

Legal Services Commission

2014-15 Annual Report

effective regulation



ethical workplace cultures



high standards



31 October 2015

The Honourable Yvette D'Ath
Attorney-General and Minister for Justice
Level 18 State Law Building
50 Ann Street
Brisbane Qld 4000

Dear Attorney

I am pleased to provide you with the Legal Services Commission's annual report for the reporting year 2014-15. This is our eleventh annual report since the Commission commenced on 1 July 2004.

The *Legal Profession Act 2007* (the LPA) requires that the report 'deals with the system established under the LPA for dealing with complaints'. In my view the report achieves that requirement and deals similarly with the Commission's performance of our core functions, the work we are doing to support us in our service delivery roles and to ensure that the Commission meets high standards of transparency and accountability.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Paul Clauson', written in a cursive style.

Paul Clauson
Legal Services Commissioner

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Our purpose

The LSC has two fundamental and overlapping purposes:

to give users of legal services an independent, timely, effective, fair and reasonable means of redress for complaints and

to promote, monitor and enforce appropriate standards of conduct in the provision of legal services.

These two purposes serve the even more fundamental purpose to help protect and promote public confidence in the legal system, the administration of justice and the rule of law.

We seek to achieve our purposes by:

facilitating outcomes to complaints between complainants and their lawyers

investigating complaints which involve a disciplinary issue or a contravention of relevant law

initiating 'own motion' investigations into conduct we have reasonable grounds to believe may involve a disciplinary issue or other significant wrongdoing

supporting and as appropriate auditing law firms to help them develop and maintain appropriate management and supervisory systems and an 'ethical infrastructure'

initiating disciplinary or other enforcement action when it is warranted by the evidence after investigation and in the public interest

engaging with, and sharing knowledge and perspective with the profession, consumers and stakeholders to help improve standards of conduct in the provision of legal services

creating and maintaining a productive, motivating and professional work environment.

Our values

We do our best not to impose any needless regulatory burden on lawyers and law firms but to direct our regulatory resource to where it is most needed and can have the most beneficial impact in the public interest. We will not be shy of taking disciplinary or other enforcement action but will take an educative and preventative approach wherever possible and appropriate.

We value our independence but equally we will be responsive, open and consultative.

We will be well-informed, focussed, determined, fair and accountable.

Commissioner's overview

I am pleased on behalf of the Legal Services Commission to provide this report on the Commission's activity for the 2014-15 year. Although only having been appointed to the role of Commissioner since 31 October 2014 I am confident this report captures the scope of our achievements relative to our purpose for this reporting period.

This report includes quite detailed quantitative data sufficient to illustrate our throughputs in 2014-15, the outcomes achieved, the timelines with which they were achieved and other information to assist your understanding of our purpose and how we act to fulfil it.

I wish to acknowledge and thank my Deputy Commissioner Mr Robert Brittan who was the Acting Legal Services Commissioner from 24 May 2014 until 30 October 2014. He maintained the operations of the Commission during that period at a high level of integrity and has as my deputy and delegate from time to time worked with me to achieve our common vision for the Commission's future.

The Legal Services Commission plays an integral role in the regulation of the provision of legal services in Queensland along with the Legal Practitioners Admissions Board, the Queensland Law Society (QLS), the Bar Association of Queensland (BAQ), the disciplinary bodies and the courts. We recognise that the core responsibilities in supporting the statutory objectives of the *Legal Profession Act 2007* (LPA) are:

- assisting consumers with inquiries and informally resolving disputes with lawyers and law practices about legal services where such assistance is appropriate
- receiving complaints and undertaking investigations about lawyers, law practice employees and unlawful operators
- undertaking 'own motion' investigations in the public interest
- pursuing disciplinary or other

litigation arising from investigations

- supervising the compliance of law practices with the LPA and professional obligations.

Our goal is to fulfil the responsibilities of an effective and efficient regulator by focusing upon ways in which the Commission's operational processes can be refined. To assist in this process we have adopted a new and more rational management structure and a simplified chain of responsibility better reflective of the size of the organisation. This structure is outlined in the organisational chart illustrated in this report.

This structural reform has been adopted to better serve the Commission's major initiatives both immediate and for the future and to accommodate in particular the outcome of our negotiations with the QLS to bring all practitioner complaint investigations into the Commission. This cooperative arrangement had been in existence since the formation of the Commission in 2004 and the QLS investigators were paid from the Commission's budget. This arrangement had, over the recent past, gradually become anachronistic and no longer cost effective. Given the reducing corpus of the Legal Practitioner Interest on Trust Accounts Fund (LPITAF) due to technological changes such as e-conveyancing, that are compounding these funding issues, the imperative to save costs was growing. This will result in significant savings to LPITAF. Public confidence will also be strengthened as the last vestige of an investigatory and regulatory conflict has now been removed.

The Commission is currently recruiting appropriate staff to accommodate this new structure. We have also embarked upon significant reviews of our internal operational guidelines and included in this process are a new complaints investigation manual and prosecution manual. Staff training sessions will be scheduled to follow upon the adoption of these documents once they have been fully settled and adopted. Our job is to improve the way in which we fulfil our role as a regulator and it is therefore essential for all investigative and prosecutorial staff to understand the latest developments in case law and procedure as decided by the courts and tribunals in which we practice. This is particularly relevant where

judicial review matters and Right to Information (RTI) protocols are concerned. The manuals will reflect these developments and staff training will be intensified around the investigative processes that we adopt.

Because of its relatively small structure and the low number of RTI requests received by the Commission, RTI is an area where it has been difficult to maintain competence and continuity in our own RTI capabilities. The Commission has now negotiated an arrangement with the Department of Justice and Attorney-General (DJAG) for all RTI matters affecting the Commission to be handled on the Commission's behalf by the RTI unit at DJAG and this arrangement has proven cost effective and operationally satisfactory.

The Commission is intent upon developing efficiencies in the regulatory process by refining its processes as opposed to further regulatory legislation. Education of the profession is a key component of this and we have worked closely with the QLS and the BAQ, two of our most important stakeholders, to canvass the ways in which we can improve our processes. We have fostered an excellent working arrangement with the QLS and have worked with them to develop new and improved Guidance Statements for practitioners. Where those statements are met with my approval they are issued jointly by the QLS and the Commission.

National Uniform Law

Previous annual reports have embodied discussion relative to the adoption of the National Uniform Law. Victoria and New South Wales adopted the National Uniform Law from 1 July this year and from the Queensland perspective the Attorney-General has been seeking the views of the various stakeholders in order to form an opinion as to whether or not it is appropriate for Queensland to adopt the Victoria and New South Wales model in its entirety. From the Commission's perspective implementing the Uniform Law developed by Victoria and New South Wales would be an uncontentious option and having continued input into the development of a seamless legal profession across Australia throughout the states and territories is still a desirable goal. However, the Commission is ever conscious of the financial cost to the state of embracing the

fully developed model of the Victoria and New South Wales type. Also, any such regulatory arrangement should be reflective of the interests of each state's public and professional stakeholders. However, as Commissioner, I will be pleased to enter into continuing meaningful discussions with representatives of all jurisdictions in relation to developing a set of National Uniform Law Rules. Our aim is to continue to engage constructively and collaboratively with all our stakeholders to ensure that all of the stakeholders' views are given appropriate weight and consideration.

Incorporated legal practices (ILP's)

Since the legislative framework was established to allow legal practices within Queensland to incorporate, the Commission has held the regulatory responsibility for these entities. This is done by supervision, enforcement of the rules governing their practices, complaint handling, redress and if appropriate, discipline proceedings.

The Commission until recently had been conducting initial compliance audits of newly established ILP's in effect before they have really established an operating and viable practice as a corporation. This has been in an attempt to adopt an educative approach to these entities however, it has proved to be time consuming and a not insignificant drain upon the Commission's human resources. The self-assessment process by the firms has also shown to yield inconsistent responses. Some use a 'tick and flick' approach whilst others choose to engage in the process to a greater or lesser extent, with some genuine interest. Furthermore, the question needs to be asked "as a regulator should the Commission be adopting an approach of 'forcing' firms to help themselves?"- after all, these are legal firms and their principals and directors should be well aware of their statutory obligations regarding compliance.

The Commission sees its strategic objectives being better met by working its own resources in a direction where they are needed most and where they provide the best 'bang for the regulatory buck'. Consequently, the way we see self-assessment now working is that it is the responsibility of ILP's to ensure that their

practices meet the compliance standards of the legislation and to adopt an internal 'prevention is better than cure' safeguard. This approach should be seen as a collaborative, non-adversarial process between regulator and solicitors firms and the QLS to assist in the development of 'appropriate management systems' and/or supervisory practices.

To this end the Commission will at its discretion require, if appropriate, every corporation that notifies the QLS of its intention to commence practice as a corporation to undertake a 'self-assessment' audit of its management systems soon after giving such notice and to report those findings to the Commission which will act upon them as deemed appropriate and may thereafter undertake periodic 'maintenance audits'. The Commission may at any time and at its discretion, conduct 'spot' audits to test the accuracy of self-assessment statements and the standard of compliance generally of any ILP. Formal arrangements have been entered into with the QLS to assist co-operatively in the operational aspects of this arrangement.

It is also anticipated that the QLS as a member based organisation will develop an information process for members to assist and educate them about their responsibilities when the decision to incorporate is taken.

Information technology (IT)

The Legal Services Commission IT upgrade has been completed with an upgraded operating system and new hardware being installed. The Commission also had the opportunity to consider developing and running our own IT system however, the Department of Justice and Attorney-General is currently conducting a major review into the state of the department's IT systems, their shortcomings and needs as it relates to the department itself and associated entities. The Commission has decided to await the outcome of that review before making any decision in relation to future IT platforms.

I was interviewed along with my Deputy and senior administration staff members so that our thoughts and input could be included into the scope of this inquiry.

We have also placed on high priority the upgrade of the Legal Services Commission website to better reflect changes in the

organisational arrangements and activities of the Commission. This will be an on-going process designed to better reflect the changes both operational and informational which the Commission will be from time to time adopting.

Our achievements

In conjunction with the QLS we have consulted and approved in principle various guidance statements, presented papers, attended speaking engagements and reviewed our processes. We have entered a Memorandum of Understanding and an Information Sharing Agreement with the QLS for the next 3 years to reflect our respective delegations, the need to co-operate and consult with each other and to share information.

Thirteen prosecution matters have been heard and decided by QCAT. Two practitioners were struck off essentially for dishonesty offences. All other practitioners were reprimanded, fined and ordered to pay costs. Further details of these matters are contained in this report under the Disciplinary and Other Decisions heading.

The Commission has achieved commendable results in obtaining redress for consumers. Details are provided under the heading Consumer Redress on page 38, suffice to say that the Commission obtained refunds or waiver of legal costs of approximately \$380,000. That is a significant achievement.

This year there were 375 solicitors subject to investigation compared to 480 the year before and 21 barristers compared to 33 last year. Whilst there was no particular trend, matter natures such as quality of service, costs and general ethical conduct featured as of most concern. Family law, conveyancing, deceased estates, litigation, personal injury, criminal and commercial law also featured again as the major complaint areas of law.

However in matters commenced by way of 'own motion' or as described as Investigation matters under the LPA, personal injuries and Workcover litigation featured prominently on 56 or 40% of all matters, generally to do with concerns relating to the *Personal Injuries Proceedings Act 2002* (PIPA). Trust account breaches also featured prominently on 20 or 15% of all matters. Further details are noted on pages 33 of this report.

We had 392 complaints on hand as at 1 July 2014. We received a further 1076 complaints. We summarily dismissed 467 of those and closed an additional 388 matters. We also closed 139 investigation matters. We had 474 complaints/investigation matters on hand as at 30 June 2015. The staff of the Commission are to be congratulated for this clearance ratio. The total matters on hand however including our audit files managed through our compliance team, such as self-assessment audits or on site reviews and prosecutions matters as at 30 June 2015 total some 707. This figure accurately reflects our current open matter files.

Our thanks

I would like to thank the many persons who have contributed and engaged with us throughout the course of this year. I have appreciated the discussions, advice and innovative suggestions I have received from our many stakeholders. Such relationships and interaction are highly valued as we strive to become an efficient regulator. They also provide a valued conduit for shared knowledge which drives professional improvement and helps to develop informed policy through constructive debate.

My personal thanks go to our colleagues at the professional representative bodies, the QLS and the BAQ for their friendship and welcoming support following my appointment. In particular the current President of the QLS, Michael Fitzgerald and CEO Amelia Hodge together with the immediate Past President Ian Brown and former CEO Noela L'Estrange for their support and understanding during a dynamic period for both of our organisations. All have made an outstanding contribution to the smooth transition of the referred complaints/investigation process back to the Commission from the QLS.

I thank also Robyn Martin, lately CEO of the BAQ and their President Shane Doyle QC for their support and cooperation throughout this year.

I would also acknowledge our colleagues at the Department of Justice and Attorney-General for their assistance and support across a broad range of matters, particularly, the finance delegates for their sage guidance and wisdom and assistance in managing our budget.

My thanks are also due to Mr David Mackie the Director-General and to the Attorney-General the Honourable Yvette D'Ath for their support and availability and that of their staff when issues of concern have required their advice and input.

I would also acknowledge the support of the former Director-General John Sosso and the former Attorney-General Jarrod Bleijie.

Finally and most importantly I thank and acknowledge my Executive Assistant Terri Newman and all the Commission staff for making me welcome and contributing to the success of the Commission this year. Reorganisation and change are sometimes difficult and their support throughout this process has been well appreciated as we strive to make operational efficiencies and ensure that the Commission is a desirable and supportive workplace where a culture of respect, innovation, frankness and collegiate attitudes continue to grow our capacity and performance.

Paul Clauson
Legal Services Commissioner

Delivering an efficient and effective system for dealing with enquiries and complaints

This is our core regulatory function and our strategy is to ensure that we provide a high quality and professional service to all those we deal with, consumers of legal services, complainants and lawyers equally.

The Commission provides an enquiry service to assist members of the public with preliminary queries relating to the client/lawyer relationship and the complaints handling process in general. These first contact enquiries are usually made by telephone but can also be made in writing, emailed or in person. This year staff of the Commission handled 3312 enquiries.

The LPA describes its main purpose as 'to provide for the protection of consumers of the services of the legal profession and the public generally'. It describes the main purposes of the system for dealing with complaints as 'to promote and enforce the professional standards, competence and honesty of the legal profession' and to 'provide for the discipline of the legal profession'.

We achieve these purposes by investigating complaints which involve a disciplinary issue, initiating 'own motion' investigations, conducting compliance audits of incorporated legal practices, commencing disciplinary or other enforcement action and engaging with stakeholders.

The LPA requires that complaints which involve an issue of unsatisfactory professional conduct or professional misconduct are fully and properly investigated. It allows us either to conduct the investigations ourselves or refer complaints to the QLS and the BAQ for investigation but limits the role of the QLS and BAQ in those circumstances to recommending what further action, if any, the Commissioner should take on those complaints.

The Commissioner has only two options having investigated a complaint or having received and considered the recommendation from the QLS or the BAQ, either to dismiss the complaint or if the Commissioner decides there is a reasonable likelihood of a finding by a disciplinary body of unsatisfactory professional conduct or professional misconduct and that it is in the public interest to do so to initiate a disciplinary proceeding.

There are various reasons why the Commissioner might decide there is no public interest in initiating a disciplinary proceeding notwithstanding an investigation finds evidence of unsatisfactory professional conduct or professional misconduct. It may be, for example, that the conduct is of a minor kind only, that the lawyer has acknowledged his or her error, that there is no need to send a message to the profession about the issue and that the lawyer has corrected that error with the complainant and indeed may well have provided some appropriate redress such as a refund or/and apology.

We describe the system for dealing with complaints in great detail on the Commission's website, see link to [Complaints](#). The LPA requires us to produce information about the making of complaints and the procedure for dealing with complaints to:

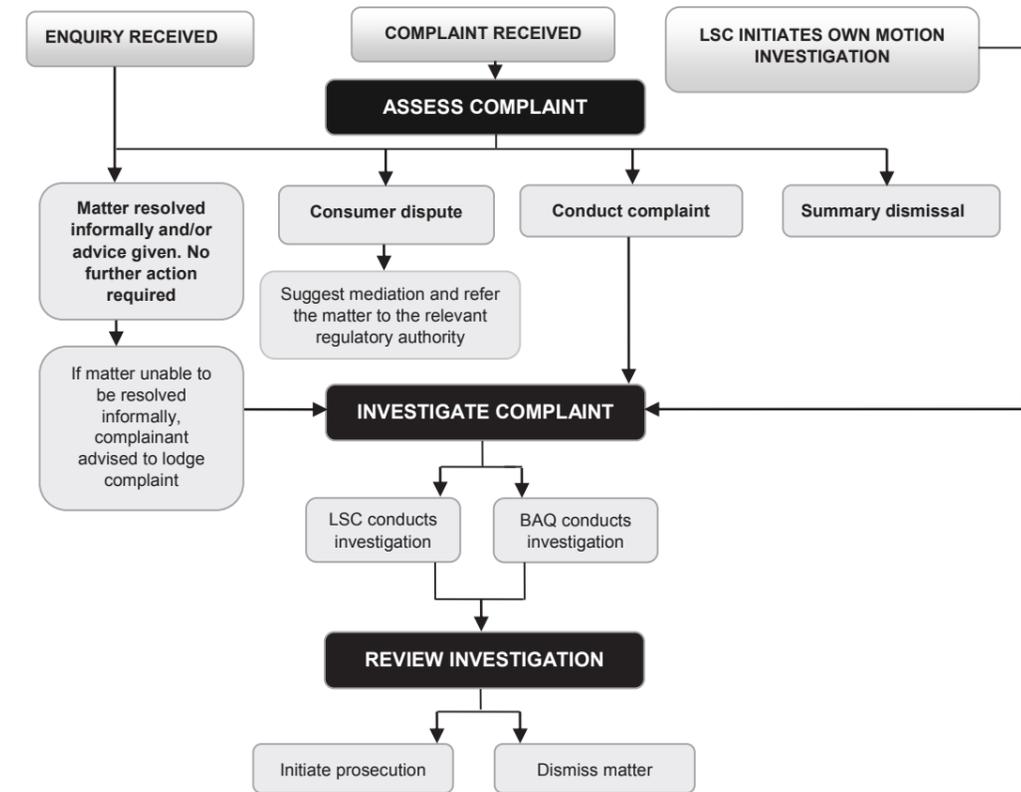
- ensure that information is available to members of the public on request
- give help to members of the public in making complaints
- deal with complaints as efficiently and expeditiously as is practicable

As noted in the Commissioner's overview on page 4 the Commission will now cease to refer matters to the QLS.

We assess our performance having regard to our clearance ratio and our timeliness in bringing matters to conclusion. Suffice to say that we had 392 matters on hand as 1 July 2014 and received an additional 1076 complaints this year. We closed 994 matters leaving 474 on hand as at 30 June 2015 - a very good outcome. There is more comprehensive statistical timeliness data identified in the tables from page 28 onwards.

The system can best be summarised diagrammatically as in the flowchart below.

Enquiry and complaint handling flowchart



We have written a series of plain English fact sheets which describe how we deal with complaints and how to make and for lawyers how to respond to a complaint amongst other information. There are currently 15 fact sheets which also include answers to frequently asked questions about our complaint handling and investigation process. They are readily available both in hard copy and on our website at [Fact Sheets](#) and are listed below:

- Communicating with your Lawyer
- Ten questions to ask your lawyer about costs
- Making a Complaint
- Information for Complainants
- Information for Respondents
- Negligence
- Compensation Orders

- Discipline Applications
- Discipline Hearings
- Communicating with your Client
- Responding to a Complaint
- Avoiding Complaints
- No win-no fee cost agreement consumer guide

We have also published in consultation with the QLS two fact sheets to do with costs titled 'Your Right to Challenge Legal Costs' and 'Legal Costs Your Right to Know'. These will be updated and reviewed when appropriate. These fact sheets assist all parties to that process but in particular the consumers of legal services to assist them in understanding their rights.

We have also in conjunction with the QLS endorsed their Guidance Statements published this financial year which include:

1. Undertakings (27/02/2015)
2. Ongoing Cost Disclosure (05/05/2015)
3. Paying Referral Fees and Rule 12.4.4 ASCR 2012 (30/06/2015)
4. Receiving Referral Fees and Rule 12.4.3 ASCR 2012 (30/06/2015)

Proactive regulation 'own motion' investigations

The LPA authorises us to commence an investigation into the conduct of a lawyer, law practice employee or unlawful operator without having received a complaint i.e. an 'investigation matter' or the terminology which we use generally as an 'own motion' investigation, 'if the Commissioner believes an investigation about a matter should be started' and the Commissioner has come to that belief 'on grounds that are reasonable in the circumstances'.

Similarly the LPA authorises us to start an investigation into the conduct of a lawyer or for that matter anyone else the Commissioner reasonably suspects may have contravened the PIPA by touting at the scene of an accident or advertising personal injury services contrary to the restrictions set out in chapter 3, part 1 of that Act.

We have published our '[Own Motion' Investigations](#)' policy on the Policies page of our website which sets out the factors the Commissioner takes into account in deciding whether to commence an 'own motion' investigation. We assess our performance having regard among other things to our clearance ratio; our pro-activity as assessed by the number of 'own motion' investigations we commence expressed as a percentage of the number of conduct matters overall; the reliability of the risk assessments that underpin our decisions to commence 'own motion' investigations as assessed by the outcomes of our investigations; the extent to which we identify systemic issues and then implement appropriately targeted remedial strategies; and of course the feedback we get from parties to this process.

See particularly pages 32-33 which reflect the quantitative data relating to the 139 investigation matters dealt with at the Commission this reporting year.

An 'own motion' investigation may be started as a result of information received from:

- a compliance audit of an incorporated legal practice
- a trust investigation
- a report from a court or tribunal about a lawyer's conduct in the course of proceedings
- a report about a lawyer's conduct from the Director of Public Prosecutions, Queensland Police Service, the Office of Fair Trading and other like agencies
- a report in the media about a lawyer or other person over whom we have jurisdiction
- a review of advertisements of law firms and law firm websites for compliance with the restrictions of the advertising of personal injury services
- and on some occasions anonymous sources.

The power to commence an 'own motion' investigation is therefore an important one. It enables the Commissioner to investigate conduct that has not attracted a complaint and in those circumstances it is an important consumer protection power which meets a number of the regulatory objectives.

Compliance audits

The LPA allows lawyers to practice as sole practitioners and in partnerships with other lawyers and since 1 July 2007 under a company structure as incorporated legal practices (ILPs) and in partnership with members of other professions described as multi-disciplinary partnerships (MDPs).

The LPA requires us to regulate the provision of legal services by ILPs and MDPs in the same way we regulate the provision of legal services by any other law firm by responding to complaints and if we suspect all is not as it should be, initiating 'own motion' investigations. Notably, the LPA requires ILPs to only have one legal practitioner director and indeed imposes obligations on that legal

practitioner director over and above their usual professional obligations as lawyers. Crucially it requires them:

- To keep and implement the appropriate management system to enable the provision of legal services by the practice under the professional obligations of Australian legal practitioners.
- To take all reasonable action to ensure that lawyers who work for the firm comply with their professional obligations.
- To take appropriate remedial action should lawyers who work for the firm fail to comply with their professional obligations.

Therefore legal practitioner directors are to be responsible for ensuring that their firms have the ethical infrastructure necessary in the circumstances of their own particular practice to provide competent and ethical legal services, governance and supervisory arrangements, the policies, work practices and workplace culture more generally.

Section 130 of the LPA empowers the Commissioner to conduct an audit (a compliance audit) of an ILP about:

- Compliance of the practice and of its officers and employees with the requirements of the LPA or regulation, the legal profession rules or the administration rules so far as they apply to the ILPs.
- The management of the provision of legal services by the ILP, including the supervision of the officers and employees providing the services.

Compliance audits are one of several regulatory tools available to us. The Commission uses compliance audits for a number of reasons including preventing, detecting or deterring conduct which may amount to unsatisfactory professional conduct or professional misconduct.

The Commissioner has, by agreement with the QLS, accepted primary responsibility for auditing ILPs. The responsibility to audit a law practice's trust account continues to be the responsibility of the QLS.

As noted on page 5 of the Commissioner's overview the Commission will at its discretion

require if appropriate every corporation that notifies the QLS of its intention to commence practice as a corporation to undertake a 'self-assessment' audit of its management systems soon after giving such notice and to report those findings to the Commission which will act upon them as deemed appropriate and may thereafter undertake periodic 'maintenance audits'. The Commission may at any time and at its discretion conduct interval 'spot' audits to test the accuracy of self-assessment statements and the standard of compliance generally of any ILP. Formal arrangements have been entered into with the QLS to assist co-operatively in the operational aspects of this arrangement.

In the past 12 months we have conducted two kinds of audits such as self-assessment audits and onsite reviews. We had 91 self-assessment audits on hand as at 1 July 2014 and 16 on site reviews. We opened 143 self-assessment audit files and one on site review file this year. We closed 98 self-assessment audits and 9 on-site reviews leaving 136 self-assessments and 8 on-site reviews to be finalised. However, in light of our goal to undertake a review of the Commission's processes we will be changing our approach in the next year in relation to these types of audits.

It is our belief that our compliance audits cover a full spectrum from supporting and educating ILPs to comply with the LPA to practice audits using our extensive coercive powers on those who we have identified to be at the greater risk of non-compliance. Our approach is governed by six fundamental criteria. These are that compliance audits should be:

- Be credible and robust.
- Be proportionate.
- Add value and to engage with legal practitioner directors with problem solving as to how they might best develop and continually improve their management systems, processes and workplace cultures to establish ethical infrastructure.
- Be consistent with the Commission's education towards compliance approach to regulation which is aimed at promoting higher standards (compare to the traditional regulatory approach which is geared to enforcing minimum standards).

- Not add any regulatory burden to incorporated legal practices unless there is some demonstrable risk-related reason that justifies a more intrusive approach.
- Allow for the fact that we will inevitably have limited resources.

Who and when we decide is determined by a number of factors including:

- When a law practice commences an ILP.
- The time since our last interaction with an ILP.
- Analysing information based on a range of evidence including a firm's complaints

history, the firm's self-assessment audit and the kinds of practice areas and aspects of practice that are most at risk.

We will focus our ILP compliance activities on the following areas:

- legal costs and billing practices
- supervision
- non-compliance with costs disclosure obligations
- failure to provide reasonable estimates
- implementation of appropriate management systems.

Undertaking fair and consistent disciplinary or enforcement activities

The LPA gives the Commissioner sole authority to decide what action, if any, to take on a conduct complaint or 'own motion' investigation after the matter has been investigated and wide discretion in the exercise of that authority. It authorises the Commissioner to dismiss or take no further action on a complaint or 'own motion' investigation if 'there is no reasonable likelihood of a finding by a disciplinary body of unsatisfactory professional conduct or professional misconduct [or] it is in the public interest to do so', or alternatively to make a discipline application to a disciplinary body 'as the Commissioner considers appropriate'. We have published [Discipline Application Guidelines](#) on the Policies page of our website which describe the factors we take into account in exercising those discretions.

Similarly the Commissioner is the sole prosecuting authority under the LPA. We prosecute discipline applications in the Queensland Civil and Administrative Tribunal (QCAT) in relation to more serious matters and in the Legal Practice Committee (LPC) in relation to less serious matters. We are also responsible for prosecuting under the LPA including for example the offence of engaging in legal practice when not entitled and certain offences under the PIPA including, for example, touting at the scene of an accident. We would prosecute these matters in the Magistrates Court.

Further we are not confined to a prosecutorial role. The LPA authorises the Commissioner to apply to the Supreme Court to grant an injunction restraining a person from contravening the LPA, or aiding, abetting, inducing or attempting to induce a person to contravene the LPA or relevant regulatory legislation. Further, the Commissioner is free to initiate civil litigation in the public interest including, for example, by applying to the

Supreme Court for a declaration which may clarify the proper meaning of a term or terms in the LPA.

Civil litigation matters

Civil litigation matters comprise matters opened by the Commission when it becomes involved in civil proceedings, whether on the Commission's initiative or otherwise e.g. when the Commissioner is the applicant or respondent to an originating application or when the Commissioner seeks a declaration as to the proper meaning of a term or terms in the LPA or when responding to subpoenas or applications for third party discovery.

Assessing and reviewing our performance

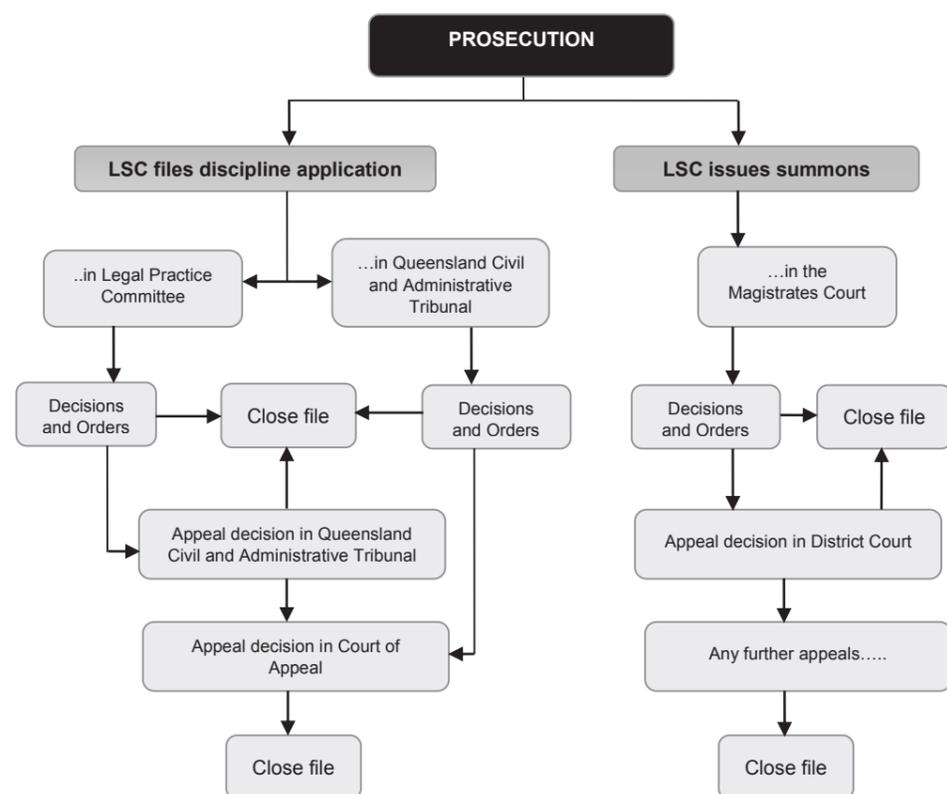
We assess our performance of our prosecutorial and other enforcement functions having regard primarily to the findings of the disciplinary bodies and the courts and in particular to the number and proportion of matters in which we succeed. Unfortunately for the last reporting year, due to panel members not being appointed and or the unavailability of members to sit on the disciplinary panels, there have been only 13 matters heard and decided in this reporting year. This has resulted in the back log of cases having to be heard by the QCAT and the LPC in the next reporting year.

In the past year as part of our continual improvement process and our focus on being fair and consistent in our approach to disciplinary or enforcement activities we reviewed various matters that progressed through our internal prosecutorial matter stages. We entered into meaningful discussions with potential respondents or their lawyers to those intended applications. As a result of that process 2 potential prosecution matters were withdrawn.

After further meaningful discussion and after due consideration the Commissioner decided that there was no public interest in pursuing these matters further. In our view, being an effective regulator depends in part on how well we use our disciplinary and enforcement powers. This strategy focuses on ensuring that when disciplinary or enforcement action is

needed the Commission's actions are fair, proportionate and consistent.

Prosecution flowchart



Disciplinary and other relevant regulatory decisions

QCAT prosecutions heard and decided

Legal Services Commissioner v Yarwood

Name: YARWOOD Michael Dermott
 Practitioner type: Solicitor
 Admitted: 29 January 1996 Queensland
 Home jurisdiction: Queensland
 Law practice: Not practising
 Disciplinary body: Queensland Civil and Administrative Tribunal
 Date of decision: 12 June 2015
 Findings: Guilty of professional misconduct
 Penalty: Struck off. Pay costs of Commissioner.
 Appeal: No
 Report/s: [YARWOODQCAT15-208.pdf](#)

Legal Services Commissioner v Given

Name: GIVEN Ross Alexander
 Practitioner type: Solicitor
 Admitted: 18 July 1978 Queensland
 Home jurisdiction: Queensland
 Law practice: Not practising
 Disciplinary body: Queensland Civil and Administrative Tribunal
 Date of decision: 12 June 2015
 Findings: Guilty of unsatisfactory professional conduct
 Penalty: Publicly reprimanded. Pay costs of Commissioner.
 Appeal: No
 Report/s: [GIVENQCAT15-225.pdf](#)

Legal Services Commissioner v Redmond

Name: REDMOND, William Hanron
 Practitioner type: Solicitor
 Admitted: 24 February 1986 Queensland
 Home jurisdiction: Queensland
 Law practice: Redmond + Redmond, Level 14, 500 Queen Street, Brisbane 4000
 Disciplinary body: Queensland Civil and Administrative Tribunal
 Date of decision: 9 June 2015
 Findings: Guilty of professional misconduct
 Penalty: Publicly reprimanded. Pay penalty of \$9000. Pay costs of Commissioner of \$4000.
 Appeal: No
 Report/s: [REDMONDQCAT15-212.pdf](#)

Legal Services Commissioner v Nguyen

Name: NGUYEN Sam Huu-Hai
 Practitioner type: Barrister
 Admitted: 8 September 2003
 Home jurisdiction: Unknown
 Law practice: Essen Lawyers Pty Ltd, 357 Blunder Rd, Durack Qld 4077
 Disciplinary body: Queensland Civil and Administrative Tribunal
 Date of decision: 9 June 2015
 Findings: Guilty of unsatisfactory professional conduct
 Penalty: Publicly reprimanded. Pay penalty of \$20,000. Pay costs of Commissioner.
 Appeal: No
 Report/s: [NGUYENQCAT15-211.pdf](#)

The Discipline Register

The LPA requires the Commissioner to keep a discipline register on the Commission's website of disciplinary action taken under the LPA. It requires that the register includes the names of the practitioners against whom discipline action was taken, the names of their law firms and the particulars of the disciplinary action.

It defines disciplinary action to mean 'findings of a disciplinary body or a court of professional

misconduct'. We keep the register as required, keep it up to date and in every case include a link to the disciplinary bodies' or the courts' written judgment and reasons.

We have also created a [Disciplinary and other relevant regulatory decisions](#) page on our website entirely separate to the discipline register which includes links to decisions of the disciplinary bodies and the courts which made findings of unsatisfactory professional conduct but not of professional misconduct. It includes links also to other decisions relevant to the regulation of the provision of legal services, including decisions in our civil litigation matters. This information appears below.

Legal Services Commissioner v Douglas

Name: DOUGLAS, Robert Gary
Practitioner type: Solicitor
Admitted: 12 July 2004 Queensland
Home jurisdiction: Queensland
Law practice: Bakers Lawyers, Level 1, 94 Memorial Avenue, Maroochydore Qld 4558
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 9 June 2015
Findings: Guilty of unsatisfactory professional conduct
Penalty: Publicly reprimanded. Pay costs of Commissioner of \$2500.
Appeal: No
Report/s: [DOUGLASQCAT15-210.pdf](#)

Legal Services Commissioner v Wright

Name: WRIGHT, Michael John
Practitioner type: Solicitor
Admitted: 21 August 1998 Queensland
Home jurisdiction: Queensland
Law practice: Wrightway Legal, 2135 Gold Coast Highway, Miami Qld 4220
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 20 May 2015
Findings: Guilty of professional misconduct
Penalty: Publicly reprimanded. Pay fine of \$5000. Pay costs of Commissioner of \$2500.
Appeal: No
Report/s: [WRIGHTQCAT15-174.pdf](#)

Legal Services Commissioner v Hinschen

Name: HINSCHEN, Gail Susan
Practitioner type: Solicitor
Admitted: 24 April 1995 Queensland
Home jurisdiction: Queensland
Law practice: Hinschen Lawyers, 9 Hinschen Street, Proserpine Qld 4800
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 22 April 2015
Findings: Guilty of professional misconduct on 1 charge. Guilty of unsatisfactory professional conduct on 1 charge.
Penalty: Publicly reprimanded. Pay fine of \$1,500. Pay costs of Commissioner of \$2,000.
Appeal: No
Report/s: [HINSCHENQCAT15-122.pdf](#)

Legal Services Commissioner v Penny

Name: PENNY, Rhonda Carol
Practitioner type: Solicitor
Admitted: 13 December 1990 Queensland
Home jurisdiction: Queensland
Law practice: Rhonda Penny Lawyers, Level 5 Paddington Central, 107 Latrobe Terrace, Paddington Qld 4064
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 10 April 2015
Findings: Guilty of unsatisfactory professional conduct
Penalty: Publicly reprimanded. Pay fine of \$1,500. Pay costs of Commissioner of \$2,500.
Appeal: No
Report/s: [PENNYQCAT15-108.pdf](#)

Legal Services Commissioner v Quinn

Name: QUINN, Michael James
Practitioner type: Solicitor
Admitted: 25 August 1981 Queensland
Home jurisdiction: Queensland
Law practice: Not currently practising
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 24 March 2015
Findings: Guilty of professional misconduct on 64 charges.
Penalty: Struck off. Pay costs of Commissioner of \$2500.
Appeal: No
Report/s: [QUINNQCAT15-085.pdf](#)

Legal Services Commissioner v Jones

Name: JONES, Warwick Gerard
Practitioner type: Solicitor
Admitted: 25 August 1981 Queensland
Home jurisdiction: Queensland
Law practice: Jones Mitchell Lawyers, 56 Davenport Street, Southport Qld 4215
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 24 March 2015
Findings: Guilty of unsatisfactory professional conduct
Penalty: Publicly reprimanded. Pay costs of Commissioner of \$1500.
Appeal: No
Report/s: [JONESQCAT15-084.pdf](#)

Legal Services Commissioner v Stower

Name: STOWER, Mark Shelton
Practitioner type: Solicitor
Admitted: 17 August 1991 Queensland
Home jurisdiction: Queensland
Law practice: Not practising
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 25 February 2015
Findings: Guilty of professional misconduct. Guilty of unsatisfactory professional conduct
Penalty: Publicly reprimanded. Pay fine of \$2000. Pay costs of Commissioner of \$1,500. Employee only conditional practising certificate for 2 years.
Appeal: No
Report/s: [STOWER-QCAT64.pdf](#)

Legal Services Commissioner v Bartels

Name: BARTELS, Ian Wakeham
Practitioner type: Solicitor
Admitted: 14 December 1989 Queensland
Home jurisdiction: Queensland
Law practice: Ian W Bartels and Associates, 1408 Logan Road Mt Gravatt Qld 4122
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 25 February 2015
Findings: Guilty of professional misconduct
Penalty: Publicly reprimanded. Pay fine of \$5,500. Pay costs of Commissioner of \$2,500.
Appeal: No
Report/s: [BARTELSQCAT15-060.pdf](#)

Legal Services Commissioner v Smith

Name: SMITH, John Charles
Practitioner type: Solicitor
Admitted: 21 November 1988 Queensland
Home jurisdiction: Queensland
Law practice: Crowley Greenhalgh Solicitors, 1/18 Brookfield Road Kenmore Qld 4069
Disciplinary body: Queensland Civil and Administrative Tribunal
Date of decision: 30 October 2014
Findings: Guilty of professional misconduct
Penalty: Publicly reprimanded. Pay fine of \$6000. Pay costs of Commissioner of \$2500. Respondent required to engage consultant for advice on improvement and implementation of appropriate management systems of his practice.
Appeal: No
Report/s: [SMITHQCAT14-518.pdf](#)

Other relevant regulatory decisions

Court of Appeal decisions

Graham v Legal Services Commissioner

Name: GRAHAM, Michael Anthony
Practitioner type: Solicitor
Date of decision/s: 6 February 2015
28 November 2014
28 November 2014
Catchwords: Procedure – costs – departing from the general rule – nature of proceedings – public duty involved – where appellant argued the litigation was brought to advance the public interest
Order: The appellant pay the respondent's costs of the case stated
Report/s: [GrahamQCA15-006.pdf](#)
[GrahamQCA14-306.pdf](#) - Case Stated answered 'No'
[Graham QCA14-305.pdf](#) - Appeal dismissed with costs-where the appellant was retained to prepare a costs statement – where Tribunal found the conduct was in connection with the practice of law

Legal Services Commissioner v Scott

Name: SCOTT, Emanuela Eve
Practitioner type: Solicitor
Date of decision: 17 October 2014
Catchwords: Professions and trades – lawyers – qualifications and admission – jurisdiction of Supreme Courts – where respondent failed to disclose her failure to declare income to the ATO to the Court at the time of applying for admission
Order: That the respondent pay the applicant's costs of this application to be assessed
Report/s: [QCA14-266.pdf](#)

Legal Services Commissioner v Bone

Name: BONE, Paul Ernest
Practitioner type: Solicitor
Date of decision: 1 August 2014
Catchwords: Professions and trades – lawyers – complaints and discipline – disciplinary proceedings – Queensland – proceedings in Tribunals – orders and costs
Orders:
1. The appeal be allowed
2. The orders as to costs made by the Tribunal as to charges 3 to 8 be set aside
3. There be no order as to the costs of charges 3 to 8
4. There be no order as to the costs of the appeal
Report/s: [QCA14-179.pdf](#)

Engage constructively and collaboratively with all stakeholders

We aim to enhance the effectiveness of our regulation by engaging with all our stakeholders and provide information on matters that come to the Commission's attention which may require some guidance statements.

We have also in conjunction with the QLS endorsed their Guidance Statements published this financial year which include:

1. Undertakings (27/02/2015)
2. Ongoing Cost Disclosure (05/05/2015)
3. Paying Referral Fees and Rule 12.4.4 ASCR 2012 (30/06/2015)
4. Receiving Referral Fees and Rule 12.4.3 ASCR 2012 (30/06/2015)

Pursuing organisational excellence

The key to the success of the Commission is ensuring that it continues to be a good place to come to work where the workplace culture is one of respect, innovation, openness, collegiality and performance. We strive to be a model regulator adopting continual improvement and best practice. The activities identified in our Strategic Plan 2014 - 2016 seek to support that workplace culture.

We measure our performance in this regard not only by our operational performance but also the feedback our staff provide us. Their commitment to continuing professional development is encouraging as is our commitment to continually improving our management and business systems and

We therefore publish regulatory guides which set out the factors we take into account in exercising our regulatory responsibilities. The guides issued to date appear below:

- Charging Outlays and Disbursements
- Advertising Personal Injury Services
- Charging Fees in Speculative Personal Injury matters
- Advertising Personal Injury Services on the Internet
- Advertising Personal Injury Services on the Internet Search Engines and Non - Lawyer websites
- Itemised Bills

For information about the regulatory guides how we will go about developing them and importantly their status see [Regulatory Guides: An Overview](#) on our website.

processes and practices to better support what we do. We have made it a priority to revise and refresh our training and continuing professional development activities for our staff. We go out of our way to ensure that all lawyers comply with the government lawyers scheme. We monitor legislative case law and other developments and share legislative case and other developments through monthly intranet updates.

We see that there is always a need for continual improvement and quality. In that respect we will continue to monitor and improve our business systems and processes and practices. We revisit when required and refresh internal policies and procedures. The Commissioner and line managers continue our practice of meeting individually with every member of staff twice a year to review their performance and how they are travelling more generally with their professional development and how we might assist them in their future careers. We monitor monthly their file load and

have continued with our in-house continuing legal education program.

conducted by 8 different continuing legal and other education providers at a cost of \$15,084.

Our staff members have attended between them 25 training seminars or workshops

Below is Strategy 6 of our Strategic Plan which sets out what we will do:

Action	Activities and Deliverables
Knowledge Management	<ul style="list-style-type: none"> Review and refine our Knowledge Plan. Revise and refresh our training and CPD activities. Ensure that all lawyers comply with the Government Lawyers CPD scheme. Monitor legislative, case law and other developments. Share legislative, case law and other developments through monthly intranet updates. Review and refresh our document generation system. Network with stakeholders or join related membership bodies to maintain and develop awareness of current legal profession challenges and changes.
Continual Improvement and Quality	<ul style="list-style-type: none"> Monitor and continually improve our business systems, processes and practices; Complete a systematic review of our operations, systems, processes and performance to identify areas for improvement. Update our Grievance procedures. Revisit and where required refresh internal policies and procedures.
Workplace Culture	<ul style="list-style-type: none"> All staff to have at least 1 professional development planning meeting and 1 review meeting with their managers per year. All staff to undertake at least 2 days of professional development activities per year. Preserve our current respectful, open and collegiate workplace culture. Monitor staff turnover and sick leave. Team climate assessed by staff feedback.
Corporate Governance	<ul style="list-style-type: none"> Management meetings to be held monthly. Ensure that we are cost efficient and within budget. IT system meetings to be held regularly. Complete a systematic review of our operations, systems, processes and performance to identify areas for improvement. Effective communication of policies and procedures. Ensure legislative and compliance requirements are met. Consistency of approach/interpretation of policies and procedures through regular employee training and development.

Complaints about us

We take any complaint about our service, conduct and regulatory obligation seriously. We continue to actively seek out feedback and

review the feedback we received from enquirers, complainants and lawyers who are respondents to those enquiries and complaints and to learn from that with a view to improving the way we go about our work.

We receive feedback about our performance through the unsolicited feedback we received from people we have dealt with, usually by mail or email and through the formal processes available to all persons if they are dissatisfied and therefore can make complaints about us.

Grievances

Grievances comprise written complaints that are made either to the Commission or to external bodies about a decision of or the conduct of the Commission and or its staff. They include:

Reconsiderations are matters the Commission opens when the Commissioner and/or his or her delegate are asked to reconsider or review a decision made under the LPA including decisions to summarily dismiss a complaint, to dismiss a complaint after investigation or to commence disciplinary proceedings.

There is no express power in the LPA enabling the Commissioner to reconsider a decision to close a complaint. For example, the decision to summarily dismiss a matter or a decision to reject a complaint out of time or indeed a decision to dismiss a complaint following investigation or for that matter a decision to start disciplinary proceedings or to discontinue proceedings.

However, it is the Commission's position that any decision made by the Commissioner may be reconsidered where this is warranted in the circumstances and where such action promotes good administration and fairness.

Applications for Judicial Review are matters the Commission opens when a person has filed an application with the Supreme Court seeking a judicial review of a decision of the

Commissioner and/or his or her delegates pursuant to the *Judicial Review Act*;

Ombudsman complaints are matters the Commission opens when the Queensland Ombudsman has accepted a complaint under the *Ombudsman Act* about a decision or action of the Commissioner or member of staff of the Commission;

CCC complaints are matters the Commission opens when the Crime and Corruption Commission (CCC) has commenced an investigation under the *Crime and Corruption Act 2001* into the conduct of the Commissioner or a member of staff of the Commission;

Grievances – other are matters the Commission opens when some other relevant agency (such as the Anti-Discrimination Commission) accepts a complaint and/or commences an investigation involving the conduct of the Commissioner or a member of staff of the Commission.

Privacy and RTI

Privacy and Right to Information applications comprise applications made to the Commission under the *Information Privacy Act* and the *Right to Information Act* respectively.

As stated in the Commissioner's overview, because of its relatively small structure and the low number of RTI requests received by the Commission, RTI is an area where it has been difficult to maintain our own RTI capabilities. The Commission has now negotiated an arrangement with DJAG for all RTI matters affecting the Commission to be handled on the Commission's behalf by the RTI unit at DJAG.

Staffing and funding the system

Funding the system

The Commission is funded by an annual grant from the Legal Practitioner Interest on Trust Accounts Fund (LPITAF). Grants from LPITAF are approved by the Attorney-General on the recommendation of the Director-General of the Department of Justice and Attorney-General under the sections 289 to 290 of the LPA.

The grant to the Commission includes an amount to enable us to meet our responsibilities under the LPA to provide administrative support to the LPC and a discretionary draw down valued at \$500,000 to meet brief-out costs incurred on an 'as needs' basis to obtain legal advice in relation to complaints and or disciplinary related matters and representing the Commission in complex matters before the disciplinary bodies and the Courts.

The grant also includes an amount that transfers to the QLS under a Service Legal Agreement (SLA) with the Commission. The SLA funds the employment costs of the

investigators and relevant support staff who deal with the complaints the Commission refers to the QLS for investigation and includes the staff of its Ethics Centre for this reporting year. The sum agreed (as appears below) is premised on the budget as submitted by the QLS and for this reporting year comprised, the Manager Professional Standards, 5 x FTE investigators, 2 administrative assistants, casual staff as required to manage the investigations workload and related on costs.

However, as noted on page 4 of the Commissioner's overview as from 1 September 2015 referral of matters to the QLS will cease. This will result in significant savings, the true costs of which will be reported on in next year's annual report.

For this reporting year the Commission did not have an SLA with the BAQ in relation to complaints the Commission refers there for investigation. That position is currently under review. The staff of the BAQ who deal with complaints on referral from the Commission are funded by a grant from LPITAF made directly to the BAQ. Thus the true cost to LPITAF for funding the system for dealing with complaints should recognise that grant which is reported on in the BAQ annual report.

Monies returned or due to return to LPITAF

	QCAT	LPC	2014-15 total	2013-14 total	2012-13 total
Financial Penalties ordered	43,000	-	43,000	27,500	20,500
Penalty Payments received	13,000	-	13,000	25,000	20,200
Costs ordered, agreed or assessed	20,000	-	20,000	13,000	24,000
Costs payments received	9,000	-	9,000	13,750	12,950
Costs written off	-	-	-	2,000	-
Costs payments pending at 30 June	32,550	-	32,550	21,550	25,800
Court of appeal, agreed or assessed	21,000	-	21,000	-	-
Court of appeal payments received	7,667	-	7,667	-	-

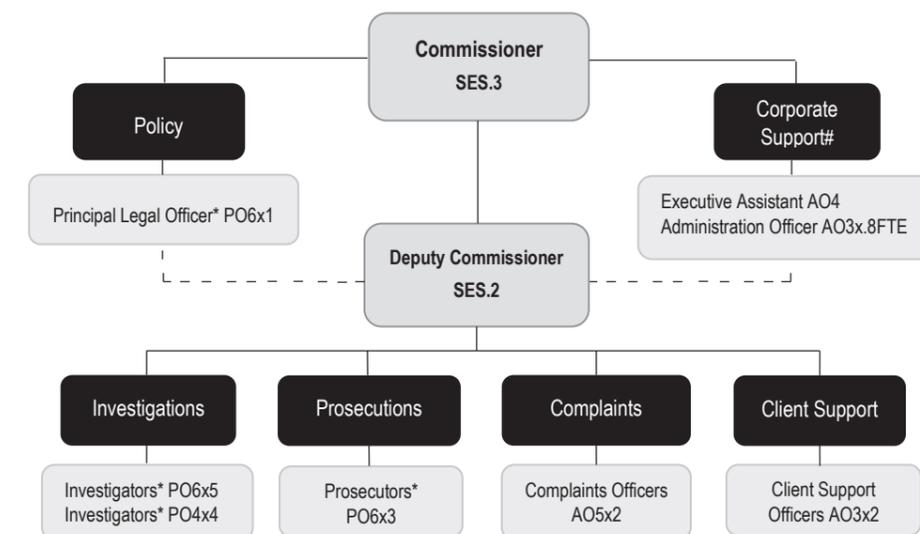
Staffing the Legal Services Commission

The Legal Services Commission consists of the Commissioner and a staff of 19.8 full-time equivalent people. We will continue to undertake a systematic review of our operational systems, processes and

performance to identify areas for improvement. We will continue to monitor this process to ensure that we are cost efficient and within budget having regard to our core responsibilities.

The organisation chart as appears below reflects the Commission's fully occupied and complaint handling functions.

Organisation chart 2014-15



Total full time equivalent staff: 20.8

* These positions require legal qualifications

The corporate support team also provides secretariat support to the Legal Practice Committee

The cost of administering the system for dealing with complaints in 2014-15

	2014-15 employment costs	2014-15 all other costs	2014-15 total actual costs	2014-15 approved investment	2015-16 approved investment
LSC ¹	2,338,445	1,130,407	3,468,852	3,957,323	4,028,290
QLS (total) ²	n/a	n/a	1,356,623	1,356,623	1,383,755 ³
Total			4,825,475	5,313,946	5,412,045

¹ This figure includes brief-out costs of \$292,973

² These figures are the total amounts that transfer from the LSC to the QLS under the SLA

³ This amount will not transfer to the QLS as from 1 September 2015 as referral of matters will cease. The surplus will be returned to the LPITAF

Brief out costs

2013-14	2014-15
\$524,684	\$292,973

Our reporting framework

The Commission database or case management system distinguishes and counts various discrete matter types, enquiries, complaints, compliance audits, prosecutions, civil litigation matters, privacy and right to information applications, complaints about us and grievances.

They are reported upon in the following tables.

Certificate holder analysis as at 30 June 2015

The following section provides an analysis of the make-up of the profession for the respondent types of solicitor and barrister.

The following analysis has been performed on data extracts provided by both the QLS and BAQ from their regulatory databases. We have chosen 30 June 2015 as the reference date – hence complaints about solicitors during 2014-15 will be profiled against the solicitor's attributes as recorded at 30 June 2015. The profession has been profiled by counting the number of practising certificate holders and the law firms in which they are employed. The following tables provide a brief summary.

Solicitors by type of locally issued practising certificate

	Total	%
employee	5,579	51.98
principal	3,008	28.03
restricted employee	1,988	18.52
restricted volunteer	79	0.74
unrestricted volunteer	41	0.38
limited principal	24	0.22
foreign	12	0.11
restricted principal	1	0.01
total	10,732	

Solicitors by gender

	Total	%
male	5,513	51.37
female	5,219	48.63
total	10,732	

Solicitors by age group

	Total	%
24 & under	333	3.10
25 - 29	1,966	18.32
30 - 34	1,875	17.47
35 - 39	1,449	13.50
40 - 44	1,396	13.01
45 - 49	1,088	10.14
50 - 54	838	7.81
55 - 59	794	7.40
60 - 64	536	4.99
65 - 69	318	2.96
70 & over	139	1.30
total	10,732	

Solicitors by gender by age group

	Male %	Female %
24 and under	1.76	4.52
25 - 29	12.59	24.37
30 - 34	12.73	22.48
35 - 39	11.10	16.04
40 - 44	13.48	12.51
45 - 49	12.24	7.91
50 - 54	10.16	5.33
55 - 59	10.47	4.16
60 - 64	8.04	1.78
65 - 69	5.10	0.71
70 and over	2.34	0.19

Law firms by size

No. of PC Holders	No. of Law Firms	%
1	791	44.14
2 - 3	534	29.80
4 - 6	261	14.56
7 - 12	111	6.19
13 - 24	59	3.29
25 - 50	16	0.89
51 - 100	12	0.67
101 - 200	8	0.45
total	1,792	

* This table counts law firms only once even if they have more than one office. These figures also include interstate law firms that have a local office.

Law firms by business structure

Firm Type	No. of Law Firms	%
partnership/sole practitioners	1,072	59.82
ILP	706	39.40
MDP	14	0.78
total	1,792	

* This table counts law firms only once even if they have more than one office. These figures also include interstate law firms that have a local office.

Location of law firm offices

	No. of Law Offices	%
Brisbane city	381	20.16
Brisbane north suburbs	317	16.77
Brisbane south suburbs	304	16.08
Gold Coast	313	16.56
Ipswich region	54	2.86
Toowoomba region	68	3.60
Western Queensland	7	0.37
Sunshine Coast	169	8.94
Hervey Bay to Gladstone	47	2.49
Rockhampton region	35	1.85
Mackay region	29	1.53
Cairns region	104	5.50
Townsville region	62	3.28
total	1,890	

* This table counts each office for a law firm. These figures also include interstate law firms that have a local office.

Barristers by gender

	Total	%
male	862	78.36
female	238	21.64
total	1,100	

Barristers by age group

	Total	%
24 and under	5	0.45
25 - 29	19	1.73
30 - 34	98	8.91
35 - 39	114	10.36
40 - 44	163	14.82
45 - 49	161	14.64
50 - 54	170	15.45
55 - 59	140	12.73
60 - 64	124	11.27
65 - 69	65	5.91
70 and over	41	3.73
total	1,100	

Throughput summary

Enquiries

	14-15	13-14
enquiries from public received by LSC	3,312	1,451

Complaints

	14-15	13-14
matters on hand at 1 July	392	455
plus matters opened	1,076	1,016
less summary dismissals	467	404
less conduct matters closed	388	541
less investigation matters closed	139	134
on hand at 30 June	474	392

Prosecutions

	14-15	13-14
matters on hand at 1 July	83	65
plus matters opened	23	51
less matters closed	17	33
on hand at 30 June	89	83

Compliance audits and civil litigation

	Self-Assessment Audits	Onsite Reviews	Civil Litigation
on hand at 1/7/2014	91	16	2
opened during year	143	1	-
closed during year	98	9	2
on hand at 30/6/2015	136	8	-

Complaints about us, grievances and RTI applications

	Complaints about Us	Reconsiderations	Ombudsman	RTI
on hand at 1/7/2014	2	-	4	-
opened during year	1	33	5	8
closed during year	3	30	9	3
on hand at 30/6/2015	1	3	-	5

Timeliness

Type	Matters Completed	Time Band	Actual %	Cumulative%	Target %	Median days open (14-15)
complaints	341	<= 6 months	64.71	64.71	75	144
	147	7 - 18 months	27.89	92.60	100	
	39	> 18 months	7.4	100.00		
summary dismissals	429	<= 1 month	91.86	91.86	90	10
	21	1 - 2 months	4.5	96.36	100	
	17	> 2 months	3.64	100.00		

Agency summary

Matters on hand by agency

	Total	Start of Year
at LSC		
complaints under assessment	96	59
conduct matters	236	182
self-assessment audits	136	91
on-site reviews	8	16
sub-total	476	351
at QLS		
conduct matters	132	140
at BAQ		
conduct matters	10	8
total	499	514

Complaints assigned by agency

	YTD	% of YTD
retained at LSC	238	53.24
referred to QLS	195	43.62
referred to BAQ	14	3.13
total	426	

Investigation matters assigned by agency

	YTD	% of YTD
retained at LSC	121	83.45
referred to QLS	21	14.48
referred to BAQ	3	2.07
total	142	

Closure summary

Enquiries

Enquiries by enquirer type

	14-15	%	13-14
client/former client	2,318	69.99	972
non client	660	19.93	294
solicitor	154	4.65	79
third party	51	1.54	23
beneficiary	49	1.48	29
solicitor for client	29	0.88	21
executor	15	0.45	21
barrister	15	0.45	-
all other 'enquirer types' combined	21	0.63	12
total	3,312		1,451

Enquiries by outcome

	14-15	%	13-14
general enquiry	866	26.15	-
provided advice/help re making a complaint	674	20.35	218
provided referral for legal advice or other assist	524	15.82	286
recommended direct approach to firm about concerns	426	12.86	152
provided cost information	150	4.53	-
matter unable to be resolved	148	4.47	245
negotiated remedial action	139	4.20	200
lost contact with complainant/enquirer	102	3.08	124
provided information about LSC to lawyer	97	2.93	56
explained concerns are outside jurisdiction	90	2.72	74
provided information	73	2.20	73
all other 'outcomes' combined	23	0.69	23
total	3,312		1,451

Enquiries by area of law

	14-15	%	13-14
family law	579	17.48	280
personal injuries /Workcover litigation	425	12.83	176
deceased estates or trusts	387	11.68	167
conveyancing	341	10.30	200
litigation	166	5.01	97
criminal law	110	3.32	63
commercial /company law	78	2.36	63
property law	56	1.69	36
conduct not in the practice of law	24	0.72	12
leases/mortgages	23	0.69	19
building/construction law	16	0.48	16
bankruptcy and insolvency	14	0.42	6
administrative law	10	0.30	16
immigration	11	0.33	5
all other 'areas of law' combined	1,072	32.37	295
total	3,312		1,451

Enquiries by nature of the enquiry

	14-15	%	13-14
costs	857	25.88	466
quality of service	528	15.94	235
ethical matters	242	7.31	163
communication	246	7.43	152
documents	113	3.41	55
PIPA	95	2.87	46
trust funds	50	1.51	35
compliance	58	1.75	26
personal conduct	28	0.85	16
advice	19	0.57	3
all other 'natures of enquiry' combined	1,076	32.49	254
total	3,312		1,451

Summary dismissals

Summary dismissals by area of law

	14-15	%	13-14
family law	102	21.84	77
deceased estates or trusts	63	13.49	45
conveyancing	54	11.56	19
personal injuries /Workcover litigation	50	10.71	23
litigation	47	10.06	40
criminal law	23	4.93	24
commercial law	21	4.50	24
property law	17	3.64	11
conduct not in the practice of law	10	2.14	5
bankruptcy & insolvency	8	1.71	5
leases/mortgages	5	1.07	12
building/construction law	4	0.86	10
administrative law	3	0.64	8
trust account breaches	3	0.64	18
all other 'areas of law' combined	57	12.21	83
total	467		404

Summary dismissals by nature of matter

	14-15	%	13-14
quality of service	140	29.98	98
ethical matters	123	26.34	151
costs	71	15.20	45
communication	39	8.35	39
compliance	22	4.71	13
trust funds	12	2.57	21
personal conduct	12	2.57	7
documents	12	2.57	6
PIPA	6	1.28	-
all other 'natures of matter' combined	30	6.42	24
total	467		404

Complaints/investigation matters

Complaints by complainant type

	14-15	%	13-14
client/former client	245	63.14	372
non client	82	21.13	102
solicitor	30	7.73	27
solicitor for client	17	4.38	21
beneficiary	8	2.06	11
barrister	5	1.29	2
judge	-	-	2
executor	-	-	2
third party	-	-	1
all other 'complainant types' combined	1	0.26	1
total	388		541

Complaints by respondent type

	14-15	%	13-14
solicitor	341	87.89	501
barrister	15	3.87	31
unlawful operator	10	2.58	5
other	8	2.06	-
law practice employee	6	1.55	4
non-legal director	5	1.29	-
legal practitioner	3	0.77	-
corporation	-	-	-
total	388		541

Complaints by outcome

	14-15	%	13-14
no reasonable likelihood	229	59.02	299
no public interest	73	18.81	126
withdrawn/discontinued	38	9.79	12
referred to tribunal	17	4.38	44
referred to other investigative process	9	2.32	5
negotiated remedial action	5	1.29	23
matter unable to be resolved	5	1.29	16
referred for civil litigation	3	0.77	3
referred to LPC	3	0.77	4
referred for criminal litigation	3	0.77	2
complaint unfounded	2	0.52	4
referred to Magistrates Court	-	-	2
all other 'outcomes' combined	1	0.26	2
total	388		542

Complaints by area of law

	14-15	%	13-14
family law	91	23.45	109
litigation	46	11.86	45
conveyancing	40	10.31	61
deceased estates or trusts	37	9.54	59
personal injuries /Workcover litigation	29	7.47	48
criminal law	28	7.22	40
commercial /company law	24	6.19	32
property law	9	2.32	11
leases /mortgages	9	2.32	17
administrative law	8	2.06	4
building /construction law	7	1.80	17
conduct not in the practice of law	6	1.55	3
industrial law	3	0.77	5
bankruptcy and insolvency	5	1.29	2
immigration	1	0.26	2
trust account breaches	-	0.00	4
all other 'areas of law' combined	45	11.60	82
total	388		541

Complaints by nature of matter

	14-15	%	13-14
quality of service	126	32.47	167
ethical matters	104	26.80	143
costs	69	17.78	96
communication	24	6.19	60
compliance	28	7.22	26
trust funds	15	3.87	21
documents	9	2.32	10
personal conduct	8	2.06	5
PIPA	1	0.26	5
all other 'natures of matter' combined	4	1.03	8
total	388		541

Investigation matters by outcome

	14-15	%	13-14
no public interest	98	70.50	79
no reasonable likelihood	30	21.58	28
referred to tribunal	4	2.88	21
referred to Magistrates Court	1	0.72	1
referred for criminal litigation	2	1.44	1
referred to other investigative process	2	1.44	1
referred for civil litigation	1	0.72	-
withdrawn	1	0.72	1
all other outcomes combined	-	-	2
total	139		134

Investigation matters by area of law

	14-15	%	13-14
personal injuries/Workcover litigation	56	40.29	42
trust account breaches	20	14.39	34
conduct not in the practice of law	10	7.19	6
conveyancing	5	3.60	2
bankruptcy and insolvency	5	3.60	1
family law	4	2.88	6
litigation	4	2.88	6
criminal law	4	2.88	6
deceased estates or trusts	2	1.44	5
commercial /company law	2	1.44	1
building/construction law	1	0.72	-
administrative law	-	-	3
immigration	-	-	1
leases/mortgages	-	-	1
property law	-	-	-
all other 'areas of law' combined	26	18.71	20
total	139		134

Investigation matters by nature of matter

	14-15	%	13-14
PIPA	53	38.13	39
trust funds	17	12.23	28
compliance	26	18.71	20
ethical matters	15	10.79	14
costs	9	6.47	10
quality of service	6	4.32	10
personal conduct	8	5.76	4
communication	-	-	3
all other 'natures of matter' combined	5	3.60	6
total	139		134

Prosecution matters

Prosecution by respondent type

	14-15	13-14
solicitor	12	8
barrister	1	1
all other respondent types		1
total	13	10

Prosecutions heard and decided

	14-15	13-14
by Tribunal	13	9
by the Committee	-	-
by the Magistrates Court	1	1
withdrawn	2	23
total	16	34

Prosecutions by charge outcome

	14-15	13-14
proved - professional misconduct	74	30
proved -unsatisfactory professional conduct	5	10
proved – LPA/PIPA offence	-	-
dismissed after hearing	1	4
withdrawn	6	10
total	86	54

Prosecutions by area of law

	14-15	13-14
litigation	3	-
criminal law	2	1
commercial /company law	2	1
trust account breaches	2	1
family law	1	2
property law	1	1
deceased estates or trusts	2	-
leases/mortgages	-	1
building/construction law	-	1
conduct not in the practice of law	-	1
all other 'areas of law' combined	-	1
total	13	10

Prosecutions by nature of matter

	14-15	13-14
ethical matters	3	2
quality of service	3	1
trust funds	2	1
communication	1	-
compliance	1	1
personal conduct	-	2
all other 'natures of matter' combined	3	3
total	13	10

Investigations by solicitor/law firm

Investigations regarding solicitors as a proportion of the profession

	PC Holders	Law Firms	Law Offices
size of profession as at 30 June 2014	10,366	1,714	1,810
size of profession as at 30 June 2015	10,732	1,792	1,890
no of respondents for 2014-15 year	375	295	306
percentage	3.49	16.46	

Solicitors subject to investigation

	2014-15	2013-14
1 complaint	324	395
2 complaints	38	59
3 complaints	10	16
4 complaints	3	7
5 complaints	-	2
between 6 and 9	-	-
between 10 and 14	-	1
15 and > complaints	-	-
total	375	480

Law firms subject to investigation

	2014-15	2013-14
1 complaint	221	244
2 complaint	51	64
3 complaint	19	32
4 complaint	-	9
5 compliant	-	5
between 6 and 9	4	2
between 10 and 14	-	2
15 and > complaints	-	-
total	295	358

Solicitors subject to investigation by gender

	2014-15	%	2013-14
male	285	76.00	364
female	90	24.00	116
total	375		480

Solicitors subject to investigation by age group

	2014-15	%	2013-14
24 and under	7	1.87	9
25 - 29	26	6.93	31
30 - 34	29	7.73	47
35 - 39	27	7.20	42
40 - 44	62	16.53	65
45 - 49	46	12.27	57
50 - 54	60	16.00	63
55 - 59	54	14.40	77
60 - 64	35	9.33	60
65 - 69	23	6.13	23
70 and over	6	1.60	6
total	375		480

Solicitors subject to investigation by law firm business type

	2014-15	%	2013-14
partnership/ sole practitioners	182	61.69	238
ILP	109	36.95	118
MDP	4	1.36	2
total	295		358

Solicitors subject to investigation by law firm size

PC holders	2014-15	%	2013-14
1	76	25.76	91
2 - 3	91	30.85	112
4 - 6	66	22.37	72
7 - 12	26	8.81	40
13 - 24	20	6.78	21
25 - 50	9	3.05	13
51 - 100	3	1.02	5
101 - 200	4	1.36	4
total	295		358

Solicitors subject to investigation by law office location

	2014-15	%	2013-14
Brisbane city	75	24.51	81
Brisbane north suburbs	35	11.44	50
Brisbane south suburbs	56	18.30	52
Gold Coast	64	20.92	73
Ipswich region	9	2.94	12
Toowoomba region	13	4.25	11
Western Queensland	-	-	-
Sunshine Coast	24	7.84	34
Hervey Bay to Gladstone	4	1.31	13
Rockhampton region	3	0.98	9
Mackay region	3	0.98	7
Cairns region	8	2.61	17
Townsville region	12	3.92	15
total	306		374

Investigations by barristers

Investigations regarding barristers as a proportion of the profession

	PC Holders	Respondents	%
size of profession as at 30 June 2014	1,098	33	3.01
size of profession as at 30 June 2015	1,100	21	1.91

Barristers subject to investigation

	2014-15	2013-14
1 complaint	19	32
2 complaints	2	1
3 and > complaints	-	-
total	21	33

Barristers subject to investigation by gender

	2014-15	%	2013-14
male	15	71.43	31
female	6	28.57	2
total	21		33

Consumer redress

Note: It is possible to have multiple remedies for a matter. The number of remedies may be greater than the number of matters within each of the following categories.

Enquiries

	14-15	\$	13-14	\$
apology	1		4	-
financial redress/compensation	47	214,162	94	181,838
redress - improved communications	61	-	68	-
redress - other	23	-	29	-
management system improvements	4	-	4	-
training/mentoring/supervision	-	-	-	-
made advertisement PIPA compliant	3	-	2	-
total	139	214,162	201	181,838

Complaints

	14-15	\$	13-14	\$
apology	45		67	-
financial redress/compensation	35	164,234	65	438,465
redress - improved communications	12	-	8	-
redress - other	27	-	23	-
management system improvements	51	-	46	-
training/mentoring/ supervision	18	-	15	-
made advertisement PIPA compliant	54	-	39	-
total	242	164,234	263	438,465

Prosecutions

	14-15	\$	13-14	\$
employee not to be employed	-	-	-	-
fined (disciplinary body – USP / PMC)	9	26,000	6	26,000
fined (Magistrates Court – LPA offence)	1	1,083	-	-
ordered to apologise	-	-	-	-
ordered to pay compensation	-	-	1	7,500
ordered to make other redress	-	-	-	-
ordered to undertake training -or be supervised	-	-	1	-
reprimanded	11	-	6	-
struck off	2	-	4	-
suspended	-	-	-	-
withdrawn/	2	9,656	18	19,998
total	25	36,739	36	53,498



fair and accountable