

27 May 2022

Mr M Hughes MLA
Chair
Joint Standing Committee on the Corruption and Crime Commission
Parliament of Western Australia

By email: jscccc@parliament.wa.gov.au

Dear Mr Hughes

WHAT HAPPENS NEXT? BEYOND A FINDING OF SERIOUS MISCONDUCT

Thank you for your letter dated 8 April 2022 inviting the Society to make a submission to the above inquiry. Only a small proportion of public officers are also legal practitioners, and our comments are limited to serious misconduct findings against members of the legal profession.

The Society's response to the Terms of Reference of the inquiry are set out below.

The committee will inquire into what happens after a public officer is found to have engaged in serious misconduct including:*

1. *Disciplinary and other sanctions imposed by departments, local government, the Western Australia Police Force and other authorities*

The Law Society has no comment on disciplinary measures and sanctions imposed by departments, local government, the Western Australia Police Force, and other authorities.

If a finding is made against a public officer who is also admitted as a lawyer, this could potentially result in disciplinary action against the lawyer by the Legal Profession Complaints Committee (to be known as the Legal Services Complaints Committee when Uniform Law commences). The Law Society supports legal practitioners being held to high standards of ethics and professional responsibility in any employment setting.

2. *Unexplained wealth and criminal benefits proceedings initiated by the Corruption and Crime Commission*

The Law Society has no comment on this term of reference.

3. *Criminal prosecutions arising from serious misconduct investigations including prosecuting arrangements, challenges, and outcomes*

The Law Society has no comment on the arrangements for, and outcomes of the prosecution of charges arising from serious misconduct investigations. However, the Law Society does note that there exists the potential for media reporting to prejudice

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criminal trials if investigations, and particularly public hearings conducted by the CCC in the investigation of allegations of serious misconduct, are widely publicised.

4. *The roles of the Corruption and Crime Commission, Public Sector Commission, departments, local government, the Western Australia Police Force and other authorities in taking action, overseeing and/or reporting the above outcomes*

The Law Society has no comment on this term of reference.

5. *Measures to improve the effectiveness, transparency and/or oversight of the above.*

The Law Society has no comment on this term of reference.

If you have any queries please contact Mary Woodford, General Manager Advocacy and Professional Development on 9324 8646 or mwoodford@lawsocietywa.asn.au

Yours sincerely



Rebecca Lee
President