



LEGAL
PROFESSION
BOARD OF
TASMANIA

ANNUAL REPORT 2012 -2013

This report is submitted in accordance with section 601 (2) of the Legal Profession Act, 2007, pursuant to which the Legal Profession Board of Tasmania is to prepare and present to the Minister a report on its operations for the financial year.

PART ONE: CHAIRPERSON'S REPORT

The following report provides a summary of the activities of the Board in the reporting period and highlights a number of achievements that have been attained within the financial year ending on 30 June 2013.

THE WORKLOAD OF THE BOARD

Complaints and Investigations:

Complaint handling and complaint investigations are the core activities of the Board and consume the majority of the Board's resources. The number of complaints received during the course of the reporting period, together with those complaints that remained unfinalised as at 30 June 2012, totalled 164, compared with 168 complaints at the end of last financial year.

The Board brought 68 complaints to finality within the reporting period. The number of finalisations for the reporting period was less than last financial year due, in the main, to the Disciplinary Tribunal finalising none of the Board's applications made to the Tribunal. This was a disappointing result and one that the Board is hopeful will not occur in the future.

At the end of this reporting period the total number of complaints on hand was 96. There were 29 investigations commenced within the reporting period and 30 investigations were finalised.

Further in-depth commentary in relation to the complaints and investigations statistical information can be found in Part 3 of this report.

Mediation:

The Board remains committed to the earliest resolution of complaints appropriate in the circumstances. Since the commencement of operations in early 2009, it has been the strategy of the Board to endeavour, where appropriate and in accordance with the Act, to achieve resolution of complaints against legal practitioners via mediation. It is again with satisfaction that I am able to report that the Board has had continued success in this area, with nearly one third (31%) of all finalised complaints having been resolved within the reporting period through mediatory intervention by the Board, either prior to or during an investigation.

The mediation process is only available in relation to less serious matters of complaint.

Meetings and Determinations of the Board:

The Board convened 14 complaints-specific meetings during the reporting period, the same number of meetings conducted in the previous reporting period. The Board, where possible, continues to combine its administrative meetings with complaints meetings in an effort to reduce time and costs.

The Board is obliged to provide to the complainant, the practitioner and the Law Society a written determination and reasons following its decision finalising a complaint. The Board produced 47 written complaint determinations and reasons during the reporting period. The writing of determinations and associated research can be an extremely time-consuming task for Board members, and is necessarily undertaken outside of meeting times.

Board Performance Review:

Whilst not specifically mandated by the Act, the Board instituted in the last reporting period a formal annual process to review its performance and effectiveness in the interests of good governance.

During the reporting period, the Board again reviewed its performance and effectiveness. It was noted that the issues of the previous year had been addressed, namely that the Board has increased its efforts to clear the remaining transitional matters; informed the Minister of the Board's recommendations for amendments to the *Legal Profession Act 2007*; and reviewed Board member remuneration. There were no new or emerging issues for the Board to address at the time it conducted its performance review.

Amendments to the *Legal Profession Act 2007*:

Section 591 (h) of the Act provides that the Board is to advise the Minister on any matters relating to the Act. In previous reporting periods, the Board provided to the Minister a list of proposed amendments to the Act and maintains an up to date and expanding list of proposed changes. Some are regarded as urgent.

The Board has been informed that amendments to the Act will hopefully be addressed before the end of 2013.

Public Education:

One of the Board's functions relates to providing education and advice to the Tasmanian community relating to client-lawyer relationships.

As indicated in my previous report, the Board's Executive Officer participated in a two-day open educative forum for community members in conjunction with LINC Tasmania within the reporting period, providing valuable advice to community members on managing client-lawyer relationships and the work of the Board generally. In addition to these endeavours, I was invited to conduct an educative session for members of the University of the Third Age which drew in excess of 100 attendees.

The Board has, over the course of the reporting period, continued to fulfil its community educative role by dealing comprehensively with the community's enquiries when contact is made with the Board. 322 such enquiries were made in the reporting period and the Board's officers have dedicated substantial time per enquiry by way of assistance to the public in developing their understanding of the legal and complaints processes as well as addressing their substantive issues regarding their legal representative or legal matter. In the majority of cases, the Board's officers attempt to provide, for each enquirer, guidance on how to manage their relationship with their respective legal representatives and to provide assistance generally on the legal process.

Other statutory functions of the Board

The Board continued in the reporting period to delegate to the Law Society its statutory function regarding the maintaining of the register of names of Australian lawyers to whom the Law Society

grants local practising certificates as well as the register of names of locally registered foreign lawyers.

The Board has not, within the reporting period, been called upon to approve any new courses of continuing legal education, nor to approve terms and conditions of professional indemnity insurance policies.

STRATEGIC DIRECTION

The Board will continue to focus on its core activities, being the handling and investigation of complaints against legal practitioners and its educative and advisory roles with regard to the community and legal profession.

The Board's focus in the coming reporting period will necessarily include the effective prosecution of matters which warrant such a course in order to ensure the good reputation of the legal profession prospers and that public confidence in the integrity of the legal profession is enhanced.

I again thank the members of the Board for their significant contribution generally to the work of the Board throughout the reporting period. On their behalf I gratefully acknowledge also the work of all the employees of the Board, whose professionalism and dedication are pivotal to the ongoing efficiency and effectiveness of the Board.



William Bale QC
Chairperson, Legal Profession Board of Tasmania

PART TWO: THE LEGAL PROFESSION BOARD OF TASMANIA

STATUTORY FUNCTIONS OF THE BOARD

Pursuant to section 591 of the Act, the Board has the following statutory functions:

- 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 made under Chapter 4 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 on any matters relating to the Act;
- such other functions as may be imposed by this or any other Act; and
- to conduct education programs relating to client-lawyer relationships for members of the public.

THE PURPOSE OF THE DISCIPLINARY PROVISIONS

The Board exercises its functions under section 591 of the Act with the following aims in mind:

- protect consumers of legal services within Tasmania against unsatisfactory professional conduct and professional misconduct of Australian 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 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 William Bale QC is the inaugural Chairperson of the Board since July 2009. Mr Bale previously held the position of Solicitor General of Tasmania from 1986 until his retirement in September 2007 and has been a Tasmanian legal practitioner since 1964.

Lay Members:

Ms Judith Paxton JP, an inaugural member of the Board, was the Tasmanian Legal Ombudsman from 1994 until 2008, the State Director of the Commonwealth Merit Protection and Review Agency and the Chairperson of a number of tribunals responsible for determining disputes and grievances.

Mr Peter Dane, an inaugural member of the Board, has held senior management positions in the telecom and electricity industries since 1983. Mr Dane has a Master of Business Administration from the University of Tasmania.

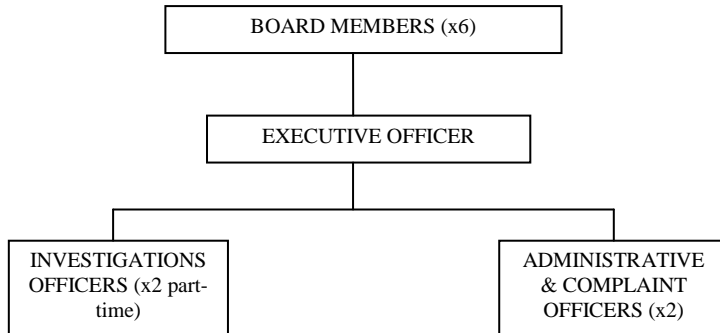
Legal Members:

Mr David Bessell, an inaugural member of the Board, is a senior legal practitioner who retired in 2007 from his position as senior partner in a prominent Hobart legal firm. Mr Bessell held the position of Chairperson of the Board from 8 March 2011 to 9 August 2011.

Mr John Upcher, an inaugural member of the Board, is an experienced legal practitioner who was formerly the senior partner of a prominent Hobart legal firm. He is also Chairman of the Property Agents Board.

Mr Duncan Fairley is the principal of his own legal firm on the North West Coast and has been a past President of the Tasmanian Bar Association. Mr Fairley is a member of the Mental Health Tribunal and was appointed to the Board on 18 May 2010 to fill a casual vacancy.

ORGANISATIONAL CHART



The Legal Profession Board is supported by an administrative and investigative team as represented in the organisational chart above.

The Board also retains the services of external Counsel when prosecuting practitioners in either the Disciplinary Tribunal or Supreme Court.

THE VISION OF THE BOARD

The Board, through its statutory functions, aims 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.

FUNDING OF THE BOARD

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 and directs the Solicitors' Trust to pay the approved amount from the Fund to the Board.

PART THREE: THE YEAR IN REVIEW

PERFORMANCE OF THE LEGAL PROFESSION BOARD OF TASMANIA

The following statistical information regarding the Board's performance is based on the twelve month period, 1 July 2012 to 30 June 2013.

COMPLAINT HANDLING

COMPLAINT ENQUIRIES:

Table 1: Number of complaint enquiries received from 1 July 2012 to 30 June 2013

Month	Enquiries by phone	Enquiries in person	Enquiries by email	Enquiries by letter	Total Enquiries 2012/13	Total Enquiries 2011/12
Jul-12	30	3	1	0	34	19
Aug-12	18	2	1	0	21	31
Sep-12	17	1	2	0	20	22
Oct-12	30	1	3	0	34	27
Nov-12	25	2	5	2	34	28
Dec-12	15	1	1	1	18	18
Jan-13	14	0	4	1	19	37
Feb-13	20	2	1	1	24	33
Mar-13	20	1	1	0	22	33
Apr-13	26	0	1	1	28	21
May-13	27	3	3	1	34	30
Jun-13	30	1	1	2	34	26
Total Enquiries	272	17	24	9	322	325

Dealing with complaint enquiries represents a significant part of the Board's Officers overall workload. The table above shows that the Board has dealt with a total of 322 enquiries for the reporting period, representing a small decrease of 1%, or 3 enquiries, in comparison to last financial year. The number of enquiries has remained, in the main, constant since the Board commenced operations.

The Board records the total time spent per enquiry throughout the period. The time spent dealing with each enquiry for the reporting period was on average 17 minutes per enquiry.

The Board recognises the importance of dealing 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 that are required to be referred for independent legal advice or other appropriate action.

A total of 47 enquiries in the reporting period resulted in a written complaint. This represents a conversion rate of 14.6%, and is an increase of 26 complaint enquiry conversions when compared to the same period last year.

The majority (84%) of all complaint enquiries are dealt with by telephone, although members of the public are always encouraged to attend the Board's offices to discuss their issues in person should they wish to.

The majority (49%) of all enquiries made to the Board relate to Family Law and Probate/Estate matters and the most common allegations referred to relate to overcharging; negligence; and a failure to act as instructed.

WRITTEN COMPLAINTS

Table 2: Number of written complaints received from 1 July 2012 to 30 June 2013

Month	Complaints Received 2012/13	Complaints Received 2011/12	Variance 2012/13 – 2011/12
July	3	9	<6>
August	11	12	<1>
September	7	8	<1>
October	6	4	2
November	12	7	5
December	7	1	6
January	9	3	6
February	9	4	5
March	9	5	4
April	5	3	2
May	9	6	3
June	8	2	6
Total Complaints	95	64	31

A complaint may be made about the conduct of an Australian legal practitioner by any person. For the Board to be able to deal with a complaint, it must be in writing. The Board takes all reasonable

steps to ensure that any person wishing to make a written complaint is given the appropriate assistance to do so.

When a complaint is received by the Board, a preliminary assessment is made and often further information is sought from the complainant to specifically identify the conduct that is alleged to have occurred. Once the complaint has been appropriately particularised by the complainant, 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. Once received, the practitioner's submissions are provided to the complainant for further comment. All relevant information is collated and reviewed by one of the Board's officers and a report prepared. The report, together with all relevant material, is then considered by the Board. The complaint then either proceeds to the investigation phase, or is summarily dismissed.

This statutory preliminary process prior to investigation of a complaint commencing, or the complaint being summarily dismissed, can take several months in order to satisfy the statutory requirement for transparency and procedural fairness to both the complainant and practitioner.

The Board received 95 complaints in the reporting period, compared with 64 complaints for the 2011/12 reporting period. This represented an increase of 31 complaints or 48%. The number of complaints received in the reporting period has been constant, other than in the period 2011/12, since the commencement of the Act. The relatively lower number of complaints last financial year appears to have been an isolated abnormality.

Table 3: Complaints carried forward at 1 July 2012

Complaints	Carried forward as at 1 July 2011	%
Complaints under investigation	26	38%
Unfinalised complaints pending (not yet under investigation or awaiting hearing) as at 30 June 2011	43	62%
Total Complaints carried forward as at 1 July 2011	69	100%

In addition to the 95 complaints received in the reporting period, the Board's workload involved continuing to deal with a further 69 complaints carried forward from the 2011/12 period, which included; complaints under investigation; complaints which had been referred for hearing to either the Board or Disciplinary Tribunal; and complaints being dealt with in accordance with the preliminary statutory process prior to an investigation having been commenced.

Table 4: Principal allegations against legal practitioners

Principal Allegation	2012/13 Complaints	2012/13 %	2011/12 Complaints	2011/12 %
<i>Abuse of position as a legal practitioner</i>	0	0%	0	0%
<i>Abusive/Rude/Threat</i>	7	7%	2	3%
<i>Breach of Act, rules, court order or undertaking</i>	3	3%	2	3%
<i>Communication with client - including failure to communicate</i>	5	6%	1	2%
<i>Confidentiality breach</i>	0	0%	2	3%
<i>Conflict of interest</i>	1	1%	0	0%
<i>Costs/Bills/Fees/Overcharging</i>	22	23%	17	26%
<i>Court performance</i>	3	3%	6	9%
<i>Delay</i>	7	7%	5	8%
<i>Dishonest/Misleading (including misleading the Court)</i>	11	12%	10	16%
<i>Instructions - failure to act or to comply</i>	13	14%	10	16%
<i>Instructions - acting without instructions</i>	2	2%	2	3%
<i>Negligence - including poorly handling of case</i>	21	22%	7	11%
<i>Trust money - including failure to account</i>	0	0%	0	0%
Totals	95	100%	64	100%

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.

Table 4 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 4, allegations relating to costs, negligence and failing to act or comply with legal instruction comprised the majority (59%) of all complaint allegations received by the Board in the reporting period.

Table 5: Area of law to which complaints related

Area of the Law	2012/13 Complaints	2012/13 %	2010/11 Complaints	2010/11 %
<i>Administrative</i>	3	3%	4	6%
<i>Anti-discrimination</i>	0	0%	0	0%
<i>Building</i>	0	0%	0	0%
<i>Commercial/Contract</i>	20	21%	7	11%
<i>Commonwealth/Constitutional</i>	0	0%	1	2%
<i>Conveyancing</i>	8	9%	8	13%
<i>Criminal</i>	6	6%	4	6%
<i>Debt collection</i>	0	0%	1	2%
<i>Family/defacto</i>	28	30%	21	32%
<i>Industrial relations</i>	1	1%	0	0%
<i>Personal injury</i>	3	3%	0	0%
<i>Probate/estate/wills</i>	20	21%	12	19%
<i>Workers' compensation</i>	2	2%	2	3%
<i>Restraint Orders</i>	2	2%	4	6%
<i>Migration</i>	2	2%	0	0%
Total	95	100%	64	100%

Table 5 indicates that the area of law most often involved in complaints received by the Board in the reporting period was Family Law, which constituted nearly a third of all complaints made. This is consistent with previous reporting periods and complaint data across comparable Australian jurisdictions from previous years.

The areas of law also highly represented in the reporting period were Probate/Estate and Commercial/Contract matters.

Table 6: Complainant's profile (region & gender)

MALE/FEMALE	2012/13 No. Complainants	%	2011/12 No. Complainants	%
<i>Male</i>	49	52%	31	48%
<i>Female</i>	44	46%	32	50%
<i>Complaints made by the Board</i>	2	2%	1	2%
Total	95	100%	64	100%

COMPLAINTS BY REGION	2011/12 No. Complainants	%	2010/11 No. Complainants	%
<i>South</i>	54	57%	37	58%
<i>North</i>	24	25%	13	20%
<i>North West</i>	12	13%	8	12%
<i>Interstate/International</i>	5	5%	6	10%
Total	95	100%	64	100%

Table 6 suggests a small shift in the regional origin of complaints received by the Board in the reporting period. The North and North West of the State represented 38% of all complaints received, being an increase of 6% from the previous reporting period. The Board will continue to monitor this trend with a view to establishing whether it indicates a need to actively develop its educative role within these regions.

The gender profile of complainants has remained essentially even and consistent since the Board commenced its operations in 2009.

As a result of the ever-increasing popularity of the internet, the Board is able to effectively deal with complaints made to it by people residing outside of Tasmania. In the reporting period, 5 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 thinks 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.

In the reporting period, the Board initiated 2 own motion complaints against practitioners.

INVESTIGATIONS

Table 7: Investigations commenced and finalised from 1 July 2012 to 30 June 2013

Month	Investigations Commenced 2012/13	Investigations Completed 2012/13	Investigations Commenced 2011/12	Investigations Completed 2011/12
July	3	8	3	1
August	2	2	8	6
September	3	4	4	3
October	4	1	9	6
November	1	4	4	6
December	2	3	6	3
January	0	0	4	4
February	0	2	0	3
March	3	0	3	2
April	2	1	0	4
May	4	4	2	4
June	5	1	0	4
Total	29	30	43	46

Table 7 shows that a total of 30 investigations were commenced in the reporting period, or an average of 2.5 investigations commenced per calendar month. This was a decrease of 13 investigations commenced from the previous reporting period.

30 investigations were completed within the reporting period. The investigation clearance rate for the reporting period was 103%. The Board therefore, in the reporting period, was able to keep pace with complaints proceeding to an investigation.

Table 8: Complexity of investigations

Category of Investigation	Investigation Criteria	Investigations Commenced 2012/13	%	Investigations Commenced 2011/12	%
<i>Simple</i>	Basic investigation, low volume of documentary evidence, no witness or 3rd party involvement	5	17%	11	26%
<i>Intermediate</i>	Medium volume of documentary evidence, single witness or 3rd party involvement	15	52%	22	51%
<i>Complex</i>	Multiple witnesses, significant volume of evidence	6	21%	7	16%
<i>Very Complex</i>	High volume of evidence, multiple witnesses, interaction with commercial entities	3	10%	3	7%
Total		29	100%	43	100%

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 2013, the Board classified nearly one third (31%) of all investigations commenced in the period as either complex or very complex.

FINALISATIONS AND OUTCOMES

Table 9: Complaints finalised and method of finalisation from 1 July 2012 to 30 June 2013

Method of Finalisation	Relevant Section of Act	Description	Number Finalised 2012/13	% finalised compared to total finalisations	Number Finalised 2011/12
<u>Finalisations Prior To An Investigation:</u>					
<i>Summarily dismissed</i>	s.433 (1) (a)	<i>Complaint lacking in substance, vexatious, misconceived or frivolous</i>	9	13%	22
<i>Summarily dismissed</i>	s.433 (1) (e)	<i>Complaint is not one that the Board has the power to deal with</i>	1	2%	5
<i>Summarily dismissed</i>	s.433 (1) (b)	<i>Complaint made more than 6 years after the conduct is alleged to have occurred</i>	0	0%	2
<i>Summarily dismissed</i>	s.433 (2) (a)	<i>Further information not given or complaint not verified</i>	8	12%	1
<i>Summarily dismissed</i>	s.433 (3)	<i>Complaint requires no further investigation</i>	3	4%	3
<i>Withdrawal</i>	s.434	<i>Complaint withdrawn by complainant prior to an investigation</i>	15	22%	20
Sub Total			36	53%	53
<u>Finalisations Following An Investigation:</u>					
<i>Dismissed following an investigation</i>	s.451 (a)	<i>No reasonable likelihood that the practitioner will be found guilty</i>	17	25%	27
<i>Dismissed following an investigation</i>	s.433 (3)	<i>Complaint requires no further investigation</i>	1	2%	1
<i>Dismissed following an investigation</i>	s.433 (4)	<i>No public interest to continue</i>	0	0%	1
<i>Withdrawal</i>	s.434	<i>Complaint withdrawn (after mediation) following an investigation</i>	6	8%	5
Sub Total			24	35%	34

Method of Finalisation	Relevant Section of Act	Description	Number Finalised 2012/13	% finalised compared to total finalisations	Number Finalised 2011/12
<u>Finalisations Following a Hearing/Meeting of the Board:</u>					
<i>Practitioner found guilty of unsatisfactory professional conduct</i>	s.456 (7) (a)	<i>Practitioner cautioned or reprimanded</i>	1	2%	2
<i>Practitioner found guilty of unsatisfactory professional conduct</i>	s.456 (7) (a)	<i>Practitioner required to make an apology</i>	1	2%	0
<i>Complaint dismissed</i>	s.456 (6)	<i>Matter not substantiated</i>	2	3%	0
<i>Complaint dismissed</i>	s.454 (1)	<i>Practitioner not guilty of conduct</i>	1	2%	0
<i>Withdrawal</i>	s.434	<i>Complaint withdrawn (following mediation)</i>	0	0%	0
<i>Practitioner found guilty of unsatisfactory professional conduct</i>	s.454 (2)	<i>Practitioner admonished, fined & required to pay costs</i>	3	3%	1
Sub Total			8	12%	3
<u>Finalisations Following a Hearing of the Disciplinary Tribunal:</u>					
<i>Practitioner found guilty of professional misconduct</i>	s.471 (a)	<i>Recommendation that the Supreme Court remove the practitioner's name from the local role</i>	0	0%	7
<i>Practitioner found guilty of professional misconduct</i>	s.471 (e)	<i>Practitioner reprimanded</i>	0	0%	1
<i>Practitioner found guilty of professional misconduct</i>	s.471 (b)	<i>Practitioner's practicing certificate suspended</i>	0	0%	0
<i>Practitioner found guilty of professional misconduct</i>	s.473 (a)	<i>Practitioner to pay fine</i>	0	0%	0
<i>Dismissal of complaint</i>	s.466 (7) (c)	<i>Complaint dismissed</i>	0	0%	1
Sub Total			0	0%	9
TOTAL FINALISATIONS			68	100%	99

Finalisations:

Table 9 shows that the Board finalised a total of 68 complaints for the reporting period to 30 June 2013, which was a decrease from the previous reporting period of 31 complaints. A significant reason for the decrease in finalisations for the reporting period was that the Disciplinary Tribunal did not bring to finality any matters before it within the reporting period.

The majority (53%) of the Board's finalisations occurred prior to an investigation having commenced and involved complaints which were either summarily dismissed or withdrawn by the complainant.

A total of 24 complaints were finalised by the Board following an investigation which was a decrease of 10 from the previous reporting period of 34 complaints. The majority of these finalisations (17) were dismissals pursuant to s.451 (a) of the Act where the Board determined there was no reasonable likelihood the practitioner would be found guilty of either unsatisfactory professional conduct or professional misconduct.

Clearance Rate:

The Board received 95 complaints within the reporting period and finalised a total of 68 complaints to 30 June 2013. The clearance rate achieved for the reporting period was therefore 67.4%. The Board's backlog of complaints therefore increased in the period. At the end of the reporting period, there were 15 complaints that had been referred to the Disciplinary Tribunal awaiting hearing and which therefore contributed to the Board's reduced clearance rate.

Outcome of Disciplinary action:

The Board commenced and completed 8 individual hearings (either by way of formal hearing or procedure for less serious complaints (section 456 meeting) in the reporting period which was an increase of 5 hearings from the previous reporting period.

5 of the 8 complaints the Board dealt with at a hearing resulted in the practitioner being found guilty of unsatisfactory professional conduct.

Table 10: Complaints referred (or resolved to be referred) to Disciplinary Tribunal, Supreme Court or for Board Hearing/Meeting

Complaints Referred	Section of Act	Referred 2012/13	Referred 2011/12
Board Meeting (s.456 procedure for less serious complaint)	s.450 (b)	4	9
Board Hearing	s.450 (a)	4	5
Disciplinary Tribunal	s. 450 (c) (d)	2	7
Supreme Court	s.450 (e)	1	1
Total Complaints Referred		11	22

At the conclusion of a complaint investigation, the Board may hold a formal hearing (s.453); deal with the complaint in accordance with s.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 10 shows that the Board referred, or resolved to refer for hearing, a total of 11 complaints.

Table 11: Number of pending complaints as at 30 June 2013

Complaint Source	2012/13
Unfinalised complaints under investigation as at 30 June 2012	26
Unfinalised complaints pending (not yet under investigation or awaiting hearing) as at 30 June 2012	43
Sub total Pending Complaints as at 30 June 2012	69
Complaints received 1 July 2012 to 30 June 2013	95
Sub total complaints for current reporting period	164
Finalised complaints 1 July 2012 to 30 June 2013	68
Balance of complaints on hand as at 30 June 2013	96

Table 11 above indicates that 96 complaints remain unfinalised as at 30 June 2013. That number included: 32 complaints under investigation; 30 complaints which have been referred for hearing to either the Board or Disciplinary Tribunal; and 34 complaints being dealt with in accordance with the preliminary statutory procedures.

Right to Information Applications & Requests:

In accordance with the reporting requirements of s.23 (c) & (d) of the *Right to Information Act 2009*, the Board received 2 applications for assessed disclosure within the reporting period both of which were accepted and dealt with to the satisfaction of the applicants.

There were no additional required or routine disclosures made by the Board within the reporting period.

PART FOUR: 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.

PART FIVE: 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.

**PART SIX: INDEPENDENT AUDIT REPORT AND
FINANCIAL STATEMENTS AS AT 30 JUNE 2013**

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