

# 2016-17 Annual Report

Legal Services Commission

31 October 2017

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
Minister for Training and Skills  
1 William Street  
BRISBANE QLD 4000

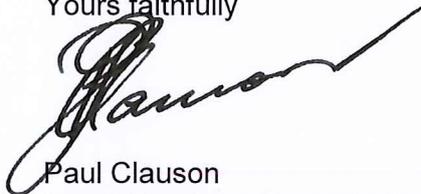
Dear Attorney-General

I am pleased to provide you with the Legal Services Commission's Annual Report for the reporting year 2016-17.

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



Paul Clauson  
**Legal Services Commissioner**

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## Our Vision

To regulate the legal profession with fairness and transparency in order to ensure the best outcome possible in the public interest. We will take disciplinary action when it is appropriate to do so however, where possible and appropriate an educative and preventative approach will be employed.

**To be well-informed,** focussed, determined, fair and accountable.

**To continue to value our independence** but employ a responsive, open and consultative, philosophy in our operations

## 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 professionally 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 contravention of a 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 strive to do our best at all times, we behave in ways that demonstrate efficiency, competency and equality. We are committed to our five core values:

**Respect:** ourselves and those around us.

**Innovate:** encourage and embrace new methods and ideas.

**Transparency:** working collaboratively and collectively.

**Collegiality:** united for the common purpose, while respecting each other's abilities.

**Performance:** drive with intention and lead to empowerment through knowledge.

## Commissioner's Overview

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Paul Clauson

On behalf of the Legal Services Commission, I present this report for the 2016 - 2017 year. The report outlines our performance and achievements for this period.

It is pleasing to note that the organisational changes implemented over the past three years are now paying dividends financially, productively and in staff morale. The year on year financial savings that have been made as a direct result of bringing the bulk of investigations in-house has resulted in the ability for the Legal Services Commission (Commission) to provide \$1.565M from its budget to support community legal aid centres in this year. This is a vital service to our society and all the staff at the Commission were highly supportive and proud to be part of this initiative.

It is incumbent upon any independent statutory body to ensure that public monies expended to maintain its operations are spent with a view to gaining the best value for money proposition available. Given that, we have implemented a rigorous costs recovery regime in those matters where the Commission has been successful in prosecutions against practitioners and a costs order in favour of the Commission has been made. The Commission is not unreasonable in these matters. However, some practitioners have adopted the view that payment of our

costs is optional. The Commission at all times strives to fulfil the expectations of convention as the model litigant. When its obligation is to pay a costs order it does so and it should be no less an expectation that members of both arms of the private profession behave similarly.

This year the key statistics for the Commission are generally on par with 2016 but show some trending variances. This year there were 353 solicitors subject to investigation compared to 344 the year before and 24 barristers compared to 16 last year. Most complaints did, as usual, centre around quality of service, costs and general ethical conduct. In the categories of complaints received family law, conveyancing, deceased estates, elder law, litigation, personal injury, criminal and commercial law constituted the major areas of the law.

However, in matters commenced by way of "own motion" or described as investigation matters under the *Legal Profession Act 2007* (LPA), personal injuries and WorkCover litigation once more featured prominently on 33 matters which represented 37.5% of all matters, generally relating to concerns under the *Personal Injuries Proceedings Act 2002* (PIPA).

Trust Account breaches also featured prominently on 18 matters or 20.45% of all matters.

We had 417 complaints on hand as at 1 July 2016 and opened a further 1,332 complaint and investigation matters. We summarily dismissed 885 of those and closed an additional 417 conduct matters. We also closed 88 investigation matters. We had 359 complaint and investigation matters on hand as at 30 June 2017. The staff of the Commission have been applying themselves diligently to the processing of all complaints received by the LSC and are to be congratulated on the efficient turnaround of matters coming to us.

The number of matters on hand including our files such as self-assessment audits or on-site reviews and prosecution matters as at 30 June 2017 total some 427 matters and this figure accurately reflects our current open file matters. We had 24 matters heard and decided before the Queensland Civil and Administrative Tribunal (QCAT) during the year and we re-considered and withdrew or discontinued 20 other matters making a total of 44 prosecution matters in all.

Of the matters prosecuted in QCAT five practitioners were struck off with one of those

successfully appealing against the striking off penalty. However, there was no costs impost incurred by the Commission in relation to that matter as the court upheld the findings of professional misconduct and unprofessional conduct and substituted a lesser but nonetheless appropriate penalty. In all other matters the practitioners were reprimanded and/or fined and ordered to pay costs. Details of all these matters are available on the Disciplinary and Other Decisions section on the Commission's website.

During the course of this year the Commission has also assisted complainants to obtain refunds or waiver of legal costs of approximately \$242,809.00 which is a not insignificant achievement for the year.

It is disappointing however whilst discussing statistics to note that around 26% of all enquiries received in the 2016-17 year related to costs issues and once again most concerned on-going disclosure during the course of a complainant's matter. Approximately 19% of all written complaints are costs related and about 15% of matters that proceed to investigation concern costs. In all this resulted in 34% of matters we dealt with being related to costs issues. Across the board this indicates a 2% increase in complaints relating to costs issues. It also indicates a 3% increase in costs complaints that proceeded to investigation.

It is however pleasing to note that the Queensland Law Society's ethics unit has now commenced a costs education program for practitioners and it is hoped that this will go a long way towards reminding practitioners of the necessity to keep their clients informed of costs matters issues as their matters proceed.

The growth of incorporated legal practices (ILPs) continues and as at 30 June 2017 there were 1,026 ILPs and 14 MDPs registered with the Commission. This indicates a growth of 163 ILPs over last year's figure of 863. The number of MDPs has decreased by one but combined these figures represent approximately 50.17% of all law firms operating within Queensland.

I also commenced proceedings against three parties under s.24 and s.25 of the LPA for engaging in legal practice when not an Australian practitioner and holding out to be a solicitor when not entitled to practice law. In each of these matters the Commission was successful and all parties were convicted and in the matters of the *Legal Services Commissioner v Jesse Adam Bond* and the

*Legal Services Commissioner v Nicholas Martin Braid* both parties were convicted and sentenced to not insignificant periods of imprisonment. On the other matter of *Legal Services Commissioner v Jacob Reichman*, he was convicted and fined \$1,500.00. The respondent in that matter appealed his conviction. I, as Commissioner cross appealed the sentence. Both appeals were dismissed with Mr Reichman's conviction standing. Shanahan DCJ clarified the meaning of the phrase "engage in legal practice" in s25 of the LPA and he found that Mr Reichman, who was not an Australian legal practitioner, engaged in legal practice on 12 occasions.

This decision is useful in that it clarifies an aspect of a very difficult area of the law to prosecute, as the criminal standard of proof applies and the respondents in these matters are entitled to exercise their right to silence.

In last year's report I alluded to the evolving growth of algorithm structured robotic advice applications. As an indication as to how these services are growing in acceptance, the Queensland State Government through its Advance Queensland Ignite Ideas Fund has provided a \$128,000.00 grant for a pilot scheme that will help couples going through their own divorce process to deal with the issues associated with that. This program has in fact been developed in Queensland at the University of Queensland and is ultimately looking to export into the international market. This is but one program which is about to impact upon family law services within the Australian jurisdiction. I feel it is essential that all regulators begin to investigate and to understand how these systems operate and what impact they are likely to have on the practice and regulation of the profession as a whole. I believe that the profession needs to take stock of the circumstances which are beginning to surround it in this regard and to adapt to this new form of legal advice and legal service provided via the internet. As the development of these on-line robotic services continues, the impact is undoubtedly going to be significant on various sectors of the profession, and it may be timely that the profession remembers to not forget the future.

We at the Commission are speaking to as many parties associated with developing these systems so as to better understand what lies ahead for regulators.

Whilst making general observations I would also like to touch upon the increasing frequency

in the number of complaints that the Commission receives in relation to the behaviour of lawyers regarding their communications with fellow practitioners, self-represented parties and others inside and outside of the professional boundaries. If lawyers are to be taken seriously as true professionals it is appropriate that the communications between them and all other parties should be courteous and considerate, even when it is necessary to be firm and assertive on behalf of a client's cause. No-one can take any umbrage to the fact that a practitioner needs to represent their client vigorously and fearlessly. However, it is no excuse for bad behaviour in the way in which communications are framed and delivered by a practitioner. This is also a growing issue with the profession overseas and in the United Kingdom the Solicitors Regulation Authority has issued a warning notice regarding offensive communications to which I would draw all interested parties attention. This warning notice may be found at

<http://www.sra.org.uk/solicitors/code-of-conduct/guidance/warning-notices/Offensive>

I would like to thank all stakeholders with whom the Commission dealt throughout the year. I thank the professional representative bodies namely, the Queensland Law Society and the Bar Association of Queensland with whom we have engaged throughout the year.

To our colleagues at the Department of Justice and Attorney-General our thanks are extended for their assistance and support across a range of areas including budgetary, human resources and information technology support.

I extend my personal thanks to David Mackie, Director-General and to the The Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for Training and Skills for their support, advice and availability when circumstances have required their involvement.

The staff at the Commission have provided a level of professional expertise and service throughout the year of which they can be justifiably proud. They have exhibited a positive attitude of co-operation and mutual help which has benefitted the morale and productivity of the Commission of Queensland enormously. I thank them for their input and individual contributions. I would also pay credit to my Deputy Commissioner, Robert Brittan for his support and wise counsel throughout the 2016-17 year.

## 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 2378 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.

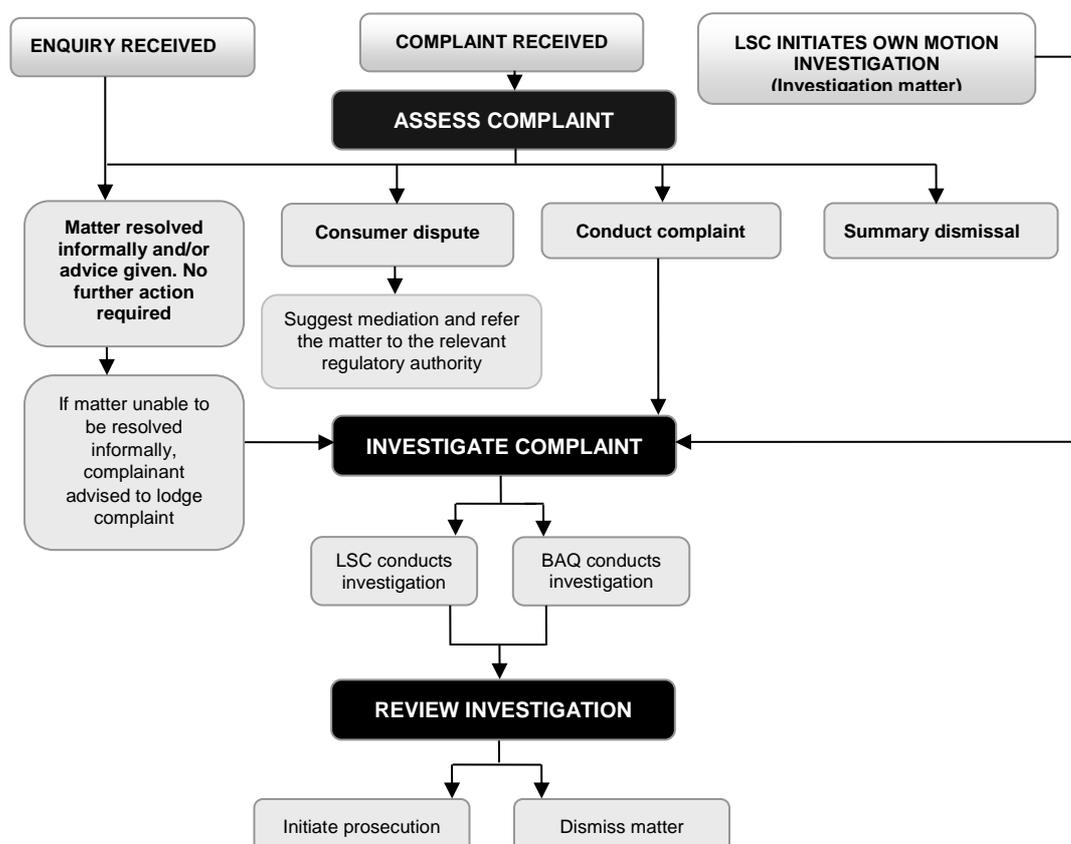
There are various reasons why the Commissioner might decide there is no public interest in initiating a disciplinary proceeding notwithstanding an investigation finds evidence of unsatisfactory professional conduct or professional misconduct. It may be, for example, that the conduct is of a minor kind 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

We assess our performance having regard to our clearance ratio and our timeliness in bringing matters to conclusion. Suffice to say that we had 417 matters on hand as 1 July 2016 and opened an additional 1332 complaints and or investigation matters this year. We closed 417 conduct matters and 88 investigation matters and summarily dismissed 885 complaints leaving 359 on hand as at 30 June 2017 - a very good outcome. There is more comprehensive statistical timeliness data identified in the tables from page 18 onwards.

## 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, as follows:

1. Undertakings
2. Ongoing Cost Disclosure
3. Paying Referral Fees and Rule 12.4.4 ASCR 2012
4. Receiving Referral Fees and Rule 12.4.3 ASCR 2012
5. Witnessing Enduring Powers of Attorney

6. Form of Delivery for Client Documents
7. Limited scope representation in dispute resolution.
8. Termination of a retainer.

#### 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 legislation 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 amongst 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.

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
- 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 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.

The Commission may 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.

We have previously conducted two kinds of audits such as self-assessment audits and onsite reviews.

It is our belief that 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 as 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 and 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. The Commissioner commences prosecution of 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 of Queensland 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.

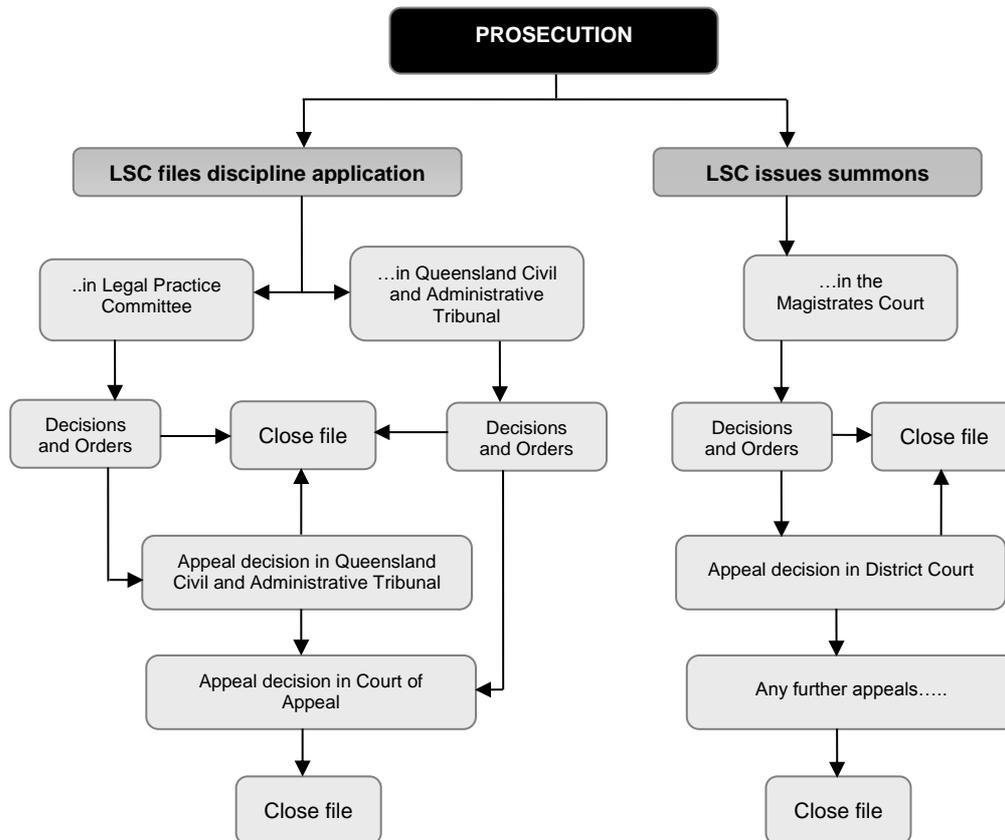
### Assessing and reviewing our performance

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.

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.

After further meaningful discussion and after due consideration the Commissioner decided that there was no public interest in pursuing some of 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



## 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 written judgment and reasons of the relevant disciplinary body or court.

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.

## Engaging 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
2. Ongoing Cost Disclosure
3. Paying Referral Fees and Rule 12.4.4 ASCR 2012
4. Receiving Referral Fees and Rule 12.4.3 ASCR 2012
5. Witness Enduring Powers of Attorney
6. Form of Delivery for Client Documents
7. Limited scope representation in dispute resolution
8. Termination of a retainer

## 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 2016 - 2019 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

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.

commitment to continually improving our management and business systems and 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 monitor legislative case law and other developments and share legislative case and other developments.

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. As a relatively small organisation the opportunity arises regularly for direct discussion between line managers and staff as to performance.

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

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

Corporate Governance	<ul style="list-style-type: none"> <li>▪ Management meetings to be held monthly.</li> <li>▪ Ensure that we are cost efficient and within budget.</li> <li>▪ IT system meetings to be held regularly.</li> <li>▪ Complete a systematic review of our operations, systems, processes and performance to identify areas for improvement.</li> <li>▪ Effective communication of policies and procedures.</li> <li>▪ Ensure legislative and compliance requirements are met.</li> <li>▪ Consistency of approach/interpretation of policies and procedures through regular employee training and development.</li> </ul>
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### 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.

**Ombudsman complaints** are matters the Commission opens when the Queensland Ombudsman has accepted a complaint under the *Ombudsman Act 2001* about a decision or action of the Commissioner or an officer 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 an officer 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 an officer of the Commission.

### Privacy and RTI

Privacy and Right to Information applications comprise applications made to the Commission under the *Information Privacy Act 2009* and the *Right to Information Act* respectively.

Due to the 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 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 was funded for this financial year by an allocation from the consolidated fund which will now be on a triennial basis from 2016-17.

The allocation 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 \$600,000 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 cost of administering the system for dealing with complaints in 2016-17:

	2016-17 employment costs	2016-17 all other costs	2016-17 total actual costs	2016-17 Approved investment	2017-18 approved investment
<b>LSC <sup>1</sup></b>	2,529,275	1,264,447	3,793,722	4,912,200	5,014,400

<sup>1</sup> This figure includes brief-out costs of \$318,078.

## Brief out costs

2015-16	2016-17
\$538,153	\$318,078

Surplus monies will be returned to the Department and redistributed to Community Organisations over 2017-20

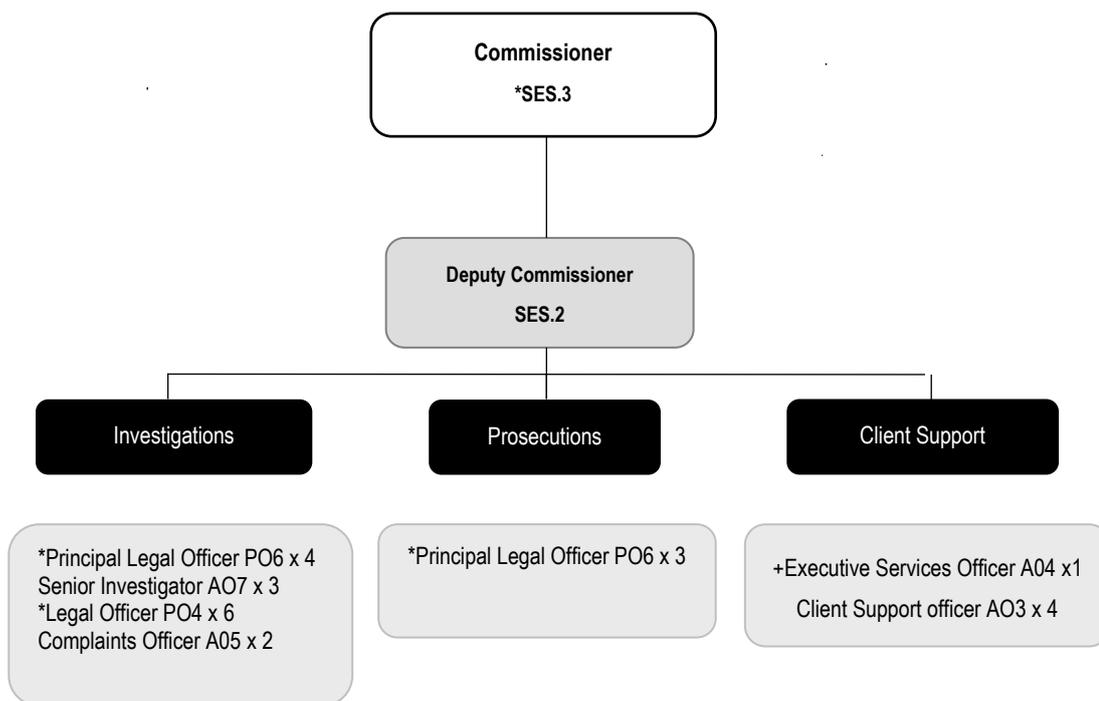
	QCAT	LPC	2016-17 total	2015-16 total	2014-15 total
Financial Penalties ordered	22,500	2,000	24,500.99	38,250	43,000
Penalty Payments received	23,100	2,000	25,100	27,926	13,000
Costs ordered, agreed or assessed	414,065	2,000	416,065	71,762	20,000
Costs payments received	121,735	2,000	123,735	42,857	9,000
Costs written off	15,050	-	15,050	-	-
Costs payments pending at 30 June	338,734	-	338,734	61,455	32,550
Court of appeal, agreed or assessed	31,000	-	31,000	27,328	21,000
Court of appeal payments received	27,400	-	27,400	12,061	7,667

## Staffing the Legal Services Commission

The Legal Services Commission consists of the Commissioner and a staff of 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 2016-17 organisation chart appears below.



**Total full time equivalent staff: 24**

\* These positions require legal qualifications

+ The Executive Services Officer also provides secretariat support to the Legal Practice Committee

# Our reporting framework

## Certificate Holder analysis as at 30 June 2017

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 the QLS from their regulatory database on the 17/8/2017. We have chosen 30 June 2017 as the reference date – hence complaints about solicitors during 2016-17 will be profiled against the solicitor's attributes as recorded at 30 June 2017. 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	%
unrestricted employee	5,959	51.34
unrestricted principal	3,237	27.89
restricted employee	2,236	19.27
restricted volunteer	92	0.79
unrestricted volunteer	42	0.36
limited principal	28	0.24
foreign	9	0.08
restricted principal	3	0.03
<b>total</b>	<b>11,606</b>	

### Solicitors by gender

	Total	%
male	5,750	49.54
female	5,852	50.42
<b>total</b>	<b>11,606</b>	

### Solicitors by age group

	Total	%
24 & under	367	3.16
25 - 29	2,098	18.08
30 - 34	1,915	16.5
35 - 39	1,631	14.05
40 - 44	1,391	11.99
45 - 49	1,273	10.97
50 - 54	924	7.96
55 - 59	801	6.90
60 -64	632	5.45
65 - 69	358	3.08
70 & over	216	1.86
<b>total</b>	<b>11,606</b>	

## Solicitors by gender by age group

	Male %	Female %
24 and under	2.03	4.22
25 - 29	13.20	22.86
30 - 34	11.70	21.22
35 - 39	11.20	16.87
40 - 44	11.69	12.29
45 - 49	12.66	9.31
50 - 54	10.26	5.71
55 - 59	9.62	4.24
60 - 64	8.75	2.20
65 - 69	5.36	0.85
70 and over	3.53	0.22

## Law firms by size

No. of PC Holders	No. of Law Firms	%
1	929	44.81
2 - 3	655	31.60
4 - 6	259	12.49
7 - 12	126	6.08
13 - 24	62	2.99
25 - 50	22	1.06
51 - 100	14	0.68
101 - 200	6	0.29
<b>total</b>	<b>2,073</b>	

\* 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	1,033	49.83
ILP	1,026	49.49
MDP	14	0.68
<b>total</b>	<b>2,073</b>	

\* 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	458	20.31
Brisbane north suburbs	374	16.59
Brisbane south suburbs	370	16.41
Gold Coast	376	16.67
Ipswich region	68	3.02

Toowoomba region	81	3.59
Western Queensland	6	0.27
Sunshine Coast	194	8.60
Hervey Bay to Gladstone	53	2.35
Rockhampton region	37	1.64
Mackay region	31	1.37
Cairns region	121	5.37
Townsville region	75	3.33
unknown	11	0.49
<b>total</b>	<b>2,255</b>	

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

## Throughput Summary

### Enquiries

	16-17	15-16	14-15
enquiries from public received by LSC	2,294	2,342	3,312
PIPA enquiries handled during period	84	67	95

### Complaints

	16-17	15-16	14-15
matters on hand at 1 July	417	474	392
plus matters opened	1,332	1,222	1,076
less summary dismissals	885	780	467
less conduct matters closed	417	418	388
less investigation matters closed	88	81	139
<b>on hand at 30 June</b>	<b>359</b>	<b>417</b>	<b>474</b>

### Prosecutions

	16-17	15-16	14-15
matters on hand at 1 July	72	83	83
plus matters opened	37	15	23
less matters closed	44	26	23
<b>on hand at 30 June</b>	<b>65</b>	<b>72</b>	<b>83</b>

### Compliance Audits and Civil Litigation

	Self-Assessment Audits	Onsite Reviews	Civil Litigation
on hand at 1/7/2016	2	1	-
opened during year	220	-	7
closed during year	222	1	4
on hand at 30/6/2017	-	-	3

## Complaints About Us, Grievances and RTI Applications

	Complaints about Us	Reconsiderations	Ombudsman	RTI	DJAG
on hand at 1/7/2016	-	3	-	1	
opened during year	1	64	6	1	
closed during year	-	63	6	1	
on hand at 30/6/2017	1	4	-	1	
applications received					14
applications finalised					14
deemed decisions					0

### Timeliness

Type	Matters Completed	Time Band	Actual %	Cumulative %	Target %	Median days open (16-17)	Median days open (15-16)
complaints	293	<= 6 months	58.02	58.02	75	168	188
	152	7 - 18 months	30.10	88.12	100		
	60	> 18 months	11.88	100			
summary dismissals	717	<= 1 month	81.02	81.02	90	21	20
	84	1 - 2 months	9.49	90.51	100		
	84	> 2 months	9.49	100			

## Agency Summary

### Matters on hand by agency

	Total	Start of Year
<b>At LSC</b>		
complaints under assessment	141	135
conduct matters	213	273
self-assessment audits	-	2
on-site reviews	-	1
<b>sub-total</b>	<b>354</b>	<b>411</b>
<b>At QLS</b>		
conduct matters	-	1
<b>At BAQ</b>		
conduct matters	5	8
<b>total</b>	<b>359</b>	<b>420</b>

**Complaints assigned by agency**

	<b>YTD</b>	<b>% of YTD</b>
retained at LSC	350	98.31
referred to BAQ	6	1.69
<b>total</b>	<b>356</b>	

**Investigation matters assigned by agency**

	<b>YTD</b>	<b>% of YTD</b>
retained at LSC	83	95.40
referred to BAQ	4	4.60
<b>total</b>	<b>87</b>	

**Closure Summary****Enquiries****Enquiries by enquirer type**

	<b>16-17</b>	<b>%</b>	<b>15-16</b>	<b>14-15</b>
client/former client	1,707	71.78	1,769	2,318
non client	336	14.13	399	660
solicitor	146	6.14	133	154
third party	75	3.15	29	51
beneficiary	65	2.73	29	49
solicitor for client	14	0.59	9	29
executor	4	0.17	15	15
barrister	4	0.17	5	15
all other 'enquirer types' combined	27	1.14	21	21
<b>total</b>	<b>2,378</b>		<b>2,409</b>	<b>3,312</b>

**Enquiries by outcome**

	<b>16-17</b>	<b>%</b>	<b>15-16</b>	<b>14-15</b>
general enquiry	1,146	48.19	993	866
provided advice/help re making a complaint	524	22.04	586	674
recommended direct approach to firm about concerns	422	17.75	353	426
provided referral for legal advice or other assist	95	3.99	171	524
explained concerns are outside jurisdiction	68	2.86	73	90
provided information about LSC to lawyer	56	2.35	59	97
negotiated remedial action	11	0.46	1	139
matter unable to be resolved	9	0.38	26	148
provided information	6	0.25	22	73
provided cost information	5	0.21	48	150
lost contact with complainant/enquirer	5	0.21	28	102
all other 'outcomes' combined	31	1.30	49	23
<b>total</b>	<b>2,378</b>		<b>2,409</b>	<b>3,312</b>

**Enquiries by area of law**

	<b>16-17</b>	<b>%</b>	<b>15-16</b>	<b>14-15</b>
family law	415	17.45	381	579
personal injuries /WorkCover litigation	338	14.21	302	425
deceased estates or trusts	246	10.34	235	387
conveyancing	219	9.21	193	341
litigation	190	7.99	128	166
criminal law	119	5.00	98	110
property law	58	2.44	38	56
commercial /company law	46	1.93	56	78
building/construction law	23	0.97	14	16
conduct not in the practice of law	23	0.97	23	24
immigration	15	0.63	16	11
leases/mortgages	12	0.50	8	23
bankruptcy and insolvency	3	0.21	9	14
administrative law	1	0.13	9	10
all other 'areas of law' combined	665	0.04	899	1,072
<b>total</b>	<b>2,378</b>		<b>2,409</b>	<b>3,312</b>

**Enquiries by nature of the enquiry**

	<b>16-17</b>	<b>%</b>	<b>15-16</b>	<b>14-15</b>
costs	620	26.07	574	857
quality of service	392	16.48	378	528
communication	163	6.85	113	246
ethical matters	119	5.00	158	242
PIPA	84	3.53	67	95
documents	37	3.15	65	113
trust funds	36	1.56	25	50
compliance	27	1.51	30	58
personal conduct	15	1.14	12	28
advice	1	0.63	9	19
all other 'natures of enquiry' combined	809	0.04	978	1,076
<b>total</b>	<b>2,378</b>		<b>2,409</b>	<b>3,312</b>

## Summary Dismissals

### Summary Dismissals by area of law

	16-17	%	15-16	14-15
family law	215	24.29	159	102
deceased estates or trusts	98	11.07	81	63
litigation	97	10.96	65	47
conveyancing	76	8.59	88	54
property law	62	7.01	32	17
criminal law	57	6.44	36	23
personal injuries /WorkCover litigation	53	5.99	53	50
commercial law	43	4.86	70	21
conduct not in the practice of law	22	2.49	15	10
leases/mortgages	12	1.36	7	5
building/construction law	12	1.36	6	4
immigration	9	1.02	8	-
trust account breaches	7	0.79	4	3
bankruptcy & insolvency	6	0.68	16	8
administrative law	6	0.68	14	3
all other 'areas of law' combined		12.43	126	57
<b>total</b>	<b>885</b>		<b>780</b>	<b>467</b>

### Summary Dismissals by nature of matter

	16-17	%	15-16	14-15
quality of service	285	32.20	202	140
ethical matters	256	28.93	227	123
costs	127	14.35	147	71
communication	94	10.62	94	39
compliance	29	3.28	23	22
personal conduct	22	2.49	21	12
trust funds	18	2.03	16	12
documents	16	1.81	14	12
PIPA	3	0.34	2	6
all other 'natures of matter' combined	35	3.95	34	30
<b>total</b>	<b>885</b>		<b>780</b>	<b>467</b>

## Complaints/Investigation Matters

### Complaints by complainant type

	16-17	%	15-16	14-15
client/former client	291	69.78	291	245
non client	65	15.59	68	82
solicitor	20	4.80	19	30
solicitor for client	12	2.88	22	17
third party	10	2.40	6	-
beneficiary	5	1.20	4	8
barrister	5	1.20	1	5
executor	1	0.24	4	-
judge	1	0.24	1	-
all other 'complainant types' combined	7	1.68	2	1
<b>total</b>	<b>417</b>		<b>418</b>	<b>388</b>

### Complaints by respondent type

	16-17	%	15-16	14-15
solicitor	370	88.73	370	341
barrister	24	5.76	16	15
unlawful operator	10	2.40	11	10
other	4	0.96	1	8
corporation	4	0.96	4	-
law practice employee	3	0.72	9	6
non-legal director	1	0.24	4	5
legal practitioner	1	0.24	3	3
<b>total</b>	<b>417</b>		<b>418</b>	<b>388</b>

### Complaints by outcome

	16-17	%	15-16	14-15
no reasonable likelihood	276	66.19	276	229
no public interest	75	17.99	75	73
withdrawn/discontinued	20	7.67	18	38
referred to tribunal	32	4.80	18	17
referred for civil litigation	6	1.44	4	3
referred to other investigative process	4	0.96	22	9
referred for criminal litigation	2	0.48	1	3
referred to Magistrates Court	1	0.24	2	-
negotiated remedial action	-	-	-	5
matter unable to be resolved	-	-	-	5
referred to LPC	-	-	-	3
complaint unfounded	-	-	-	2
all other 'outcomes' combined	1	0.24	2	1
<b>total</b>	<b>417</b>		<b>418</b>	<b>388</b>

**Complaints by area of law**

	16-17	%	15-16	14-15
family law	86	20.62	81	91
deceased estates or trusts	48	11.51	49	37
litigation	43	10.31	55	46
personal injuries /WorkCover litigation	42	10.07	19	29
conveyancing	37	8.87	61	40
criminal law	33	7.91	15	28
commercial /company law	27	6.47	39	24
property law	22	5.28	16	9
conduct not in the practice of law	10	2.40	6	6
leases /mortgages	7	1.68	6	9
immigration	4	0.96	3	1
administrative law	3	0.72	3	8
bankruptcy and insolvency	3	0.72	3	5
building /construction law	2	0.48	6	7
industrial law	2	0.48	2	3
trust account breaches	1	0.24	3	-
all other 'areas of law' combined	47	11.27	51	45
<b>Total</b>	<b>417</b>		<b>418</b>	<b>388</b>

**Complaints by nature of matter**

	16-17	%	15-16	14-15
quality of service	152	36.45	143	126
costs	79	18.94	85	69
ethical matters	75	17.99	90	104
communication	42	10.07	37	24
compliance	30	7.19	31	28
trust funds	17	4.08	15	15
documents	8	1.92	10	9
personal conduct	8	1.92	6	8
PIPA	3	0.72	-	1
all other 'natures of matter' combined	3	0.72	1	4
<b>total</b>	<b>417</b>		<b>418</b>	<b>388</b>

**Investigation matters by outcome**

	16-17	%	15-16	14-15
no public interest	45	51.14	42	98
no reasonable likelihood	25	28.41	23	30
referred to tribunal	9	10.23	11	4
referred to other investigative process	4	4.55	2	2
referred for criminal litigation	1	1.14	1	2
referred to Magistrates Court	1	1.14	-	1
referred for civil litigation	1	1.14	1	1
withdrawn	-		1	1
all other outcomes combined	2	2.27	-	-
<b>total</b>	<b>88</b>		<b>81</b>	<b>139</b>

**Investigation matters by area of law**

	16-17	%	15-16	14-15
personal injuries /WorkCover litigation	33	37.50	25	56
trust account breaches	18	20.45	12	20
family law	6	6.82	2	4
conduct not in the practice of law	6	6.82	8	10
litigation	5	5.68	2	4
criminal law	4	4.55	-	4
deceased estates or trusts	2	2.27	7	2
bankruptcy and insolvency	2	2.27	6	5
conveyancing	1	1.14	2	5
administrative law	1	1.14	1	-
building/construction law	1	1.14	-	1
commercial /company law	-		3	2
all other 'areas of law' combined	9	10.23	13	26
<b>total</b>	<b>88</b>		<b>81</b>	<b>139</b>

**Investigation matters by nature of matter**

	16-17	%	15-16	14-15
PIPA	31	35.23	24	53
compliance	16	18.18	17	26
trust funds	15	17.05	10	17
ethical matters	12	13.64	13	15
personal conduct	5	5.68	3	8
costs	2	2.27	9	9
quality of service	2	2.27	3	6
all other 'natures of matter' combined	5	5.68	2	5
<b>total</b>	<b>88</b>		<b>81</b>	<b>139</b>

**Prosecution Matters****Prosecutions – heard and decided**

	16-17	15-16	14-15
by the Tribunal	17	21	9
by the Committee	2	1	-
by the Magistrates Court	3		1
by the Court of Appeal	2		1
reconsidered/withdrawn/discontinued/other	20	4	12
<b>-total</b>	<b>44</b>	<b>26</b>	<b>23</b>

**Prosecutions by respondent type**

	16-17	15-16	14-15
solicitor	18	18	10
barrister	1	3	1
unlawful operator	3	-	-
law practice employee	2	-	-
all other respondent types	-	1	
<b>total</b>	<b>24</b>	<b>22</b>	<b>11</b>

**Prosecutions by charge outcome**

	16-17	15-16	14-15
proved - professional misconduct	6	16	74
proved -unsatisfactory professional conduct	11	15	5
proved – LPA/PIPA offence	-	-	-
dismissed after hearing	-	-	1
withdrawn	7	4	6
<b>total</b>	<b>24</b>	<b>35</b>	<b>86</b>

**Prosecutions by area of law**

	16-17	15-16	14-15
deceased estates or trusts	4	2	1
family law	3	6	1
trust account breaches	3	1	1
litigation	2	2	3
commercial /company law	2	1	2
conveyancing	1	1	-
criminal law	1	2	2
property law	1	2	1
personal injuries/WorkCover litigation		2	-
conduct not in the practice of law	1	1	-
bankruptcy and insolvency		1	-
all other 'areas of law' combined	6	1	-
<b>total</b>	<b>24</b>	<b>22</b>	<b>11</b>

**Prosecutions by nature of matter**

	16-17	15-16	14-15
ethical matters	9	7	2
compliance	3	3	1
communication	2	1	1
quality of service	2	2	3
trust funds	2	2	1
costs	1	2	-
personal conduct	1	2	-
all other 'natures of matter' combined	4	3	3
<b>total</b>	<b>24</b>	<b>22</b>	<b>11</b>

## 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 2015	10,732	1,792	1,890
size of profession as at 30 June 2016	11,188	1,927	2,092
size of profession as at 30 June 2017	11,606	2,073	2,255
no of respondents for 2016-17 year	353	275	285
Percentage	3.04	13.27	12.64

### Solicitors subject to investigation

	2016-17	2015-16	2014-15
1 complaint	295	288	324
2 complaints	42	39	38
3 complaints	9	13	10
4 complaints	4	1	3
5 complaints	1	1	-
between 6 and 9	2	1	-
between 10 and 14	-	1	-
15 and > complaints	-	-	-
<b>total</b>	<b>353</b>	<b>344</b>	<b>375</b>

### Law firms subject to investigation

	2016-17	2015-16	2014-15
1 complaint	201	198	221
2 complaint	44	54	51
3 complaint	15	17	19
4 complaint	8	5	-
5 complaint	4	2	-
between 6 and 9	3	2	4
between 10 and 14	-	1	-
15 and > complaints	-	-	-
<b>total</b>	<b>275</b>	<b>279</b>	<b>295</b>

### Solicitors subject to investigation by gender

	2016-17	%	2015-16	2014-15
male	273	77.34	253	285
female	80	22.66	91	90
<b>total</b>	<b>353</b>		<b>344</b>	<b>375</b>

**Solicitors subject to investigation by age group**

	2016-17	2015-16	%	2014-15
24 and under	12	8	2.33	7
25 - 29	23	18	5.23	26
30 - 34	34	24	6.98	29
35 - 39	29	35	10.17	27
40 - 44	37	46	13.37	62
45 - 49	54	34	9.88	46
50 - 54	44	51	14.83	60
55 - 59	46	57	16.57	54
60 - 64	30	33	9.59	35
65 - 69	31	30	8.72	23
70 and over	13	8	2.33	6
<b>total</b>	<b>353</b>	<b>344</b>		<b>375</b>

**Solicitors subject to investigation by law firm business type**

	2016-17	%	2015-16	2014-15
partnership/ sole practitioners	148	44.73	168	182
ILP	123	53.82	107	109
MDP	4	1.45	4	4
<b>total</b>	<b>275</b>		<b>279</b>	<b>295</b>

**Solicitors subject to investigation by law firm size**

PC holders	2016-17	%	2015-16	2014-15
1	90	32.73	93	76
2 - 3	74	26.91	75	91
4 - 6	50	18.18	47	66
7 - 12	34	12.36	23	26
13 - 24	17	6.18	24	20
25 - 50	5	1.82	5	9
51 - 100	3	1.09	7	3
101 - 200	2	0.73	5	4
<b>total</b>	<b>275</b>		<b>279</b>	<b>295</b>

**Solicitors subject to investigation by law office location**

	2016-17	%	2015-16	2014-15
Brisbane city	74	25.96	74	75
Brisbane north suburbs	32	11.23	32	35
Brisbane south suburbs	37	12.98	40	56
Gold Coast	56	19.65	68	64
Ipswich region	9	3.16	7	9
Toowoomba region	8	2.81	7	13
Western Queensland	-	-	-	-
Sunshine Coast	24	8.42	24	24
Hervey Bay to Gladstone	8	2.81	4	4
Rockhampton region	6	2.11	2	3
Mackay region	4	1.40	3	3
Cairns region	13	4.56	16	8
Townsville region	14	4.91	11	12
<b>total</b>	<b>285</b>		<b>288</b>	<b>306</b>

**Barristers by type of practising certificate 2016-17**

Membership status and PC type	Male	Female	Total per PC type
Member – Class A PC	739	191	930
Member – Class B PC	102	53	155
Non-member – Class A PC only	3	1	4
Non-member – Class B PC only	0	0	0
<b>total</b>	<b>844</b>	<b>245</b>	<b>1089*</b>

\*24 barristers were subject to complaint compared to 16 last year.

**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**

	16-17	\$	15-16	\$	14-15	\$
apology	2	-	-	-	1	-
financial redress/compensation	-	-	1	1,000	47	214,162
redress - improved communications	3	-	-	-	61	-
redress – other-	-	-	-	-	23	-
management system improvements	-	-	-	-	4	-
training/mentoring/supervision	-	-	-	-	-	-
made advertisement PIPA compliant	1	-	4	-	3	-
<b>total</b>	<b>6</b>	<b>-</b>	<b>5</b>	<b>1,000</b>	<b>139</b>	<b>214,162</b>

**Complaints**

	16-17	\$	15-16	\$	14-15	\$
apology	40		42	-	45	-
financial redress/compensation	35	242,809	37	102,557	35	164,234
redress - improved communications	-		5	-	12	-
redress - other	16		12	-	27	-
management system improvements	23		31	-	51	-
training/mentoring/ supervision	11		4	-	18	-
made advertisement PIPA compliant	31		20	-	54	-
<b>total</b>	<b>156</b>	<b>242,809</b>	<b>151</b>	<b>102,557</b>	<b>242</b>	<b>164,234</b>

**Prosecutions**

	16-17	\$	15-16	\$	14-15	\$
employee not to be employed	-		-	-	-	-
fined (disciplinary body – USP / PMC)	12	20,000	11	38,250	7	26,000
fined (Magistrates Court – LPA offence)	2	1,501	-	-	1	1,083
ordered to apologise	-		-	-	-	-
ordered to pay compensation	3	106,447	1	7,000	-	-
ordered to make other redress	1		-	-	-	-
ordered to undertake training -or be supervised	7		4	-	-	-
reprimanded	15		11	-	9	-
struck off	3		6	-	1	-
suspended	2		-	-	-	-
withdrawn/reconsidered – apology	14		2	-	4	-
withdrawn/reconsidered – financial redress	1	20,000	-	-	1	9,656
withdrawn/reconsidered – apology	2		-	-	2	-
<b>total</b>	<b>62</b>	<b>147,978</b>	<b>35</b>	<b>45,250</b>	<b>25</b>	<b>36,739</b>

