

LEGAL CONTRIBUTION TRUST
FREEDOM OF INFORMATION STATEMENT

Table of Contents

1. Purpose	2
2. Legislation administered	2
3. Organisational structure	2
4. Details of functions (including decision making that affects the public)	3
5. Public participation	4
6. Documents held by the Trust	4
a. Publicly Available Documents.....	4
b. Documents Accessible upon FOI Application	4
7. Right to Request.....	5
8. Informal and Prospective Requests.....	6
9. Lodging an FOI Application	6
10. Fees and charges.....	7
11. Access arrangements	7
12. Decision-making process.....	7
13. Notice of decision.....	7
14. Refusal of access	8
15. Review rights	8
Schedule 1.....	10

This Freedom of Information Statement (**Statement**) is prepared and published pursuant to the requirements of Part 5 of the *Freedom of Information Act 1992 (WA)* (**FOI Act**) and the *Privacy and Responsible Information Sharing Act 2024 (WA)* (**PRIS Act**), in relation to the Legal Contribution Trust (**Trust**).

The FOI Act:

- (a) gives persons a right to apply for access to certain information and documents held by the Trust (**FOI Application**);
- (b) gives persons a right to apply to the Trust for amendment to their personal information to ensure that personal information in the Trust's documents is accurate, complete, up to date and not misleading; and
- (c) requires the Trust to make certain information about its operations publicly available.

This Statement provides direction to the public about the Trust's operations, the types of information available and how the public can access that information.

All FOI Applications received by the Trust are dealt with in accordance with the FOI Act and guidance published by the Office of the Information Commissioner WA.

Enquiries regarding information and documentation held by the Trust should be made by telephone ((08) 9324 8600) or email (lct@lawsocietywa.asn.au).

1. Purpose

The Trust was incorporated and constituted pursuant to the Legal Profession Uniform Law (as enacted by Schedule 1 of the *Legal Profession Uniform Law Application Act 2014 (Victoria)*) *Legal Profession Uniform Law Act 2022 (WA)* and the *Legal Profession Uniform Law Application Act 2022 (WA)* (**Uniform Law**).

The Trust administers the Solicitors' Guarantee Fund (**Fund**) under section 222 the Uniform Law. The Fund is a source of compensation to persons who suffer pecuniary loss due to defaults by law practices arising from dishonest acts or omissions of associates of the law practice relating to trust money or trust property.

2. Legislation administered

The Uniform Law is the enabling legislation for the Trust and is the principal legislation governing the Trust's functions. The Uniform Law establishes a single regulatory framework for the legal profession across participating jurisdictions and aims to promote consistency in the regulation of legal practice, enhance consumer protection, support the administration of justice, and maintain professional standards, integrity, and independence of the legal profession.

3. Organisational structure

The Law Society of Western Australia (**Law Society**) provides the administration function to the Trustees.

The Trust is managed by three (3) individuals (as appointed by the Governor), and includes:

- (a) one (1) Australian lawyer nominated in writing by the Law Society to represent the Law Society;
- (b) one (1) Australian lawyer nominated in writing by the Legal Practice Board of Western Australia (**Board**) to represent the Board; and
- (c) one (1) person who is not an Australian lawyer and is nominated in writing by the Attorney General,

collectively referred to as the **Trustees**.

One of the Trustees acts as chairperson of the Trust, nominated in accordance with the Uniform Law. The Trust makes decisions at meetings of the Trustees, and a decision is only formally made where the meeting meets the quorum requirements of the Trust.

4. Details of functions (including decision making that affects the public)

The Uniform Laws sets out the Trust's functions, including those that involve decision making that affect the public, and include:

- (d) receiving, investing and applying money paid to it under the Uniform Law in the manner and for the purposes provided for including:
 - (i) setting the amount for and collecting the annual contribution payable to the Fund by legal practitioners;
 - (ii) determining whether a levy is required and, if so, imposing the levy, determining who must pay and how much;
- (e) administering and controlling the Fund in accordance with the Uniform Law including by:
 - (i) investigating, assessing and determining the outcome of claims made against the Fund by members of the public who may be eligible for compensation, in accordance with the Uniform Law;
 - (ii) determining the amount of compensation payable to a claimant and, where applicable, utilising the Fund to compensate claimants;
 - (iii) arranging insurance for the Fund, whether against particular claims or particular classes of claims;
 - (iv) ensuring the accounts relating to the Fund are audited annually;
 - (v) publishing notices seeking information or inviting claims in relation to suspected or actual defaults of a law practice,
- (f) paying practice management supervision fees where required by the Board; and
- (g) funding targeted investigations by the Board to mitigate the risk of defaults by a law practice arising from dishonest acts or omissions of associates of the practice relating to trust money or trust property.

The Trust may employ or engage persons to provide any professional, technical or other assistance that the Trust considers necessary to enable it to perform its functions. The Uniform Law confers the Trust with all the powers it needs to perform its functions.

5. Public participation

The Trust may publish notices seeking information or inviting claims in relation to suspected or actual defaults of a law practice.

6. Documents held by the Trust

a. Publicly Available Documents

The Trust has a number of publications that are freely available to the public, including:

Category	Purpose	Accessibility Means	Format Held
Fidelity Authority Statement	Relating to the determination of claims	www.legalcontributiontrust.com.au	PDF
Information Brochure	Explaining the process for determining claims	www.legalcontributiontrust.com.au	PDF
Current Notices	Confirming that a final date has been set for receipt of Fund claims against a law practice.	www.legalcontributiontrust.com.au West Australian Newspaper	PDF
Privacy Policy and Privacy Collection Notice	Explaining (amongst other things) what personal information the Trust collects, why, and how it will be used.	www.legalcontributiontrust.com.au	PDF

b. Documents Accessible upon FOI Application

The Trust also maintains standard statutory information and records required for the operation of the Trust. These records are not freely available to the public, but may be available via an FOI application, and include:

Category	Purpose/Content	Format Held
Claim-related Documents	<ul style="list-style-type: none">• Correspondence and memoranda relating to claims made against the Fund• Documents provided by the Board relating to external intervention and targeted investigations of law practices	PDF

Category	Purpose/Content	Format Held
	<ul style="list-style-type: none"> Notes dealing with the Trust's procedures relating to the investigation of a claim 	
Trustee Meeting Documents	<ul style="list-style-type: none"> Documents relating to meetings of the Trust, including agendas, minutes, memoranda 	PDF
Fund-related Documents	<ul style="list-style-type: none"> Documents relating to the management of the Trust's assets and risk management Documents relating to persons engaged by the Trust, insurance arrangements, investments 	PDF
Australian Deposit-Taking Institution (ADTI) Documents	<ul style="list-style-type: none"> Documents provided by ADTI relating to interest on solicitor trust accounts 	PDF, Excel
Personal Information	<ul style="list-style-type: none"> Personal information about individual solicitors, claimants, Trustees, and includes names, contact details, claim related details, law practice details (which identify an individual), and records of communications 	<ul style="list-style-type: none"> Mostly stored electronically in computer systems and databases operated or accessible by the Trust. Some personal information is recorded in paper files that are stored securely at the Law Society's premises.

For more information, please see the Trust's Privacy Policy available at www.legalcontributiontrust.com.au.

7. Right to Request

The FOI Act and PRIS Act create a general right to apply for access to documents held by the Trust. Applicants may request:

- (a) access to documents held by the Trust by lodging a FOI Application (in accordance with the Trust's FOI Procedure);
- (b) changes to personal information held by the Trust by lodging a FOI Application (in accordance with the Trust's FOI Procedure);
- (c) access or changes to personal information held by the Trust by following the procedure set out in the Trust's Privacy Policy.

If information is not routinely available, the FOI Act provides the right to apply for documents held by the Trust and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

If you are unsure which procedure to submit your request under, you may contact us for guidance on the details provided in this Statement. We take a 'no-wrong door' approach. If your request is submitted under one Act but is better dealt with under another, we will transfer and process it accordingly.

8. Informal and Prospective Requests

Wherever reasonable and permissible, the Trust will provide information outside the formal Freedom of Information process.

Prospective applicants are encouraged to contact the Trustees' regarding the information they seek before lodging an FOI application.

Enquiries should be made by telephone ((08) 9324 8600) or email (lct@lawsocietywa.asn.au).

9. Lodging an FOI Application

A formal FOI Application to the Trust must be lodged in accordance with the following procedure:

- (a) be lodged **in writing** to the Trustees':
 - (i) by email lct@lawsocietywa.asn.au
 - (ii) by post Freedom of Information
 Legal Contribution Trust
 C/-Law Society of WA, PO Box Z5345, Perth
 WA 6831
- (b) provide enough details to enable the requested documents/information to be identified;
- (c) provide an Australian address to which notices can be sent;
- (d) accompany the applicable application fee;
- (e) where the request relates to a request to amend personal information, provide:
 - (i) details as to why the applicant believes the information is inaccurate, incomplete, out of date or misleading and the reasons for holding that belief; and
 - (ii) details of the amendment that the applicant wishes to have made (i.e. by altering information, striking out or deleting information, inserting information, inserting a note in relation to the record, or in two or more of those ways).

The applicant should use the list of record categories outlined in Item 6 (above) to assist them to determine what documents/information they want access to. Better clarification of the scope of the application will reduce the time and cost involved in processing.

Some documents are protected from disclosure under the FOI Act because (for example) their release would have an adverse effect on the private and business interests of individuals, would hinder the proper functioning of government or the document would be privileged from production in legal proceedings on the ground of legal professional privilege.

Applications will be acknowledged in writing, and the applicant will be notified of the decision within 45 calendar days, or as otherwise permitted by law.

10. Fees and charges

The fees and charges for FOI Applications are as applicable under the *Freedom of Information Regulations 1993 (WA)* as amended from time to time. Please see Schedule 1 of this Statement for more information on current applicable fees and charges.

Where charges are likely to exceed \$25.00, the Trust will provide the applicant an 'Estimate of Costs'. This process provides an opportunity to reduce the charges by re-considering the number of documents required to satisfy the application.

The Trust has the right to request an advance deposit payable in excess of the application fee for the estimated charges for the FOI Application and the charges for dealing with the application (**Advance Deposits**). The applicant will be advised at the time where an Advance Deposit will be required.

For financially disadvantaged applicants or those holding a valid prescribed pensioner concession card, any charges payable may be discounted by 25%.

11. Access arrangements

Access to documents can be granted by way of inspection; a copy of a document; a copy of an audio or video tape; a computer disk; or a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

12. Decision-making process

The Trustees' will assess the application in accordance with the FOI Act and will take one of the following actions:

- (a) engage with the applicant to clarify or narrow the scope of the application;
- (b) approve (either in full or an edited version) the release of the documents/information requested; or
- (c) refuse the release of the documents/information requested.

13. Notice of decision

As soon as possible but in any case, within 45 calendar days of receipt of the application (or as otherwise permitted by law), the applicant will be provided with a written notice of decision which will include details including:

- (a) the date the decision was made;
- (b) the name and the designation of the officer who made the decision;
- (c) if access is refused, the reasons for claiming the document is exempt; and

- (d) information on the rights of review and the procedures to be followed to exercise those rights.

14. Refusal of access

The Trust may refuse to deal with an application to access information where it considers the application will divert a substantial or unreasonable portion of its resources away from other operations.

However, before the Trust decides to refuse to deal with an application, the Trust will take reasonable steps to help the applicant reduce the amount of work to deal with the application. As part of this process, the Trust may:

- (a) ask the applicant for more information to help understand what is being sought;
- (b) suggest relevant categories of documents/information or files described by subject or name; or
- (c) request the applicant narrow the scope of the application.

If the Trust refuses to deal with an access application, we will provide the applicant with the decision in writing including a summary of the scope of the access application, the steps take to assist the applicant in reducing the scope and how the application would require an unreasonable diversion of the Trust's resources.

If the Trust is unable to locate the requested documents, and there is reason to believe those documents should exist, the Trust will provide the applicant with a Notice of Decision which will include:

- (a) confirmation that it is not possible to give access to the documents; and
- (b) an explanation that all reasonable steps to locate the documents (including the inquiries made and searches undertaken).

All documents held by the Trust are maintained and disposed of in compliance with the *State Records Act 2000 (WA)*.

15. Review rights

Applicants who are dissatisfied with a decision of the Trust are entitled to ask for an internal review by the Trust. The internal review application must be made in writing to the details set out in item 9 within 30 calendar days after being given the Trust's notice of decision in item 13. An applicant will be notified of the outcome of the internal review within 15 calendar days.

If an applicant disagrees with the outcome of the internal review, they can apply to the Information Commissioner of Western Australia for an external review. The external review application should be made within 60 calendar days after being given the Trust's written notice of the internal review decision.

Where a person is requesting external review as a third party or following an application for amendment of personal information, they must lodge the external review application within 30 calendar days after being given written notice of the internal review decision.

Applications for external review must be addressed to: Office of the Information Commissioner,
Albert Facey House 469 Wellington St, PERTH WA 6831.

Further information is available at the Information Commissioner's website at
www.oic.wa.gov.au.

Schedule 1

Fees and Charges

Personal information about the applicant	No fee and no charges
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour, or pro rata)	\$30.00
Access time supervised by staff (per hour, or pro rata)	\$30.00
Photocopying staff time (per hour, or pro rata)	\$30.00
Per photocopy	\$0.20
Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual cost
Delivery, packaging and postage	Actual cost
Advance Deposits required in respect of the estimated charges	25%
Advance Deposits required to meet the charges for dealing with the application	75%