

LEGAL PROFESSION BOARD OF TASMANIA

GENERAL CRITERIA AND POLICY OUTLINE:

- CLOSURE OF BOARD MEETINGS AND HEARINGS
- PUBLICATION OF BOARD DETERMINATIONS AND REASONS FOR DETERMINATIONS – DISCIPLINARY REGISTER

The Board's broad discretion in relation to these matters will be guided by the following principles.

General Principles:

The Board starts from the premise that all meetings and hearings of the Board are open to the public (as stipulated in Sch.1 Cl.4 and Sch.3 Cl.8), unless otherwise prescribed by the *Legal Profession Act 2007* (s.456 Procedure for less serious complaint).

Any matter or subject matter that is discussed at an open meeting or hearing of the Board is thereby 'divulged' to the public in terms of s.602.

Where a meeting or hearing of the Board has occurred in public, a decision taken on matters dealt with at that meeting or hearing, and the reason for that decision (where given), will likewise be divulged unless a determination has been made by the Board not to do so on the basis that to do so would unfairly prejudice one of the parties.

In Respect Specifically to Meetings of the Board:

Where access to a Board record would not unreasonably and unfairly disclose personal, privileged or confidential information, or otherwise not operate to unfairly prejudice any person, there will generally exist no good reason to exclude that record from the public arena and the Board resolves that it should be publically available. Parties may in a particular case be able to persuade the Board otherwise.

Dismissal of Complaints:

In matters where the Board has either summarily dismissed a complaint or dismissed a complaint following an investigation, the Board's determination and reasons for determination in relation to those matters will not be published unless the Practitioner requests its publication, and then only if its publication would not unfairly prejudice the Complainant.

Disciplinary Register:

The Board's Determinations and Reasons for Determinations are to be published (via a link to a signed copy of the Determination & Reasons) in all matters that involve a negative finding against a Practitioner (made by the Board, Disciplinary Tribunal or Supreme Court), and which appear as a consequence of that finding on the Disciplinary Register, provided that the determination was not made at a Meeting or Hearing that was closed to the public (other than a hearing under s.456) or subject to a non-disclosure order.