - 2024	10	9	1
17	2014 - 2017	5	12	4
37	2004 - 2013	25	12	22
70	Prior to 2003	48	22	41

Similar to previous years, the majority of the complaints were made against lawyers with more than 20 years' experience. Of those 143 complaints, 62% were against male practitioners. Of the lawyers with more than 20 years' experience, 58% held a principal practising certificate. This is a consistent trend and continues to indicate that senior lawyers may benefit from targeted continuing legal education around complaint matters.

Allegations

Table 5 identifies the principal allegation for each complaint received in the reporting period. Where a complaint included more than one allegation, only the principal allegation is the one identified.

As can be seen from Table 5, allegations relating to negligence and competency, costs/overcharging and dishonest/misleading conduct comprised a significant proportion of complaint allegations received by the Board in the reporting period.

TABLE 5 - PRINCIPAL ALLEGATIONS AGAINST LEGAL PRACTITIONERS

PRINCIPAL ALLEGATION	2023-24	2023-24	2022-23	2022-23	2021-22	2021-22
		%		%		%
Abusive/Rude/Threat	9	6%	7	6%	6	4%
Breach of Act, rules, court order or undertaking	12	8%	7	6%	11	8%
Communication with client - including failure to communicate	9	6%	5	5%	3	2%
Confidentiality breach	1	1%	2	2%	4	3%
Conflict of interest	2	1%	3	3%	9	6%
Costs/Bills/Fees/Overcharging	25	17%	15	14%	13	9%
Court performance	-	-	-	-	1	1%
Delay	7	5%	9	8%	6	4%
Dishonest/Misleading (including misleading the Court)	21	14%	19	17%	12	9%
Instructions - failure to act or to comply	2	1%	5	4%	6	5%
Instructions - acting without instructions	1	1%	1	1%	1	1%
Negligence/Competency - including poor handling of case	48	32%	30	27%	29	22%
Criminal allegations	7	5%	2	2%	26	20%
Trust money - including failure to account	1	1%	-	-	2	2%
Inappropriately ceasing to act	-	-	2	2%	1	1%
Inappropriately withholding client file	1	1%	3	3%	1	1%
Nil / No allegation	1	1%	-	-	2	2%
Totals	147	100%	110	100%	133	100%

TABLE 6 - AREA OF LAW TO WHICH COMPLAINTS RELATED

AREA OF THE LAW	2023-24	2023-24	2022-23	2022-23	2021-22	2021-22
		%		%		%
Administrative	4	3%	3	3%	5	3%
Building	5	3%	2	2%	1	1%
Commercial/Corporations/Franchise	5	3%	4	4%	1	1%
Other - Civil includes debt collection, anti-discrimination, defamation	12	8%	8	7%	8	6%
Conveyancing	11	8%	12	10%	13	10%
Criminal	19	13%	6	5%	28	21%
Family/de facto	29	20%	27	24%	17	12%
Employment Used to be Industrial relations	3	2%	2	2%	3	3%
Personal Injury	1	1%	3	3%	4	3%
Probate/Family Provision	21	14%	22	20%	30	22%
Wills/Powers of Attorney	8	6%	3	3%	4	3%
Workers' Compensation	6	4%	8	7%	7	5%
Immigration	-	-	1	1%	-	-
Land & Environment	2	1%	3	3%	-	-
Victim Compensation	-	-	-	-	1	1%
Leases/Mortgages	5	3%	2	2%	8	6%
Insolvency	-	-	-	-	1	1%
Unknown	16	11%	4	4%	2	2%
Total	147	100%	110	100%	133	100%

Table 6 indicates that the area of law most often involved in complaints received by the Board in the reporting period, at a combined **34%** of complaints was Family/de facto and Probate and Family provisions.

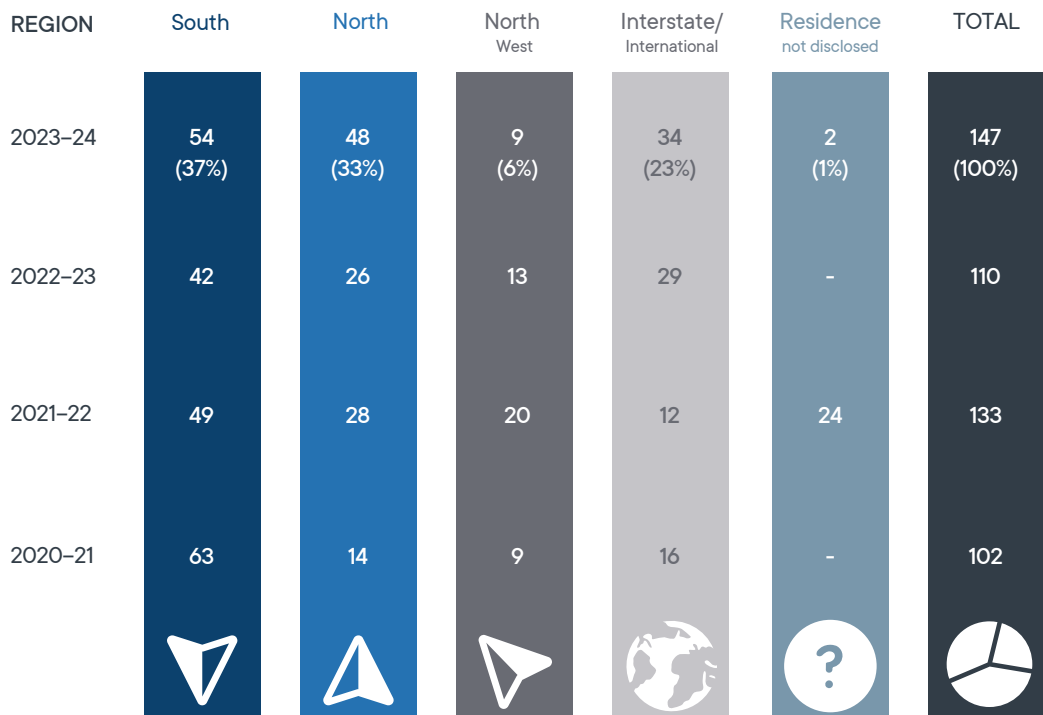
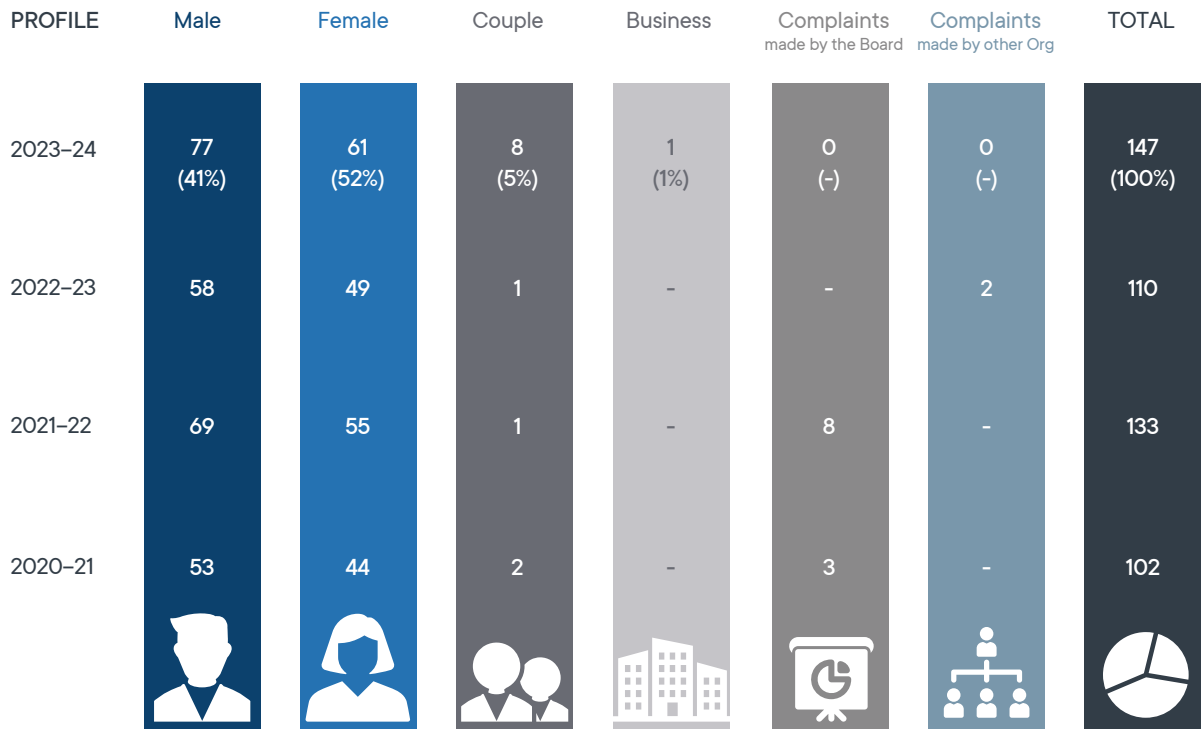
The areas of law also highly represented in the reporting period were Criminal, Other Civil and Conveyancing. Those three areas of law represent **29%** of complaints to the Board.

The Board can accept complaints made to it by people residing outside of Tasmania. In the reporting period, **34** complaints were received by the Board from either interstate or overseas complainants.

During the investigation of a complaint, the investigator may become aware of facts which the investigator considers may constitute unsatisfactory professional conduct or professional misconduct not already the subject of a complaint. In such a case, the investigator must refer the matter to the Board to consider whether disciplinary action should be taken. Further, circumstances may arise where a practitioner may fail to comply with a direction of the Board. In these circumstances, the Board may elect to make a complaint of its own motion. The Board has developed a fact sheet, available on its website, to provide context as to when the Board will commence a board-initiated complaint.

The larger proportion of complainants during the reporting period were male, with most of the complaints coming from the south of Tasmania.

TABLE 7 - COMPLAINANTS' PROFILE (REGION & GENDER)



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In addition to the **147** complaints received the Board also dealt with a further **128** complaints carried forward from the 2022-23 period, which included complaints under investigation; complaints which had been referred for hearing to either the Board, Disciplinary Tribunal or Supreme Court; and complaints being dealt with in accordance with the preliminary statutory process prior to an investigator being appointed.

TABLE 8 - COMPLAINTS CARRIED FORWARD AS AT 1 JULY 2024

COMPLAINTS	CARRIED FORWARD AS AT 1 JULY 2024	%
Unfinalised complaints pending (an investigator yet to be appointed or awaiting hearing) as at 30 June 2024	79	62%
Complaints under investigation	24	19%
Complaints referred to a hearing	25	19%
Total Complaints carried forward as at 1 July 2024	128	100%

128
complaints
carried
forward



INVESTIGATIONS

31 investigations were carried forward from the previous reporting year and a total of 17 complaints proceeded to have an investigator appointed in the reporting period.

A total of 12 investigations were completed to a dismissal or withdrawal. A further 12 completed investigations were referred to a prosecution either by way of a meeting (s.456), the Disciplinary Tribunal or the Supreme Court.

The total of 23 completed investigations is consistent with the previous year.

The Board where necessary, utilises external resources to assist in clearing the backlog of investigations. This year one external investigator was appointed to investigate one matter.

The purpose of an investigation is to obtain and consider the evidence and for the investigator to provide a recommendation to the Board on the reasonable likelihood or public interest test as set out in section 451 of the Act. That is, if there is no reasonable likelihood that the practitioner will be found guilty of either unsatisfactory professional conduct or professional misconduct, or it is in the public interest, the Board may dismiss the complaint.

The burden of proof of any charge of unsatisfactory professional conduct or professional misconduct brought by the Board following investigation of a complaint rests with the Board.

The standard of proof is the balance of probabilities but carries the rider that the weight or strength of the evidence necessary to prove a disciplinary matter varies depending on the circumstances and the gravity of the matter to be proved. This is known as the *Briginshaw* standard or the standard of 'reasonable satisfaction': *Briginshaw v Briginshaw* (1938) 60 CLR 336 per Dixon J at 362.

The rules of procedural fairness, to the extent that they are not inconsistent with the Act, apply in relation to the investigation of complaints.

TABLE 9 – INVESTIGATIONS COMMENCED AND COMPLETED FROM 2023-24

MONTH	INVESTIGATIONS COMMENCED 2023-24	INVESTIGATIONS COMPLETED 2023-24	INVESTIGATIONS COMMENCED 2022-23	INVESTIGATIONS COMPLETED 2022-23	INVESTIGATIONS COMMENCED 2021-22	INVESTIGATIONS COMPLETED 2021-22
July	2	1	0	0	1	2
August	0	3	0	2	3	0
September	0	0	3	1	8	1
October	4	2	1	2	3	2
November	0	1	2	1	6	3
December	1	0	1	1	3	2
January	0	0	0	0	0	0
February	1	2	2	1	4	4
March	4	0	0	1	2	1
April	1	2	0	2	2	0
May	2	0	1	0	3	2
June	2	1	1	0	1	3
Total	17	12	11	11	36	20

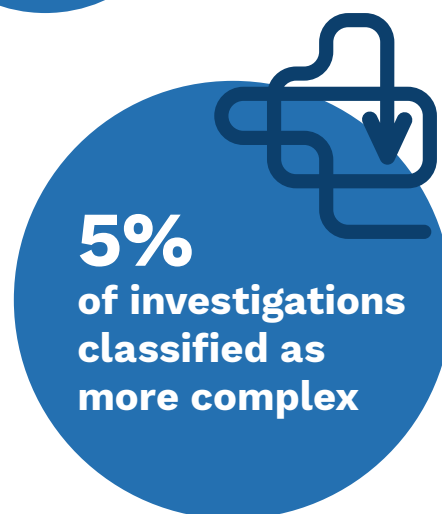
TABLE 10 – COMPLEXITY OF INVESTIGATIONS COMMENCED

CATEGORY OF INVESTIGATION	INVESTIGATION CRITERIA	INVESTIGATIONS COMMENCED 2023-24		INVESTIGATOR APPOINTED 2021-22	INVESTIGATOR APPOINTED 2020-21
			%		
SIMPLE	Basic investigation, low volume of documentary evidence, no witness or 3rd party involvement	5	30%	5	12
INTERMEDIATE	Medium volume of documentary evidence, single witness or 3rd party involvement	11	65%	5	18
COMPLEX	Multiple witnesses, significant volume of evidence	1	5%	1	6
VERY COMPLEX	High volume of evidence, multiple witnesses, interaction with commercial entities	-	-	-	-
Total		17	100%	11	36

In general terms, the greater the complexity of the investigation, the longer period of time that is required to complete it. The length of time to complete an investigation is also dependant on such matters as the willingness of the parties to resolve the complaint via mediation (if appropriate), and the investigations officer’s ability to readily access information held by either the practitioner or complainant.

In the reporting period to 30 June 2024, the Board classified the majority (70%) of all investigations where an investigator was appointed in the period, as more complex than a simple investigation.

The average length of investigations in the reporting period from the appointment of the investigator to the Board determination, or referral to prosecution was **10 months**.



FINALISATIONS AND OUTCOMES

TABLE 11 – COMPLAINTS FINALISED AND METHOD OF FINALISATION FROM 2023-24

METHOD OF FINALISATION	RELEVANT SECTION OF ACT	DESCRIPTION	NUMBER FINALISED	% FINALISED COMPARED TO TOTAL FINALISATIONS	NUMBER FINALISED 2022-23
2022-23					
Summarily dismissed	s.433 (1) (a)	Complaint lacking in substance, vexatious, misconceived or frivolous	43	37%	52
Summarily dismissed	s.433 (1) (e)	Complaint is not one that the Board has the power to deal with	3	2%	1
Summarily dismissed	s.433 (1) (b)	Subject of a previous complaint that has been dismissed	0	0%	0
Summarily dismissed	s.433 (2) (a)	Further information not given or complaint not verified	8	7%	4
Summarily dismissed	s.433 (3) & (4)	Complaint requires no further investigation or no public interest in continuing	16	14%	3
Summarily dismissed	s.433 (1) (a) & (e)	Complaint lacking in substance, vexatious, misconceived or frivolous and not one that the Board has the power to deal with	3	2%	6
Summarily dismissed	s.433 (1) (a) & (2)(a)	Complaint lacking in substance, vexatious, misconceived or frivolous and further information not given or complaint not verified	0	0%	1
Summarily dismissed	s. 451 (a)	No reasonable likelihood that the practitioner will be found guilty	0	0%	1
Withdrawal	s.434	Complaint withdrawn by complainant prior to an investigation	20	17%	13
Other		Incorrect identity of practitioner/enquiry re unqualified legal practice	2	2%	4
Sub Total			95	81%	85
FINALISATIONS FOLLOWING COMPLETION OF INVESTIGATION:					
Dismissed following an investigation	s.451 (a)	No reasonable likelihood that the practitioner will be found guilty	7	6%	8
Dismissed following an investigation	s.451 (b)		1	1%	0
Dismissed following an investigation	s.451 (a) & s.451 (b)	No reasonable likelihood that the practitioner will be found guilty and no public interest to continue	1	1%	
Withdrawal	s.434	<i>Complaint withdrawn (after mediation) following an investigation</i>	5	4%	2
Dismissed following an investigation	s. 451 (a) & s.433 (1)(e)	Complaint is not one that the Board has the power to deal with and no reasonable likelihood that the practitioner will be found guilty	1	1%	1
Sub Total			15	13%	11

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METHOD OF FINALISATION	RELEVANT SECTION OF ACT	DESCRIPTION	NUMBER FINALISED	% FINALISED COMPARED TO TOTAL FINALISATIONS	NUMBER FINALISED 2022-23
FINALISATIONS FOLLOWING A MEETING/HEARING OF THE BOARD:					
Matter not substantiated and dismissed	s.456 (6)	Dismissed	2	2%	1
Practitioner found guilty of unsatisfactory professional conduct	s.456 (7)	No determination	2	2%	0
Practitioner found guilty of unsatisfactory professional conduct	s.456 (7) (a)	Practitioner cautioned or reprimanded	0	0%	0
Practitioner found guilty of unsatisfactory professional conduct	s.456 (7) (ab) &(b)	Practitioner required to make an apology or no further action.	0	0%	1
Practitioner found guilty of unsatisfactory professional conduct	s.454 (2)	Practitioner reprimanded, & required to pay costs	0	0%	0
Sub Total			4	4%	2
FINALISATIONS FOLLOWING A HEARING OF THE DISCIPLINARY TRIBUNAL OR SUPREME COURT*:					
*Does not include application for rehearing					
Practitioner found guilty of either unsatisfactory professional conduct or professional misconduct	s.471	Practitioner suspended and fined	0	0%	0
Practitioner found guilty of unsatisfactory professional conduct	s.473 s.479	Practitioner required to pay compensation	0	0%	0
Practitioner found guilty of professional misconduct	s. 487	Practitioner required to pay a fine	0	0%	2
Practitioner found guilty of professional misconduct	Supreme Court Inherent Jurisdiction	Practitioner removed from Roll	0	0%	0
Other		Resolved by consent orders prior to hearing in the Supreme Court	3	2%	0
Sub Total			3	2%	2
TOTAL FINALISATIONS			117	100%	100

Finalisations:

Table 11 shows that a total of **117** complaints were finalised for the reporting period to 30 June 2024.

Consistent with previous years, the majority (**81%**) of the Board's finalisations occurred prior to an investigator having been appointed and involved complaints which were either summarily dismissed or withdrawn by the complainant.

A further **15** complaints were finalised by the Board following completion of the investigation, once an investigator had been appointed and prior to a hearing.

There were **5** finalisations because of mediatory intervention after the investigator was appointed. The Board maintains a strategy to resolve matters, in appropriate circumstances.

The matters which were referred to a Board meeting/hearing, Tribunal or Supreme Court hearing were also investigated, although the investigation may have commenced or been completed prior to this reporting period.

Where a matter proceeds to a hearing and a finding is made, the Board will generally make separate written determinations – one relating to a determination on conduct and then one in relation to penalty.

Finalisations include complaints where a hearing may have been held in a previous reporting period, for example before the Disciplinary Tribunal or Supreme Court.

The finalisations above do not include matters that may have been subject to an appeal or rehearing.

Clearance Rate:

The Board received **147** complaints within the reporting period and finalised a total of **117** complaints to 30 June 2024. The clearance rate achieved during the reporting period was therefore **79%**.

Outcome of Disciplinary action:

At the conclusion of a complaint investigation, the Board may hold a formal hearing (section 453); deal with the complaint in accordance with section 456 (procedure for less serious complaint); make an application to either the Disciplinary Tribunal or Supreme Court for the complaint to be heard and determined; or dismiss the complaint. Table 12 shows that the Board referred for hearing, or resolved to refer, a total of **12** complaints within the reporting period.

The Board held a section 456 meeting in relation to **4** complaints; **2** matters resulted in the Board being satisfied that the matter had been substantiated, making a determination which is recorded on the Disciplinary Register as required by the Act; and **2** matters were dismissed as the Board was not satisfied that the matter had been substantiated.

The Board resolved in October 2023, to refer **2** matters to the Disciplinary Tribunal and filing of the applications has occurred, with the hearings of both matters pending at the end of the reporting period.

The Board resolved in November 2023 to refer a further **1** matter to the Disciplinary Tribunal and the filing of the applications was pending at the end of the reporting period.

The Board resolved in September 2023, to refer **1** matter to the Supreme Court.

**PART TWO –
OPERATIONS REPORT**

TABLE 12 – COMPLAINTS REFERRED (OR RESOLVED TO BE REFERRED) TO DISCIPLINARY TRIBUNAL, SUPREME COURT OR FOR BOARD HEARING/MEETING 2023-24

COMPLAINTS REFERRED	SECTION OF ACT	REFERRED 2023-24	REFERRED 2022-23	REFERRED 2021-22
Board Meeting (s.456 procedure for less serious complaint)	s.450 (b)	8	3	3
Board Hearing	s.450 (a)	0	0	0
Disciplinary Tribunal	s.450 (c) (d)	3	6	1
Supreme Court	s.450 (e)	1	1	3
Total Complaints Referred		12	10	7

TABLE 13 – NUMBER OF PENDING COMPLAINTS AS AT 30 JUNE 2024

COMPLAINT SOURCE	2023-24	2022-23	2021-22
Unfinalised complaints pending (investigator yet to be appointed) as at 30 June 2023	45	31	39
Unfinalised complaints with investigator appointed, as at 30 June 2023	31	39	26
Complaints referred to a hearing	24	20	22
Subtotal Pending Complaints as at 30 June 2024	100	90	87
Complaints received 1 July 2022 to 30 June 2024	147	110	133
Subtotal complaints for current reporting period	247	200	220
Finalised complaints 1 July 2023 to 30 June 2024	119	100	130
Balance of complaints on hand as at 30 June 2024	128	100	90

Table 13 above indicates that **128** complaints remain unfinalised as at 30 June 2024. This includes pending complaints, pending investigations and pending matters referred, a little higher than last year.

Notifications to the Prescribed Authority

The *Legal Profession Act 2007* requires the Board to notify the prescribed authority responsible for the issuing of practicing certificates of certain matters within Chapter 4 of the Act. The prescribed authority for those purposes is the Law Society of Tasmania.

Notifications to the Law Society include a complaint made against an Australian legal practitioner, dismissals and withdrawals of complaints, and a decision to proceed with a prosecution.

SUPERIOR TRIBUNAL OR COURT MATTERS

Two applications filed by a practitioner in the Supreme Court, to hear and determine a complaint in accordance with section 486 remain extant.

The Board can make an application to the Supreme Court in its inherent jurisdiction, pursuant to section 486. Such applications do not require a complaint. Applications currently in the Supreme Court, brought by the Board are:

- One application made to the Supreme Court in March 2018. That application was adjourned pending the outcome of an appeal, which was delivered by the Full Bench of the Federal Court on 28 June 2023. This matter will be finalised in the next reporting period.
- The Board determined to refer another matter to the Supreme Court in its inherent jurisdiction in October 2018. That matter is yet to be finalised.
- One matter that involves four complaints filed as one proceeding in March 2021. That matter has been heard and a decision is pending.
- Two matters against one practitioner involving four complaints to be heard together in the next reporting period.

One matter was referred to the Supreme Court on 6 December 2022 and the Supreme Court delivered its decision on 20 September 2023.

Legal Profession Board of Tasmania v A Legal Practitioner [2023] TASSC 34

The Board made three Applications to the Disciplinary Tribunal during the financial year ending 30 June 2024.

APPLICATIONS FOR SEARCH WARRANTS

No applications for a search warrant were made under section 576 of the Act during the reporting period.

REDACTED DECISIONS

It is a function of the Board to advise the profession on appropriate standards of conduct. An effective way of doing that is to publish Board determinations where there are no adverse findings, over and above the publication of disciplinary matters on the Disciplinary Register. Doing so provides the profession with real life examples of current issues which arise in legal practice and provides an opportunity for the Board to express its expectations in relation to conduct in certain circumstances.

The Board publishes redacted decisions on its website in circumstances where the decision would be of assistance to the profession.



CORO 2023

The Legal Profession Board of Tasmania had great pleasure in hosting in Hobart the annual Conference of Regulatory Officers (known as 'CORO') in October 2023. The conference has traditionally focused on topics relating to the regulation of the legal profession within Australia and New Zealand.

The Board's chosen theme for the conference was **Regulation: Dealing with BIG Issues**, with a focus on the potential issues that the regulators will face in the future such as technological advancements including Artificial Intelligence (AI).

The Board is grateful to Her Excellency, the Honourable Barbara Baker AC, Governor of Tasmania, for hosting a welcome reception at Government House for our conference attendees who had travelled from around the nation and New Zealand.

The Board was honoured to have the Attorney General of Tasmania, the Honourable Guy Barnett MP open the Conference and welcome our attendees to CORO. The official opening by the Attorney General was followed by a keynote address by His Honour Blow CJ, who captured in his presentation the history of the Supreme Court and the disciplinary process of the legal profession in Tasmania, providing our conference participants with a great insight into the history of the legal profession and regulation in our island state.

There were other key sessions of CORO.

Regulation of legal practitioners with health impairments

The Board was privileged to have Professor Marie Bismark from the University of Melbourne present a session in relation to the impact on the health that the regulatory process can have on lawyers. Professor Bismark provided great insight into the effect of the traditional high standards ingrained within those who have chosen the legal profession of a career and the resulting negative impacts on health when they are the subject of a complaint. Professor Bismark's presentation was a pertinent reminder for regulators to develop humane approaches that maintain a strong focus on risk while considering the well-being of those who are involved in the regulatory complaints processes.

The Concept of Misconduct

University of Tasmania's Professor Gino Dal Pont, one of the most well respected and leading academics in the regulatory space presented a session on the concept of misconduct, a topic and concept that will continue to evolve for regulators of the legal profession.

Justice, Equity, Diversity and Inclusion (JEDI) & Megatrends & AI Discussion Panel

In line with the focus of this year's CORO theme 'Dealing with BIG Issues' it was great to have two discussion panels specifically addressing emerging issues.

The JEDI panel focused on trending topics broader society and the legal profession face, including equality and diversity. There was much thought and discussion provided by our panellists particularly the different perspectives and personal experiences shared by Mr Erfan Dairi, a social change consultant and an anti-racism educator.

The Megatrends & AI panel focused on the recent emerging topics of AI. The panel sparked a great discussion on the risk of using AI and how the use of AI could be regulated within the legal profession.

Intelligent Regulator

The CEO of the Australian Health Practitioner Regulation Agency (AHPRA), Mr Martin Fletcher, provided great insight into some issues that AHPRA faces in the regulation of health practitioners that is equally relevant to regulation of legal profession. Mr Fletcher highlighted the importance of regulators in understanding practitioner stress when dealing with disciplinary processes and the importance of regulators to be kind when dealing with practitioners and by being open, transparent and supportive.

Inherent jurisdiction of the Supreme Court

Mr Stephen Warne, a leading Barrister in Australia, specialising in professional discipline and publisher of the Australian Professional Liability Blog, provided great insight into the issues of the inherent jurisdiction of the Supreme Court of Victoria by exploring in detail the Banksia Securities Ltd cases.

The Board would like to take this opportunity to thank all attendees for attending 2023 CORO in Tasmania and our speakers who shared their wonderful knowledge and providing a different perspective on the regulation of the legal profession. The Board wishes Victoria all the best in hosting CORO in October 2024.

Case Study 1

A Debt recovery – the Devil and the Detail

A lawyer's *raison d'être* is often punctuated by profit motive. In striving to achieve this, lawyers justifiably charge fees for the services they provide, just like any other service provider. Clients, conversely, have an interest and desire to minimise or not pay said fees. It is not surprising then that this friction gives rise to complaints but also instances of clients not paying lawyers' fees.

Often the avenue of last resort for a lawyer in such circumstances is the institution of proceedings for the recovery of legal fees. It is reasonable to conceive of an increase in debt recovery proceedings in the current environment of fiscal tightening: the Devil.

It is therefore timely for the Board to bring to the profession's attention some important considerations for law practices before initiating debt recovery proceedings; the Detail.

Section 300(2) of the *Legal Profession Act 2007* (Tas.) ('the Act') provides that a law practice that does not disclose to a client (or an associated third party payer) anything required to be disclosed by Division 3 of Part 3.3 of the Act (which concerns costs disclosure ('Division 3')), may not maintain¹ proceedings against the client (or associated third party payer) for the recovery of legal costs, unless costs have been assessed under Division 7 of Part 3.3 of the Act (which concerns costs assessment (aka taxation) ('Division 7')).

In short, section 300(2) of the Act provides two conditions, one of which must be satisfied before a law practice can 'maintain' proceedings for the recovery of legal costs. Either the law practice must have complied with the disclosure obligations of Division 3 or the legal costs must have been assessed set out in Division 7.

Given costs assessment under Division 7 is possible, but in practice is an unlikely circumstance, the focus here is chiefly on the costs disclosure obligations. The costs disclosure obligations of Division 3 are many and varied. The primary costs disclosure obligations are set out in section 291 of the Act.

In a recent case before the Board, the Practitioner had earlier initiated debt recovery proceedings against a client who had been derelict in paying the Practitioner's legal costs. However, the Practitioner had failed to comply with the ongoing obligation to disclose, set out in section 299 of the Act, by not providing the client with an updated estimate of total legal costs when there

had been a substantial change because legal costs exceeded the original estimate by around 50%. Such failure, aside from itself having the potential to become a disciplinary matter², deprived the Practitioner of an entitlement to maintain proceedings against the client given legal costs had not been assessed under Division 7.

The Practitioner submitted that regular invoices and a requirement that the client pay a sum of money to the Practitioner in trust account, to secure future legal costs, was enough to keep the client informed of the likely total legal costs and to thereby discharge the ongoing disclosure obligations. However, as was found in *Bennett (a pseudonym) v Farrar Gesini* [2019] VSC 744, in dealing with equivalent provisions of the *Legal Profession Uniform Law 2014* (Vic.), 'Demands for progress payments or the delivery of regular invoices for work already completed do not satisfy the Act' and any significant change to an earlier estimate must be made in writing.

Furthermore, the Practitioner's submission either overlooked or sought to eschew the policy behind the costs disclosure regime which is to give a client 'the opportunity to make an informed choice costs-wise whether or not to retain the lawyer or to continue with the representation'³. A client's awareness of costs incurred to date coupled with a requirement to pay money into a Practitioner's trust account for potential future legal costs is different to an estimate of total legal costs, which must be in writing.

The Practitioner had failed to comply with section 299 of the Act. Therefore, in initiating and 'maintaining' proceedings for the recovery of legal costs in those circumstances, the Practitioner had failed to comply with section 300(2) of the Act. That this can find its way into the disciplinary sphere is galvanised not once, but twice, in the Act through sections 300(7) and 422(1)(a) of the Act; both of which provide that a failure to comply with section 300(2) of the Act is conduct capable of constituting unsatisfactory professional conduct or professional misconduct on the part of any legal practitioner involved in the failure.

In the circumstances of this recent case, the Board was satisfied the Practitioner had contravened both sections 299 and 300(2) of the Act. However, in noting the Practitioner had apologised for the conduct and demonstrated insight, contrition, self-awareness, education and attempts to rectify her practices to reduce the risk of future failures to comply with s 299 of the Act, the Board was satisfied it was in the public interest to dismiss the complaint.

1 What constitutes 'maintain' may be the subject of some conjecture however, that is outside the scope of this case study.

2 See sections 300(7) and 422(1)(a) of the Act.

3 G E Dal Pont, *Law of Costs*, 5th Edition (2021), LexisNexis (at 2.20).

PART TWO – OPERATIONS REPORT

While the focus here has been on the impact that a failure to comply with the costs disclosure obligations set out in Division 3 may have in respect of debt recovery proceedings, it is important to note that section 300 of the Act provides a number of other significant consequences that potentially flow. These may include:

1. The client does not need to pay the legal costs (s 300(1) of the Act);
2. The client may apply for the costs agreement to be set aside (s 300(3) of the Act);
3. On assessment, a costs assessor may reduce the legal costs by an amount considered to be proportionate to the seriousness of the failure to disclose (s 300(4) of the Act).

This serves as a timely reminder to assess whether systems and controls are in place to ensure compliance with the costs disclosure regime and, before initiating debt recovery proceedings, ensure actual compliance with the costs disclosure regime.

Recent Regulatory Decisions

Legal Profession Disciplinary Tribunal v Gregory Stephen Smith [2023] TASLPDT 4

On 11 December 2023, the Disciplinary Tribunal handed down its reasons for decision in LPBT v Smith. The decision concerned gross delay and neglect and failure to adequately communicate with the Complainant.

The complaint arose after the Practitioner failed to properly act on the complainants' instructions, failed to adequately communicate with her and to progress her matter, leaving her with a belief that proceedings to attempt recovery of a debt were in progress, over a 12-year period.

In 2007, the Practitioner was instructed to recover \$40,000.00 which the Complainant had loaned to a friend for a business pursuit. From July 2007 to December 2007, the Practitioner undertook various works in respect to the instructions received.

Between December 2007 and September 2008, the Practitioner took little to no further action to recover the debt. The Practitioner received intermittent correspondence from the Complainant and the solicitor acting for the defendant during late 2008.

Over two years later, in November 2010, the Practitioner filed a claim in the Magistrates Court on behalf of the Complainant. The Claim was never served on the defendant, nor was a copy provided to the Complainant. The Practitioner took no further action and did not communicate with the Complainant further.

Other than a meeting in 2012 for an unrelated matter, the Practitioner did not have any further contact with the Complainant.

In May 2019, the Practitioner closed the Complainant's file.

In December 2019, the Complainant instructed new solicitors.

The Tribunal held:

[45] We are comfortably satisfied that the delay and neglect by the Practitioner is professional misconduct. He failed to institute proceedings in a timely manner, he made no attempt to serve 'the Claim' even when filed, he allowed the time for any fresh claim to become statute barred, he failed to communicate to the complainant all the significant matters arising throughout his retainer, such as the true status of her matter, and allowed the complainant to labour under a false belief that mediation was a live step in a process of recovering the alleged debt when it was not, the consequence being that only after 12 years and the necessity to seek alternative advice did the complainant become aware of the true way and status of how her

business had been conducted.

The Tribunal added:

[47] We do not share the Practitioner's doubt about the strength of the complainants claim. From the Practitioner's file, it was a strong claim recognised as such by the defendants and their lawyers' admissions, and the complainants' instructions... A claim filed in court and served could have resulted in a default judgement if not defended or if contested by determination by agreement or a magistrate giving judgement.

[48] Service of court proceedings could have been affected if reasonable attempts had been made.

In relation to the orders made, the Tribunal noted:

[49] Orders made on a finding of professional misconduct are principally directed to the outset of these reasons that the Practitioner has had a long history of practice as a legal practitioner in his community. He has no prior disciplinary matters. He accepted his conduct amounted to the less serious, unsatisfactory professional conduct relatively early in the investigation. Those factors are considered. However, his conduct was a substantial neglect of the complainants' instructions and expectations and of how a reasonably competent legal practitioner should act.

[50] A reprimand is an appropriate order as it identifies standards the establishment and maintenance of which protects the public.

The Practitioner was found guilty of professional misconduct, was reprimanded and ordered to pay the Board's costs.

Jasmine Burnett v Jeanette Jovanovic **[2024] LPBT 16**

Background

On 15 December 2013, the Complainant, aged 12 years old, suffered an injury whilst playing at a neighbour's property. On or around 4 February 2015, the Complainant's mother, Miss GB, engaged the Practitioner on her daughter's behalf. On 13 March 2015, the Practitioner sent a Cost Agreement which contained a best estimate of '\$50,000 up to and before trial and judgement'. Miss GB executed the conditional cost agreement on the Complainant's behalf.

On 13 July 2016, Miss GB instigated proceedings on behalf of the Complainant as litigation guardian for common law damages for personal injury against the neighbour(s), with Counsel instructed. On 4 April 2019, now aged 18 years old, the Complainant signed a new conditional costs agreement. The Practitioner advised the Complainant that if agreement was reached at mediation she estimated her legal costs to be \$52,000, disbursements of \$16,000, plus \$17,000 uplift and \$20,000 for Counsel fees.

The claim settled for \$315,000 plus costs to be taxed. Prior to taxation, the bill of costs was agreed in the sum of \$96,600 inclusive of disbursements. The Practitioner advised the Complainant that a further amount for legal costs of and incidental to the assessment, preparation of the bill and negotiations were to be charged, which totalled \$6,365.65. The Complainant received a total of \$271,801.89 for the settlement of her personal injuries claim made up of the following payments: \$148,272.26 (judgement sum), \$532.62 (interest on judgement sum), \$31,500 (Medicare refund) and \$91,497.01 (agreed legal costs including interest on settlement sum).

Allegations

The complaint against the Practitioner primarily related to her obligations in respect to costs. The three allegations ultimately heard by the Board at their s.456 meeting were that the Practitioner charged the Complainant an uplift fee exceeding 25% of the legal costs contrary to s.308 of the Act, failed to reimburse the Civil Disbursement Fund upon request to do so and delayed paying an invoice issued in September 2019, for a period exceeding two years.

Consideration

The Board was satisfied after considering the explanation of the Practitioner, that in the respect to all allegations, the Practitioner's conduct constituted unsatisfactory professional conduct. The Board held that the Complainant was entitled to expect that the Practitioner would maintain a standard of competence and diligence in relation to knowledge of the law in relation to charging uplift fees in litigious matters and attending to payment of matters required to be paid or reimbursed on the Complainant's behalf within a reasonable time. The Practitioner did not do so.

Having regard to the previous findings by the Board of the Practitioner being guilty of unsatisfactory professional conduct in the matter *Lockley v Jovanovic* [2021] LPB 31, for a failure to disclose legal costs and incorrect advice given at a settlement mediation with respect to the total costs at the time, where the Practitioner was cautioned and ordered to make reparation, the Board considered that a reprimand was warranted, noting the Practitioner had made reparation to the Complainant on 4 October 2023, in the sum of \$11,454.15, and had apologised.

Russell Kent v Mark Leonard Doyle [2023] LPBT 77

Background

On 3 September 2019, the Complainant took his vehicle to a car Dealership for mechanical work. The vehicle had an enclosed canopy at the rear which was securely locked. The Complainant stored a number of tools owned by him under the enclosed canopy. On 9 September 2019, an unidentified male and female caused damage to the vehicle when they broke into the locked canopy of the vehicle and removed a number of tools. On 10 September 2019, the unidentified male and female returned to the vehicle, caused further damage to the canopy and removed more tools from the vehicle.

On 12 September 2019, the vehicle was returned to the Complainant. The theft was reported to Tasmania Police and the Complainant provided a list of missing items. On or around 16 October 2019, the Complainant contacted Clarke & Gee Lawyers to commence a claim against the Dealership for loss and damage. The Complainant estimates that he suffered approximately \$18,910.00 in loss and damage.

Between 11 November 2019 and 12 August 2020, the Practitioner, Dealership and Insurance corresponded about the claim. On 29 September 2020, a Magistrates Court Claim ('the Claim') was filed by Mr P, a junior legal practitioner at the firm, on behalf of the Complainant. Between 18 January 2021 and 18 October 2021, the Complainant variously attempted to contact the Practitioner to follow up on his matter, but did not receive a response from the Practitioner.

On 18 October 2022 the Complainant attended the Clarke & Gee office asking for the Practitioner to call him that day. He indicated he had not heard from the Practitioner in two years about his case, and the appointment organised with him for 19 August 2022 did not eventuate. He said that he wanted his money back and was seeking legal advice elsewhere. The Complainant subsequently made a complaint to the Board on 24 October 2022.

Allegations

The allegations against the Practitioner involved a failure to attend to the Complainant's matter within a reasonable time, causing delay and neglect over a period of approximately two years, as well as a failure to communicate with the Complainant within that period.

Consideration

Although the Practitioner ultimately accepted that he failed the Complainant as a Director and that the Complainant did not receive the service he deserved, he maintained that he did not have carriage of the Complainant's file and considered the complaint was one against the firm, rather than one against him personally as a practitioner. This was consistent with the Practitioner's prior written submissions apportioning blame to both a junior practitioner at the firm and to administrative staff for not following expected processes in rescheduling appointments. The Board did not accept this submission.

The Board considered that the Practitioner was responsible for the Complainant's file for the entirety of the retainer. Further to this, the Practitioner was responsible for supervising junior staff assisting on the file, in addition to his responsibilities as a Director of the firm. The Board considered that the Complainant's matter was not given adequate attention, and that the conduct of his matter did not reach a reasonable standard of the competence and diligence that a member of the public is entitled to expect of a reasonably competent legal practitioner. The Practitioner was reprimanded and required to provide an apology to the Complainant within 14 days of the Board's determination.

EDUCATION

The Profession

The Board continues to interact with the profession as a means of fulfilling its function of advising the profession on appropriate standards of conduct. The website, fact sheets and guidance notes for the profession are part of our educative process.

The Board has also undertaken the following education:

Legal Practice Course

The Centre for Legal Studies runs its Legal Practice Course in the first half of each calendar year. The Board delivers three one-hour seminars to the legal practice students over two sessions. The seminars are part of the 'Skills, Ethics and Professional Responsibility' unit and focus on the operations of the Board and complaints about the profession. This year the Board's Manager Operations, and one of the Board's senior investigators, delivered face to face seminars to the students.

In addition, the Manager Operations presented a session with the Supreme Court of Tasmania in March 2024 on the requirements for an Application for Admission to the Roll of Practitioners and an additional 'refresher' on those requirements a short time prior to when the students applications and supporting documents were due to be filed and then served on the Board and the Law Society of Tasmania.

CPD Session Through the Law Society

The annual 2023 round up for CPD was delivered face-to-face to 101 participants on 19 April 2023 at the Law Society of Tasmania.

INFORMATION AND FACTS SHEETS

The Board continues to develop information and fact sheets for both the profession and the public to assist in understanding the complaint process and disciplinary outcomes. Some of the information has been reproduced and adapted for Tasmania with permission from the Board's sister agencies interstate.

In October 2023, to assist consumers of legal services in navigating their way through potential areas of dispute or misunderstanding with their lawyers, the Board developed and published a new fact sheet on how consumers can make enquiries with the Board. The fact sheet 'Making an enquiry with the Board' explains how consumers can get in touch with the Board to gain an understanding of their rights and how their lawyers ought to work with them.

All the Board's fact sheets are available on the Board's website.

For the public the fact sheets include:

- Deceased Estates
- Your Right to Challenge Legal Costs
- Legal Costs - Your Right to Know

- Frequently asked questions
- 5 simple steps to follow when a problem arises with your lawyer
- Working with your lawyer
- Making a complaint
- Out of Time Complaints
- Mediation of Complaints
- Independent Children's Lawyers (ICL)
- No Win No Fee Agreements
- Conflict of Interest
- Compensation Orders
- Liens
- File Ownership and Handling
- Opposing Representatives
- Types of Costs
- Making an Enquiry

For the profession the fact sheets include:

- Avoiding complaints
- Practical guide for dealing with complaints
- Responding to a complaint
- Investigation of Complaints
- Dealing with less serious complaints – s456
- Board Initiated Complaints
- Guidance Note – Itemised bills and beneficiaries for lawyers
- Guidance Note – Referral fees & claim farming
- Guidance Note – Note taking (capacity)
- Practitioner Wellbeing Resources
- Statement – Sexual harassment
- Sexual Harassment in the Legal Profession
- Guidance Note – Delay

Further, several resources provide information about sexual harassment and what a person might consider doing if experiencing or witnessing sexual harassment in the legal profession. These resources are available for the public and the wider legal profession:

- Guide for people experiencing sexual harassment
- Guide for people witnessing sexual harassment
- FAQs – making a report or complaint of sexual harassment to the Board
- Fact Sheet – Sexual Harassment

The Board is registered with the Tasmanian Interpreter Service.

GUIDANCE TO THE PROFESSION

The Act provides that a function of the Board is to advise the legal profession on appropriate standards of conduct and to monitor and identify trends and issues that emerge within the profession.

Sexual harassment

Since 2020, the Board has taken a leading role in guidance to the profession in seeking to address cultural change within the legal profession in relation to the issue of sexual harassment.

Sexual Harassment Reporting Tool – Speak Safely

The Board has an ongoing commitment to the sexual harassment reporting tool for the legal profession.

The sexual harassment reporting tool was officially launched in February 2023. The tool, developed by Elker, is an online portal to report on any incidents or experiences of sexual harassment that a person experiences or witnesses in the legal profession. Importantly, the portal is designed to allow the option of anonymity when reporting and allows a person the choice of making a formal complaint or an informal report.

The tool is designed to make reporting incidents of harassment easier and is accessible via the Board's website. Some key benefits and features of the Elker portal are:

- A reporter can remain anonymous throughout the process or provide contact details.
- There is a 'quick exit' button within the reporting tool that allows a reporter to quickly leave the site if they are concerned about someone looking over your shoulder.
- A list of support services is provided for assistance or support.
- A reporter can select whether they want to be contacted or not, and their preferred method of communication.
- Anyone can make a report; either the person who experienced the harassment or a third party or witness.
- There is a free text area where a reporter can tell their story in their own words.

Reports are received by the Board's response team, who have specialised training in managing sexual harassment complaints.

A range of information resources were developed by the Board to accompany the online portal, including:

- FAQs about the portal and how the response team can assist
- Fact sheet for someone who has experienced sexual harassment
- Fact sheet for someone who has witnessed sexual harassment

The Board is committed to continual work in this area, and in particular, the Board continues to focus on informing the profession about the tool and its function, including at the Board's annual update to the profession at the Law Society and a dedicated session to Centre for Legal Studies students.

The Board and staff members have undertaken the sexual harassment, changing workplace culture workshop held by the Law Society. This training is now a requirement for all persons holding a PC.

A number of staff members have also undertaken specialised training regarding sexual harassment to enable the appropriate and effective handling of sensitive complaints.

Chiding

As part of its functions in relation to advising the legal profession on appropriate standards of conduct, the Board may 'chide' a practitioner. Chidings are used in circumstances where the Board has formed the view that the practitioner's conduct did not amount to a disciplinary matter but requires an informal warning or caution. It assists the Board's functions in relation to educating lawyers about issues of concern.

A chiding was issued by the Board on 1 dismissed matter.

WHAT IS LAW WEEK?

Law week is a national event providing members of the public with opportunities to learn about the law and their legal rights. The annual event is designed to make learning about the law easy and accessible to everyone, helping the community find answers to legal questions, know what help is available and understand how the legal system works. It is described as an annual festival that is all about creating greater access to justice for Australians.

2024 PROGRAM OF EVENTS

A program of 26 events and 18 podcasts was put together by the legal profession and facilitated by the Board.

Events were held across the state as well as online.

The Supreme Court of Tasmania's bicentenary events included multiple tours, a book launch for the release of Justice Stephen Estcourt AM book *From Convicts to Computers: Two Hundred Years of the Tasmanian Supreme Court*, and a podcast exploring the Court's architecture in *A Timeless Monument to Justice: Tasmania's Supreme Court buildings*.

The Legal Profession Board conducted x2 information sessions covering questions about legal fees and what to do if you're unhappy with your lawyer.

Some highlights from the 2024 Law Week program

Court Dog Program

Presented by the Federal Circuit & Family Court Hobart

'Zoey' was sworn in at the Hobart registry of the Federal Circuit and Family Court of Australia on 27 February 2024. Zoey is the official Courts Therapy Dog for Tasmania and the second therapy dog to be used in the Federal Circuit and Family Court of Australia.

Zoey is a fully accredited and licenced therapy dog. Participants were invited to meet Zoey, and her owner, Her Honour Judge Taglieri, at the Hobart registry of the Court. Participants heard that families engaged in court proceedings can often experience significant emotional and physical distress that can be exacerbated in legal settings. Therapy dogs like Zoey provide comfort, emotional support and a sense of normalcy to people during the Court process, assist with facilitating communication, and provide a healthy distraction from trauma responses, as well as a physical source of calming touch.

Get your advance care and estate planning ducks in a row

Presented by the Public Trustee

The Public Trustee held four live seminars to assist members of the public to learn about important documents such as a Will, Enduring Power of Attorney, Advance Care Directive, and Enduring Guardianship.

Meet a Lawyer

Presented by Tasmania Legal Aid

Tasmania Legal Aid's Manager of Community Legal Education & Information held two sessions in Queenstown for community members to drop in and 'say hi' to a lawyer.

Bringing the Law to you

Presented by Launceston Community Legal Centre

The Launceston Community Legal Centre held numerous information sessions across the north of the state on various topics, including Wills, Powers of Attorney, Enduring Guardianship and Advance Care Directives and Consumer rights, as well as general sessions for members of the public to ask about their legal problem.

Tasmanian Civil & Administrative Tribunal Tour

Presented by Launceston Community Legal Centre

Members of the public were invited on a tour of the new Tasmanian Civil and Administrative Tribunal (TASCAT) premises in Hobart. The Tribunal was established in November 2021 and has amalgamated nine separate Tribunals and a Board to form TASCAT.

Chat to a Lawyer

Presented by Worker Assist Tasmania

This event facilitated by Worker assist, brought together a range of community legal centres and their pop-up stalls to the one location to meet members of the public, listen and give legal advice.

All about Merits Review

Presented by University of Tasmania

Anja Hilkmeyer and Cleo Hansen-Lohrey, Lecturers in Constitutional and Administrative Law at the University of Tasmania, joined forces to deliver a practical session on the nature of merits and judicial review. The workshop provided a focus on how courts and tribunals are designed to provide independent oversight over government decision-making in areas such as environment and planning law, migration and social security.

A guide to using the free resources of the Tasmanian Law Library

The Tasmanian Law Library provided a free online guide to assist members of the public in using the free resources available on its website, including navigating the judgment and sentencing database and links to self-help material.

Navigating the Latest Law on Consent & Image-base Offences

Presented by YouthLaw

Youthlaw lawyer Lisa Nguyen ran an insightful webinar on the latest laws regarding affirmative consent and image-based sexual offences and where to seek help if required and build confidence in discussing these topics with peers or colleagues.

Barriers Facing Women in or leaving Custody

Presented by Women's Legal Service

This event featured WLST social worker, Pia and senior lawyer, Jade, who together run a fortnightly clinic in the Mary Hutchinson's Women's Prison, as well as a lived experience advocate who attended as a special guest speaker. Some of the themes touched on by the event included barriers and issues that women in custody or leaving custody face, the impacts of trauma and the importance of integrated trauma-informed practice, the intersections between family violence and criminality, and how to best support women in these contexts.



17 Podcasts:

5 x presented by Lawfully Explained in conjunction with Law Society of NSW

2 x podcasts presented by Lawyers Weekly

2x podcast presented by Charles Stuart University

1 x podcast by Hearsay the Legal Podcast

6 x 'Rule of Thumb' podcasts presented by Women's Legal Service Tasmania

1 x podcast on 'Lives in the Law: The Hon Michael Kirby AC' presented by Greens List Barristers

MODEL LITIGANT POLICY

The Board is committed to ensuring high professional standards, transparency and accountability in the execution of its functions. The Model Litigant Policy and Guidelines are available on the Board's website.

OTHER STATUTORY FUNCTIONS

Register of local practising certificates

The Board continued to delegate to the Law Society Tasmania its statutory function regarding the maintaining of the public register of names of Australian lawyers to whom the prescribed authority grants local practising certificates as well as the register of names of locally registered foreign lawyers.

Admissions

Applicants for admission to the legal profession must serve a copy of the application on the Board in accordance with the Tasmanian admission rules. The Board considers each application and may, if it has reasonable grounds, object to an application for admission. Such objection is by way of a Notice of Objection to the Supreme Court to hear and determine the issues relating to the objection. Where the interests of the Law Society and the Board coincide with respect to an objection, they may join together in an application to the Supreme Court to determine the issues.

65 applications for admission were served on the Board during the reporting period.

In the previous reporting period, the Board objected to 2 applications. Originating applications objecting to the admission to the legal profession filed by the Board in conjunction with the Law Society of Tasmania, with those matters ongoing as at the end of the reporting period.

Appointment of Managers

During the reporting period no managers were appointed by the Board to a law practice.

Register of Disciplinary Action

It is a function of the Board to maintain the Register of Disciplinary Action. Information relating to disciplinary action taken by the Board, the Disciplinary Tribunal or the Supreme Court must be published on the Register which is required to be made available on the Board's website.

During the reporting period **3** new disciplinary findings were uploaded to the Register, 1 from the Disciplinary Tribunal and 2 from the Board.

Of the Board matters, there were **2** findings of unsatisfactory professional conduct arising from section 456.

The Disciplinary Tribunal made **1** finding of professional misconduct against one practitioner.

AustLII

The Australasian Legal Information Institute (AustLII) is an online free access resource for Australian legal information. It is a joint facility of the UTS and UNSW Faculties of Law with a broad public policy agenda to improve access to justice through better access to information.

Section 498 of the *Legal Profession Act 2007* enables the Board to publicise disciplinary action taken against an Australian legal practitioner in any manner the Board thinks fit. In accordance with the Act, both the Disciplinary Tribunal and the Supreme Court are required to provide the Board with sufficient information to enable the Board to perform or exercise the Board's functions or powers in respect of the register.

Unless ordered otherwise, reasons of the Disciplinary Tribunal for a determination, decision or order on and from 1 July 2018 are now published on AustLII.

Decisions made by the Legal Professional Disciplinary Tribunal of Tasmania (TASLPDT) are available on AustLII.

BOARD OF LEGAL EDUCATION

The Board of Legal Education is established by the *Legal Profession Act 2007* to determine the subjects which candidates for admission to the legal profession must pass, and to approve courses of practical instruction on the duties of an Australian legal practitioner.

Membership of the Board of Legal Education includes a local legal practitioner nominated by the Board. The Board nominee is Mrs Merrilyn Williams, Manager Operations.

Part 3.

Administrative
Matters

DISCLOSURES UNDER PUBLIC INTEREST DISCLOSURES ACT 2002

The Board is committed to the aims and objectives of the *Public Interest Disclosures Act 2002*. It does not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.

For the purposes of the *Public Interest Disclosures Act* the Board is a public body. During the reporting period the Board adopted the Model Procedures for public interest disclosure as prepared by the Ombudsman. It also developed and published its own Public Interest Disclosure Policy, which is now available on the website at www.lpbt.com.au or from our office on request.

No referrals were made to the Ombudsman or other public bodies under section 29B (disclosure relating to misconduct) of the *Public Interest Disclosures Act* by the Board. Similarly, no referrals were made to the Board by the Ombudsman.

RIGHT TO INFORMATION

The Board is excluded from the *Right to Information Act 2009* by section 6 of that Act, unless the information relates to its administration. Complaint related information, including investigation material is therefore exempt. The Board is committed to ensuring that, where appropriate, its administrative information is available to the public. This is generally achieved through its annual reporting process and provision of information on its website.

The CEO of the Board, Mr Ederle, acting as principal officer and in accordance with section 24 of the *Right to Information Act* has delegated his powers and functions with respect to *Right to Information* to the Manager Operations of the Board.

The Board received no applications for assessed disclosure of information under the *Right to Information Act 2009* during the reporting period.

DESTRUCTION OF DOCUMENTS

The Board is subject to provisions of the *Archives Act 1983 (Tas)*. The Board has developed a Retention and Disposal Schedule to ensure that the management and disposal of documents relating to the functions of the Board are compliant under the *Archives Act*.

SERVICE LEVEL AGREEMENT

The Board has a Service Level Agreement (SLA) with the Department of Justice for the provision of corporate services such as financial and accounting services, human relations, occupational health and safety and information technology

support. The Board's employees have access to information material via the Department's intranet in relation to corporate services, guidelines, policies and professional learning.

WORK HEALTH AND SAFETY

The Board has adopted the Department of Justice Work Health and Safety System and associated policies and procedures to the extent that they are relevant to the Board. We continue to review and develop Work, Health and Safety (WHS) policies and procedures specific to the Board.

Work, health and safety strategies employed during the reporting period include:

- as required safety inspections of office premises;
- as required reporting to the Board on WHS matters;
- WHS awareness for all employees, including completion of WHS Induction or Refresher programmes, facilitated by the Department of Justice;
- ergonomic assessments at induction, as well as follow-up assessments where required;
- provision of ergonomic equipment as identified;
- Working from home and flexible work practices;
- Maternity leave;
- Breast feeding and pumping policy.

PROFESSIONAL DEVELOPMENT

The Manager Operations and the Investigation Officers are legal practitioners and maintain a practising certificate. They each participate in the mandatory continuing professional development scheme run by the Law Society of Tasmania, to maintain and extend their knowledge, expertise and competence in the law.

ACCOUNTABILITY

The CEO is responsible for the Board's operations, management and general administration and reports on those matters to the Board at each of its meetings. All Board staff are independently employed. Where a complaint is made against Board staff, the CEO will investigate the complaint. Complaints about other decisions made by the Board, excluding investigations, are directed to the CEO.

The Board has endorsed a comprehensive Conflict of Interest policy for its employees and contractors. The policy includes the establishment of a register of conflicts, maintained by the CEO's office.

Board members are subject to the legislative provisions of the *Legal Profession Act 2007* (Schedule 3) with respect to their ongoing obligations with respect to disclosing their interests.

DELEGATIONS

The Board is able to delegate its regulatory functions in accordance with section 593 of the Act. Delegated functions are exercised consistently with any applicable Board policy or direction.

The Board has a current delegation to the prescribed authority (Law Society of Tasmania) to keep the Registers of local practicing certificates and locally registered foreign lawyers.

The Board also has relevant delegations to the Chief Executive Officer, the Manager Operations and the Complaints Officer to enable the efficient and effective functioning of the Board with respect to the processes associated with the receipt of complaints and for applications of admission.

Part 4.

Report of the Disciplinary Tribunal

The following attached report is provided by
the Disciplinary Tribunal in satisfaction of section 617 (1)
of the *Legal Profession Act 2007*.

DISCIPLINARY TRIBUNAL ANNUAL REPORT 2023-2024

Legal Profession Act 2007, s. 617

Number of Applications made under s 464:

- Three Applications have been made to the Tribunal during the financial year ending 30 June 2024.

Nature of Applications and Orders Made:

Matter No 02/24DT

- The Board seeks orders that the practitioner is to be reprimanded; required to undertake and complete a specified course of legal education in relation to professional obligations owed to clients; and to pay the Board's costs of the application.
- The Board's allegations are that the practitioner is guilty of either professional misconduct, or unsatisfactory professional conduct in that the practitioner failed to act in the best interests of the practitioner's client and breached the client's confidentiality.
- The Tribunal has not made orders against the practitioner. It has made directions to enable it to hear and determine the matter. A hearing date has not yet been fixed..


Matter No 03/24DT

- An application was filed by the Board on 01 May 2024.
- The Board seeks orders that the practitioner is to be reprimanded and to pay the Board's costs of the application.
- The Board's allegations are that the practitioner is guilty of either professional misconduct, or unsatisfactory professional conduct in that the practitioner breached the practitioner's paramount duty to the Court in three material respects.
- The Tribunal has not made orders against the practitioner. It has made directions. A hearing date has not yet been set.

Matter No 06/24DT

- An application was filed by the Board on 28 May 2024.
- The Board seeks orders that the practitioner is to be reprimanded; pay a fine; and to pay the Board's costs of the application.
- The Board's allegations are that the practitioner is guilty of either professional misconduct, or unsatisfactory professional conduct in that the practitioner failed to reach or maintain a reasonable standard of competence and diligence when acting in bankruptcy proceedings in the Federal Court of Australia in two material respects.

- The Tribunal has not made orders against the practitioner. It has made directions to enable it to hear and determine the matter. A hearing date has not yet been fixed.



Michael O'Farrell SC

Chairperson

5 August 2024

Part 5.

Report of the Prescribed Authority

The following attached report is provided by the Law Society of Tasmania in satisfaction of section 653 (3) of the *Legal Profession Act 2007*.



5 August 2024

Mr Graeme Jones
Chair
Legal Profession Board of Tasmania
Level 3, 147 Macquarie Street
HOBART TAS 7000

Dear Mr Jones

Annual Report of the Prescribed Authority 2023/2024

I am pleased to present this report to the Legal Profession Board of Tasmania (the Board) pursuant to Section 653(3) of the *Legal Profession Act 2007* which requires the prescribed authority, to prepare and present to the Board a report on its operations as the prescribed authority for the previous financial year.

Overview

The Tasmanian legal profession operates under a co-regulatory model. Broadly speaking, the Board is charged with overseeing complaints and discipline and the prescribed authority has responsibility for the regulation of practising certificates and trust accounts. External intervention is a shared responsibility. The appointment of an investigator of a law practice or a supervisor of trust money is the responsibility of the prescribed authority, whereas the appointment of a manager or receiver for a law practice is the responsibility of the Board.

The *Legal Profession (Prescribed Authorities) Regulations 2018* appoint the Law Society as the prescribed authority for the purposes of some 129 parts of the Act. They include the:

- (a) regulation of practising certificates, including grant and renewal, the imposition of reasonable and relevant conditions, the amendment, suspension and cancellation of practising certificates;
- (b) maintaining a record of incorporated legal practices;
- (c) regulation of trust accounts;
- (d) appointment of investigators to law practices; and

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- (e) appointment of supervisors of trust money to law practices.

The Board is the prescribed authority for five parts of the Act. For purposes of this report the term 'prescribed authority' refers to the Law Society.

Funding of the Prescribed Authority

The functions of the prescribed authority form part of the operations of the Law Society. Those functions are funded by the Tasmanian legal profession, ostensibly through the payment of practising certificate fees.

Practising Certificate Regulation

A major role of the prescribed authority is the granting of new practising certificates and the annual renewal of existing certificates. The renewal process begins in May with renewal applications sent to individual practitioners. The majority of applications are renewed by the Executive Director under delegated authority. Any application that discloses a suitability issue, a failure to comply with continuing professional development requirements or is an application for the first time granting of a principal or barrister practising certificate is considered by the Council of the Law Society.

The following classes and numbers of practising certificates were issued under the Act in the period 1 July 2023 to 30 June 2024:

	2020/2021	2021/2022	2022/2023	2023/2024
Principal and Employee	562	590	622	604
Barrister	56	56	55	56
Corporate	80	78	95	108
Government	10	13	21	27
Locum	3	1	2	2
Community legal centre	76	84	79	83
Volunteer	10	6	5	5
Total	797	828	879	885

Overall, numbers are up very slightly (less than 1%) on the previous year.

Section 41 of the Act states that an Australian lawyer engaged under the *State Service Act*, by a state, territory or commonwealth instrumentality, a local council or in a state or territory statutory office is taken to hold for the purposes of the Act and that employment, a practising certificate as a legal practitioner. The above figures therefore do not include practitioners who fall within section 41 including practitioners employed in the Office of the Director of Public Prosecutions, the Solicitor-General and Tasmania Legal Aid.

It has never been made clear why the above class of practitioners are not subject to the same regulatory requirements as all other practitioners when it comes to being granted a practising certificate.

Practising Certificate Conditions

All practising certificates are subject to conditions requiring compliance with continuing professional development obligations and requiring notice to the Law Society of a change of practice or residential address.

Conditions specific to each class of certificate in 2023-2024 were as follows:

1. All Practising Certificates
 - To complete the Law Society of Tasmania Sexual Harassment Changing Workplace Culture workshop if the practitioner has not already done so.
2. Employed Practitioner
 - The holder of the certificate is not entitled to and must not practice as a legal practitioner as either as a sole practitioner or in partnership with any other legal practitioner or as a Director of an incorporated legal practice.
3. Barrister
 - The practitioner is entitled to practice as a barrister in Tasmania subject to compliance with the *Legal Profession Act 2007*.
4. Corporate
 - The practitioner must not engage in legal practice otherwise than by providing in house legal services to a corporation by which the lawyer is employed or to a related body corporate or as a volunteer with a community legal centre.
5. Government
 - The holder of the certificate must not engage in legal practice otherwise than as a government lawyer engaged in government work.
6. Community Legal Centre
 - The holder is not to receive or hold any money of for any client. The holder is not to recover costs for the community legal centre for any client or any adverse party other than disbursements, professional fees or charges necessary for the successful carriage of the work of the client. Any disbursements, professional fees or charges received shall immediately be paid to the credit of the community legal centre.
7. Locum
 - The practitioner is eligible to practice as a locum practitioner only.
8. Volunteer

- The certificate entitles the practitioner to engage in legal practice only as a volunteer at a complying community legal centre. Whilst acting in a voluntary capacity the practitioner:
 - (a) is to act only for clients of a complying community legal centre;
 - (b) must have professional indemnity insurance pursuant to a policy approved by the Law Society;
 - (c) is not to receive or hold any money for any client; and
 - (d) is not to recover costs for the community legal centre from any client or from any adverse party other than disbursements, professional fees or charges necessary for the successful carriage of the work of the client. Any disbursements, professional fees or charges so received shall immediately be paid to the credit of the community legal centre.

Additional Conditions

The Law Society has the power to impose additional practising certificate conditions which are reasonable or relevant – section 56(2) of the *Legal Profession Act 2007*. Typical additional conditions include:

- (a) Practitioners who transition to operating as a sole practitioner for the first time are subject to conditions appointing a mentor and additional conditions requiring regular meetings with that mentor as well as reporting to the Society. If operating a trust account, those practitioners are subject to a condition that a report from the Society's trust accounting examiner be provided within certain time frames;
- (b) New principal practising certificate holders wishing to be a trust account signatory must complete the Legal Bookkeepers Institute online trust accounting course;
- (c) A number of principal practitioners have a condition imposed that the practitioner is not authorised to receive trust monies. That condition does not relate to the honesty of the practitioner but is an acknowledgement that the practitioner does not intend to operate a trust account and requires further training before being authorised to do so;
- (d) Conditions requiring the obtaining of CPD points in excess of those required by Practice Guideline No. 4.

Regulation of Trust Accounts

Most, but not all law practices in Tasmania operate a trust account. Trust money is money entrusted to a law practice in the course of or in connection with the provision of legal services. Part 3.2 of the *Legal Profession Act* deals with trust money and trust accounts. Obligations relating to trust accounts are also in part 3 of the *Legal Profession Regulations 2008*.

The major obligation of the Law Society is to ensure that trust money is held by law practices in a way that protects the interests of persons for or on whose behalf that money is held. Every law practice that holds money in its general trust account must undergo an annual trust account examination by an authorised examiner. For some years all trust account annual examinations have been carried by the one examiner authorised by the Law Society. Use of the one trust account examiner ensures a

consistency in approach to examinations and that the examiner has the relevant expertise and knowledge of legislative requirements. This has led to a marked improvement in compliance levels. Each examiner's report is provided to the Law Society.

Reports identify any breaches of the relevant Act or Regulations, any unsatisfactory practices and make general recommendations regarding the operation of the trust account, including appropriate best practice risk mitigation strategies.

The Law Society expends not inconsiderable resources in undertaking its statutory duties as the regulator of trust accounts. A trust account administrator is employed under the supervision of the Executive Director. The administrator's role is to manage the administration of trust accounting reporting requirements including checking and recording quarterly returns with regards to the designated deposit account, the review and analysis of all external examination reports and reviewing other documents lodged with the Law Society such as the notification of irregularities, and the opening or closing of trust accounts.

The Law Society provides firms with online resources including an administration calendar and relevant forms. In addition, the Law Society's authorised trust account examiner is retained to provide advice as and when needed to law practices or prospective law practices. Such advice may include advice of a technical nature or providing information as to the appropriate practice management/trust accounting system for a particular firm.

Trust account examinations relate to a calendar year. The following information therefore relates to the 2020 to 2023 calendar years;

Year	2020	2021	2022	2023
Number of firms with trust accounts	103	110	108	106
Number of trust receipts	104,793	112,669	102,229	92,791
Total amount of trust receipts	\$9.5 billion	\$12.8 billion	\$12.5 billion	\$10.7 billion
Amount held on trust at 31 December	\$208.5 million	\$311.8 million	\$326.6 million	\$292 million
Amount held on investment at 31 December	\$68.5 million	\$66.5 million	\$70.9 million	\$74.3 million

Incorporated Legal Practices

An incorporated legal practice is a corporation that engages in legal practice in Tasmania.

An ILP is required to have at least one legal practitioner director. Before a corporation engages in legal practice in Tasmania it must give to the Law Society written notice, in approved form of its intention to do so.

In the relevant period six Tasmanian ILP's gave notice of an intention to begin providing legal services, bringing the total number of Tasmanian ILP's to 74. The Society received 16 notices from interstate practices.

The Board is the prescribed authority for purposes of section 130 of the LPA – audit of incorporated legal practices, section 132 – banning of incorporated legal practices and section 133 – disqualification from managing an incorporated legal practice.

Suspension or Cancellation of a Practising Certificate

There were no suspensions or cancellations of practising certificates in the relevant period.

External Interventions

There was no action taken by way of external intervention in the relevant period.

Conclusion

In carrying out its functions as the prescribed authority in 2023-24 the Law Society sought to:

- maintain public confidence in the legal profession;
- safeguard monies entrusted to law practices;
- ensure that those seeking to enter the profession or renew their practising certificate complied with the relevant character and fitness requirements of the Act;
- ensure that appropriate conditions were placed on practising certificates; and
- maintain relevant records relating to ILP's.

Should the Board require any further information, please do not hesitate to contact the Law Society.

Yours faithfully



**Julia Higgins
President**

c.c. Attorney-General for Tasmania

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Part 6.

Independent Audit Report and Financial Statement as at 30 June 2024

The independent audit report and financial statements is attached in satisfaction of section 601 of the *Legal Profession Act 2007*.

The independent audit report and financial statements is attached in satisfaction of section 601 of the *Legal Profession Act, 2007*.

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**Independent Auditor's Report
To the Members of Parliament
Legal Profession Board of Tasmania
Report on the Audit of the Financial Statements**

Opinion

I have audited the financial statements of the Legal Profession Board of Tasmania (the Board), which comprises the statement of financial position as at 30 June 2024 and statements of comprehensive income, changes in equity and cash flows for the year then ended, notes to the financial statements, including a summary of significant accounting policies, other explanatory notes and the statement of certification signed by the Chairman and Chief Executive Officer of the Board.

In my opinion, the accompanying financial statements:

- (a) present fairly, in all material respects, the Board's financial position as at 30 June 2024 and its financial performance and its cash flows for the year then ended
- (b) are in accordance with the *Legal Profession Act 2007*, the *Financial Management Act 2016* and Australian Accounting Standards.

Basis for Opinion

I conducted the audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Board 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 my audit of the financial statements in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

The *Audit Act 2008* further promotes the independence of the Auditor-General. The Auditor-General is the auditor of all Tasmanian public sector entities and can only be removed by Parliament. The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the Members for the Financial Statements

The Members are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, and the financial reporting requirements of *Legal Profession Act 2007* and *Financial Management Act 2016*. This responsibility includes such internal control as determined necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Members are responsible for assessing the Board's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Board is to be dissolved by an Act of Parliament, or the Members intends to cease operations, or has no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my 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 the financial statements.

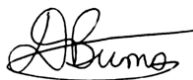
As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Board's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Members.
- Conclude on the appropriateness of the Members' use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Board's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusion is based on the audit evidence obtained up to

the date of my auditor's report. However, future events or conditions may cause the Board to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Members regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.



Derek Burns
Director – Financial Audit Services
Delegate of the Auditor-General
Tasmanian Audit Office

26 August 2024
Hobart



Statement by Chairman and Chief Executive Officer

The accompanying Financial Statements of the Legal Profession Board of Tasmania are in agreement with the relevant accounts and records and have been prepared in compliance with Treasurer's Instructions issued under the provision of the Financial Management Act 2016 and Section 599 of the Legal Profession Act 2007 to present fairly the financial transactions for the year ended 30 June 2024 and the financial position as at the end of the year.

At the date of signing, we are not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.

Dated this 26th day of August 2024

Graeme Jones
CHAIRPERSON

Frank Ederle
CHIEF EXECUTIVE OFFICER

Statement of Comprehensive Income for the year ended 30 June 2024

	Notes	2024 \$'000	2023 \$'000
Revenue and other income from continuing operations			
Operational revenue	1.1	1 783	1 848
Other revenue	1.2	220	155
Total revenue and other income from continuing operations		2 003	2 003
Expenses from continuing operations			
Employee benefits	2.1	1 180	1 148
Depreciation	2.2	81	75
Supplies and consumables	2.3	275	251
Finance costs	2.4	20	7
Other expenses	2.5	388	346
Total expenses from continuing operations		1 944	1 827
Net result		59	176
Comprehensive result		59	176

This Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Statement of Financial Position as at 30 June 2024

	Notes	2024 \$'000	2023 \$'000
Assets			
Financial Assets			
Cash and cash equivalents	6.1	609	543
Receivables	3.1	9	10
Non-Financial Assets			
Right-of-use assets	3.3	363	25
Other assets	3.4	8	8
Total Assets		989	586
Liabilities			
Payables	4.1	49	55
Lease liabilities	4.2	372	31
Employee benefits	4.3	253	244
Total liabilities		674	330
Net assets		315	256
Equity			
Accumulated funds		315	256
Total equity		315	256

This Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Cash Flows for the year ended 30 June 2024

	Notes	2024 \$'000	2023 \$'000
		Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities			
Cash inflows			
State government grants		-	1 848
Solicitor's Guarantee Fund Receipts		1 783	-
GST Receipts		71	250
Interest receipts		35	20
Other cash receipts		185	158
Total cash inflows		2 074	2 276
Cash outflows			
Employee benefits		(1 170)	(1 110)
Finance costs		(20)	(7)
GST payments		(69)	(246)
Supplies and consumables		(272)	(240)
Other expenses		(399)	(340)
Total cash outflows		1 930	1 943
Net cash from/(used in) operating activities	6.2	144	333
Cash flows from financing activities			
Cash Outflows			
Repayment of lease liabilities (excluding interest)		(78)	(87)
Total cash out flows		(78)	(87)
Net cash from/ (used by) financing activities		(78)	(87)
Net increase/(decrease) in cash and cash equivalents held		66	246
Cash and deposits at the beginning of the reporting period		543	297
Cash and deposits at the end of the reporting period	6.1	609	543

This Statement of Cash Flows should be read in conjunction with the accompanying notes.

Statement of Changes in Equity for the year ended 30 June 2024

	Accumulated surplus	Total equity
	\$'000	\$'000
Balance as at 1 July 2023	256	256
Total comprehensive result	59	59
Total	59	59
Balance as at 30 June 2024	315	315

	Accumulated surplus / deficit	Total equity
	\$'000	\$'000
Balance as at 1 July 2022	80	80
Total comprehensive result	176	176
Total	176	176
Balance as at 30 June 2023	256	256

This Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Notes to and forming part of the Financial Statements for the year ended 30 June 2024

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NOTE 1 REVENUE

Income is recognised in the Statement of Comprehensive Income when an increase in future economic benefits related to an increase in an asset or a decrease of a liability has arisen that can be measured reliably.

Income is recognised in accordance with the requirements of AASB 15 Revenue from Contracts with Customers or AASB 1058 Income of Not-for-Profit Entities, dependent on whether there is a contract with a customer defined by AASB 15.

1.1 Operational Revenue

Operational funding is recognised in accordance with AASB 1058 when the Legal Professional Board of Tasmania (the Board) gains control of the funds and it is probable that the inflow of funds has occurred and can be reliably measured.

Operational funding revenue is traditionally received from the Solicitor's Guarantee Fund (SGF), however for the 2022-23 financial year the SGF did not have sufficient funds to cover the operational costs of the Board. As a result, operational funding was provided to the Board by the Department of Justice. The SGF had sufficient funding in 2023-24 and has resumed funding the annual operational revenue of the Board.

	2024	2023
	\$'000	\$'000
Solicitor's Guarantee Fund	1783	-
Government Grants	-	1848
Total Operational revenue	1783	1848

1.2 Other Revenue

Revenue from other sources is recognised when the Board gains control of the funds and it is probable that the inflow of funds has occurred and can be reliably measured.

Lease income from operating leases where the Board is a lessor is recognised on a straight line basis. The Board does not have any finance leases as lessor.

	2024	2023
	\$'000	\$'000
Interest Revenue	35	20
Other Revenue	185	135
Total	220	155

NOTE 2 EXPENSES

Expenses are recognised in the Statement of Comprehensive Income when a decrease in future economic benefits related to a decrease in asset or an increase of a liability has arisen that can be measured reliably.

2.1 Employee Benefits

Employee benefits include, where applicable, entitlements to wages and salaries, annual leave, sick leave, long service leave, superannuation and any other post-employment benefits.

(a) Employee expenses

	2024 \$'000	2023 \$'000
Wages and salaries (Staff)	855	838
Member fees	191	179
Superannuation – defined contribution scheme	95	90
Superannuation – defined benefit scheme	26	23
Other employee expenses	13	18
Total	1 180	1 148

As the Board has staff who are members of defined benefits superannuation schemes, superannuation expenses relating to those defined benefits schemes relate to payments into the Consolidated Fund. The amount of the payment is based on an employer contribution rate determined by the Treasurer, on the advice of the State Actuary. The current employer contribution is 12.95 per cent (2022-23: 12.95 per cent) of salary.

Superannuation expenses relating to defined contribution schemes are paid directly to the relevant superannuation funds at a rate of 11 per cent (2022-23: 10.5 per cent) of salary.

(b) Remuneration of Key Management Personnel

2024	Short-term benefits		Long-term benefits			Total \$'000
	Salary	Other Benefits	Super-annuation	Leave Benefits	Termination Benefits	
	\$'000	\$'000	\$'000	\$'000	\$'000	
Key management personnel						
Frank Ederle, Chief Executive Officer	199	21	26	1	-	247
Merrilyn Williams, Manager Operations	137	-	15	6	-	158
Keyran Pitt KC, Chairman	42	-	5	-	-	47
Graeme Jones, Member	40	2	4	-	-	46
Marion Hale, Member	31	4	3	-	-	38
Anthony Mihal, Member	35	3	4	-	-	42
Heather Kent, Member	30	-	3	-	-	33
Regina Weiss, Member (appointed 16 August 2023)	15	-	2	-	-	17
	529	30	62	7	-	628

2023	Short-term benefits		Long-term benefits			Total
	Salary	Other Benefits	Super-annuation	Leave Benefits	Termination Benefits	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Key management personnel						
Frank Ederle, Chief Executive Officer	183	21	24	11	-	239
Merrilyn Williams, Manager Operations	126	-	13	6	-	145
Keyran Pitt KC, Chairman	44	-	5	-	-	49
Graeme Jones, Member	40	3	4	-	-	47
Marion Hale, Member	32	2	3	-	-	37
Anthony Mihal, Member	32	2	3	-	-	37
Heather Kent, Member	27	-	3	-	-	30
Maree Norton, Member (resigned 12 October 2022)	7	-	1	-	-	8
	491	28	56	17	-	592

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the agency, directly or indirectly.

Remuneration during 2023-24 for key personnel is set by the Attorney General. Remuneration and other terms of employment are specified in employment contracts. Remuneration includes salary and other non-monetary benefits (Fringe Benefits Tax).

Long term employee expenses include annual leave, long service leave, superannuation obligations and termination payments. Short-term benefits include motor vehicle and car parking fringe benefits in addition to any other short term benefits. Fringe benefits have been reported at the grossed up reportable fringe benefits amount. The Fringe Benefits Tax (FBT) year runs from 1 April to 31 March each year, any FBT attributable to key management personnel is reported on that basis.

It should be noted that because annual and long service leave liabilities are calculated by discounting future cashflows (detailed in Note 4.3) which may change from year to year, it is possible for key personnel to accrue negative leave benefits in any particular financial year, as they may utilise more leave than they accrue in any particular financial year.

Acting Arrangements

When members of key management personnel are unable to fulfil their duties, consideration is given to appointing other members of senior staff to their position during their period of absence. Individuals are considered members of key management personnel when acting arrangements are for more than a period of one month. There were no acting arrangements in either of the 2023-24 or 2022-23 financial years.

(c) Related Party Transactions

There are no related party transactions requiring disclosure.

2.2 Depreciation

All applicable Non-financial assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of their service potential. Land, being an asset with an unlimited useful life, is not depreciated.

(a) Depreciation

	Depreciation period	2024 \$'000	2023 \$'000
Rightofuse Assets	4 years	81	75
Total		81	75

2.3 Supplies and Consumables

Other expenses from ordinary activities, supplies and consumables are recognised when it is probable that the consumption or loss of future economic benefits resulting in a reduction of assets or an increase in liabilities has occurred and can be reliably measured.

	2023 \$'000	2022 \$'000
Audit fees	22	15
Operating leases	10	11
Consultants	19	44
Property expenses	33	32
Communications	8	8
Information technology	118	79
Travel and transport	15	16
Plant and equipment	4	5
Advertising and promotion	5	3
Library charges	17	16
Other supplies and consumables	24	22
Total	275	251

The external audit fee for 2023-24 is \$22,000 (\$15,000 for 2022-23).

Lease expense includes lease rentals for short-term leases, lease of low value assets and variable lease payments. Refer to note 4.2 for breakdown of lease expenses and other lease disclosures.

2.4 Finance costs

All finance costs are expensed as incurred using the effective interest method.

Finance costs include lease charges.

	2024	2023
	\$'000	\$'000
Interest on lease liabilities	20	7
Total	20	7

2.5 Other Expenses

Other expenses from ordinary activities, supplies and consumables are recognised when it is probable that the consumption or loss of future economic benefits resulting in a reduction of assets or an increase in liabilities has occurred and can be reliably measured.

	2024	2023
	\$'000	\$'000
Legal Costs	367	325
Other Expenses	21	21
Total	388	346

NOTE 3 ASSETS

Assets are recognised in the Statement of Financial Position when it is probable that the future economic benefits will flow to the Board and the asset has a cost or value that can be measured reliably.

3.1 Receivables

Receivables are initially recognised at fair value plus any directly attributable transaction costs. Trade receivables that do not contain a significant financing component are measured at the transaction price.

Receivables are held with the objective to collect the contractual cash flows and are subsequently measured at amortised cost using the effective interest method. Any subsequent changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process. An allowance for expected credit losses is recognised for all debt financial assets not held at fair value through profit and loss. The expected credit loss is based on the difference between the contractual cash flows and the cash flows that the entity expects to receive, discounted at the original effective interest rate.

	2024 \$'000	2023 \$'000
GST Receivables	8	9
Recoupment of costs	1	1
Total	9	10
Settled within 12 months	9	10
Total	9	10

3.2 Office Improvements, Plant and Equipment

(i) Valuation basis

Office improvements, plant and equipment is valued at historic cost less accumulated depreciation and accumulated impairment losses (where relevant). All assets within a class of assets are measured on the same basis.

Cost includes expenditure that is directly attributable to the acquisition of the asset. The costs of self-constructed assets includes the cost of materials and direct labour, any other costs directly attributable to bringing the asset to a working condition for its intended use, and the costs of dismantling and removing the items and restoring the site on which they are located. Purchased software that is integral to the functionality of the related equipment is capitalised as part of that equipment.

When parts of an item of office improvements, plant and equipment have different useful lives, they are accounted for as separate items (major components) of office improvements, plant and equipment.

All the Board's Office Improvements, Plant and Equipment was fully written off as at 30 June 2019 but are still in use by the Board.

(ii) Subsequent costs

The cost of replacing part of an item of office improvements, plant and equipment is recognised in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Board and its costs can be measured reliably. The carrying amount of the replaced part is derecognised. The costs of day to day servicing of office improvements, plant and equipment are recognised in profit or loss as incurred.

(iii) Asset recognition threshold

The asset capitalisation threshold adopted by the Board is \$4,000. Assets valued at less than \$4,000 are charged to the Statement of Comprehensive Income in the year of purchase (other than where they form part of a group of similar items which are material in total).

3.3 Right-of-use assets

AASB 16 requires the Board to recognise a right of use asset, where it has control of the underlying asset over the lease term. A right of use asset is measured at the present value of initial lease liability, adjusted by any lease payments made at or before the commencement date and lease incentives, any initial direct costs incurred, and estimated costs of dismantling and removing the asset or restoring the site.

The Board has elected not to recognise right of use assets and lease liabilities arising from short term leases, rental arrangements for which Finance General has substantive substitution rights over the assets and leases for which the underlying asset is of low value. Substantive substitution rights relate primarily to office accommodation. An asset is considered low value when it is expected to cost less than \$10 000.

Right of use assets are depreciated over the shorter of the assets useful life and the term of the lease. Where the Board obtains ownership of the underlying leased asset or if the cost of the right-of-use asset reflects that the Board will exercise a purchase option, the Board depreciates the right-of-use asset over its useful life.

2024	Buildings \$'000	Total \$'000
Carrying value at 1 July 2023	25	25
Additions	-	-
Disposals / derecognition	-	-
Increase (decrease) due to reassessment lease liability of CPI	-	-
Depreciation and amortisation	(81)	(81)
Other movements – renegotiation of renewal	419	419
Carrying value at 30 June 2024	363	363

2023	Buildings \$'000	Total \$'000
Carrying value at 1 July 2022	100	100
Additions	-	-
Disposals / derecognition	-	-
Increase (decrease) due to reassessment lease liability of CPI	-	-
Depreciation and amortisation	(75)	(75)
Other movements	-	-
Carrying value at 30 June 2023	25	25

3.4 Other Assets

Other assets comprise of prepayments. Prepayments relate to actual transactions that are recorded at cost with the asset at balance date representing the un-utilised component of the prepayment.

	2024 \$'000	2023 \$'000
Other current assets		
Prepayments	8	8
Total	8	8
Utilised within 12 months	8	8
Total other assets	8	8

NOTE 4 LIABILITIES

Liabilities are recognised in the Statement of Financial Position when it is probable that an outflow of resources embodying economic benefits will result from the settlement of a present obligation and the amount at which the settlement will take place can be measured reliably.

4.1 Payables

Payables, including goods received and services incurred but not yet invoiced, are recognised at amortised cost, which due to the short settlement period, equates to face value, when the Board becomes obliged to make future payments as a result of a purchase of assets or services.

	2024 \$'000	2023 \$'000
Accrued expenses	49	55
Total	49	55
Settled within 12 months	49	55
Total	49	55

Settlement is usually made within 30 days.

4.2 Lease Liabilities

A lease liability is measured at the present value of the lease payments that are not paid at that date. The discount rate used to calculate the present value of the lease liability is the rate implicit in the lease. Where the implicit rate is not known and cannot be determined the Tascorp indicative lending rate including the relevant administration margin is used.

The Board has elected not to recognise right of use assets and lease liabilities arising from short term leases, rental arrangements for which Finance General has substantive substitution rights over the assets and leases for which the underlying asset is of low value. Substantive substitution rights relate primarily to office accommodation. An asset is considered low value when it is expected to cost less than \$10 000.

The Board has entered into the following leasing arrangements:

Class of right-of-use asset	Details of leasing arrangements
Buildings	Office Accommodation at Level 3 (Suites 1 and 2), 147 Macquarie Street, Hobart

The Board's leasing arrangement is for five years, with lease payments to increase annually through CPI adjustments. The Board makes a number of assumptions regarding CPI and interest rates which it uses to calculate the present value of the lease liability..

	2024 \$'000	2023 \$'000
Current		
Lease liabilities	76	31
Non-current		
Lease liabilities	296	-
Total	372	31

Maturity analysis of lease liabilities

	2024 \$'000	2023 \$'000
One year or less	76	31
From one to two years	296	-
Total	372	31

The lease liability in the maturity analysis is presented using undiscounted contractual amounts before deducting finance charges.

The following amounts are recognised in the Statement of Comprehensive Income

	2024 \$'000	2023 \$'000
Interest on lease liabilities included in note 2.4	20	7
Short term leases and/or low-value leases in note 2.3	10	11
Net expenses from leasing activities	30	18

4.3 Employee Liabilities

Key estimate and judgement

Liabilities for wages and salaries and annual leave are recognised when an employee becomes entitled to receive a benefit. Those liabilities expected to be realised within 12 months are measured as the amount expected to be paid.

Other employee entitlements are measured as the present value of the benefit at 30 June, where the impact of discounting is material, and at the amount expected to be paid if discounting is not material. The Board assumes that all staff annual leave balances less than 20 days will be settled within 12 months, and therefore valued at nominal value, and balances in excess of 20 days will be settled in greater than 12 months and therefore calculated at present value.

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. The Board makes a number of assumptions regarding the probability that staff who have accrued long service leave, but are ineligible to take it will remain with the Board until they are eligible to take it. For those staff eligible to take their long service leave, the Board assumes that they will utilise it on average, evenly over the following ten years. All long service leave that will be settled within 12 months is calculated at nominal value and all long service leave that will be settled in greater than 12 months is calculated at present value

	2024 \$'000	2023 \$'000
Accrued salaries	25	34
Annual leave	53	52
Long service leave	175	158
Total	253	244
Settled within 12 months	86	92
Settled in more than 12 months	167	152
Total	253	244

4.4 Superannuation

Key estimate and judgement

The Board does not recognise a liability for the accruing superannuation benefits of Board employees. This liability is held centrally and is recognised within the FinanceGeneral Division of the Department of Treasury and Finance.

NOTE 5 COMMITMENTS AND CONTINGENCIES

5.1 Schedule of Commitments

Commitments represent those contractual arrangements entered by the Board that are not reflected in the Statement of Financial Position.

Leases are recognised as right-of-use assets and lease liabilities in the Statement of Financial Position, excluding short term leases and leases for which the underlying asset is of low value, which are recognised as an expense in the Statement of Comprehensive Income.

	2024	2023
	\$'000	\$'000
By type		
Lease Commitments		
Short terms and/or low value leases	18	33
Total lease commitments	18	33
By maturity		
Lease Commitments		
One year or less	9	27
From one to five years	9	6
Total lease commitments	18	33

The Board has entered into a number of operating lease agreements for property, plant and equipment, where the lessors effectively retain all the risks and benefits incidental to ownership of the items leased. Equal instalments of lease payments are charged to the Statement of Comprehensive Income over the lease term, as this is representative of the pattern of benefits to be derived from the leased property.

The Short term and/or low value leases for 30 June 2024 commitments include motor vehicles and information technology equipment leases. All amounts shown are inclusive of GST where applicable.

5.2 CONTINGENT ASSETS AND LIABILITIES

Contingent assets and liabilities are not recognised in the Statement of Financial Position due to uncertainty regarding any possible amount or timing of any possible underlying claim or obligation.

(a) Quantifiable contingencies

A quantifiable contingent asset is a possible asset that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity.

A quantifiable contingent liability is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or a present obligation that arises from past events but is not recognised because it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligation. To the extent that any quantifiable contingencies are insured, details provided below are recorded net.

	2024 \$'000	2023 \$'000
Quantifiable contingent liabilities		
Contingent claims		
Contingent legal claims	130	105
Total quantifiable contingent liabilities	130	105

NOTE 6 CASH FLOW RECONCILIATION

Cash means notes, coins, any deposits held at call with a bank or financial institution, as well as funds held in Specific Purpose Accounts, being short term of three months or less and highly liquid. Deposits are recognised at amortised cost, being their face value.

6.1 Cash and Cash Equivalents

Cash and cash equivalents includes other cash held, excluding those accounts which are administered or held in a trustee capacity or agency arrangement.

	2024 \$'000	2023 \$'000
Operating Account	609	543
Total cash and cash equivalents	609	543

6.2 Reconciliation of Net Result to Net Cash from Operating Activities

	2023	2023
	\$'000	\$'000
Net result	59	176
Depreciation	81	75
(Increase) / Decrease in Receivables	1	27
Increase / (Decrease) in Employee benefits	9	39
Increase / (Decrease) in Payables	(6)	15
Net cash generated from operating activities	144	333

6.3 Reconciliation of liabilities arising from financing activities

Liabilities arising from financing activities are liabilities for which cash flows were, or future cash flows will be, classified in the Statement of Cash Flows as cash flows from financial activities.

2024	Lease Liabilities \$'000
Balance as at 1 July 2023	31
Acquisitions / new leases	419
Increase (decrease) due to reassess lease liability of CPI	-
Changes from financing cash flows:	
Cash Repayments	(78)
Balance as at 30 June 2024	372
2023	Lease Liabilities \$'000
Balance as at 1 July 2022	117
Increase (decrease) due to reassess lease liability of CPI	-
Changes from financing cash flows:	
Cash Repayments	(86)
Balance as at 30 June 2022	31

NOTE 7 FINANCIAL INSTRUMENTS

7.1 Risk Exposures

(a) Risk Management Policies

The Board has exposure to the following risks from its use of financial instruments:

- Credit risk
- liquidity risk; and
- market risk.

The Chairman has overall responsibility for the establishment and oversight of the Board's risk management framework. Risk management policies are established to identify and analyse risks faced by the Board, to set appropriate risk limits and controls, and to monitor risks and adherence to limits. The Board's funding is legislated and therefore the Board does not have any material exposure to credit risk. The Board currently has no material exposure to market risks.

(b) Credit risk exposures

Credit risk is the risk of financial loss to the Board if a customer or counterparty to a financial instrument fails to meet its contractual obligations.

Financial Instrument	Accounting and strategic policies (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms and conditions affecting the amount. Timing and certainty of cash flows)
Financial Assets		
Cash and deposits	Deposits are recognised at amortised cost, being their face value.	Cash means notes, coins, any deposits held at call with a bank or financial institution, as well as funds held in the Special Deposits and Trust Fund.

The Board does not have any concentration of credit risk. The Board monitors receivables on a monthly basis and follow up procedures are undertaken for all debts that are overdue. Action taken is dependent on the length of time the debt is overdue.

The carrying amount of financial assets recorded in the Financial Statements, net of any allowances for losses, represents the Board's maximum exposure to credit risk. The Board does not hold any collateral or other security over its receivables. The Board's credit risk is considered to be minimal.

Except as detailed in the following table, the carrying amount of financial assets recorded in the Financial Statements, net of any allowances for losses, represents the Board's maximum exposure to credit risk without taking into account of any collateral or other security:

	2024	2023
	\$'000	\$'000
Cash	609	543
Total	609	543

(c) Liquidity Risk

Liquidity risk is the risk that the Board will not be able to meet its financial obligations as they fall due. The Board's approach to managing liquidity is to ensure that it will always have sufficient liquidity to meet its liabilities when they fall due.

Financial Instrument	Accounting and strategic policies (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms and conditions affecting the amount. Timing and certainty of cash flows)
Financial Liabilities		
Payables	Payables are recognised at amortised cost, which due to the short settlement period, equates to face value, when the Board becomes obliged to make future payments as a result of a purchase of assets or services.	Payables, including goods received and services incurred but not yet invoiced arise when the Board becomes obliged to make future payments as a result of a purchase of assets or services. The Board's terms of trade are 30 days.

Monitoring of expenditure against budget is undertaken by the Board on an ongoing basis.

The following tables detail the undiscounted cash flows payable by the Board by remaining contractual maturity for its financial liabilities. It should be noted that as these are undiscounted, totals may not reconcile to the carrying amounts presented in the Statement of Financial Position:

2024

Maturity analysis for financial liabilities						
	1 Year	2 Years	3 Years	4 Years	Undiscounted Total	Carrying Amount
Financial liabilities						
Payables	49	-	-	-	49	49
Total	49	-	-	-	49	49

2022

Maturity analysis for financial liabilities						
	1 Year	2 Years	3 Years	4 Years	Undiscounted Total	Carrying Amount
Financial liabilities						
Payables	55	-	-	-	55	55
Total	55	-	-	-	55	55

(d) Market Risk

Market risk is the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in market prices. The primary market risk that the Board is exposed to is interest rate risk.

The Board's exposure to interest rate risk is considered to be minimal. All of the Board's interest bearing financial instruments are managed by the Westpac Bank.

At the reporting date the interest rate profile of the Board's interest bearing financial instruments was:

	2024 \$'000	2023 \$'000
Variable rate instruments		
Financial assets		
Cash and cash equivalents	609	543
Total	609	543

Changes in variable rates of 100 basis points at reporting date would have the following effect on the Board's profit or loss and equity:

Sensitivity Analysis of the Board's Exposure to Possible Changes in Interest Rates

	Statement of Comprehensive Income		Equity	
	100 basis points increase	100 basis points decrease	100 basis points increase	100 basis points decrease
	\$'000	\$'000	\$'000	\$'000
30 June 2024				
Cash and cash equivalents	6	(6)	6	(6)
Net sensitivity	6	(6)	6	(6)
30 June 2023				
Cash in Special Deposits and Trust Fund	5	(5)	5	(5)
Net sensitivity	5	(5)	5	(5)

7.2 Categories of Financial Assets and Liabilities

AASB 9 Carrying amount	2024	2023
	\$'000	\$'000
Financial assets		
Cash and cash equivalents	609	543
Receivables at amortised cost	9	10
Total	618	553
Financial Liabilities		
Financial liabilities measured at amortised cost	49	55
Total	49	55

7.3 Comparison between Carrying Amount and Net Fair Value of Financial Assets and Liabilities

	Carrying Amount	Net Fair Value	Carrying Amount	Net Fair Value
	2024	2024	2023	2023
	\$'000	\$'000	\$'000	\$'000
Financial assets				
Cash and cash equivalents	609	609	543	543
Receivables	9	9	10	10
Total financial assets	618	618	553	553
Financial liabilities				
Payables	49	49	55	55
Total financial liabilities	49	49	55	55

The Board does not have any financial assets or financial liabilities recognised at fair value through the profit and loss or through other comprehensive income.

Financial Assets

The net fair values of Cash and cash equivalents and Receivables approximate their carrying amounts as this is the amount the Board expects to be able to settle on these items.

Financial Liabilities

The net fair values for Payables and Lease liabilities approximate their carrying amounts as this is the amount the Board expects to be able to settle on these items.

NOTE 8 EVENTS OCCURRING AFTER BALANCE DATE

There have been no events subsequent to balance date which would have a material effect of the Board's Financial Statements as at 30 June 2024.

NOTE 9 SIGNIFICANT ACCOUNTING POLICIES

9.1 Objectives and Funding

The Board is an independent statutory body whose purpose is to:

Protect consumers of legal services within Tasmania against unsatisfactory professional conduct and professional misconduct of legal practitioners;

Promote and enforce the application of professional standards, competence and honesty within the legal profession in Tasmania; and

Provide an effective and efficient redress mechanism for persons unhappy with the conduct of Australian legal practitioners in Tasmania.

The Legal Profession Act 2007 (the Act) received Royal Assent on 15 August 2007 and the Board commenced operations on 31 December 2008. The Board consists of six Board Members appointed by the Governor of Tasmania for a term of five years. Pursuant to section 589 of the Act, the Board is established as a body corporate with perpetual succession. The functions of the Board were in part previously performed by the Law Society of Tasmania and the Legal Ombudsman.

Pursuant to section 359 of the Act, the Board is to submit to the Minister an application for funding by 30 April in each year. The Minister approves an amount to be paid from the Solicitors' Guarantee Fund (SGF) and directs the Solicitors' Trust to pay the approved amount from the Fund to the Board.

9.2 Basis of Accounting

The Financial Statements are a general purpose financial report and have been prepared in accordance with the Australian Accounting Standards (AAS) and Australian Accounting Interpretations issued by the Australian Accounting Standards Board (AASB).

While the Board is not bound by the *Financial Management Act 2016*, it has elected to prepare these financial statements in accordance with the Treasurer's Instructions issued under the provisions of the *Financial Management Act 2016*.

The financial statements were signed by the Chairperson and the Chief Executive Officer on 26 August 2024.

Compliance with the AAS may not result in compliance with International Financial Reporting Standards (IFRS), as the AAS include requirements and options available to not-for-profit organisations that are inconsistent with IFRS. The Board is considered to be not-for-profit and has adopted some accounting policies under the AAS that do not comply with IFRS.

The Financial Statements have been prepared on an accrual basis and, except where stated, are in accordance with the historical cost convention. Material accounting policy information is consistent with the previous year.

Following on from the Board's primary source of revenue, the SGF having insufficient funds to meet the costs of the Board in 2022-23, alternative funding from the Department of Justice (see Note 1.1) was obtained to ensure that the Board continued as a going concern. With the SGF now having sufficient funding to fund the Board in 2023-24, the financial statements have been prepared on the going concern basis, which assumes that the Board will be able to realise its assets and discharge its liabilities in the normal course of business.

9.3 Functional and Presentation Currency

These financial statements are presented in Australian dollars, which is the Board's functional currency.

9.4 Changes in Accounting Policies

(a) Impact of new and revised Accounting Standards

There were no new or revised Standards and Interpretations issued by the Australian Accounting Standards Board that have a material impact on the reporting of the Board's operations for the current annual reporting period.

(b) Impact of new and revised Accounting Standards yet to be applied

The Board has not applied a new Australian Accounting Standard or Interpretation that has been issued but is not yet effective. The following applicable Standards have been issued by the AASB and are yet to be applied:

- AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates – This Standard amends:
 - AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates – This Standard amends;
 - AASB 101 Presentation of Financial Statements, to require entities to disclose their material accounting policy information rather than their significant accounting policies;
 - AASB 134 Interim Financial Reporting, to identify material accounting policy information as a component of a complete set of financial statements; and;
 - AASB Practice Statement 2 Making Materiality Judgements, to provide guidance on how to apply the concept of materiality to accounting policy disclosures..
- AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current - This Standard amends AASB 101 Presentation of Financial Statements to clarify that a liability is classified as non-current if an entity has the right at the end of the reporting period to defer settlement of the liability for at least 12 months after the reporting period. The meaning of settlement of a liability is also clarified in these amendments. This standard will apply to the Board's 2023 24 financial statements. The implementation of AASB 2020-6 is not expected to have a material impact on the statements of the Board.

The Board has undertaken an assessment of the impact of new and revised Accounting Standards and those yet to be applied and has determined they will have no material impact on the Board's financial statements.

9.5 Rounding

All amounts in the Financial Statements have been rounded to the nearest thousand dollars, unless otherwise stated. Where the result of expressing amounts to the nearest thousand dollars would result in an amount of zero, the financial statement will contain a note expressing the amount to the nearest whole dollar.

9.6 Taxation

The Board is exempt from all forms of taxation except Fringe Benefits Tax and GST. All taxation issues are managed by the Board of Justice on the Board's behalf.

9.7 Goods and Services Tax

Revenue, expenses and assets are recognised net of the amount of GST, except where the GST incurred is not recoverable from the Australian Taxation Office. Receivables and payables are stated inclusive of GST. The net amount recoverable, or payable, to the ATO is recognised as an asset or liability within the Statement of Financial Position.

In the Statement of Cash Flows, the GST component of cash flows arising from operating, investing or financing activities which is recoverable from, or payable to, the Australian Taxation Office is, in accordance with the Australian Accounting Standards, classified as operating cash flows.

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