



2015 -16

Annual Report

Legal Services Commission



31 October 2016



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 2015-16. This is our twelfth 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 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 5 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



Paul Clauson

On behalf of the Legal Services Commission, I present this report for the 2015 - 2016 year. The report outlines our performance and achievements for the period.

Most noteworthy has been the completion of the Commission's change management and organisational realignment following the agreement with the Queensland Law Society to bring all complaint investigations back to within the Commission. Change is always disruptive to an extent in any organisation, however, the staff of the Commission are to be thanked and congratulated on their support for and adaptability within the process as it has been rolled out and fine-tuned.

New staff have been recruited to accommodate the increase in investigations and I am very pleased to report that all have settled in well with the existing team. Productivity is excellent and morale is buoyant throughout both the professional and administrative cohorts. I am also pleased that within such a relatively small and specialised organisation we have managed to meet both gender and diverse ethnicity inclusion and balance. The Commission has also been supportive of the Queensland

Governments Domestic Violence initiatives since it was launched.

The staff have also received a one day intensive refresher course provided by an independent presenter on complaints handling and investigations following the adoption of the updated office investigations manual.

The Commission's relationships with all key stakeholders remains sound and cooperative. Liaison with both the Queensland Law Society and the Bar Association of Queensland is focussed upon raising the awareness of and educating practitioners of the necessity to reduce the continuing dilemma of ethical breaches. Guidance statements for information and professional improvement are under continual development and review for my approval.

Recently, it has been of concern to us as a regulator, that there is still an unsatisfactory level of complaints concerning the matter of professional costs. Failure to provide clients with adequate initial costs estimates and to maintain timely and progressive cost updates still remain all too frequent. It is also very apparent that practitioners need to explain more fulsomely to clients in personal injuries matters how the 50/50 rule operates and how it will apply to them. I have commented in the recent past on the need for practitioners to maintain appropriate ongoing communication with clients. This issue sadly epitomizes this all too common lack of thought and respect for the client's need to be informed and updated as to costs as a matter progresses. Practitioners need to understand that as with any project where professional services are being supplied the client must be able to remain on budget and know where they stand financially at any point through the project.

Around 24% of all enquiries received relate to cost issues and most are relative to the matter of disclosure. Approximately 20% of all written complaints are cost related and about 11% of matters that proceed to full investigation are costs related. In all, this resulted in 32% of all matters we dealt with being related to costs issues. When, over time, so much publicity has been given by the media to legal costs, I find it disappointing that some members of the profession fail to reach the level of insight necessary so as to avoid this type of complaint. It can only be positive for the image of the

profession generally if this type of publicity is minimised.

The past year has also revealed some other interesting trends relating to the structure of legal firms and legal service provision. One of these is the growth in Incorporated Legal Practices (ILP's). As at the 30th of June 2016 there were 863 ILP's and 15 MDP's registered with the Commission. This represents approximately 45.5% of all law firms operating within Queensland. This is somewhat remarkable given the relatively slow rate of adoption at the time this structure was first made available to the profession.

However, of much interest for the future is the steadily evolving development of algorithm structured robotic advice applications. These programs can be accessed relatively easily by the general public online for purposes as diverse as applying for multi-state licensing applications for lotteries to more complex types of commercial, matrimonial, criminal and elder legal advice. The more sophisticated of these platforms, contain the ability to analyse information and draft a suite of documents appropriate to the purpose of the matter. This is disruptive technology in the vein of autonomous motor vehicles and with it will come the inevitable question:- "who is responsible if I rely upon it and it goes wrong?"

The Legal Services Commission as the Queensland regulator is now with our Australia wide Collaborative Group of Legal Regulators, beginning to examine in a pre-emptive way how we can prepare for these developments before they become mainstream. The most challenging aspect of this will be attempting to ascertain if any program is merely an online tool or whether, it is providing legal advice in place of a lawyer. If it is the latter the ethical questions arising will be challenging indeed should the advice proffered be unsatisfactory.

Regulators are never devoid of emerging challenges. Mental health and depression are regularly discussed prominently in the mainstream media. Given the prevalence with which sections of the general population are unfortunately afflicted by the disorders, it comes as no surprise that in such stressful professions as law, there are bound to be incidences where practitioners succumb to the ravages of mental stress disorders. When this does occur it may lead to the practitioner concerned either

becoming so debilitated that they have to voluntarily retire or cease practising for a period or it may lead to unethical or dishonest actions for which, prime facie the practitioner should be sanctioned via the disciplinary process.

This type of affliction when it leads to dishonest actions by a practitioner is starting to challenge regulators as to how they should respond to a situation where the consumer protection requirements under the Legal Profession Act 2007 are activated. The Legal Services Commission had to confront a situation recently in the Court of Appeal in the matter of **Watts vs Legal Service Commissioner [2016] QCA 224**. The practitioner had been found guilty of six charges relating to dishonest dealings upon his trust account at various times between 2006 and 2010. Two of the charges involved the creation of false trust account receipts which purported to record the receipt of an amount of funds from a particular client when no amount had been received. The practitioner then paid from his trust account a corresponding sum into his general account. The money which was the subject of the charges was repaid.

The practitioner conceded that he had committed misconduct by his actions and tendered medical reports by way of mitigation. One report opined, that the practitioner at the time was suffering anxiety sufficient to amount to a disorder. This impaired his judgement but not to such a degree as to remove his capacity to understand his actions. This report also noted that the practitioner had developed strategies to control his anxiety and further opined that there was a low risk of reoffending. Two further reports from another medical expert explained the low risk of reoffending and quoted other factors which the practitioner was possessed of and that were identified in academic literature as being protective of future contraventions.

Notwithstanding, the Tribunal considered Watts not to be a fit and proper person and made a strike off order.

The respondent appealed and the Court of Appeal found that notwithstanding the Tribunal had both reports from the second expert before it, it had not taken into account the factors set out in that expert's second report which tended to indicate the chances of reoffending were slim and the practitioner was not now permanently unfit to practice. The Tribunal's finding of

professional misconduct was not disturbed. However, the penalty was downgraded from a strike off order to being allowed to hold an employed solicitor's practising certificate where he would be subject to a principal's supervision and would not be allowed to operate a trust account. Also, given that the civil standard of proof applies in such matters a cost order in favour of the appellant was made against the Commissioner even though the professional misconduct finding was not overturned.

The case is indicative of how the mental state of a respondent will now be a significant consideration for regulators when prosecuting practitioners, particularly where expert medical evidence is adduced for the Tribunal on behalf of respondents to explain serious or dishonest behaviour which breaches the professional misconduct standard but indicates that they are unlikely to re-offend.

I also wish to highlight two important decisions of the Supreme Court relating to complainants seeking judicial review of decisions which I had appropriately made under the Legal Profession Act 2007. Those decisions are **Leadpoint Pty Ltd v Legal Services Commissioner [2015] QSC 254** and **Murphy v Legal Services Commissioner [2016] QSC 174**.

It has been somewhat conclusively decided that a decision made under both s.446 of the Act to no longer deal with the subject matter of a complaint about an unlawful operator and s448 of the Act to dismiss a complaint about the conduct of an Australian Legal Practitioner are not decisions to which the Judicial Review Act 1991 (QLD) applies.

The Legal Services Commission at the same time as developing and implementing structural reforms and building capacity has continued to conduct its core business with excellent efficiency by harnessing the expertise of an enthusiastic and motivated team of investigators and prosecution staff. I would like to outline some of our achievements in the paragraphs following.

Twenty two prosecution matters have been heard and decided by QCAT. Five practitioners were struck off essentially for dishonesty offences. All other practitioners were reprimanded and or 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 44 onwards, suffice to say that the Commission obtained refunds or waiver of legal costs of approximately \$102,557. That is a significant achievement.

This year there were 344 solicitors subject to investigation compared to 375 the year before and 16 barristers compared to 21 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 25 or 30.86% of all matters, generally to do with concerns relating to the *Personal Injuries Proceedings Act 2002* (PIPA). Trust account breaches also featured prominently on 12 or 14.81% of all matters.

We had 474 complaints on hand as at 1 July 2015. We opened a further 1222 complaint and investigation matters. We summarily dismissed 780 of those and closed an additional 418 conduct matters. We also closed 81 investigation matters. We had 420 complaints and investigation matters on hand as at 30 June 2016. The staff of the Commission are to be congratulated for this clearance ratio. The total matters on hand however including our audit files such as self-assessment audits or on site reviews and prosecutions matters as at 30 June 2016 total some 492. This figure accurately reflects our current open matter files.

I would like to thank all those parties with whom the Commission dealt throughout the year. I would like to thank our colleagues at the professional representatives bodies namely, Queensland Law Society and the Bar Association of Queensland with whom we have been in constant engagement. My personal thanks are proffered to the President of Queensland Law Society Bill Potts and Christopher Hughes Q.C. President of the Bar Association of Queensland for their support and

the cooperation they have delivered to us from their respective associations.

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

I also extend my personal thanks to David Mackie Director-General and to our Attorney-General the Honourable Yvette D'Ath for their support, advice and availability when issues of significance have required their involvement.

The staff of the Legal Services Commission have provided a level of professional expertise and service during the year that they can justifiably be proud of. The collegiate approach they have nurtured has been very effective in dealing with the uplift in matters coming to the Commission and I thank them for their input and individual contributions.

In conclusion I would like to thank two key people within the Commission who have worked closely with me throughout the year and whose trust and loyalty I admire and value without reservation. My Deputy Commissioner Robert Brittan has been a tower of strength throughout a year that has provided at times both confronting challenges and moments of profound professional satisfaction for us both. Emma Olssen our Executive Assistance and Executive Services Officer is a proud indigenous woman possessed of outstanding organisational and motivational skills. She joined us early in 2016 and has proven herself to be an enthusiastic and proactive team player who has been steadily building capacity and capability within the Commission's administration group. The support for both my Deputy and me has been well appreciated.

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 2409 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.

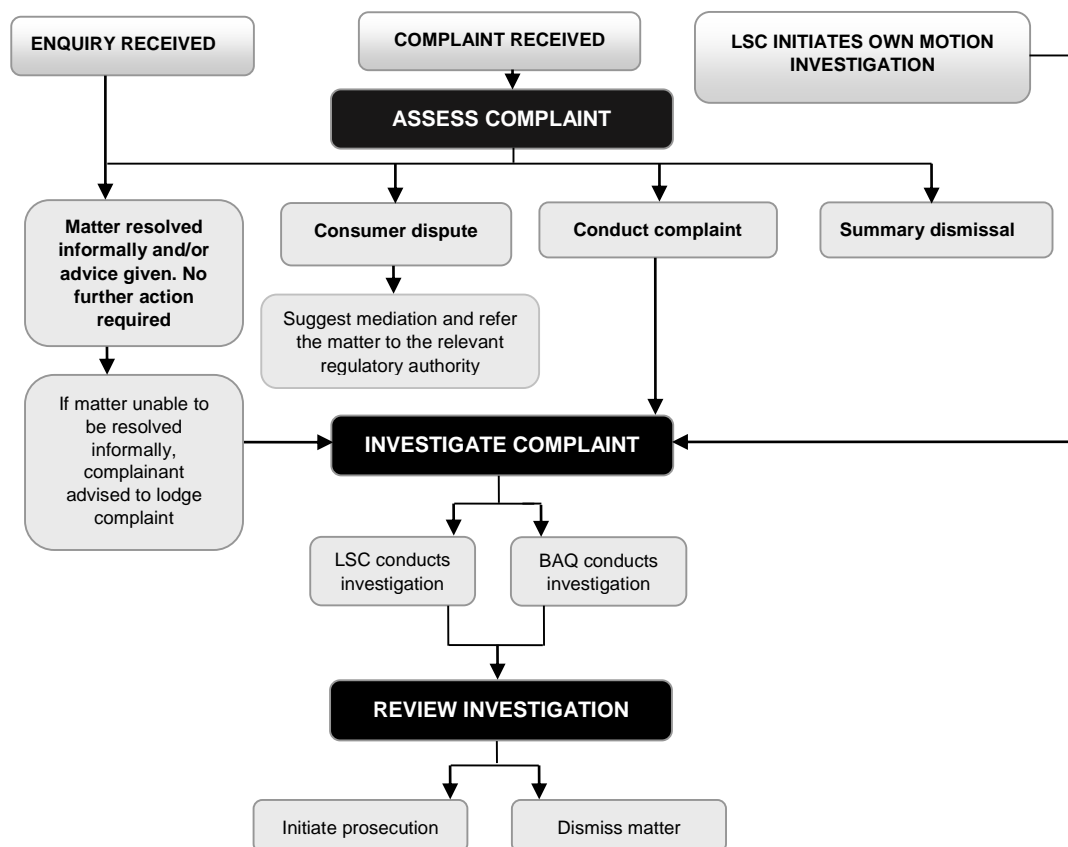
We describe the system for dealing with complaints in great detail on the Commission's website, see link to [Complaints](#). The LPA requires us to produce information about the making of complaints and the procedure for dealing with complaints to:

- 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 474 matters on hand as 1 July 2015 and opened an additional 1222 complaints and or investigation matters this year. We closed 418 conduct matters and 81 investigation matters and summarily dismissed 780 complaints leaving 417 on hand as at 30 June 2016 - a very good outcome. There is more comprehensive statistical timeliness data identified in the tables from page 30 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, 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

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
- 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 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 the Commissioner's overview 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 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.

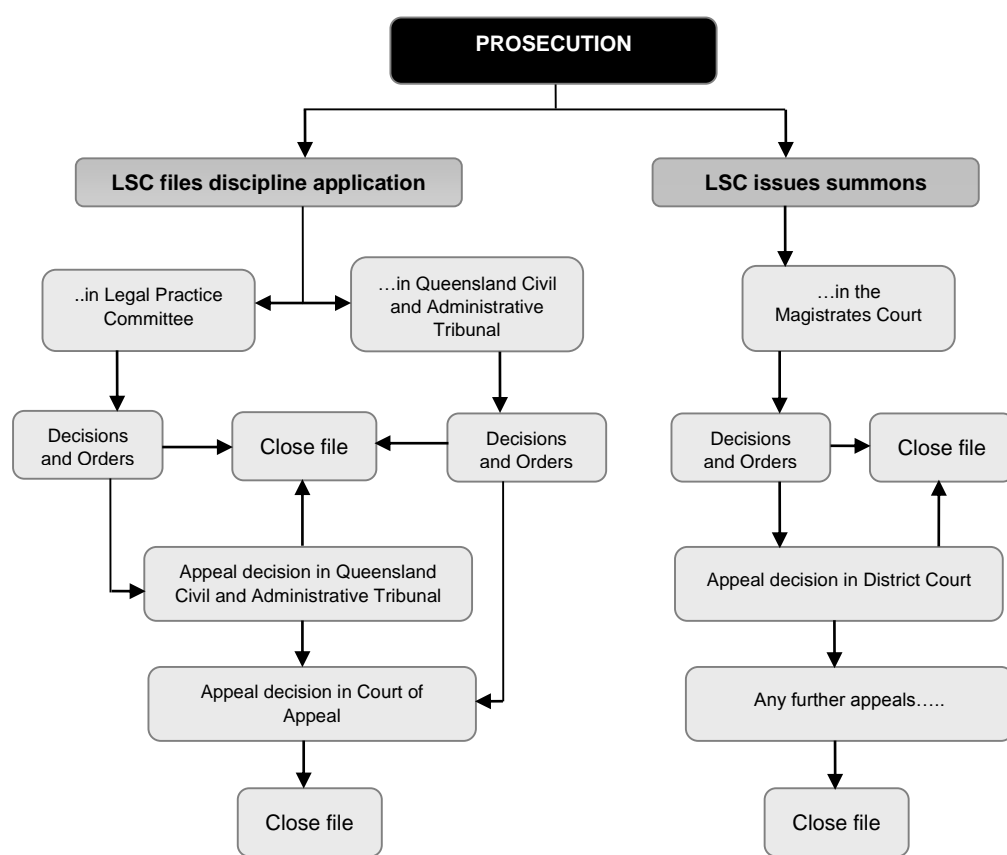
Assessing and reviewing our performance

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.

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 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 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.

Disciplinary and other relevant regulatory decisions

Legal Services Commissioner v Mellick

Name:	MELLICK, Habib Abraham
Practitioner type:	Solicitor
Admitted:	Monday, 16 February 1987 Queensland
Home jurisdiction:	Queensland
Law practice:	Mellick Smith and Associates 1st Floor 32 Sheridan Street Cairns 4870
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Thursday, 14 April 2016
Findings:	Guilty of professional misconduct on 1 charge.
Penalty:	Publicly reprimanded. Fined \$1500. Supervisory Order for a period of 12 months. LSC to have liberty for further orders. Pay costs of Commissioner.
Appeal:	No

Legal Services Commissioner v Voll

Name:	VOLL, Paul Michael
Practitioner type:	Solicitor
Admitted:	Monday, 11 November 1996 Queensland
Home jurisdiction:	unknown
Law practice:	Not practising
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Wednesday, 9 March 2016
Findings:	Guilty of professional misconduct on 1 charge.
Penalty:	Struck off. Pay costs of Commissioner.
Appeal:	No

Legal Services Commissioner v Rosen

Name:	ROSEN, Warren Lance
Practitioner type:	Solicitor
Admitted:	Monday, 27 April 1987 Qld
Home jurisdiction:	NSW 27/11/1970
Law practice:	Rosen Lawyers Level 1 393 Wondall Road Tingalpa 4178
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Friday, 5 February 2016
Findings:	Guilty of professional misconduct on 1 charge.
Penalty:	Publicly reprimanded. Pay penalty of \$5,500. Pay costs of Commissioner. Undertake QLS Remedial Ethics Course or equivalent course approved by the QLS.
Appeal:	No .

Legal Services Commissioner v Watts

Name:	WATTS, Peter John
Practitioner type:	Solicitor
Admitted:	Monday, 14 March 1983 Queensland
Home jurisdiction:	Queensland
Law practice:	Watts & Company 149 Caxton Street Paddington 4064
Disciplinary body:	Queensland Civil and Administration Tribunal
Date of decision:	Friday, 8 January 2016
Findings:	Guilty of professional misconduct on 6 charges.
Penalty:	Struck off. Pay the costs of the Commissioner of \$2000.
Appeal:	Yes: Appeal successful only on penalty.
Outcome:	Successful: Any practising certificate is to be issued subject to the condition that he practise under supervision of another practitioner and that he not operate a trust account.

Legal Services Commissioner v Johnston

Name:	JOHNSTON, Sue Machelie
Practitioner type:	Solicitor
Admitted:	Monday, 2 February 2004 Queensland
Home jurisdiction:	Queensland
Law practice:	SJ Law Level 1/2B 41 Denham Street Townsville 4810
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Tuesday, 15 December 2015
Findings:	Guilty of professional misconduct on 9 charges. Guilty of unsatisfactory professional misconduct on 2 charges.
Penalty:	Struck off. Pay costs of Commissioner.
Appeal:	No

Legal Services Commissioner v Clifford

Name:	CLIFFORD, Rodney Keith Chudleigh
Practitioner type:	Barrister
Admitted:	Monday, 1 February 1993 Queensland
Home jurisdiction:	Queensland
Law practice:	c/- Bennett Chambers Level 6 Inns of Court 107 North Quay Brisbane Qld 4000
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Monday, 19 October 2015
Findings:	Guilty of professional misconduct on 2 charges. Guilty of unsatisfactory professional conduct on 3 charges.
Penalty:	Publicly reprimanded. Pay costs of Commissioner of \$4000.
Appeal:	No

Legal Services Commissioner v Scott

Name:	SCOTT, Karl
Practitioner type:	Solicitor
Admitted:	Monday, 30 January 1995 Queensland
Home jurisdiction:	Queensland
Law practice:	N/A
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Monday, 12 October 2015
Findings:	Guilty of professional misconduct on 2 charges.
Penalty:	Struck off. Pay costs of Commissioner of \$2500.
Appeal:	No

Legal Services Commissioner v De Fraine

Name:	De FRAINE, Anthony
Practitioner type:	Solicitor
Admitted:	Friday, 6 October 2006 New South Wales
Home jurisdiction:	New South Wales
Law practice:	Not practising
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Thursday, 30 July 2015
Findings:	Guilty of professional misconduct on two charges
Penalty:	Publicly reprimanded. Pay penalty of \$500. Pay costs of Commissioner
Appeal:	No

Legal Services Commissioner v Bevan

Name:	BEVAN, Peter Curtiss
Practitioner type:	Solicitor
Admitted:	Monday, 18 July 1983 Queensland
Home jurisdiction:	Queensland
Law practice:	Bevan & Griffin Suite 105 The Dalgety Commercial 84-106 Denham Street Townsville 4810
Disciplinary body:	The Queensland Civil and Administrative Tribunal
Date of decision:	Thursday, 30 July 2015
Findings:	Guilty of professional misconduct on 1 charge
Penalty:	Publicly reprimanded. Pay penalty of \$6,000. Pay costs of Commissioner.
Appeal:	No

Legal Services Commissioner v Petschler

Name:	PETSCHLER, William James
Practitioner type:	Solicitor
Admitted:	Thursday, 14 December 1995 Queensland
Home jurisdiction:	Queensland
Law practice:	Bill Petschler Lawyers 32 Mossman Street Charters Towers
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Wednesday, 22 July 2015
Findings:	Guilty of unsatisfactory professional conduct on 2 charges. Guilty of professional misconduct on 8 charges.
Penalty:	Struck off. Respondent to pay the costs of the Commissioner.
Appeal:	No

Legal Services Commissioner v Fyfe

Name:	FYFE, Fiona Jayne
Practitioner type:	Solicitor
Admitted:	Wednesday, 19 September 2001 Queensland
Home jurisdiction:	New South Wales
Law practice:	Not practising
Disciplinary body:	Queensland Civil and Administrative Tribunal
Date of decision:	Tuesday, 7 July 2015
Findings:	Guilty of professional misconduct on 4 charges
Penalty:	Publicly reprimanded. Not to be issued a practising certificate within 12 months of date of order. To be issued employee level practising certificate for 2 years when returns to practice. Pay costs of Commissioner.

See also the decision in **Legal Services Commissioner v XBY** [2016] QCAT 102 (OCR153-13) Justice DG Thomas, President 14 June 2016 where the practitioner was struck off.

Legal Services Commissioner v Cooper [2016] QCAT 122 (OCR032-15) Justice D G Thomas, President 14 March 2016.

Legal Services Commissioner v Douglas [2016] QCAT 119 (OCR241-12) Justice DG Thomas 3 March 2016.

Legal Services Commissioner v Budgen [2016] QCAT 120 (OCR153-11) Justice DG Thomas, President 11 March 2016.

Legal Services Commissioner v Budgen [2016] QCAT 121 (OCR362-12) Justice DG Thomas, President 9 March 2016.

Legal Services Commissioner v Kellahan [2016] QCAT 113 (OCR269-13) Justice DG Thomas, President 1 February 2016.

Legal Services Commissioner v Foster [2016] QCAT 101 (OCR195-13) Justice DG Thomas, President 14 June 2016

Legal Services Commissioner v Mugford [2016] QCAT 078 (OCR009-14) Justice DG Thomas, President 14 June 2016

Quinn v Legal Services Commissioner [2016] QCAT 076 (REO016-15) Justice DG Thomas, President 8 June 2016

Legal Services Commissioner v Bosscher [2016] QCAT 075 (OCR063-14) Justice CRR Hoeben 27 May 2016

Legal Services Commissioner v Rosen [2016] QCAT 050 (OCR144-14) Justice DG Thomas, President 5 February 2016

*Legal Services Commissioner v Hannant [2016] QCAT 030 (OCR045-14) Justice DG Thomas, President
2 February 2016*

*Legal Services Commissioner v Graham [2016] QCAT 031 (OCR027-12) Justice DG Thomas, President
2 February 2016*

*Legal Services Commissioner v Mould [2016] QCAT 032 (OCR358-12) Justice Carmody 2 February
2016*

*Legal Services Commissioner v Winning [2015] QCAT 510 (OCR246-13) Justice DG Thomas, President
23 December 2015*

*Legal Services Commissioner v Murphy [2016] QCAT 018 (OCR087-13) Justice DG Thomas, President
22 January 2016*

*Legal Services Commissioner v Nguyen [2016] QCAT 001 (OCR402-12) Justice DG Thomas, President 7
January 2016*

*Legal Services Commissioner v Fyfe [2016] QCAT 002 (OCR277-13) Justice DG Thomas, President 7
January 2016*

*Legal Services Commissioner v Fyfe [2016] QCAT 003 (OCR413-12) Justice DG Thomas, President 7
January 2016*

*Legal Services Commissioner v Watts [2016] QCAT 004 (OCR077-12) Justice DG Thomas, President 8
January 2016*

*Legal Services Commissioner v Johnston [2015] QCAT 480 (OCR156-14) Justice DG Thomas, President
8 December 2015*

*Legal Services Commissioner v Penny (No 2) [2015] QCAT 478 (OCR424-12) Justice D Thomas,
President 1 December 2015*

*Legal Services Commissioner v Given (No 2) [2015] QCAT 479 (OCR030-13) Justice David Thomas,
President 4 December 2015*

*Legal Services Commissioner v XKR [2015] QCAT 469 (OCR341-12) Justice DG Thomas, President 19
October 2015*

*Munt v Queensland Law Society Incorporated [2015] QCAT 451 (OCR174-15) Justice Thomas,
President 6 October 2015*

*Legal Services Commissioner v Mould [2015] QCAT 440 (OCR358-12) Justice Carmody 16 October
2015*

Legal Services Commissioner v Scott [2015] QCAT 402 (OCR244-13) Justice Carmody 12 October 2015

*Legal Services Commissioner v Murphy [2015] QCAT 381 (OCR087-13) Justice Thomas, President 22
September 2015*

*Legal Services Commissioner v Rosen [2015] QCAT 339 (OCR151-13) Justice Carmody 2 September
2015*

Legal Services Commissioner v Rosen [2015] QCAT 306 (OCR151-13) Justice Carmody 3 August 2015

Legal Services Commissioner v Bevan [2015] QCAT 290 (OCR026-14) Justice Carmody 30 July 2015

Legal Services Commissioner v Lyne [2015] QCAT 291 (OCR044-14) Justice Carmody 30 July 2015

Legal Services Commissioner v De Fraine [2015] QCAT 292 (OCR146-14) Justice Carmody 30 July 2015

Legal Services Commission v Petschler [2015] QCAT 284 (OCR206-12) Justice Thomas, President 22 July 2015

Legal Services Commissioner v Nguyen [2015] QCAT 267 (OCR402-12) Justice Thomas, President 7 July 2015

Legal Service Commissioner v Fyfe [2015] QCAT 269 (OCR413-12) Justice Thomas, President 7 July 2015

Legal Services Commissioner v Delaney [2015] QCAT 270 (OCR281-13) Justice Thomas, President 8 July 2015

Legal Services Commission v Windsor [2015] QCAT 259 (OCR126-14) Justice Thomas, President 1 July 2015

Pope v Bar Association of Queensland [2016] QCAT 311

Matthews v Legal Services Commissioner & Anor [2016] QCA 22

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
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

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 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

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.

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 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.

Below is **Strategy 6** of our Strategic and performance 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 manager 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.
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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.

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*.

However, as mentioned earlier two recent decisions of the Supreme Court QLD being **Leadpoint Pty Ltd v Legal Services Commissioner [2015] QSC 254** and **Murphy v Legal Services Commissioner [2016] QSC 174**, have decided that a decision of the Commissioner made under both s.446 to no longer deal with the subject matter of the complaint about an unlawful operator and s448 to dismiss the complaint about the conduct of an Australian Legal Practitioner are decisions to which the Judicial Review Act 1991 (QLD) does not apply.

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 was funded for this financial year by a grant from the Legal Practitioner Interest on Trust Accounts Fund (LPITAF). The grant from LPITAF was approved by the Attorney-General on the recommendation of the Director-General of the Department of Justice and Attorney-General under 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 included an amount that transferred to the QLS under a Service Legal Agreement (SLA) with the Commission.

However, as at 1 September 2015, the Commission no longer referred matters to the QLS for investigation. This has resulted in significant savings.

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.

The cost of administering the system for dealing with complaints in 2015-16

	2015-16 employment costs	2015-16 all other costs	2015-16 total actual costs	2015-16 Approved investment	2016-17 approved investment
LSC ¹	2,422,375	1,487,972	3,910,347	5,186,000	4,912,100
QLS (total) ²	n/a	n/a	226,000	226,000	-
Total			4,136,347	5,412,000	4,912,100

¹ This figure includes brief-out costs of \$538,153.

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

From 1 September 2015 referral of matters to the QLS ceased. Surplus funding was returned to the LPITAF and matters are now being investigated in-house.

Brief out costs

2014-15	2015-16
\$292,973	\$538,53

Monies returned or due to return to LPITAF

	QCAT	LPC	2015-16 total	2014-15 total	2013-14 total
Financial Penalties ordered	38,250	-	38,250	43,000	27,500
Penalty Payments received	27,926	-	27,926	13,000	25,000
Costs ordered, agreed or assessed	71,762	-	71,762	20,000	13,000
Costs payments received	42,857	-	42,857	9,000	13,750
Costs written off	-	-	-	-	2,000
Costs payments pending at 30 June	61,455	-	61,455	32,550	21,550
Court of appeal, agreed or assessed	27,328	-	27,328	21,000	-
Court of appeal payments received	12,061	-	12,061	7,667	-

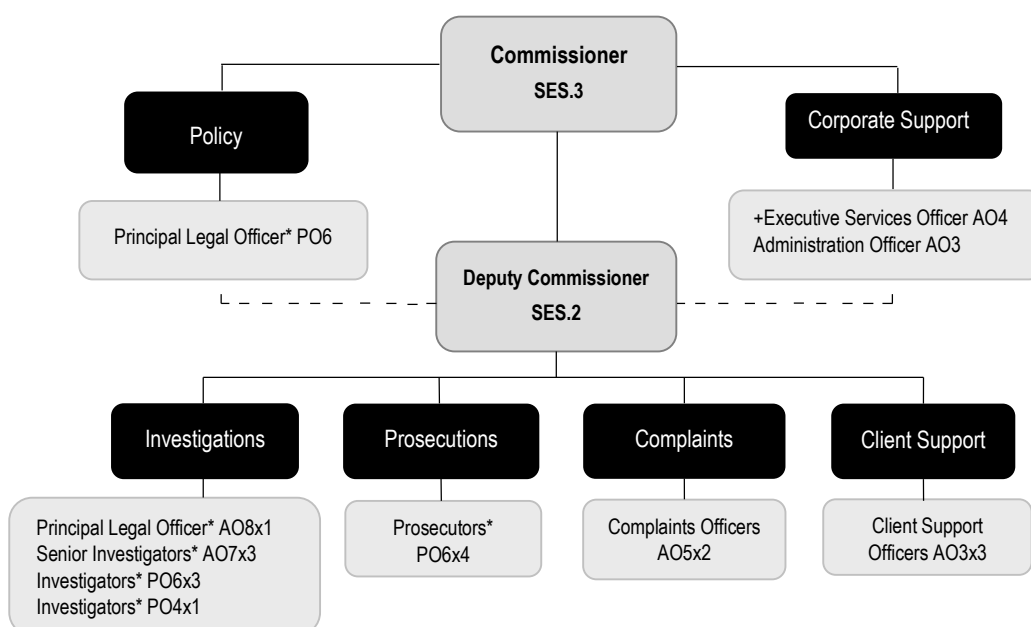
Staffing the Legal Services Commission

The Legal Services Commission consists of the Commissioner and a staff of 21.8 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 2015-16



Total full time equivalent staff: 21.8

* 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 2016

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 2016 as the reference date – hence complaints about solicitors during 2015-16 will be profiled against the solicitor's attributes as recorded at 30 June 2016. 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	5,716	51.09
unrestricted principal	3,154	28.19
restricted employee	2,160	19.31
restricted volunteer	79	0.71
unrestricted volunteer	44	0.39
limited principal	26	0.23
foreign	7	0.06
restricted principal	2	0.02
total	11,188	

Solicitors by gender

	Total	%
male	5,643	50.44
female	5,545	49.56
total	11,188	

Solicitors by age group

	Total	%
24 & under	378	3.38
25 - 29	2,007	17.94
30 - 34	1,923	17.19
35 - 39	1,547	13.83
40 - 44	1,390	12.42
45 - 49	1,165	10.41
50 - 54	875	7.82
55 - 59	805	7.20
60 - 64	587	5.25
65 - 69	346	3.09
70 & over	165	1.47
total	11,188	

Solicitors by gender by age group

	Male %	Female %
24 and under	2.34	4.44
25 - 29	12.58	23.39
30 - 34	12.44	22.02
35 - 39	11.13	16.57
40 - 44	12.35	12.50
45 - 49	12.33	8.46
50 - 54	10.26	5.34
55 - 59	10.14	4.20
60 - 64	8.51	1.93
65 - 69	5.26	0.88
70 and over	2.66	0.27

Law firms by size

No. of PC Holders	No. of Law Firms	%
1	848	44.01
2 - 3	606	31.45
4 - 6	247	12.82
7 - 12	127	6.59
13 - 24	63	3.27
25 - 50	17	0.88
51 - 100	12	0.62
101 - 200	7	0.36
total	1,927	

* 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	1,049	54.44
ILP	863	44.78
MDP	15	0.78
total	1,927	

* 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	407	19.46
Brisbane north suburbs	359	17.16
Brisbane south suburbs	339	16.20
Gold Coast	345	16.49
Ipswich region	61	2.92
Toowoomba region	78	3.73
Western Queensland	6	0.29
Sunshine Coast	181	8.65
Hervey Bay to Gladstone	54	2.58
Rockhampton region	38	1.82
Mackay region	30	1.43
Cairns region	112	5.35
Townsville region	75	3.59
unknown	7	0.33
total	2,092	

* 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	879	78.06
female	245	21.76
unknown	2	0.18
total	1,126	

Barristers by age group

	Total	%
24 and under	25	2.22
25 - 29	28	2.49
30 - 34	89	7.90
35 - 39	117	10.39
40 - 44	160	14.21
45 - 49	162	14.39
50 - 54	162	14.39
55 - 59	139	12.34
60 - 64	129	6.39
65 - 69	72	6.39
70 and over	43	3.82
total	1,126	

Throughput Summary

Enquiries

	15-16	14-15	13-14
enquiries from public received by LSC	2,409	3,312	1,451

Complaints

	15-16	14-15	13-14
matters on hand at 1 July	474	392	455
plus matters opened	1,222	1,076	1,016
less summary dismissals	780	467	404
less conduct matters closed	418	388	541
less investigation matters closed	81	139	134
on hand at 30 June	417	474	392

Prosecutions

	15-16	14-15	13-14
matters on hand at 1 July	83	83	65
plus matters opened	15	23	51
less matters closed	26	23	33
on hand at 30 June	72	83	83

Compliance Audits and Civil Litigation

	Self Assessment Audits	Onsite Reviews	Civil Litigation
on hand at 1/7/2015	136	8	-
opened during year	157	-	-
closed during year	291	7	-
on hand at 30/6/2016	2	1	-

Complaints About Us, Grievances and RTI Applications

	Complaints about Us	Reconsiderations	Ombudsman	RTI
on hand at 1/7/2015	-	3	-	5
opened during year	2	5	2	1
closed during year	2	6	2	4
on hand at 30/6/2016	-	2	-	1

Timeliness

Type	Matters Completed	Time Band	Actual %	Cumulative %	Target %	Median days open (15-16)	Median days open (14-15)
complaints	264	<= 6 months	52.91	52.91	75	188	144
	165	7 - 18 months	33.07	85.97	100		
	70	> 18 months	14.03	100.00			
summary dismissals	637	<= 1 month	81.67	81.67	90	20	10
	64	1 - 2 months	8.21	89.87	100		
	79	> 2 months	10.13	100.00			

Agency Summary

Matters on hand by agency

	Total	Start of Year
At LSC		
complaints under assessment	135	95
conduct matters	273	232
self assessment audits	2	136
on-site reviews	1	8
sub-total	411	471
At QLS		
conduct matters	1	137
At BAQ		
conduct matters	8	10
total	420	618

Complaints assigned by agency

	YTD	% of YTD
retained at LSC	335	95.71
referred to QLS	6	1.71
referred to BAQ	9	2.57
total	350	

Investigation matters assigned by agency

	YTD	% of YTD
retained at LSC	56	98.25
referred to QLS	1	1.75
referred to BAQ	-	-
total	57	

Closure Summary

Enquiries by enquirer type

	15-16	%	14-15	13-14
client/former client	1,769	73.43	2,318	972
non client	399	16.56	660	294
solicitor	133	5.52	154	79
third party	29	1.20	51	23
beneficiary	29	1.20	49	29
executor	15	0.62	15	21
solicitor for client	9	0.37	29	21
barrister	5	0.21	15	-
all other 'enquirer types' combined	21	0.87	21	12
total	2,409		3,312	1,451

Enquiries by outcome

	15-16	%	14-15	13-14
general enquiry	993	41.22	866	-
provided advice/help re making a complaint	586	24.33	674	218
recommended direct approach to firm about concerns	353	14.65	426	152
provided referral for legal advice or other assist	171	7.10	524	286
explained concerns are outside jurisdiction	73	3.03	90	74
provided information about LSC to lawyer	59	2.45	97	56
provided cost information	48	1.99	150	-
lost contact with complainant/enquirer	28	1.16	102	124
matter unable to be resolved	26	1.08	148	245
provided information	22	0.91	73	73
negotiated remedial action	1	0.04	139	200
all other 'outcomes' combined	49	-	23	23
total	2,409		3,312	1,451

Enquiries by area of law

	15-16	%	14-15	13-14
family law	381	15.82	579	280
personal injuries /workcover litigation	302	12.54	425	176
deceased estates or trusts	235	9.76	387	167
conveyancing	193	8.01	341	200
litigation	128	5.31	166	97
criminal law	98	4.07	110	63
commercial /company law	56	2.32	78	63
property law	38	1.58	56	36
conduct not in the practice of law	23	0.95	24	12
immigration	16	0.66	11	5
building/construction law	14	0.58	16	16
administrative law	9	0.37	10	16
bankruptcy and insolvency	9	0.37	14	6

leases/mortgages	8	0.33	23	19
all other 'areas of law' combined	899	-	1,072	295
total	2,409		3,312	1,451

Enquiries by nature of the enquiry

	15-16	%	14-15	13-14
costs	574	23.83	857	466
quality of service	378	15.69	528	235
ethical matters	158	6.56	242	163
communication	113	4.69	246	152
PIPA	67	2.78	95	46
documents	65	2.70	113	55
compliance	30	1.25	58	26
trust funds	25	1.04	50	35
personal conduct	12	0.50	28	16
advice	9	0.37	19	3
all other 'natures of enquiry' combined	978	-	1,076	254
total	2,409		3,312	1,451

Summary Dismissals

Summary Dismissals by area of law

	15-16	%	14-15	13-14
family law	159	20.38	102	77
conveyancing	88	11.28	54	19
deceased estates or trusts	81	10.38	63	45
commercial law	70	8.97	21	24
litigation	65	8.33	47	40
personal injuries /workcover litigation	53	6.79	50	23
criminal law	36	4.62	23	24
property law	32	4.10	17	11
bankruptcy & insolvency	16	2.05	8	5
conduct not in the practice of law	15	1.92	10	5
administrative law	14	1.79	3	8
immigration	8	1.03	-	-
leases/mortgages	7	0.90	5	12
building/construction law	6	0.77	4	10
trust account breaches	4	0.51	3	18
all other 'areas of law' combined	126	-	57	83
total	780		467	404

Summary Dismissals by nature of matter

	15-16	%	14-15	13-14
ethical matters	227	29.10	123	151
quality of service	202	25.90	140	98
costs	147	18.85	71	45
communication	94	12.05	39	39
compliance	23	2.95	22	13
personal conduct	21	2.69	12	7
trust funds	16	2.05	12	21
documents	14	1.79	12	6
PIPA	2	0.26	6	-
all other 'natures of matter' combined	34	-	30	24
total	780		467	404

Complaints/Investigation Matters

Complaints by complainant type

	15-16	%	14-15	13-14
client/former client	291	69.62	245	372
non client	68	16.27	82	102
solicitor for client	22	5.26	17	21
solicitor	19	4.55	30	27
third party	6	1.44	-	1
beneficiary	4	0.96	8	11
executor	4	0.96	-	2
barrister	1	0.24	5	2
judge	1	0.24	-	2
all other 'complainant types' combined	2	-	1	1
total	418		388	541

Complaints by respondent type

	15-16	%	14-15	13-14
solicitor	370	88.52	341	501
barrister	16	3.83	15	31
unlawful operator	11	2.63	10	5
law practice employee	9	2.15	6	4
non-legal director	4	0.96	5	-
legal practitioner	3	0.72	3	-
corporation	4	0.96	-	-
other	1	0.24	8	-
total	418		388	541

Complaints by outcome

	15-16	%	14-15	13-14
no reasonable likelihood	276	66.03	229	299
no public interest	75	17.94	73	126
referred to other investigative process	22	5.26	9	5
withdrawn/discontinued	18	4.31	38	12
referred to tribunal	18	4.31	17	44
referred for civil litigation	4	0.96	3	3
referred to Magistrates Court	2	0.48	-	2
referred for criminal litigation	1	0.24	3	2
negotiated remedial action	-	-	5	23
matter unable to be resolved	-	-	5	16
referred to LPC	-	-	3	4
complaint unfounded	-	-	2	4
all other 'outcomes' combined	2	-	1	2
total	418		388	541

Complaints by area of law

	15-16	%	14-15	13-14
family law	81	19.38	91	109
conveyancing	61	14.59	40	61
litigation	55	13.16	46	45
deceased estates or trusts	49	11.72	37	59
commercial /company law	39	9.33	24	32
personal injuries /workcover litigation	19	4.55	29	48
property law	16	3.83	9	11
criminal law	15	3.59	28	40
leases /mortgages	6	1.44	9	17
building /construction law	6	1.44	7	17
conduct not in the practice of law	6	1.44	6	3
administrative law	3	0.72	8	4
bankruptcy and insolvency	3	0.72	5	2
immigration	3	0.72	1	2
trust account breaches	3	0.72	-	4
industrial law	2	0.48	3	5
all other 'areas of law' combined	51	-	45	82
Total	418		388	541

Complaints by nature of matter

	15-16	%	14-15	13-14
quality of service	143	34.21	126	167
ethical matters	90	21.53	104	143
costs	85	20.33	69	96
communication	37	8.85	24	60
compliance	31	7.42	28	26
trust funds	15	3.59	15	21
documents	10	2.39	9	10

personal conduct	6	1.44	8	5
PIPA	-	-	1	5
all other 'natures of matter' combined	1	-	4	8
total	418		388	541

Investigation matters by outcome

	15-16	%	14-15	13-14
no public interest	42	51.85	98	79
no reasonable likelihood	23	28.40	30	28
referred to tribunal	11	13.58	4	21
referred to other investigative process	2	2.47	2	1
referred for criminal litigation	1	1.23	2	1
withdrawn	1	1.23	1	1
referred to Magistrates Court	-	-	1	1
referred for civil litigation	1	1.23	1	-
all other outcomes combined	-	-	-	2
total	81		139	134

Investigation matters by area of law

	15-16	%	14-15	13-14
personal injuries /workcover litigation	25	30.86	56	42
trust account breaches	12	14.81	20	34
conduct not in the practice of law	8	9.88	10	6
deceased estates or trusts	7	8.64	2	5
bankruptcy and insolvency	6	7.41	5	1
commercial /company law	3	3.70	2	1
conveyancing	2	2.47	5	2
family law	2	2.47	4	6
litigation	2	2.47	4	6
administrative law	1	1.23	-	3
criminal law	-	-	4	6
building/construction law	-	-	1	-
immigration	-	-	-	1
leases/mortgages	-	-	-	1
all other 'areas of law' combined	13	-	26	20
total	81		139	134

Investigation matters by nature of matter

	15-16	%	14-15	13-14
PIPA	24	29.63	53	39
compliance	17	20.99	26	20
ethical matters	13	16.05	15	14
trust funds	10	12.35	17	28
costs	9	11.11	9	10
quality of service	3	3.70	6	10
personal conduct	3	3.70	8	4
communication	-	-	-	3

all other 'natures of matter' combined	2	-	5	6
total	81		139	134

Prosecution Matters

Prosecutions by respondent type

	15-16	14-15	13-14
solicitor	18	10	8
barrister	3	1	1
all other respondent types	1		1
total	22	11	10

Prosecutions – heard and decided

	15-16	14-15	13-14
by Tribunal	21	9	9
by the Committee	1	-	-
by the Magistrates Court		1	1
by the Court of Appeal		1	1
reconsidered/withdrawn/discontinued/other	4	12	23
-total	26	23	34

Prosecutions by charge outcome

	15-16	14-15	13-14
proved - professional misconduct	16	74	30
proved -unsatisfactory professional conduct	15	5	10
proved – LPA/PIPA offence	-	-	-
dismissed after hearing	-	1	4
withdrawn	4	6	10
total	35	86	54

Prosecutions by area of law

	15-16	14-15	13-14
family law	6	1	2
litigation	2	3	-
criminal law	2	2	1
property law	2	1	1
personal injuries/workcover litigation	2	-	-
deceased estates or trusts	2	1	-
commercial /company law	1	2	1
trust account breaches	1	1	1
conduct not in the practice of law	1	-	1
conveyancing	1	-	-
bankruptcy and insolvency	1	-	-
leases/mortgages	-	-	1
building/construction law	-	-	1
all other 'areas of law' combined	1	-	1
total	22	11	10

Prosecutions by nature of matter

	15-16	14-15	13-14
ethical matters	7	2	2
compliance	3	1	1
costs	2	-	-
quality of service	2	3	1
trust funds	2	1	1
personal conduct	2	-	2
communication	1	1	-
all other 'natures of matter' combined	3	3	3
total	22	11	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
size of profession as at 30 June 2016	11,188	1,927	2,092
no of respondents for 2015-16 year	344	279	288
Percentage	3.07	14.48	13.77

Solicitors subject to investigation

	2015-16	2014-15	2013-14
1 complaint	288	324	395
2 complaints	39	38	59
3 complaints	13	10	16
4 complaints	1	3	7
5 complaints	1	-	2
between 6 and 9	1	-	-
between 10 and 14	1	-	1
15 and > complaints	-	-	-
total	344	375	480

Law firms subject to investigation

	2015-16	2014-15	2013-14
1 complaint	198	221	244
2 complaint	54	51	64
3 complaint	17	19	32
4 complaint	5	-	9
5 complaint	2	-	5
between 6 and 9	2	4	2
between 10 and 14	1	-	2
15 and > complaints	-	-	-
total	279	295	358

Solicitors subject to investigation by gender

	2015-16	%	2014-15	2013-14
male	253	73.55	285	364
female	91	26.45	90	116
total	344		375	480

Solicitors subject to investigation by age group

	2015-16	%	2014-15	2013-14
24 and under	8	2.33	7	9
25 - 29	18	5.23	26	31
30 - 34	24	6.98	29	47
35 - 39	35	10.17	27	42
40 - 44	46	13.37	62	65
45 - 49	34	9.88	46	57
50 - 54	51	14.83	60	63
55 - 59	57	16.57	54	77
60 - 64	33	9.59	35	60
65 - 69	30	8.72	23	23
70 and over	8	2.33	6	6
total	344		375	480

Solicitors subject to investigation by law firm business type

	2015-16	%	2014-15	2013-14
partnership/ sole practitioners	168	60.22	182	238
ILP	107	38.35	109	118
MDP	4	1.43	4	2
total	279		295	358

Solicitors subject to investigation by law firm size

PC holders	2015-16	%	2014-15	2013-14
1	93	33.33	76	91
2 - 3	75	26.88	91	112
4 - 6	47	16.85	66	72
7 - 12	23	8.24	26	40
13 - 24	24	8.60	20	21
25 - 50	5	1.79	9	13
51 - 100	7	2.51	3	5
101 - 200	5	1.79	4	4
total	279		295	358

Solicitors subject to investigation by law office location

	2015-16	%	2014-15	2013-14
Brisbane city	74	25.69	75	81
Brisbane north suburbs	32	11.11	35	50
Brisbane south suburbs	40	13.89	56	52
Gold Coast	68	23.61	64	73
Ipswich region	7	2.43	9	12
Toowoomba region	7	2.43	13	11
Western Queensland	-	-	-	-
Sunshine Coast	24	8.33	24	34
Hervey Bay to Gladstone	4	1.39	4	13
Rockhampton region	2	0.69	3	9
Mackay region	3	1.04	3	7
Cairns region	16	5.56	8	17
Townsville region	11	3.82	12	15
total	288		306	374

Investigations by Barrister

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
size of profession as at 30 June 2016	1,126	16	1.42

Barristers subject to investigation

	2015-16	2014-15	2013-14
1 complaint	16	19	32
2 complaints	-	2	1
3 and > complaints	-	-	-
total	16	21	33

Barristers subject to investigation by gender

	2015-16	%	2014-15	2013-14
male	13	81.25	15	31
female	3	18.75	6	2
total	16		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

	15-16	\$	14-15	\$	13-14	\$
apology	-	-	1	-	4	-
financial redress/compensation	1	1,000	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	4	-	3	-	2	-
total	5	1,000	139	214,162	201	181,838

Complaints

	15-16	\$	14-15	\$	13-14	\$
apology	42	-	45	-	67	-
financial redress/compensation	37	102,557	35	164,234	65	438,465
redress - improved communications	5	-	12	-	8	-
redress - other	12	-	27	-	23	-

management system improvements	31	-	51	-	46	-
training/mentoring/ supervision	4	-	18	-	15	-
made advertisement PIPA compliant	20	-	54	-	39	-
total	151	102,557	242	164,234	263	438,465

Prosecutions

	15-16	\$	14-15	\$	13-14	\$
employee not to be employed	-	-	-	-	-	-
fined (disciplinary body – USP / PMC)	11	38,250	7	26,000	6	26,000
fined (Magistrates Court – LPA offence)	-	-	1	1,083	-	-
ordered to apologise	--	-	-	-	-	-
ordered to pay compensation	1	7,000	-	-	1	7,500
ordered to make other redress	-	-	-	-	-	-
ordered to undertake training -or be supervised	4	-	-	-	1	-
reprimanded	11	-	9	-	6	-
struck off	6	-	1	-	4	-
suspended	-	-	-	-	-	-
withdrawn/reconsidered – apology	2	-	4	-	12	-
withdrawn/reconsidered – financial redress	-	-	1	9,656	6	19,998
withdrawn/reconsidered – apology	-	-	2	-	-	-
total	35	45,250	25	36,739	36	53,498

