



BOARD MEMBER INFORMATION PACK

OCTOBER 2020

The Legal Profession Board of Tasmania
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ABOUT THE LEGAL PROFESSION BOARD OF TASMANIA

The Legal Profession Board of Tasmania is the sole body responsible for receiving and investigating complaints about the conduct of lawyers. The Board is an independent statutory body and consists of six Board Members appointed by the Governor of Tasmania.

What does the Board do?

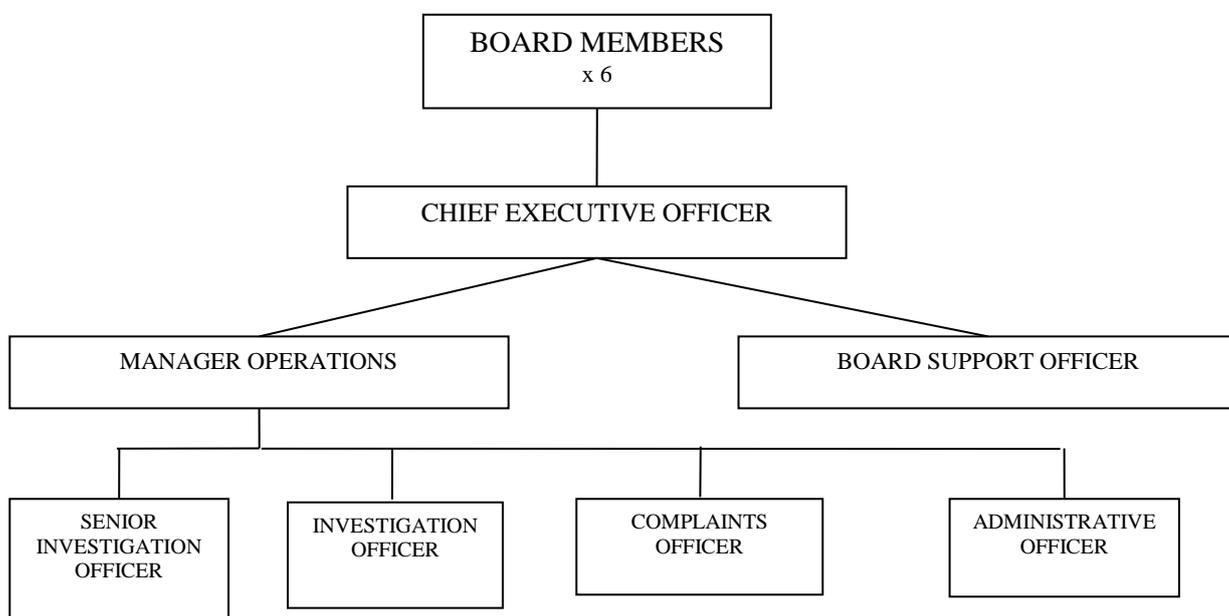
From the public perspective the major role of the Board is the resolution of complaints involving lawyers. To this end, the Board receives and investigates complaints about the conduct of lawyers and determines how they should be dealt with. Options available to the Board include suggesting practical options which will often resolve the issue without the need for a formal complaint; mediation; and a hearing which could involve discipline of the lawyer or referral of the matter to the Disciplinary Tribunal or the Supreme Court.

Another important function of the Board is advising lawyers upon appropriate standards of professional conduct. The Board also monitors emerging issues and trends in the legal profession and conducts education programs for the community about client-lawyer relationships.

The *Legal Profession Act 2007* ('the Act') received Royal Assent on 15 August 2007 and commenced on 31 December 2008.

A small administrative and investigative team, as represented in the organisational chart above, supports the Legal Profession Board.

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



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.

THE FUNCTIONS 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.

The functions of the Board as prescribed in the Act are as follows:

591. Functions of Board

The Board has the following functions:

- (a) to maintain the Register;*
- (b) to monitor the standard and provision of legal professional services;*
- (c) to receive, investigate and determine complaints made under Chapter 4 and, as necessary, refer complaints to the Tribunal or Supreme Court for hearing and determination;*
- (d) to approve terms and conditions of professional indemnity insurance policies provided to law practices;*
- (e) to advise the profession on appropriate standards of conduct;*
- (f) to monitor and identify trends and issues that emerge within the legal profession;*
- (g) to approve courses of continuing legal education;*
- (h) to advise the Minister on any matters relating to this Act;*
- (i) such other functions as may be imposed by this or any other Act;*
- (j) to conduct education programs relating to client-lawyer relationships for members of the public;*
- (k) such other functions as may be prescribed.*

MEMBERSHIP OF THE BOARD

The membership of the Board as prescribed in the Act is as follows:

590. Membership of Board

- (1) *The Board consists of –*
 - (a) *two persons who are local legal practitioners and who are nominated by the Law Society; and*
 - (b) *one person who is a local legal practitioner and who is nominated jointly by the Tasmanian Independent Bar and the Tasmanian Bar Association; and*
 - (c) *one person who is a local legal practitioner and who is nominated by the Minister; and*
 - (d) *two persons, nominated by the Minister, who –*
 - (i) *are lay persons; and*
 - (ii) *have not completed the degree of Bachelor of Laws or equivalent, either in this State or in another jurisdiction, whether or not combined with any other degree.*
- (2) *The members are appointed by the Governor.*
- (3) *The Board is to elect one of its members referred to in subsection (1) to be chairperson of the Board and that person holds office as chairperson for such term and on such conditions as are determined by the Board.*
- (4) *Schedule 2 has effect with respect to membership of the Board.*
- (5) *Schedule 3 has effect with respect to meetings of the Board.*

CURRENT BOARD MEMBERS

Chairperson of the Board:

Mr Keyran Pitt QC

Formally Mr Pitt QC has held appointments as Chairman of the Resource Management and Planning Appeal Tribunal; the Planning Appeals Board; the Mental Health Review Tribunal; and the Medical Complaints Tribunal.

He was also the Deputy Chairman for the Building Appeals Board and Environmental Protection Appeal Board, and, is an Honorary Fellow of the Royal Planning Institute of Australia.

Mr Pitt QC is the 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 QC currently works as a Barrister and an Arbitrator and is also the Chairman of the Forest Practices Tribunal and Property Agents Board.

Mr Pitt QC is a nominee of the Minister.

Lay Members:

Ms Marion Hale

Ms Marion Hale has worked in improving equity and justice in the community for the last 28 years. Her career has spanned 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 and is serving her second three-year term as President.

Ms Hale works as an Educator for the Drug Education Network. She is also a member of the Mental Health Tribunal of Tasmania, 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 Heather Francis

Ms Heather Francis is presently the CEO of the RHH Research Foundation, an independent entity that has become one of the largest funding bodies for local medical research conducted in Tasmania. She is currently on the Board of the Tasmanian Community Fund and also Primary Health Tasmania, and leads the Board of St Michael's Collegiate School as Chair.

Ms Francis has previously been on the Board of Crimestoppers Tasmania and also served two terms as the Deputy Chair of the Australian Marketing Institute at a national level. She was 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 Francis was acknowledged as the Telstra Business Woman of the Year (Community and Government) in 2013.

Legal Members:

Mr Graeme Jones

Mr 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 of Law Foundation of Tasmania (2009-2010)
- Board member of Eskleigh Foundation Inc. (2005-2009)
- Board member of Wildcare Inc. (2009-2013)
- Board member of the Centre of Legal Studies (2008-current)

Mr Jones has recently retired from being a senior partner of a prominent Launceston law practice and is an experienced legal practitioner having practiced as both a barrister and solicitor for over 35 years.

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. 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 of the Law Council of Australia's Regional, Remote, Rural Lawyers' Advisory Committee.

Mr Mihal is currently a member of the Local Government Code of Conduct Panel, which investigates and hears code of conduct complaints against councillors and the Chairman of a charitable organisation called the Roland View Estate Trust.

Mr David Lewis

Mr Lewis, a prominent barrister on the North West Coast of Tasmania with in excess of 25 years' experience, was appointed to the Board on 27 June 2016. He has served on a number of Professional Boards and Committees over the years including his time as a member of the Bar Council of Tasmania.

Mr Lewis has enjoyed a diverse practice in law which, in addition to his experience at the Queensland and Tasmanian Bars, includes appointment as a senior Crown Prosecutor in Darwin, Managing Practitioner of the Katherine Regional Aboriginal Legal Aid Service and Legislative Counsel for the external Australian Territory of Norfolk Island.

DESIRABLE COMPETENCIES; SKILLS; AND ATTRIBUTES FOR BOARD MEMBERS

1. A sound understanding of, and or experience in, regulation within a professional context;
2. An ability to make a contribution in relation to the establishment and maintenance of professional standards;
3. The ability to reach firm conclusions and to exercise sound judgment;
4. A demonstrated capacity to act in an impartial manner;
5. A sound understanding of basic administrative review concepts such natural justice / procedural fairness;
6. An ability to understand and interpret legislation;
7. Demonstrated personal integrity and accountability; and
8. A desire and ability to work within a board / committee setting.

MEETINGS OF THE BOARD

Schedule 3 of the Act details the provisions in relation to meetings of the Board.

Frequency of meetings

The Board meets on average monthly however on occasion will conduct extra-ordinary meetings if required. The monthly meetings vary in duration however normally last for up to four (4) hours.

In addition to the monthly and extra-ordinary meetings, the Board conducts hearings. Hearings vary in time however it is not unusual for a complete day to be set aside for a hearing.

Preparation for meetings and hearings

Members receive meeting and hearing papers approximately eight (8) to ten (10) days prior to the meeting or hearing.

Preparation time for a meeting or hearing will vary, however on average at least between two (2) to five (5) hours preparation time is expected.

Decision Writing

Board Members are also required to, on occasion, draft, settle and review written decisions and reasons in respect to matters before the Board which have been brought to finality.

REMUNERATION OF BOARD MEMBERS

The Minister for Justice determines the sessional fee paid for the Chairperson of the Board and for Members in accordance with Schedule 2 Clause 5 of the Act.

The current sessional fee is set at \$424.00 for the Chairperson and \$321.00 for Members.

An additional sessional fee is payable in circumstances where Members have engaged in Board activities which have exceeded two (2) hours. No Member is entitled to more than two (2) sessional fees in respect of attendance at meeting on any one day.

