



POLICY – LEGAL PROFESSION BOARD OF TASMANIA

GUIDELINES FOR “IN THE PUBLIC INTEREST”

Policy for the public & legal practitioners:

In the context of making a determination under s.428 (2) (b) of the *Legal Profession Act 2007* (“the Act”), the Board takes the term “public interest” to be of very broad scope and to include not only interests which the community has in a matter because of its potential to affect the community financially or to impact upon the legal rights and liabilities of its members, but also matters reasonably perceived to be of public importance.

“The public” in this context does not necessarily mean the entire community. A significant section or segment of the community will suffice. It follows that there may be competing public interests, which in any particular case the Board will have to balance in order to determine where “the public interest” lies.

In order to make a determination under s.428 (2) (b), the Board will have to be positively satisfied that this balance of the public interest favours the complaint being dealt with despite its age. Complainants should, in addressing this issue, advance careful argument which addresses not their personal interests but those which a broader section of the community would have in seeing the matter in question dealt with despite its age.