



Legal Practitioners Admissions Board
Public Interest Disclosure
Policy and Procedure

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Prepared By

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Purpose

As a public service entity under the *Public Interest Disclosure Act 2010* (Qld) ('the Act'), the Legal Practitioners Admissions Board ('the Board') is required to establish a policy and prepare procedures in relation to the management of public interest disclosures ('PID'). This policy and procedure sets out the Board's compliance with the Act and Public Interest Disclosure Standard No. 1 (dated 1 January 2013) ('the Standard') issued under section 60 of the Act by the Queensland Ombudsman.

The Board

The Board is a statutory body established under part 7.5 of the *Legal Profession Act 2007* (Qld) ('the LPA'). Its main functions and responsibilities are the administration of chapter 2, part 2.3 of the LPA 'Admission of local lawyers'.

The Board's primary role is to assist the Supreme Court by making a recommendation about each application for admission as a lawyer in Queensland. The Board considers each application in terms of whether it is made under the *Supreme Court (Admission) Rules 2004* ('the Rules'), whether the applicant is eligible and suitable for admission, and whether there are other matters the Supreme Court may consider relevant to the application. The Board's other functions, responsibilities, and service areas include:

- considering the eligibility and suitability of applicants seeking admission as a lawyer in Queensland;
- ensuring all applications to become a lawyer in Queensland are made in accordance with the Rules;
- making a recommendation to the Supreme Court in relation to each application for admission as a lawyer;
- considering and making declarations as to an applicant's suitability for admission in terms of applications for early consideration of suitability;
- approving, in conjunction with the Chief Justice of Queensland, academic qualifications and practical legal training ('PLT') courses as 'approved academic qualifications' and 'approved practical legal training' respectively;
- assessing and approving academic, and practical legal training and experience in practice, of overseas law graduates and legal practitioners in accordance with the *Uniform*

Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession ('the Uniform Principles');

- overseeing the supervised traineeship scheme as 'approved practical legal training' and a prerequisite for those seeking to be admitted as a lawyer in Queensland in accordance with the Rules;
- granting approval for law graduates to commence their approved practical legal training requirements early thereby allowing students to undertake their training in conjunction with their approved or corresponding academic qualifications;
- providing information, service areas, and support to applicants seeking to complete the requirements and apply to the Supreme Court for admission as a lawyer in Queensland.

Primarily, the Board's values and aims include supporting the judiciary, the legal profession, and the public interest by ensuring the integrity of those entering the legal profession as well as safeguarding the educational and practical legal training standards of the legal profession. The Board's values also include respect and being accountable to the judiciary, the profession, and the public at large.



3.1 Organisational Commitment

In line with its commitment to the values of supporting the judiciary, the legal profession, and the public interest as well as its aim of ensuring the integrity of those entering the legal profession and safeguarding the educational and practical legal training standards of the legal profession, the Board is committed to:

- accountability, respect, transparency, impartiality, and protecting the system of government;
- allowing for and ensuring internal and external reporting of PIDs where appropriate;
- ensuring the proper management, assessment, investigation and determination of PIDs;
- affording support and protection against reprisals to persons who make PIDs;
- ensuring appropriate support is given to persons against whom a PID is made; and
- providing awareness of PIDs and relevant procedures, monitoring and evaluating the effectiveness of the PID policy and procedure, giving adequate training, and improving internal controls and business processes where appropriate

3.2 Communication and Training Strategy

All members of the Board are legal practitioners or lawyers who are aware of their ethical duties and the administration of justice. All members are aware of this policy and procedure, and are to be periodically reminded of their obligations in relation to PIDs, the making of PIDs, and how PIDs are to be managed in accordance with this policy and procedure.

Information in relation to PIDs will be included in any induction manual created for, and by, the Board.

3.3 Ethics Unit/Officer

The Board and its members are bound by ethical obligations arising from being legal practitioners and officers of the Supreme Court of Queensland. Any support for the Board and its members in the management of PIDs is to be obtained from the specialist Ethics Officers at the Queensland Law Society Ethics Centre and/or the Ethics Counsellors at the Queensland Bar Association.

3.4 Improve Internal Controls and Business Processes

Once an investigation into a PID is completed, consideration will be given to improvements that could be made to the Board's internal controls and business processes. Any recommendations or improvements will be given to the Board for consideration.

3.5 Evaluation and Monitoring

The Board will regularly evaluate and monitor this policy and procedure, which will be reviewed 12 months after its initial approval. Additional reviews will also be conducted on a regular basis.



4.1 WHAT IS A PID?

PID is disclosure of information relating to the conduct of a public officer that is in the public interest and involves an element of wrongdoing. It includes all information and assistance given by a person making the PID to a proper authority. Conduct constituting a PID can include:

- corruption or official misconduct;
- maladministration;
- misuse of public resources;
- danger to public health and safety, those with a disability, or the environment; and
- reprisals to persons who make a PID.

Whether conduct amounts to a PID requires consideration of either of the following tests as set out under section 12 of the Act:

- whether the person making the PID honestly believes on reasonable grounds that the information tends to show the conduct or other matter (subjective); or
- whether the information tends to show the conduct or other matter, regardless of whether the person making the PID honestly believes the information tends to show the conduct or other matter (objective).

4.2 WHO CAN MAKE A PID?

Any person, as well as an employee or member of the public, can make a PID. Where a person becomes aware of inappropriate conduct by the Board or any of its members, they should report the conduct in accordance with this policy.

Examples of who can make a PID and in what circumstances include:

4.2.1 PIDs made by any person

A person can make a PID if they have information about:

- a substantial and specific danger to the health or safety of a person or persons with a disability;
- the commission of an offence against, or the contravention of a condition imposed under, certain legislative provisions, if the commission of the offence or contravention of a condition, is or would be a substantial and specific danger to the environment;
- the conduct of another person that could, if proved, be a reprisal.

4.2.2 PIDs made by a public officer

A public officer can make a PID if they have information about:

- the conduct of the Board or any of its members that could, if proved, be corrupt or maladministration adversely affecting a person's interests in a substantial or specific way;
- a substantial misuse of public resources;
- a substantial and specific danger to public health or safety, or the environment.

4.3 WHO TO DISCLOSE TO?

A person or public officer may disclose a PID to the Board as the proper authority if the information relates to the conduct of the Board or any of its members. In addition, a PID may also be disclosed if information relates to a matter that the Board has power to investigate or remedy, or the information could relate to the conduct of a Board member that could be a reprisal for a previous PID, or the

person making the PID honestly believes that the information the subject of the PID relates to the conduct of the Board or any of its members.

4.4 HOW TO DISCLOSE?

PIDs can be made to the Board in any way, including anonymously, however it must be made in accordance with this procedure. A PID can be made:

- verbally, either in person or by telephoning the Board on (07) 3842 5985

A person making a verbal PID will be encouraged to put the PID in writing. If the person refuses to do so, information to be documented should include the date, time and place of the conduct, details of the circumstances/events relating to the conduct, if possible the name and position of the person making the PID, the date and time the PID was made, and the name and position of the person documenting the PID.

- in writing, including supporting material where relevant, to the Legal Practitioners Admissions Board c/- Queensland Law Society, GPO Box 1785, Brisbane QLD 4000 or by email to admissions@qls.com.au

A person should include the date, time and place of the conduct, details of the circumstances/events relating to the conduct and details of any persons who can verify the circumstances/events relating to the conduct, and if possible, the name and position of the person making the PID, and any supporting evidence relevant to the conduct.

Disclosure of PIDs to a journalist

In accordance with section 20 of the Act, a person who makes a PID is able to also disclose to a journalist substantially the same information where the Board:

- decides not to investigate or deal with the PID;
- investigates the PID but does not recommend taking any action in relation to it; or
- does not notify the person within 6 months after the date the PID was made, regardless of whether or not the PID is investigated or dealt with.

PIDs can also be made to the Crime and Corruption Commission ('CCC'), the Queensland Ombudsman ('the Ombudsman'), or to a Member of the Legislative Assembly of the Queensland State Parliament.

4.5 SUPPORT AND PROTECTION

4.5.1 For the person making the PID

A person making a PID is not subject to any civil or criminal liability, or any liability arising from administrative action including disciplinary proceedings, and is able to claim absolute privilege for

publishing any information disclosed. However, a person making a PID is still liable for their own conduct in making the PID.

Where a PID is made, the Board will assess to determine if the person who made the PID requires support and the level of support required. Possible support may include:

- acknowledgement that making the PID was appropriate;
- appointment of a support person to ensure support is given and protection from reprisals is afforded;
- verification as to the welfare of the person and the arrangement of assistance with, for example, any employee assistance schemes.

4.5.2 For the public officer against whom the PID is made

Any public officer against who a PID is made is to be afforded the presumption of innocence, natural justice, confidentiality and support.



The Board cannot refuse to receive, assess and/or investigate a PID.

5.1 Assessment

When a PID is made, it will initially be assessed to ascertain if the circumstances/events:

- relates to a matter about which a PID can be made;
- meet the subjective or objective tests set out in the Act;
- have correctly been made to the Board as the proper authority to investigate the PID;
- have been made by a person entitled to protection under the Act; and
- have been made in accordance with this procedure.

5.2 Investigation

Initial inquiries will be made to ascertain if the PID should be taken further.

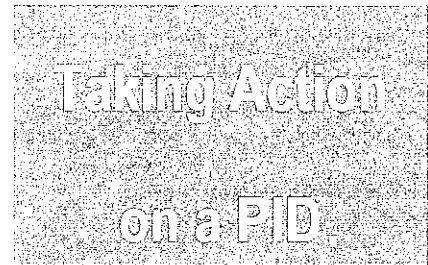
Once a PID has been assessed, the Board may appoint an internal investigator to conduct the initial investigation. In circumstances where the Board appoints an independent investigator, the investigator

will be advised of the PID, the Board's policy, their obligations under the Act and the consequences of breaching their obligations.

Any investigation of a PID will be performed in a timely manner and will include:

- interviewing other members of the Board to obtain additional information, where relevant, while maintaining the confidentiality of the person who made the PID;
- ensuring any conduct referred to in the PID is discontinued where there is danger to other persons and/or the environment, etc.
- a risk assessment as to the possibility of reprisals and confidentiality issues;
- determination as to the need for support for the person who made the PID;
- determination as to whether the PID should be referred to an external authority such as the CCC or the Ombudsman.

The person who made the PID will be kept informed of the progress of the investigation. They will be given with the name of a contact person for further communication particularly in relation to the PID, potential reprisals, their involvement in the process, any applicable protection under the Act, the importance of confidentiality, and the potential timeframe for resolution of the PID. They will be advised if the PID is to be/has been referred to an external authority.



Once an investigation is complete, a report will be prepared setting out any action to be taken by the Board including any action to be taken under legislation such as the *Crime and Corruption Act 2001* (Qld). Action which the Board may take can include:

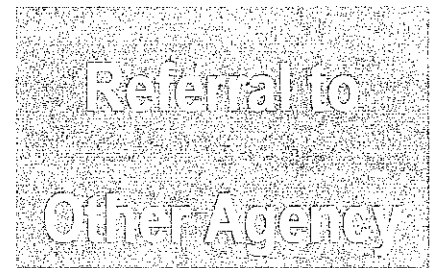
- resolving issues raised by management through the Queensland Law Society;
- providing training and/or counselling where relevant and required;
- conducting an audit of the Board's documents or reviewing the Board's operations including the Board's policies, procedures and practices; or
- formally investigating the PID through an external entity, for example, the CCC.

The person who made the PID will be advised of the outcome of the investigation and any action taken by the Board. Where appropriate, the person may be given a copy or extract of any investigator's report.

The Board may decide not to investigate or deal with a PID in circumstances set out under section 30 of the Act, that is where:

- the substance of the PID has already been investigated or dealt with by another process;
- the Board reasonably considers the PID should be dealt with by another process, the age of the information makes it impractical to investigate, or the Board considers the PID too trivial to merit investigation;
- dealing with the PID would substantially or unreasonably divert the Board's resources in the performance of its functions;
- another entity has notified the Board that an investigation is not warranted as the entity has already investigated the conduct.

The Board will give written reasons for deciding not to investigate or deal with a PID to the person who made it. The person who makes a PID and receives written reasons from the Board may apply to the Chair of the Board for a review of the decision within 28 days.



The Board may refer a PID to an external agency such as the CCC or the Ombudsman if the PID relates to the conduct of the Board, any of its members, or matters which the Board has power to investigate or remedy. The Board is unable to refer a PID if there are concerns that a reprisal will happen as a result of the referral. In this respect, the Board must consult the person who made the PID.

Where the Board refers a PID, the referral must be in accordance with any relevant legislative and administrative requirements.

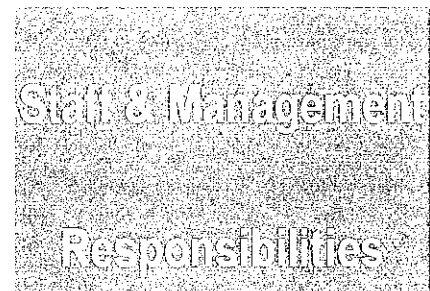


Under section 29 of the Act, the Board must maintain a secure and confidential record of any PIDs made including information pertaining to:

- the date a PID was received, where it was received from, and the name of the person making the PID if known;
- the name and location of the person against whom the PID is made;
- the relationship between the person making the PID and the person against whom it is made;

- the information disclosed and a summary of the PID;
- the date an assessment or investigation was commenced and completed, and the outcome of an assessment or investigation;
- whether the PID was referred to, and the involvement of, any external agency;
- the date the PID was closed or resolved, and any action taken on the PID;
- any action taken to prevent reprisal or, if no action was taken, reasons for the decision;
- when, and if, the outcome of the PID was advised to the person who made it; and
- if any other legal processes were associated with the PID.

The Board is required to report any PIDs to the Ombudsman.



As the Board does not have any staff, there are no staff or management issues to be addressed.



Under section 37 of the Act, a person who makes a PID does not commit an offence that imposes a duty of confidentiality and does not breach any obligation requiring confidentiality or restricting the disclosure of information.



A person must not cause, or attempt, or conspire to cause, detriment to another because or in the belief that the other person has made or intends to make a PID or, is, has been, or intends to be involved in a proceeding against a person against whom a PID is made. Such action is a reprisal, or the making of a reprisal, punishable by fine or imprisonment. The person making the reprisal is liable

for any damages to any person who suffers detriment from the reprisal. Further, and except where a person takes reasonable steps to prevent a reprisal, where a reprisal occurs during the course of employment, the person making the reprisal as well as their employer is jointly responsible and severally civilly liable for the action of the reprisal maker, and is also civilly liable for any damages.

For any person who makes a PID, the Board will ensure appropriate measures are in place to protect the person from the risk of reprisal and the potential consequences of reprisal. Where it is determined the risk of reprisal is high, a protection plan will be developed, in consultation with the person who made the PID and any other stakeholders to protect the person.

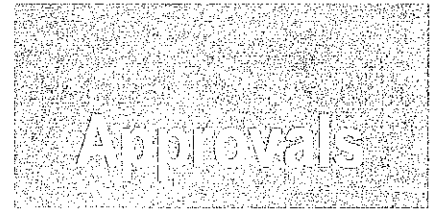
A person against whom a reprisal is made may lodge a complaint under the *Anti-Discrimination Act 1991* (Qld).




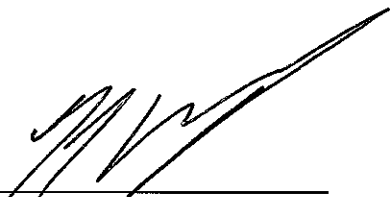
A public officer against whom a PID is made may appeal against, or apply for a review of, any disciplinary action taken against them, any transfer or appointment of them to another position, or any unfair treatment of them on the basis that it was the making of a reprisal.

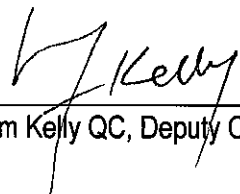
Abbreviations & Legislation

Abbreviation	Meaning
Board	Legal Practitioners Admissions Board
CCC	Crime and Corruption Commission
Ombudsman	Queensland Ombudsman
PLT	practical legal training
the Standards	Public Interest Disclosure Standard No. 1 (21 December 2012)
Uniform Principles	<i>Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession</i>
Legislation	Meaning
The Act	<i>Public Interest Disclosure Act 2010 (Qld)</i>
The LPA	<i>Legal Profession Act 2007 (Qld)</i>
The Rules	<i>Supreme Court (Admission) Rules 2004</i>



Prepared by: 
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This policy and procedure is to be reviewed 12 months after its initial approval and implementation, and on a regular basis thereafter.