

Legal Services Commission

# 2019 - 2020 Annual Report

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If your preferred language is a language other than English, contact the Translating and Interpreting Service (TIS) for assistance on 13 14 50.

TIS provides a free, national telephone interpreting service available 24 hours a day, seven days a week.

Telephone TIS on 1300 655 082 if you require on-site interpreters for face-to-face interviews.

### **Acknowledgement of the traditional owners**

The Legal Services Commission respectfully acknowledges the traditional owners of the land and pays respect to Elders past, present and emerging community leaders.

9 October 2020

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
Leader of the House  
1 William Street  
BRISBANE QLD 4000

Dear Attorney-General

In accordance with the section 490(1) of the *Legal Profession Act 2007*, I am pleased to provide you with the Legal Services Commission's 2019-2020 Annual Report.

This report has been prepared in accordance with section 46(2) of the *Financial and Performance Management Standard 2019* (FPMS) and provides a comprehensive overview of the activities of the Legal Services Commission for the past financial year pursuant to our reporting obligations under section 490 of the *Legal Profession Act 2007*. The report also presents our audited financial statements and key performance indicators for the financial year ended 30 June 2019.

The information contained in the Legal Services Commission 2019-2020 Annual Report is compliant with the Commission's prescribed obligations under the *Legal Profession Act 2007* and meets the requirements of the FPMS.

Yours sincerely



Megan Mahon  
**Legal Services Commissioner**

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# FROM THE COMMISSIONER

The Queensland legal profession continues to grow. At 30 June 2020, there were 14,105 barristers and solicitors issued with practising certificates in Queensland. This equates to an increase in the number of holders of practising certificates of 3% over the previous reporting year. This increase does not take into account any fluctuations of all other lawyers in Queensland, for example government legal officers and other lawyers who do not hold practising certificates and who are not legally required to do so.

I wish to acknowledge the vast majority of the legal fraternity who are good, honest, ethical professionals. These practitioners continue to uphold their professional responsibilities and maintain the high standards expected of the legal profession – it is only a few who do not. Although the Commission receives a high volume of complaints each year, less than a quarter of those complaints progress to further investigation, and of those, only a small percentage proceed to prosecution.

It is however disappointing to report, that as a result of our investigations and prosecutions, seven legal practitioners were found unfit to practice and were consequently removed from the Roll of Legal Practitioners. I don't take any delight in advising of this number. It is however a necessary component in ensuring that the legal profession remains strong and ethical and one in which public confidence can be maintained. So, it is only when the conduct of a very small number of individuals, falls below the standard expected of them by the community and by their own professional colleagues, that such severe consequences ensue, bringing an end to their professional career.

## **Regulatory Objectives**

The essential work of the Commission continues to keep the Queensland community safe by working with the profession to protect the public and build

and maintain public confidence in the legal profession. This is achieved through identifying and deterring misconduct, where necessary pursuing disciplinary action, and preventing individuals practising law without the necessary qualifications.

Each aspect of the regulatory process for which the Commission is responsible is reported below. From enquiries, through to complaints and any necessary prosecutions, all regulation is for the betterment of the profession and vital to upholding standards and good reputation. This aspect of our regulatory functions is of course reactive and comes about following less than acceptable conduct, which is either complained of by consumers or professional colleagues, or comes to the notice of the Commission by referral or even media attention.

What is equally important in safeguarding professional standards and protection of consumers is a proactive approach to regulation. Awareness, education, and compliance monitoring are key activities that will aid in preventing a reactive disciplinary response. While BAQ and QLS are instrumental in supporting their respective memberships in providing advice and member support services, the Commission too has an important role to fulfil in this preventative regulatory space.

Limited resources must be directed to the highest priorities and protecting consumers from unlawful operators, unprofessional conduct, and the recovery of documents and trust monies will often take priority over other matters where legal rights and priority are not at risk. However, the compliance measures incumbent on the Commission along with other proactive measures must not be undervalued.

Compliance is a particularly important aspect of ensuring law practices have appropriate management systems, which can remove many of the consumer disputes and

technical breaches of the Act about which we receive many complaints. An example is an appropriate management system that deals with costs of a matter: how they are recorded, how they are charged, the terms of the costs agreements with clients and the very important ongoing disclosure of costs.

Another example is a system that ensures conflict checks are undertaken to avoid any allegation of the practitioner or firm having a conflict of interest in relation to any client.

The Commission has not had an active compliance audit program for some years. This will be remedied in the near future.

### **Personal Conduct**

The ongoing concern of particular conduct of individuals, which is thought to be prevalent in the profession, saw heightened publicity around matters of sexual harassment and illicit drug use, including convictions for serious offences. While personal conduct is the responsibility of each and every legal professional, as co-regulators, I am committed to working with the BAQ and the QLS in addressing these issues and encouraging cultural change within the profession. It is only through awareness and encouragement by the profession's leaders, often by themselves setting the best example, that we will achieve positive change in the profession. Such change will not only result in protection of all those who work in the profession and the consumers of legal services, but also importantly safeguard the reputation of the profession itself. The profession's good reputation is paramount, given that its members are the very ones who play a pivotal role in the administration of justice in Queensland and in whom the public so very often place their trust.

### **Covid-19 Impacts**

The work of the Commission is ever increasing, and the Covid-19 pandemic has impacted us in a number of ways. The restrictions and various alternations to social

practices that have occurred have placed a great deal of stress and hardship on many Australians.

While I understand there has been significant additional pressure on practitioners during this time, it has been important that the Commission has continued to discharge its statutory obligations and responsibilities. While practitioners are faced with many new and totally unforeseeable challenges, it is essential that as a society, and particularly for legal practitioners, there is appreciation for the adherence to the rule of law. This of course means that regulation of the profession is just as important in trying times, as it is in the good times.

For the health and safety of our team, and visitors alike, we closed our offices to the public during the worst of the pandemic in Queensland, implemented social distancing and COVID-safe practices within our workplace, and where possible, facilitated working from home arrangements for some staff members.

The Commission experienced an immediate increase in demand for our services after the onset of the pandemic. Further discussion on the ongoing impact of Covid-19 on the Commission is set out below. For particular mention though, I wish to thank the Department's Information Technology Services (ITS) for their significant contribution in assisting us to enable approximately one-third of the Commission's staff to work from home at the height of the pandemic.

This achievement in a relatively short period of time would not have been possible without the hard work of all the officers of ITS. I am sincerely thankful to each of them for all they did to assist us achieve some form of remote working capability, particularly for higher risk staff members.

The efforts of the staff of the Commission have been instrumental in us continuing to operate throughout the pandemic. I am sincerely thankful for their ongoing commitment and dedication to what is often a pretty thankless task, and all the more so when faced with the uncertainty of the impact of the pandemic on themselves and their families.

Their stoicism in those anxious times and commitment to get on with the job at hand, then and now, is acknowledged and appreciated. I am proud of how they all quickly adapted and worked diligently to continue delivering the services of the Commission.

### **A Challenging Start**

It has only been a relatively short period of time since my appointment as Legal Services Commissioner last October, yet, with the intervening events it already feels like a lifetime ago. My commitment to the role nevertheless remains top of mind for me and one I am proud to serve. The importance of a strong and ethical profession is near to my heart and in a variety of ways it is something that I have been contributing to for a large part of my professional career.

Coming from more than 20 years of private practice into the public sector has been a very steep learning curve. But what continues to keep me on track is the pride I take in Queensland's legal profession. A profession that is fiercely independent, and rightly so, as one of the important pillars of civilised society committed to the rule of law. It is that independence that will sometimes see a resistance to regulation. However, fair and transparent regulation is vital to ensuring confidence in the legal profession and the significant part the profession who in turn contribute to the confidence in Queensland's legal and judicial system.

I received a very warm welcome to my new role from the staff of the Commission and the legal profession generally. The support and helpful advice proffered by many at the Department is appreciated. From the Director-General, Mr David Mackie, and to all other members of the Department who assist the Commission with operational services, including finance, HR and IT, I am thankful for your valuable contribution to our essential operations.

While it is often fraught with danger to single out any one individual, and I certainly do not mean any offense to the many who have warmly welcomed me and supported me in this important role as Commissioner, I do wish to particularly acknowledge and thank Mrs Leanne Robertson, Assistant Director-General of the Department of Justice and Attorney-General. From the morning phone call on my way to the office on my very first day to welcome me and wish me well, throughout the many hellish days (and very late nights) of the pandemic, when Leanne no doubt had her own challenges to deal with, ensuring always that we were making progress with remote capabilities and work-safe practices, and more generally just checking in from time to time, Leanne has been a stalwart of support and I am sincerely grateful.

I also thank the Commission's key stakeholders, particularly members of the legal profession, for their ongoing support and commitment. I look forward to leading the dedicated staff of the Commission as we work together to continue the valuable work of the Commission into the years ahead.

I commend the Legal Services Commission 2019-2020 Annual Report to you.



Megan Mahon  
Legal Services Commissioner

# ABOUT THE COMMISSION

## WHO WE ARE

The Legal Services Commission was established in 2004 and continues its existence pursuant to the *Legal Profession Act 2007* as an independent statutory body. The Commission is responsible for the regulation of the legal profession, including the responsibility to receive, manage and investigate complaints about the conduct of lawyers, their employees, and unlawful operators in relation to the provision of legal services in Queensland.

The Commission's 2019-2021 Strategic Plan, brought in to effect on 1 July 2019, identified the following strategic drivers:

## OUR PURPOSE

To help protect and promote public confidence in the legal system, the administration of justice and the rule of law by:

- giving users of legal services an independent, timely, effective, fair and reasonable means of redress for complaints; and
- promoting, monitoring and enforcing professionally appropriate standards of conduct in the provision of legal services.

## OUR VISION

To be well informed, focused, fair and accountable.

## OUR VALUES

Respect, innovation, transparency, collegiality, performance.

## WHAT WE DO

The Legal Services Commissioner plays an integral role in the regulation of the provision of legal services in Queensland along with the LPAB, QLS, BAQ, the disciplinary bodies and the Courts.

The Commission ensures complaints about legal professionals can be made to, and investigated by, an independent statutory body, separate from the legal profession itself. The Commissioner's statutory responsibilities are set out in the *Legal Profession Act 2007*.

Together with the staff of the Commission, our approach as an effective regulator not only protects consumers but also supports lawyers in their obligations to provide competent legal services, improved professionalism and ethical decision making.

## **QUEENSLAND CO-REGULATORY MODEL**

The Bar Association of Queensland (BAQ) and the Queensland Law Society (QLS) are the professional representative bodies of barristers and solicitors respectively, in Queensland.

As regulatory authorities, the BAQ and the QLS perform certain functions under the Act including the issue and regulation of practising certificates, setting of legal profession rules and (in the case of the QLS) the audit of trust accounts and other practice matters.

Together, the Commission, BAQ and QLS, are responsible in varying ways for the promotion and enforcement of professional standards, competence and honesty of the legal profession. It is together, in this vital regulatory function, that each regulatory authority contributes to a stronger and more ethical legal profession upon which the public can depend.

To the extent permitted by the law, the regulatory authorities discharge their respective functions to ensure confidence in the interests of the administration of justice and the protection of consumers of legal services.

# THE YEAR IN REVIEW

From 1 July 2019

We received **2,918**   
new enquires  
(increase of 12.71%)  
in 12 months

We received **1,160**  
new complaints  
or an average  
of just over 96  
complaints each  
month

We summarily  
dismissed  
**872**  
complaints

We commenced  
**45**  
own motion  
investigations

We closed  
**278**  
complaint and  
investigation  
matters

We commenced  
the year with 36  
prosecution  
matters on hand  
and initiated

 **35**  
new  
prosecution  
matters

(increase of 55.55 %  
in new prosecutions)

and finalised 30

# THE QUEENSLAND LEGAL PROFESSION AT A GLANCE

**14,105**

legal practitioners in Queensland  
(12,971 solicitors and 1,134 barristers) \*

**13**

MDPs or 0.56% of all Queensland law firms

**7,133**

female practitioners or 48.61% solicitors and  
1.96% barristers

**937**

or 39.94% are other law practices

**6,960**

male practitioners or 43.26% solicitors and  
6.08% barristers

**1,094**

solicitor's legal practices or 47.34% of  
solicitor's legal practices  
have 1 practising certificate holder

**12**

gender unspecified or 0.09%

**552**

total barrister's chambers including group and  
individual chambers

**2,346**

solicitors' legal practices increasing by 4.43%  
in 12 months

**669**

or 59% of barristers are now in group  
chambers and 41% are in individual chambers  
(no proportionate change in the last 12 months)

**1,396**

ILPs or 59.51% of all Queensland law firms #

\* Does not include those government legal officers who do not hold a practising certificate.  
# A further four ILPs were recorded but identified as non-compliant.

# CONFIDENCE IN A STRONG AND INDEPENDENT LEGAL PROFESSION

# ENSURING PUBLIC CONFIDENCE IN THE LEGAL PROFESSION

## **OUR SERVICES AND CONTRIBUTION TO QUEENSLAND**

We provide a valuable service to the people of Queensland by regulating the legal profession pursuant to the *Legal Profession Act 2007*.

## **PROTECTING THE PUBLIC FROM UNSUITABLE PRACTITIONERS**

We ensure professional standards of behaviour are maintained, including the obligation that barristers and solicitors conduct their matters fairly and reasonably.

The essential work of the Commission contributes to keeping communities safe through the prevention, detection and deterrence of unsatisfactory professional conduct and professional misconduct within the legal profession.

While every matter is unique, we aim to always be fair and consistent with disciplinary and enforcement activities, the prosecution of unlawful operators, and the monitoring of the wider professional environment to identify conduct within our jurisdiction that would require the commencement of an own motion investigation (which is an investigation commenced by the Commissioner, without a complaint).

We assist complainants through the complaints process as far as our resources and statutory limitations permit and we provide relevant, easy to access information, and where necessary, outline the steps when action is required.

We also support consumer redress for complainants wherever possible by giving them guidance on how to achieve satisfactory outcomes in relation to disputes with their legal services provider.

Such redress may include adjustment of legal costs charged, release of documents and other important information belonging to them, or a full account of trust monies.

## **PROTECTING CONSUMERS FROM UNQUALIFIED LEGAL SERVICES PROVIDERS**

As an independent statutory body, the Commission acts in the public interest and plays an important role protecting the community. We do this by ensuring members of the public can be confident in receiving sound legal advice from competent, qualified legal practitioners, and we safeguard the public from those practising law who are not qualified or entitled to do so.

Members of the public must be protected from people who offer to provide legal services or undertake work that amounts to providing legal services without the proper qualifications and licenses. Under the Act we have the power to take action to stop unlawful operators and prosecute where possible.

This power is particularly important given the complexities of the law and the legal system, and the potentially severe and far reaching consequences a legal outcome may have for an individual, their business or their family.

Practising law without the proper qualifications, including being the holder of a current practising certificate, is a criminal offence.

We assist complainants through the complaints process as far as our resources and statutory limitations permit and we provide relevant, easy to access information, and where necessary, outline the steps when action is required.

We also support consumer redress for complainants wherever possible by giving them guidance on how to achieve satisfactory outcomes in relation to disputes with their legal services provider.

Such redress may include adjustment of legal costs charged, release of documents and other important information belonging to them, or a full account of trust monies.

# POSITIVE OUTCOMES

While it is not always possible to achieve satisfactory outcomes for consumers and members of the profession on every occasion, the Commission always aims to be fair and equitable in all of its dealings.

There will be times where a consumer's expected outcome is simply not possible under the powers and functions granted by the Act. There will also be times when busy practitioners are resentful of the Commission needing to discharge its obligations in regulating for the betterment of the profession as a whole. However, in the end, what we do is aimed at supporting confidence in the legal profession, which in turn results in a strong and ethical profession and provides protection for consumers.

**Regardless of the outcome or decisions that are made, along with criticism, we do also occasionally receive positive feedback. Some of that feedback over the reporting period has included the following responses:**

**From a practitioner following an investigation:**

*Thank you sincerely for your letter that I received this afternoon. I do appreciate the amount of time and effort it has taken for you to reach your conclusion. When I began acting for Mr [Client], I had just commenced practice as a Solicitor, never having been a Solicitor previously.*

*Therefore, I appreciate the advice you have given me. For a long period of time now, I have been updating my cost disclosures in compliance with s 315 and do provide letters to clients, particularly in civil matters, which allow for ongoing cost disclosure.*

*I wish you well, both professionally and personally. Thank you for your courtesy and consideration.*

...

**From a consumer, following the dismissal of his complaint:**

*Thank you for your reply to my complaint.*

*I wish to acknowledge the effort required of your investigation into this complaint from the limited resources supplied by me.*

*I understand the results of the decisions that you have made and again thank you and your office for all your time.*

...

# SUPPORTING A STRONG AND ETHICAL LEGAL PROFESSION

## **OUR CONTRIBUTION TO THE PROFESSION**

Our work ensures legal practitioners in Queensland uphold the highest professional and ethical standards, understand their obligations to their clients and when they engage with members of the public. We achieve this by monitoring and regulating the legal profession within Queensland in accordance with the Legal Profession Act 2007, in the interests of the public, and the administration of justice.

We strive to engage with the profession more directly by delivering presentations and attending interactive events and other functions.

We place a high priority on the contribution we make to the legal profession. During the third and final quarters of 2019-2020 the Commissioner focused on re-engaging with the legal profession on a broader level. These engagements are an opportunity to promote increased awareness and encourage greater adherence to professional obligations and ethical standards, as well as a valuable source of feedback.

We address major challenges facing the legal profession by working collaboratively with their representative bodies and directly with the members of the legal profession, to provide guidance and feedback on a variety of issues, and identifying emerging concerns.

We constructively and collaboratively engage with the profession across a range of public and private sectors throughout Queensland and Australia to ensure the services we provide are continuously improving and integrate current best practice.

We reviewed and updated existing resources and examined new ways to offer information and assistance to legal professionals to support them when they engage with their clients, the community, and the Commission. This included informing legal professionals of their obligations under the relevant rules and legislation, providing information on the most common enquires and complaints we receive, and providing information on how to engage with clients in constructive and meaningful ways.

The Commissioner's commitment to a renewed focus on engagement with the legal profession, despite the challenges presented by the Covid-19 pandemic, has continued with personal engagement with members of the legal profession within both the private and public sectors, and their professional representative bodies.

## **OUR CONTRIBUTION TO EMERGING PROFESSIONALS**

We place a high priority on engaging with emerging legal professionals, both at undergraduate and graduate levels.

As the lawyers of the future, we recognise the importance of equipping emerging professionals with an understanding of their ethical and professional obligations, and an awareness of the role of the Commission as they begin their legal careers.

During 2019-2020 the Commissioner spoke with students at Bond University and the College of Law with the aim to educate them on how to avoid complaints and what to do if they receive a complaint. The last planned event was a lecture of undergraduate ethics law students at both campuses of Griffith University, which was varied to an online discussion due to the Covid-19 pandemic. Invitations that had been accepted from other Queensland universities and legal education providers were postponed as a result of the Pandemic.

## **ENGAGING WITH THE PROFESSION**

While many more engagements with members of the legal profession, academia and law students were planned, these events were all postponed from March onwards due to the Covid restrictions that were imposed on us all.

The Commissioner looks forward to attending all postponed events and many new events as soon as the Covid restrictions are lifted. The safety and wellbeing of the staff of the Commission, members of the profession, students, and members of the public of course took priority to these in person events.

# REGULATION IN ACTION

# ENQUIRIES AND COMPLAINTS HANDLING

## DELIVER AN EFFICIENT AND EFFECTIVE SYSTEM FOR DEALING WITH ENQUIRIES AND COMPLAINTS

We aim to receive, manage and deal with complaints and enquiries in a fair, efficient and transparent manner. We achieve this by assisting complainants through the complaint process as far as our resources and statutory limitations permit.

### ENQUIRIES

We received 2,918 new enquiries. This represents an increase of 12.71% from the previous reporting year. We finalised 2,555 enquiries or 87.56% of all enquires on the same day, and 363 or 12.44% on a later day.

### COMPLAINTS

As an independent statutory body, the Commission has the power to regulate the legal profession, including receiving and, where appropriate, investigating complaints about the conduct of lawyers, their employees, and unlawful operators in relation to the provision of legal services in Queensland.

The Commissioner has the discretion to refer professional conduct investigations involving barristers to the BAQ; all other investigations are undertaken by the Legal Services Commission.

We commenced the 2019-2020 year with 400 complaint and investigation matters on hand. We received 1,160 new complaints and finalised 1,150. At the close of the reporting period we had 455 complaint and investigation matters on hand.

We assessed 86% of new complaints and had 14.83% awaiting assessment at the end of the reporting period. Of the number of new complaints assessed, 75.17% were summarily dismissed, 21.15% were assessed to be conduct matters, and 0.1% were assessed as consumer disputes.

## Complaints by Complaint Type

<b>Client/Former Client</b>	125
<b>Non-Client</b>	40
<b>Solicitor</b>	21
<b>Solicitor for Client</b>	21
<b>Third Party</b>	17
<b>Beneficiary</b>	3
<b>Executor</b>	2
<b>Anonymous</b>	1
<b>Barrister</b>	1
<b>Total</b>	<b>231</b>

## Complaints by Outcome

<b>No reasonable likelihood</b>	134
<b>No Public Interest</b>	33
<b>Referred to tribunal</b>	26
<b>Referred-other investigative process</b>	16
<b>Withdrawn</b>	10
<b>Opened in error</b>	3
<b>Referred to Magistrates Courts</b>	2
<b>Referred for criminal litigation</b>	2
<b>Complaint unfounded</b>	1
<b>Negotiated remedial action</b>	1
<b>Not Chapter 4 conduct (other)</b>	1
<b>Referred for civil litigation</b>	1
<b>Referred to LPC</b>	1
<b>Total</b>	<b>231</b>

## Summary Dismissals by Outcome

Of the complaint and investigation matters finalised, 67.66% were summarily dismissed within one month of receipt.

<b>Not Chapter 4 conduct (other)</b>	548
<b>Not comply with notice</b>	101
<b>Withdrawn</b>	70
<b>Not chapter 4 conduct (costs disputes only)</b>	59
<b>Referred-Other Investigative Process</b>	27
<b>Frivolous/vexatious/lacking in substance</b>	26
<b>Out of time</b>	21
<b>Previous complaint</b>	5
<b>Struck Off</b>	2
<b>all other 'outcomes' combined</b>	13
<b>Total</b>	<b>872</b>

## Summary Dismissals by Nature of Matter

<b>Ethical Matters</b>	371
<b>Quality of Service</b>	218
<b>Costs</b>	116
<b>Communication</b>	71
<b>Compliance</b>	21
<b>Trust Funds</b>	18
<b>Documents</b>	15
<b>Personal Conduct</b>	3
<b>all other 'natures' combined</b>	39
<b>Total</b>	<b>872</b>

### CONDUCT MATTERS

We finalised 278 conduct matters with over 51% finalised within six months of receipt representing a 25.82% increase in the finalisation time from the previous reporting period. A further 38% were finalised within 18 months of receipt, and just over 10% were finalised within a timeframe of more than 18 months.

We closed 58.01% of conduct complaints on the basis there was no reasonable likelihood of an adverse finding by a disciplinary body, and 14.29% on the basis that, while there may have been a reasonable likelihood of an adverse finding, there was no public interest in initiating disciplinary proceedings. We finalised 12.55% of conduct complaints with a decision to initiate disciplinary proceedings.

## CONDUCT COMPLAINTS FINALISED BY AREA OF LAW

Included below are the conduct complaints closed (not including investigation matters) by area of law during the 2019-2020 reporting period. This data represents complaints closed during the year that were not summarily dismissed. Comparative data has also been included from the previous three reporting years.

Family law, conveyancing, deceased estates and trusts continue to remain high. During 2019-2020 there was a substantial increase of 57.14% in the area of 'Conduct not in the practice of law'.

## Conduct Complaints by Area of Law

	2019-2020	2018-2019	2017-2018	2016-2017
<b>Family law</b>	50	47	75	86
<b>Deceased estates / Trusts</b>	23	26	40	48
<b>Conveyancing</b>	22	21	32	37
<b>Litigation</b>	19	39	42	43
<b>Personal injuries / WorkCover litigation</b>	18	22	26	42
<b>Criminal law</b>	17	21	22	33
<b>Conduct not in the practice of law</b>	14	6	12	10
<b>Commercial / company law</b>	13	10	17	27
<b>Property law</b>	9	9	9	22
<b>Immigration</b>	3	2	3	4
<b>Administrative law</b>	3	0	4	3
<b>Leases /mortgages</b>	2	3	3	7
<b>Building / construction law</b>	1	4	4	2
<b>Bankruptcy and insolvency</b>	1	0	0	3
<b>Industrial law</b>	0	3	2	2
<b>Trust account breaches</b>	0	5	2	1
<b>All other areas combined</b>	36	31	27	47
<b>Total</b>	<b>231</b>	<b>249</b>	<b>320</b>	<b>417</b>

## Conduct Complaints by Nature of Matter

	2019-2020	2018-2019	2017-2018	2016-2017
<b>Ethical matters</b>	95	72	78	75
<b>Quality of service</b>	61	72	93	152
<b>Compliance</b>	20	21	34	30
<b>Costs</b>	19	29	64	79
<b>Communication</b>	16	27	27	42
<b>Documents</b>	6	8	8	8
<b>Personal conduct</b>	5	4	3	8
<b>Trust funds</b>	2	9	8	17
<b>PIPA</b>	2	4	3	3
<b>All other 'natures' combined</b>	5	3	2	3
<b>Total</b>	<b>231</b>	<b>249</b>	<b>320</b>	<b>417</b>

Ethical complaint matters continue to increase with a jump of 24.21% from the previous reporting period. Within this area, quality of service, costs and compliance issues continue to remain high.

# PROACTIVE REGULATION

## PROACTIVE REGULATION - OWN MOTION INVESTIGATIONS

The Act gives the Commissioner power to pursue an investigation matter without the need for a formal complaint to be made. Under the Act, these matters are referred to as 'investigation matters'. They are investigations initiated by the Commissioner and therefore informally known as 'own motion investigations'.

Information may be received by the Commissioner from many sources, including anonymous tip-offs, media reports and commentary, referrals from the courts, individuals or other agencies, or information that may come to light from other investigations.

If the Commissioner believes it is reasonable in the circumstances to commence an investigation, that decision results in the commencement of an own motion investigation.

Own motion investigations may relate to any of the conduct covered by the Act, including investigating contraventions of PIPA, suspected unlawful operators, and other summary offences.

The reduction of PIPA own motion investigations in the reporting year is discussed below.

The Commissioner has the discretion to refer professional conduct investigations involving barristers to the BAQ; all other investigations are undertaken by the Legal Services Commission.

Once completed, any investigation findings are reported to the Commissioner, who will then make the decision as to any prosecution or dismissal of the matter.

In 2019-2020 we commenced 45 own motion investigation matters, including PIPA matters. There were 7 own motion matters that related to barristers which were referred to the BAQ for investigation.

## Own Motion Investigations

	2019-2020	2018-2019
<b>Own motion investigations commenced</b>	39	51
<b>PIPA own motions investigations commenced</b>	6	47
<b>Own motion investigations closed</b>	47	99
<b>Matters currently with BAQ</b>	14	-
<b>Conduct complaints assigned to BAQ</b>	7	25
<b>Investigation matters assigned to BAQ</b>	5	1
<b>Returned from BAQ after investigation</b>	17	17

Once an own motion investigation has concluded and the Commissioner is satisfied that it is reasonably likely a disciplinary body will make a finding of unsatisfactory professional conduct or professional misconduct, and it is not in the public interest to dismiss the matter, the Commissioner may file a disciplinary application to QCAT, the LPC, or refer the matter for further litigation or another investigative process.

The Commissioner may also dismiss an own motion investigation where there is no reasonable likelihood the discipline body will make a finding of unsatisfactory professional conduct or professional misconduct, or where there is a reasonable likelihood of a finding of unsatisfactory professional conduct or professional misconduct, but the Commissioner considers it is not in the public interest to pursue.

We finalised just over 38% of the Commissioner's investigation matters (excluding PIPA related matters) on the basis that there was no reasonable likelihood of an adverse finding by a disciplinary body, and almost 15% on the basis that, while there might have been a reasonable likelihood of an adverse finding, there was no public interest in initiating disciplinary proceedings.

We finalised just over 32% of the own motion investigation matters with a decision to initiate disciplinary proceedings.

## Investigation Matters by Outcome

	2019-2020	2018-2019
<b>Dismissed no public interest</b>	18	71
<b>Dismissed no reasonable likelihood</b>	13	17
<b>Proceed to Tribunal</b>	10	10
<b>Referred for criminal litigation</b>	2	0
<b>Referred to other investigative process</b>	1	0
<b>Referred to Magistrates Court</b>	1	0
<b>Referred for civil litigation</b>	0	1
<b>All other outcomes combined</b>	2	0
<b>Total</b>	<b>47</b>	<b>99</b>

## PIPA

We regulate and investigate alleged contraventions by legal practitioners of advertising and touting of personal injury services under PIPA. The Commissioner may commence an investigation without receiving a formal complaint. We received 123 PIPA related enquiries and commenced six own motion investigations in relation to possible non-compliance with the advertising restrictions imposed by PIPA.

PIPA Enquiries by Outcome	2019-2020
<b>Provided information about LSC to lawyer</b>	101
<b>General enquiry</b>	7
<b>Provided Information about the Legal System</b>	2
<b>Recommended direct approach to firm about concerns</b>	1
<b>Lost Contact with Complainant/Enquirer</b>	1
<b>Explained concerns are outside jurisdiction</b>	1
<b>all other 'outcomes' combined</b>	10
<b>Total</b>	<b>123</b>

The overall reduction of own motion investigations in the reporting year to last year largely relates to the decrease in investigations undertaken by the Commission of technical breaches of the PIPA advertising restrictions.

We continue to also receive referrals and complaints, mostly from practitioners or law firm employees, as to the possible contravention by fellow practitioners of the advertising restrictions imposed by PIPA. However, due to competing operational priorities within the Commission and resources being committed to higher priority matters, both in the public interest and protecting consumers, the Commission has not been able to commit the resources required to address the many referrals that we receive on this issue.

There has never been a prosecution by the Commission for a technical PIPA advertising restriction breach, as practitioners have always attended to the necessary changes to ensure compliance once we have brought the breaches to their attention. It has therefore not yet been in the public interest to pursue any disciplinary action once compliance has been met.

## UNLAWFUL OPERATORS

We protect the public and the profession from those practising law without the necessary qualifications. Practising law, or even representing that you are entitled to do so, without the necessary qualifications is a criminal offence. We rely on reports from members of the public and practitioners to investigate such activities.

Being a criminal offence, there is of course a higher standard of proof to be able to prosecute alleged offenders. However, where necessary and with the required evidence being available, we do prosecute the alleged offenders. Such prosecutions ensure that consumers are protected from the serious consequences that can arise from engaging unlawful operators (often without knowing that they are unlawful), and that the legal profession's reputation and standards are supported.

During the reporting period the Commission successfully prosecuted two unlawful operators. The first was a former legal practitioner who no longer held a practising certificate but continued to provide legal services. The second prosecution was an individual who had acquired a legal practice and was found to be providing legal services, while not qualified to do so.

The Commission also filed and served proceedings against another three entities including the first prosecution against a corporation in the reporting period, the hearing of those matters and subsequent convictions occurred in the subsequent reporting period.

This is an increase of 100% from the previous reporting period.

# EFFECTIVE SUPERVISION

## EFFECTIVE SUPERVISION - PREVENTING, DETECTING AND DETERRING MISCONDUCT

We actively encourage adherence to ethical and professional standards. We work with the QLS and the BAQ to assist the legal profession understand their professional and ethical obligations when engaging with their clients, the wider community, and the Commission.

We also engage with State Government departments and other agencies as we assist them understand the obligations of government legal officers.

### PRACTISING CERTIFICATES

Under Queensland's co-regulatory model, the QLS and the BAQ are responsible for the issuing and regulation of practising certificates for Queensland's legal practitioners, comprising solicitors and barristers respectively.

As at 30 June 2020, there were 14,105 practising certificate holders in Queensland (1,134 barristers and 12,971 solicitors). This data does not include those government legal officers who do not hold a practising certificate.

Government legal officers are defined under the act to include any legal officer (whether or not they hold a practising certificate) who performs legal work in the jurisdiction for the Queensland Government.

Government legal officers are not required to hold a practising certificate in providing legal services to the Government. The Commission is not currently provided with any data on government lawyers who do not hold a practising certificate.

### BARRISTERS

In 2019-2020 there were 1,134 barristers with practising certificates in Queensland. This is an increase of 1.23% during the last reporting period.

### SOLICITORS

During 2019-2020 there were 12,971 solicitors with practising certificates in Queensland. This is an increase of 3.1% on the last reporting period.

### PRACTISING CERTIFICATE HOLDERS

14,105 practising certificate holders in Queensland (not including government legal officers who do not hold a practising certificate) – comprising:

- 1,134 barristers
- 12,971 solicitors

Further identified as:

- 7,133 female practitioners or 48.61% solicitors and 1.96% barristers
- 6,960 male practitioners or 43.26% solicitors and 6.08% barristers
- 12 gender unspecified or 0.09%

### Law Practices

2,898 law practices, being:

#### Barristers:

- 552 total barrister's chambers including group and individual chambers
- 669 or 59% of barristers are now in group chambers and 41% are in individual chambers (no proportionate change in the last 12 months)

#### Solicitors:

- 2,346 solicitors' law firms increasing by 4.43% in 12 months
- 1,396 ILPs or 59.51% of all Queensland law firms
- 13 MDPs or 0.55% of all Queensland law firms

## Barristers

	2019-2020	2018-2019
<b>Number of barristers with current practising certificates</b>	1134	1120
<b>Number of Barristers Chambers in Queensland*</b>	552	545
<b>Group Chambers</b>	87	86

\* Total number including group and individual

## Solicitors

	2019-2020	2018-2019
<b>Number of PC holders in Queensland *</b>	12,971	12,569
<b>Number of PC holders in law firm 2019-2019</b>	Number of law firms with PC holders 2019-2020	Number of law firms with PC holders 2018-2019
<b>1</b>	1,121	1049
<b>2 - 3</b>	687	675
<b>4 - 6</b>	306	277
<b>7 - 12</b>	128	139
<b>13 - 24</b>	62	64
<b>25 - 50</b>	20	16
<b>51 - 100</b>	14	12
<b>101 - 200</b>	7	9
<b>Greater than 200</b>	1	1
<b>Total</b>	<b>2,346</b>	<b>2,242</b>

\* This number does not include government legal officers who work in a legal role and do not hold a practising certificate.

The available data provides the demographics and summarises of the practising legal profession in Queensland during the 2019-2020 reporting year. Further detail is contained in the Statistical Analysis at Appendix B.

### COMPLIANCE AUDITS

The Commissioner has power under the Act to regulate and audit Incorporated Legal Practices (ILPs) and Multi-Disciplinary Partnerships (MDPs).

The Commissioner has identified that for many years, the Commission's involvement in compliance audits has been limited to notifying new ILPs of their obligations under the Act, following the law firm's notification to the QLS of having commenced as an ILP. A full ILP compliance audit program has not been in operation for some five years.

This shortcoming is currently being remediated by the Commissioner to ensure that all statutory obligations of the Commission are discharged to the fullest extent permissible with available resources.

The QLS advised that 285 corporations commenced legal practice in Queensland during the reporting period, and 67 had ceased to practise.

As a result, we initiated 285 ILP self-assessment audits (the name by which they have been previously reported). This is an increase of 24.91% over the previous reporting period.

As at 30 June 2020, there were 1,396 ILPs in Queensland. This is an increase of 10.24% from the previous year. ILPs comprise 59.51% of the total number of Queensland law practices. There are 13 MDPs in Queensland, comprising 0.55% of all Queensland law firms.

# DISCIPLINE AND ENFORCEMENT

## UNDERTAKING FAIR AND CONSISTENT DISCIPLINARY OR ENFORCEMENT ACTIVITIES

We ensure all disciplinary applications we commence or are involved in, are conducted fairly, transparently and according to the principles of natural justice.

We uphold the model litigant principles in all proceedings and in our dealings with disciplinary bodies, respondents, and their legal representatives.

## PROSECUTIONS

The Legal Services Commissioner has the sole authority to prosecute lawyers, legal practitioners and law firm employees in relation to conduct matters under the Act.

We began the year with 31 prosecution matters in train, we commenced another 35 and finalised 30. Of the prosecutions that were finalised, the orders of QCAT and the QCA resulted in:

## Prosecutions

<b>Removed from the Roll of Practitioners</b>	Lawyers	7
<b>Suspended</b>	Lawyers	2
<b>Financial penalties imposed</b>	Lawyers	3
<b>Reprimanded</b>	Lawyers	8
<b>Undertake further training or be supervised</b>	Lawyers	2
<b>Ordered to make redress</b>	Lawyers	2
<b>Successfully prosecuted</b>	Unlawful operators	2
<b>Withdrawn / re-considered / apology</b>	Matters	4

## Prosecutions Finalised by Area of Law

<b>Deceased estates or trusts</b>	4
<b>Criminal law</b>	3
<b>Litigation</b>	3
<b>Family law</b>	2
<b>Commercial /company law</b>	1
<b>Conduct not in the practice of law</b>	1
<b>Conveyancing</b>	1
<b>Trust account breaches</b>	1
<b>All other 'areas' combined</b>	2
<b>Withdrawn/discontinued</b>	12
<b>Total</b>	<b>30</b>

## Prosecutions by Nature of Matter Type

Excludes withdrawn / discontinued

<b>Ethical Matters</b>	5
<b>Personal Conduct</b>	3
<b>Quality Of Service</b>	3
<b>Costs</b>	3
<b>Compliance</b>	1
<b>All Other 'Natures' Combined</b>	3
<b>Total</b>	<b>18</b>

The Following matters are currently pending prosecution or awaiting decision. A comparison from the previous reporting period has also been included.

## Prosecutions

	Total	Start of Previous Year
<b>Assigned for prosecution</b>	10	6
<b>QCAT</b>		
Waiting to file	8	3
Waiting to serve	-	1
Waiting directions hearing	6	10
Waiting compulsory conference	-	3
Waiting hearing / decision	7	26
<b>Total</b>	21	43
<b>Magistrates Court</b>		
Waiting to file	-	-
Waiting hearing / decision	-	-
<b>Total</b>	-	-
<b>Total Prosecutions</b>	31	49

## **DISCIPLINARY BODIES**

Once the decision to prosecute has been made, the Commissioner will file a discipline application with either QCAT or the Legal Practice Committee. The relevant disciplinary body then hears the discipline applications regarding the conduct of legal practitioners and their employees.

## **LEGAL PRACTICE COMMITTEE**

The Commissioner may make an application to the Legal Practice Committee (LPC) for the hearing of conduct matters. These are limited to less serious allegations of unsatisfactory professional conduct (as opposed to the more serious professional misconduct) of Australian lawyers and Australian legal practitioners, as well as alleged misconduct of law firm employees.

There were no applications made to the LPC in the reporting year.

As required by the Act, the Commissioner provides administrative support to the LPC, including secretariat support.

We are currently assisting the LPC in refreshing its operational and administrative processes to develop and deliver an effective and efficient system that will enable it to continue its work dealing with matters pursuant to the Act.

After a significant period of no matters being filed by the Commission with the LPC for hearing, it is proposed the first hearings of the LPC will be held in the next reporting period, with matters to be filed early in the next reporting period.

## **QUEENSLAND CIVIL AND ADMINISTRATIVE APPEALS TRIBUNAL**

We filed 10 discipline applications with QCAT during the reporting period and at 1 July 2020 there are another 18 matters being finalised for filing.

QCAT heard and decided 12 discipline applications during 2019-2020. As at the close of the reporting period, we had 21 QCAT prosecution matters with 7 awaiting decision.

## **OTHER JURISDICTIONS**

### **MAGISTRATES COURT**

Complaint and summons are filed in the Magistrates Court for offences under the Act, including unlawful operators, either unlawfully providing legal services, representing that they will or are entitled to provide legal services, and other summary offences.

In the reporting year, five complaints and summons were filed, with two matters heard and convictions successfully prosecuted. The remaining matters were heard and convictions ensued in the subsequent reporting period.

### **COURT OF APPEAL**

An appeal of a QCAT decision in the Queensland Court of Appeal was instituted in the previous reporting period, with judgment delivered during the current reporting period (15 November 2019) in favour of the respondent.

An appeal of an interim procedural QCAT decision was filed in the Queensland Court of Appeal during the reporting period and subsequently dismissed by agreement between the parties.

## REMOVED FROM THE ROLL OF PRACTITIONERS

There are occasionally circumstances where a lawyer may be found to have engaged in conduct so serious that orders are made resulting in the lawyer's name being removed or 'struck' from the Roll of Legal Practitioners either in Queensland or an interstate roll.

During the last reporting period orders were made for seven lawyers to be removed from the roll – six in Queensland and one from an interstate roll.

We are pleased to report this represents a 22.22% decrease on the number of solicitors removed from the roll compared to the last reporting period.

## DISCIPLINE REGISTER

The Commission maintains a public register of discipline orders made against practitioners in Queensland as required by the Act. The purpose of the Register is to provide public access to the names of practitioners whose conduct has been found to be a more serious level of professional misconduct.

The [Discipline Register](#) is located on our website and can be accessed by members of the public and the profession.

It is pleasing to acknowledge a 28.57 % decrease in entries added to the Discipline Register during the previous reporting period, with 10 lawyers added to the Register in the past 12 months, down from 14 in the previous period.

### **SLIPPER, Robin John (dob 29/06/1955)**

Practitioner type: Solicitor  
Admitted: Monday, 8 November 1993  
Home jurisdiction: Queensland  
Law practice: Slipper Lawyers Pty Ltd Scarborough & Railway Streets Southport 4215  
Disciplinary body: QCAT  
Date of decision: Monday, 1 July 2019  
Findings: The respondent's conduct is categorised at professional misconduct.  
Penalty: 1. The respondent's name be removed from the local roll.  
2. The respondent to pay the Commissioner's costs.

### **PERRIN, Matthew David (dob 15/04/1972)**

Practitioner type: Solicitor  
Admitted: Monday, 29 January 1996  
Home jurisdiction: Queensland  
Law practice: The respondent has not worked at a law practice since 2005  
Disciplinary body: QCAT  
Date of decision: Tuesday, 23 July 2019  
Findings: The respondent engaged in professional misconduct.  
Penalty: It is recommended that the respondent's name is removed from the Roll of Legal Practitioners in Queensland

### **RANDALL, William John (dob 14/08/1948)**

Practitioner type: Solicitor  
Admitted: Tuesday, 9 June 1981  
Home jurisdiction: Queensland  
Law practice:  
Disciplinary body: QCAT  
Date of decision: Friday, 16 August 2019  
Findings: The respondent engaged in professional misconduct.  
Penalty: 1. It is recommended that the name of the respondent, William John Randall, be removed from the roll of legal practitioners in Queensland.  
2. The respondent shall pay the applicant's costs of and incidental to this discipline application, such costs to be assessed on the standard basis in the manner in which such costs would be assessed if the matter were in the Supreme Court of Queensland

### **ERKIN, Patricia Sandra (dob 02/05/1962)**

Practitioner type: Barrister  
Admitted: Monday, 12 September 2011  
Home jurisdiction: Queensland  
Law practice:  
Disciplinary body: QCAT  
Date of decision: Friday, 13 September 2019  
Findings: Guilty professional misconduct.  
Penalty: 1. Respondent is publically reprimanded;  
2. The granting of any future barrister's practising certificate shall be subject to a condition that the respondent undertake and complete a further period of 12 months' readership in accordance with the requirements of Part 3 of the Administration Rules of the Bar Association in Queensland;  
3. Respondent to pay applicant's costs to be assessed on standard basis as if the discipline application were a proceeding before the Supreme Court of Queensland.

### **STURGEON, Travis Keith (dob 24/06/1971)**

Practitioner type: Solicitor  
Admitted: Monday, 6 April 1998  
Home jurisdiction: South Australia  
Law practice: Miller Harris Lawyers 14-16 McLeod Street CAIRNS 4870  
Disciplinary body: QCAT  
Date of decision: Monday, 16 September 2019  
Findings: The respondent engaged in professional misconduct.  
Penalty: 1. Recommended that the name of the Respondent be removed from the Roll of legal practitioners in Queensland.  
2. Respondent shall pay the Applicant's costs of and incidental to discipline application, such costs to be assessed on the standard basis in the manner in which costs would be assessed if the matter were in the Supreme Court of Queensland

### **CHALLEN, Peter Leslie (dob 14/11/1949)**

Practitioner type: Solicitor  
Admitted: Tuesday, 13 February 1973  
Home jurisdiction: Queensland  
Law practice: Hawthorn Cuppaidge Badgery 160 Edward Street BRISBANE 4000  
Disciplinary body: QCAT  
Date of decision: Tuesday, 17 September 2019  
Findings: Guilty professional misconduct  
Penalty: 1. Respondent publically reprimanded;  
2. Respondent shall pay a penalty of \$10,000.00;  
3. Respondent shall pay applicant's costs of and incidental to discipline application, such costs to be assessed on the standard basis as if this were a proceeding before the Supreme Court of Queensland.

### **POOLE, Ivan John (dob 08/12/1942)**

Practitioner type: Solicitor  
Admitted: Tuesday, 28 October 1980  
Home jurisdiction: Queensland  
Law practice: Ivan Poole Lawyers/IP Partnership Marine Parade SOUTHPORT 4215  
Disciplinary body: QCAT  
Date of decision: Thursday, 19 December 2019  
Findings: Charges 1 & 4 - Professional Misconduct  
Charges 2 & 3 - Unsatisfactory Professional Conduct.  
Penalty: 1. Respondent publicly reprimanded;  
2. Any practising certificate currently held by the respondent is immediately suspended; and respondent prohibited from applying for a further practising certificate for a period of 5 years.  
3. Respondent to pay applicant's costs to be assessed on standard basis as if the discipline application were a proceeding before the Supreme Court of Queensland.

### **DOMINIC, Jasmine (dob 29/09/1983)**

Practitioner type: Solicitor  
Admitted: Tuesday, 29 January 2013  
Home jurisdiction: Queensland  
Law practice: Enlightened Justice 194 Varsity Parade Varsity Lakes 4227  
Disciplinary body: QCAT  
Date of decision: Friday, 27 March 2020  
Findings: Respondent's conduct amounted to professional misconduct on both charges.  
Penalty: 1. Recommended that the name of the Respondent be removed from the Roll of legal practitioners in Queensland.  
2. Respondent shall pay the Applicant's costs of and incidental to discipline application, such costs to be assessed on the standard basis in the manner in which costs would be assessed if the matter were in the Supreme Court of Queensland

### **FEENEY, William Robert (dob 15/10/1981)**

Practitioner type:	Solicitor
Admitted:	Monday, 6 November 2006
Home jurisdiction:	Queensland
Law practice:	n/a
Disciplinary body:	QCAT
Date of decision:	Tuesday, 19 May 2020
Findings:	Respondent engaged in profession misconduct
Penalty:	1. Respondent to pay the Legal Services Commissioner's costs fixed at \$20,000.00. 2. It is recommended that the Respondent's name be removed from the local roll.

### **KURSCHINSKY, Alexander (dob 26/06/1953)**

Practitioner type:	Solicitor
Admitted:	Monday, 30 January 2006
Home jurisdiction:	Queensland
Law practice:	Kurschinsky Law 45 Commercial Road Shailer Park Qld 4128
Disciplinary body:	QCAT
Date of decision:	Wednesday, 3 June 2020
Findings:	The respondent engaged in conduct that is categorised as professional misconduct on all charges.
Penalty:	1. Recommended that the name of the Respondent be removed from the Roll of legal practitioners in Queensland. 2. Respondent shall pay the Applicant's costs of and incidental to discipline application, such costs to be assessed on the standard basis in the manner in which costs would be assessed if the matter were in the Supreme Court of Queensland.

## **DECISIONS**

The following decisions were handed down during the last reporting period, with some of the matters being commenced and heard during another reporting period.

*Legal Services Commissioner v Wrenn* [2020] QCAT 210  
*Legal Services Commissioner v Bentley (No 3)* [2020] QCAT 183  
*Legal Services Commissioner v Kurschinsky* [2020] QCAT 182  
*Legal Services Commissioner v Feeney* [2020] QCAT 122  
*Legal Services Commissioner v Williamson (No 2)* [2020] QCAT 133  
*Legal Services Commissioner v McHenry & Anor (No 3)* [2020] QCAT 120  
*Legal Services Commissioner v Trost (No 3)* [2020] QCAT 86  
*Legal Services Commissioner v Bentley (No 2)* [2020] QCAT 78  
*Legal Services Commissioner v Dominic* [2020] QCAT 124  
*Legal Services Commissioner v McHenry & Anor (No 2)* [2020] QCAT 50  
*Legal Services Commissioner v Poole* [2019] QCAT 381  
*Legal Services Commissioner v Trost* [2019] QCAT 357  
*Legal Services Commissioner v Manz (No 2)* [2019] QCAT 355  
*Legal Services Commissioner v Astley* [2019] QCAT 274  
*Legal Services Commissioner v Challen* [2019] QCAT 27  
*Legal Services Commissioner v Sturgeon* [2019] QCAT 286  
*Legal Services Commissioner v Merkin* [2019] QCAT 272  
*Legal Services Commissioner v Randall* [2019] QCAT 217  
*Legal Services Commissioner v Perrin* [2019] QCAT 188  
*Legal Services Commissioner v Cruise* [2019] QCAT 182  
*Legal Services Commissioner v Slipper* [2019] QCAT 169  
*Legal Services Commissioner v Kurschinsky, Brisbane Magistrates' Court, 17 October 2019, unreported*  
*Legal Services Commissioner v Moore, Southport Magistrates' Court, 22 April 2020, unreported*

# CONSUMER REDRESS

**16**

**Apologies  
from lawyers**

**12**

**Lawyers provided  
financial redress  
or compensation  
to their clients**

**4**

**Lawyers made  
improvements  
to their  
communication  
to better assist  
their clients**

**15**

**Other forms of  
redress were  
obtained for  
consumers**

**12**

**Lawyers  
implemented  
management  
system  
improvements  
to ensure  
better services  
for their clients**

**9**

**Lawyers  
underwent  
further training  
mentoring or  
supervision**

**14**

**Complaints were  
investigated as  
a result of PIPA  
advertising**

# ENGAGEMENT

## ENGAGE CONSTRUCTIVELY AND COLLABORATIVELY WITH ALL STAKEHOLDERS

The Act gives the Commissioner power to receive and investigate complaints about lawyers, law practice employees and those practising law without the necessary qualifications (unlawful operators). The Act also provides for the Commission to educate and support the legal profession and to assist the public.

The work of the Commission builds and maintains public confidence in the legal profession and the administration of justice. To achieve this, we proactively engage with our stakeholders, and government and professional organisations, as we address and meet stakeholder needs within a complex regulatory environment.

### PROFESSIONAL ENGAGEMENT

During the last reporting period, the Commissioner has personally engaged with stakeholders, professional organisations, government bodies and other regulators in the following ways:

✓	Met with the Attorney-General
✓	Met with the President, Vice President and other senior representatives of the BAQ
✓	Met with the Chief Executive Officer of QLS on a number of occasions
✓	Met with the Director General, Deputy Director-General, Assistant Director-General and many other DJAG staff
✓	Spoken with hundreds of Queensland legal professionals
✓	Presented to dozens of law students and graduates
✓	Met with the Heads of Jurisdictions across Queensland Courts and the Queensland Civil and Administrative Tribunal (QCAT)
✓	Met with all regulatory counterparts from all States and Territories, using electronic means
✓	Met with the Chairperson and senior representatives of the Crime and Corruption Commission
✓	Met with the Queensland Ombudsman and other Queensland Commissioners from a variety of jurisdictions, including the Motor Accident Insurance Commissioner
✓	Meets each month with the QLS' General Manager, Regulation and the Manager, Trust Account Investigations
✓	Regularly meets with the QLS' Director, QLS Ethics and Practice Centre
✓	Attended a QLS Ethics Committee meeting
✓	Met with the State Government's Heads of Legal
✓	Met or corresponded with many other key stakeholders

We liaise with the Society of Notaries Queensland and provide information relevant to prospective applicants, and also provide certificates of good standing to members of the profession seeking admission elsewhere, or upon seeking admission in Queensland (where appropriate). Certificates are only ever provided with the consent of the relevant person to whom the information relates.

To ensure ongoing engagement with the profession, we aim to complete six speaking engagements per year and engage in consultation with the QLS regarding publication of guidance statements. The Commissioner and other senior staff of the Commission together completed more than 12 engagements this year and would have completed many more had the year not been impacted by the Covid-19 pandemic.

### COMMUNITY ENGAGEMENT

As a team we are committed to engaging with and supporting worthwhile Queensland initiatives and organisations. During 2019-2020 we supported the following causes through our team donation and conservation efforts.

	Organisation	Items	Community Benefit
<b>December 2019</b>	Country Women's Association in partnership with DV Connect	Goods, essential personal care items, toys and gifts	Supporting women and families in Brisbane and regional Queensland affected by drought, bushfire and domestic violence.
<b>February 2020</b>	Granite Belt Wildlife Carers	Fundraised cash donation	Supporting the care of injured native wildlife as a result of drought and bushfires.
<b>2019 - 2020</b>	Envision Hands	Plastic bottle caps	Donations of plastic bottle caps are used to create, with 3D printing, bespoke hands and other aids which are donated to children in need.
<b>2019 - 2020</b>	Simply Cups Recycling Program	Take-away coffee cups	During 2017-2020 we contributed to over 45,000 cups being rescued from landfill and 12.4 million Australia-wide.

## ORGANISATIONAL EXCELLENCE

### PURSUE ORGANISATIONAL EXCELLENCE

As a Commission we seek organisational excellence in the application of our statutory functions and obligations. We seek for continuous improvement in the way we receive, manage, investigate and progress complaints as we positively and proactively engage with our stakeholders.

We are pleased to report a substantial decrease of over 78% in the number of complaints against the Commission during the last reporting period.

# COMPLIANCE

# GOVERNANCE AND ORGANISATIONAL STRUCTURE

## COMMISSIONER MEGAN MAHON

The Legal Services Commissioner is an independent statutory officer appointed under the Act by the Governor-in-Council. The Commissioner reports to the Attorney-General.

Being responsible for the Legal Services Commission in the discharge of its statutory duties, the Commissioner ensures complaints made to the Commission are dealt with as efficiently and expeditiously as resources permit.

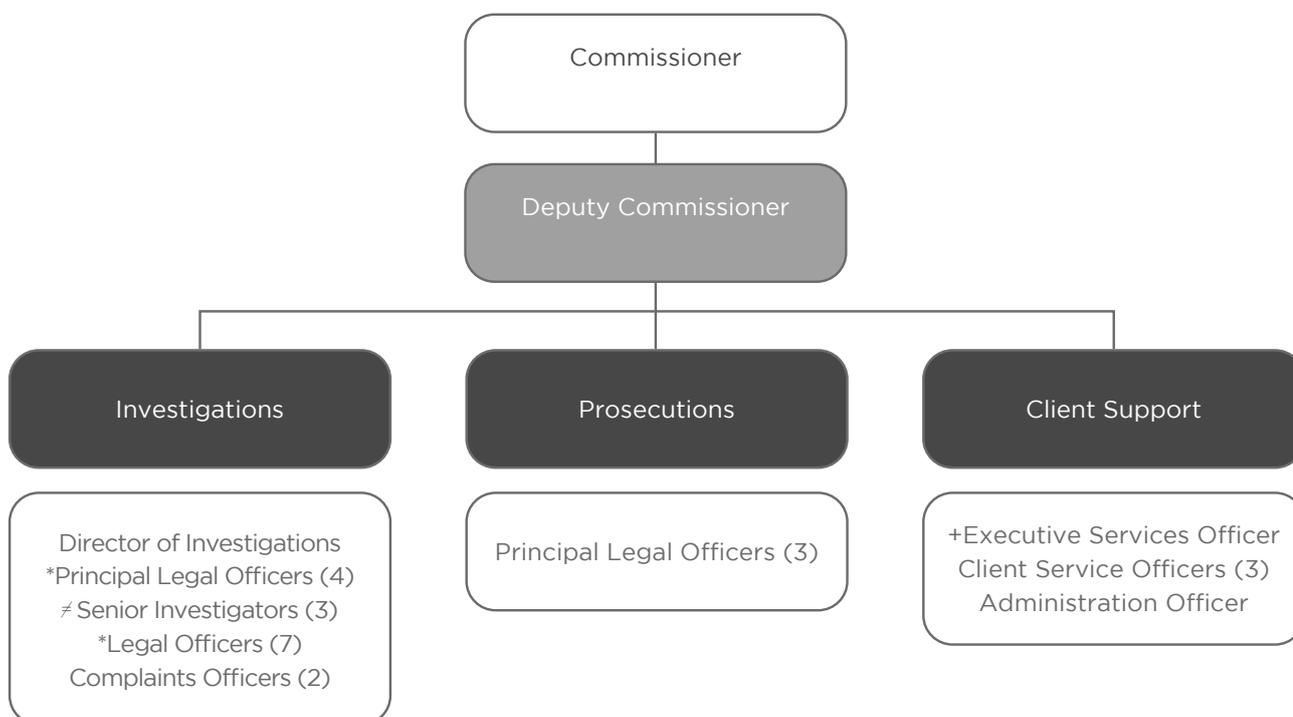
Commissioner Megan Mahon was appointed as Legal Services Commissioner on 16 October 2019 and has a Bachelor of Laws degree with Honours, and on completion of five-year articles, was admitted as a Solicitor of the Supreme Court of Queensland.

In 2011 Commissioner Mahon was appointed a Notary Public, and the following year became a Fellow of the Australian Academy of Law. On announcing Commissioner Mahon's appointment, the Attorney-General acknowledged the Commissioner's distinguished career in private practice for more than 20 years, her WLAQ 2009 Woman Lawyer of the Year award. Commissioner Mahon was also the 2017 recipient of the Queensland Law Society President's Medal.

## STAFF OF THE COMMISSION

The Commission comprises the Commissioner plus a full-time equivalent (FTE) team of 25 staff. As at 30 June, the Commission had six vacancies, with two of these positions being filled on a temporary basis and two staff members acting in higher positions.

## LEGAL SERVICES COMMISSION 2019-2020 ORGANISATIONAL STRUCTURE



\* These positions require legal qualifications

≠ These positions require other professional qualifications and/or investigative skills

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

### **STRATEGIC WORKFORCE PLANNING**

We look to the future and consider the needs of our staff, our stakeholders and our organisation to determine the capabilities we will require moving into the next year and beyond.

During the last reporting period there were no strategic workforce planning initiatives undertaken within the Commission.

### **CODE OF CONDUCT**

As an independent statutory body, we currently employ Legal Officers and other staff within our team. In addition to our professional, legal, and ethical obligations, we value, and adhere to the Code of Conduct for the Queensland Public Service.

### **WORKING FOR QUEENSLAND**

Commission staff participated in the Queensland Government Working for Queensland 2019 Survey. Being a relatively small Commission of 20 staff, the 2019 survey was the first year the Commission was able to record its own results and report. The survey provided valuable insights into the organisational culture of the Commission, and the work experiences of Commission staff, including very positive results around job satisfaction.

### **SAYING FAREWELL**

We farewelled long-time Complaints Officer Mrs Kathryn Keogh who retired after working 16 years with the Legal Services Commission and 33 years in the public sector. Kath worked with the Commission since its inception in 2004. Kath's value to the Commission and years of service were noted by the remarks of the Attorney-General and the Commissioner at a farewell afternoon tea held in her honour.

We also farewelled Mr Robert Brittan who commenced working with the in 2004 as the Commission's first Complaints Manager, before progressing to Director of Investigations, before stepping up to be the Acting Commissioner between the statutory appointments of the full-time Commissioners. Robert's 15 years of service and contribution to the work of the Commission was acknowledged by the Commissioner.

Commission Prosecutor Mr Martin Kelly also retired early in the reporting year, after almost eight years with the Commission.

# PERFORMANCE REPORTING

## PERFORMANCE REPORTING

While much of the Commission's performance are better explained in the strategies previously outlined, our performance reporting obligations for the reporting year are summarised as follows:

Service	Performance Target	2019-2020	2018-2019
<b>Enquiries:</b> informal queries or enquiries that are made by telephone in the main, but sometimes in writing, by email, or in person	Respond to all enquiries in a timely manner	2,918 <sup>1</sup>	2,547
	Response to enquiries: - 80% within 1 working day of receipt - 100% within 2 working days	90% 100%	- -
<b>Complaints:</b> new complaints received and 'own motion' investigation matters commenced by the Commissioner	Respond to all complaints received in a timely manner, giving users of legal services an independent, timely, effective, fair and reasonable means of redress for complaints.	1,205	1,391
	Assess new complaints: - 80% of within 1 month - 100% within 2 months	73% 90% <sup>2</sup>	77% -
<b>Summary Dismissals:</b> Number of complaints assessed and finalised by way of summary dismissal	Number of Summary Dismissals	872 <sup>3</sup>	965
	Assess and finalise complaints that are deemed summary dismissals: - 80% within 1 month - 100% within 2 months	68% <sup>2</sup> 81% <sup>2</sup>	77% 89%
<b>Investigations Finalised:</b> Number of complaints / conduct matters investigated and finalised which involve a disciplinary issue or a contravention of a relevant law (this figure does not include complaints received that are deemed summary dismissals – set out above)	Investigate and finalise Conduct (investigations of complaints received and own motion matters – which are commenced without receipt of a complaint, but on information that comes to the attention of the commissioner by referral or otherwise).	278 <sup>4</sup>	348
	Number of investigations completed		
	Finalise: - 75% of Conduct matters within 6 months - 100% within 18 months	51.6% 89.5% <sup>2</sup>	69% 96%
<b>Reconsiderations:</b> There is no power or obligation under the Act to reconsider a matter. However, it is good administrative decision-making and within the public interest to reconsider a statutory decision when requested, if the matter has not previously been reviewed, even if it is a significant impact on time and staff resources.	Number of matters reviewed and reconsidered where appropriate	62 <sup>5</sup>	53
<b>Prosecutions and other Enforcement:</b> prosecution of disciplinary matters or other enforcement action	Number of new prosecutions allocated	35	16
	Number of prosecutions finalised / decisions delivered	30 <sup>6</sup>	34
<b>ILP Compliance Audits:</b> Ensure all Directors of an incorporated legal practice are contacted within one month of commencement of practice	Number of initial self-assessment letters sent to directors of newly notified ILPs	285 <sup>5</sup>	214
	Ensure every new incorporated legal practice receives an initial self-assessment letter within one month of receiving notice from the QLS	100%	100%
<b>External Engagement:</b> Number of engagements with users of legal services, lawyers and stakeholders to help improve standards of conduct in the provision of legal services	Complete 6 speaking engagements per year. Engage in consultation with the QLS regarding publication of guidance statements / e-newsletters	9 <sup>7</sup> 6	7 5
	Continually review website and publications for both content and accessibility	Ongoing following major update	Ongoing

### NOTES:

- There was a 15% increase in the number of enquiries over the previous reporting year. It is anticipated that this will see a corresponding increase in complaints of at least this proportion, particularly since the complaints being received as at 30 June 2020 related to conduct that mostly pre-dated the start of covid restrictions.
- COVID-19 Pandemic and other impacts on performance – the impact of Covid-19 on the delivery of services by the Commission was significant for a period of time when immediate action was needed to be taken for the protection of the staff of the Commission and preparing for what may have resulted in a complete lockdown. This and other impacts are further discussed in this report at page 39 under the heading 'Impacts on the Commission's Delivery of Services'.
- Summary Dismissals of complaints are made pursuant to the Act for a variety of reasons. The reason may be that the matter complained of is outside of the jurisdiction of the Commission (conduct unrelated to a legal practice or practitioner, the quantum of costs charged (which must first be dealt with by the courts in a formal costs assessment process), lack of evidence, the complainant not providing information or documentation that has been requested of them, one-off minor mistakes (which will ordinarily not meet the requisite standard of unprofessional conduct), and a variety of other reasons, including public interest considerations.
- The number of investigations completed each year varies based on a number of factors beyond the Commission's control, including the complexity of matters to be investigated, the co-operation of complainants, respondents and other witnesses and third parties from whom information is sought. The reporting year was particularly impacted by the Covid-19 Pandemic, where we saw a number weeks usual investigative work significantly affected by the need to convert files to some form of electronic record (mostly through scanning voluminous files) so that when the time came, staff members who were able to work remotely, could do so with the information and access to file records that were required to complete investigations. Access to parties to the complaints and investigations was also impacted during this period.
- Reconsiderations – while not previously reported on from a performance perspective, are important to acknowledge given the often voluminous material required to be reviewed and reconsidered for each matter, which in turn impacts on the resources available for other services.
- Finalisation of prosecutions (unless withdrawn or not pursued) is of course reliant on the diligence of the responding parties to the matter, and the progress of matters through the courts or disciplinary bodies until a decision or judgment is delivered. As such, the time taken to finalise prosecution matters extends significantly beyond the control of the Commission.
- Seven other events were already scheduled prior to the onset of Covid-19 restrictions which have been postponed.

## IMPACTS ON THE COMMISSION'S DELIVERY OF SERVICES

There is no doubt that a new Commissioner, retirement of senior staff, review of processes, and implementation of changes, all considerably impact the usual service delivery standards that the Commission ordinarily aspires to achieving.

However, the restrictions imposed on businesses and the community as a result of the global Covid-19 pandemic and the preparations required to deal with an evolving situation, meant that there was a significant period with an even greater impact on service performance.

The Commission experienced an immediate increase in the number of enquiries through the pandemic, as well as a modest rise in complaints. However, the complaints we received in the latter half of the reporting year still relate to conduct prior to the onset of the pandemic. It is therefore anticipated that the number of enquiries is likely to progress to an even greater increase in the number of complaints attributable to the pandemic restrictions.

In addition to the increase in enquiries and complaints during that period, the Commission was faced with the significant challenge of ensuring we provided a Covid-safe workplace, including taking into account individual circumstances around travel to and from the Commission's offices. This was the most significant challenge of the year as the Commission had no remote working capability at the time. However, as the Commissioner has acknowledged in her Overview earlier in this report, with the hard work and persistence of ITS in provisioning vital hardware and support by way of laptops and then the ensuing technical challenges, working from home arrangements were made possible.

On top of the immediate technological challenges, the security of data in what was a totally paper-based office was our next challenge. There was, for a period of time, a necessity to 'down tools' in the usual sense, while we did what we could to scan and electronically record as much information required as possible to continue to operate remotely in the event of a full lockdown.

This naturally had an immediate impact on service delivery but was necessary to ensure the assessment and processing of complaints, ongoing investigations and prosecutions, and other service delivery obligations could continue to be discharged in some capacity.

Thankfully a complete lockdown did not eventuate for Queensland, but the work put into scanning files and other documentation did mean that a number of staff were able to work from home and a small number continue to do so for parts of the working week.

So while service delivery was impacted for a short period, as a whole, the ability for the Commission's staff to carry on with business as usual to the best of their abilities, in what was a very anxious and stressful period, is a credit to all our team.

The pandemic continues to have an ongoing impact on the processing of complaints and the hearing of disciplinary and prosecution matters. All the matters before the courts and QCAT have been attended remotely by telephone where possible, with a limited number of QCAT hearings progressing in person, ensuring Covid-safe practices were taken.

While the impact is continuing into the 2020-21 financial year, the full impact of the pandemic and its affect on the legal profession and its clients, and then in turn the work of the Commission, is yet to be realised. This impacts the way we provide our services, including the necessary modification of internal processes and the prioritising of limited resources.

The impacts experienced have resulted in a number of changes and service delivery regression, including:

- Relocation of a number of staff to work from home (requiring substantial preparation for working remotely when no technological or document management systems were previously in place to support remote access).
- Deferment of QCAT and court hearings, to dates yet to be determined.
- A number of interlocutory matters and even an unlawful operator prosecution being conducted by telephone.
- Increased demand for the services of the Commission's client service officers following uplifts in the number of enquiries made and complaints received (which is anticipated to continue to increase given the usual lag in the time between the conduct leading to complaints and the complaints being received by the Commission).
- Challenges faced in relation to the preservation of files, documents and data, which were not previously electronically saved, meant that many hours were consumed in administrative processes to enable staff to continue working safely in the new Covid environment.
- Acquisition of vital equipment to ensure continuity of services, including enabling the diversion of phones to a nominated staff member to manage all incoming calls remotely from the Commission's offices.
- Closure of the office to members of the public, followed by limited face to face interactions with members of the public and the legal profession, and like most others, Covid-safe measures are still in place now.

A positive impact was that the Commission now has a detailed and up to date business continuity plan in place.

## STATISTICAL INFORMATION

We conducted an analysis of the make-up of the profession for the respondent types of solicitors and barristers. Data is received from the BAQ and the QLS in relation to practising certificates issued by each organisation. The analysis of solicitors was performed on date extracts provided by the QLS from their regulatory database on 17 July 2020.

We selected 30 June 2020 as the reference date – hence complaints about solicitors during 2019-2020 will be profiled against the solicitor's attributes recorded at 30 June 2020. The profession has been profiled by counting the attributes as recorded at 20 June 2020. The profession has been counted by the number of practising certificates holders and the law firms in which they are employed.

The collection and reporting of statistical data is currently being reviewed to ensure its integrity and reliability so that resources may be appropriately managed and targeted to address any emerging trends or concerns.

# FINANCIAL REPORTING

## MANAGEMENT AND TRANSPARENCY OF OUR FINANCES

### THE COST OF ADMINISTERING THE SYSTEM FOR DEALING WITH COMPLAINTS IN 2019-2020

	<b>2019-20 employment costs \$</b>	<b>2019-20 all other costs \$</b>	<b>2019-20 total actual costs \$</b>	<b>2019-20 approved investment \$<sup>2</sup></b>	<b>2020-21 approved investment \$</b>
<b>LSC</b> <sup>1</sup>	2,414,641	1,296,563	3,711,204	5,236,900	5,370,500
<b>Total</b>	<i>2,414,641</i>	<i>1,296,563</i>	<i>3,711,204</i>	<i>5,236,900</i>	<i>5,370,500</i>

1. This figure includes brief-out costs of \$321,292.
2. In May 2020 - Queensland Treasury approved the reallocation of \$1.300 million from the LSC to be distributed to Community Organisations over 2020-25 which had not been successful in securing future funding through the Legal Assistance Services Program.

### BRIEF OUT COSTS

There are occasions when the Commissioner will source external Counsel for advice and prosecutorial expertise. This year saw a reduction in the costs associated with this service.

2019 - 2020	2018 - 2019
\$321,292	\$495,071

## PENALTIES AND COSTS

Where a matter has been successfully prosecuted, the Commissioner is entitled to a costs order, unless exceptional circumstances exist. As a statutory body and public entity, we are conscious of the need to ensure public monies expended to protect the public are, whenever possible, appropriate, recovered in full.

The following table represents the Penalties and Costs awarded in favour of the Commission for the current and previous two reporting periods, and the amounts received.

	QCAT \$	LPC \$	2019-20 total \$	2018-19 total \$	2017-18 total \$
<b><u>Penalties</u></b>					
Ordered	40,750	-	40,750	9,000	32,750
Payments received	41,850	-	41,850	8,837	46,121
Written Off	-	-	-	24,000	-
Payments pending at 30 June	5,413	-	5,413	6,513	30,350
<b><u>Costs</u></b>					
Ordered, agreed or assessed	111,208	-	111,208	208,872	241,915
Payments received	138,376	-	138,376	183,053	172,256
Written off	12,623	-	12,623	264,058	1,500
Payments pending at 30 June	128,863	-	128,863	168,654	406,893
<b><u>Court of Appeal</u></b>					
Agreed or assessed	-	-	-	2,000	25,000
Payments received	-	-	-	2,731	11,669
Written off	25,000	-	25,000	-	-
Payments pending at 30 June	19,800	-	19,800	44,800	45,531

## CERTIFICATION OF FINANCIAL STATEMENTS

Qualified staff of the Department of Justice and Attorney-General have prepared and certified the correctness of financial statements for the Legal Services Commission as contained in this Annual Report.

# OTHER COMPLIANCE

## **RISK MANAGEMENT AND ACCOUNTABILITY**

In addition to regular risk management and reporting obligations, the Commission continues to review, update where necessary, and report on the following matters:

Workplace health and safety matters

Building evacuation procedures

Business continuity plan – extensively updated at the onset of the pandemic and now provides the Commission with a comprehensive plan for the continuity of services following varying levels of interruption to business as usual conditions

## **INFORMATION AND RECORD KEEPING**

Our records and information systems are stored, maintained and disposed of in accordance with relevant legislation and State Government protocols.

We understand the need for constant vigilance and improvement in this area. We are currently in the process of conducting an internal review and gap analysis of our information and record keeping systems, with the full knowledge that our current CMS is needing to be improved.

This will be further impacted by a major IT upgrade by the Queensland Law Society, which will in turn affect the data-feeds to the Commission's CMS. Ongoing collaboration on the integrity of those data feeds will be required in the next reporting year to ensure the Commission receives the necessary data to discharge its statutory functions.

The ongoing work being undertaken to ensure the efficiency and operability of systems is paramount to the Commission being able to effectively and expeditiously discharge our responsibilities and meet service delivery expectations.

The support and expertise of Stephen Pickering and Allan Seagrott at Genesys Software Solutions in managing and improving the Commission's CMS is appreciated.

The co-operation and assistance of the Regulation and IT staff of the Queensland Law Society in this regard is also acknowledged and greatly appreciated.

During the final quarter of 2019-2020 we transitioned to Windows 10 which required substantial support from the Department's IT services and our database provider. With the Windows 10 upgrade complete, including testing, our existing database functionality is now ready to receive an upgrade that will assist with improving current work processes and record keeping practices.

As an initial first step, a basic database upgrade will be implemented during the next reporting period. This will encourage improved work processes and reduce the reliance on paper files, paper record keeping and other paper-based documentation.

## **HUMAN RIGHTS**

We treat all people with dignity and respect. We are committed to protecting and promoting the human rights of all people as we help build a culture that encourages and respects human dignity.

As a statutory body we have an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision to give proper consideration to human rights.

In particular, the Commission's commitment to the rights of members of the public and the legal profession with whom we deal, lead to the following improvements being made.

### **The right to privacy**

During 2019-2020 we completed a systematic review of our Complaint Form and the processes for using the Form during the assessment and investigation phases of the complaint process. We identified the need for complainants to be provided with an option to nominate whether their personal information could be disclosed to respondents.

While we are mindful of our obligation to ensure procedural fairness, and our obligations in the administration of the Act, we identified the need for additional consideration to be given to an individual's right to privacy. We have updated the Complaint Form to ensure complainants are afforded this right.

### **The right to take part in public life and access to the public service**

We believe all Queenslanders have the right to access the services and resources we provide regardless of ability or resource limitations.

During 2019-2020 we reviewed and re-built our website to achieve greater ease of use and access for members of the community and the legal profession. This included adding verbal browsing software for vision impaired users.

We also provide information and support resources in paper format for those with special needs or limited access to internet services.

We provide access to translator services for people from non-English speaking backgrounds, and relay services for people with hearing and vision impairments.

### **OPEN DATA**

Without limiting our powers and obligations under the Act, the Commission aligns with the Department of Justice and Attorney-General's Open Data Strategy. For more information on the Open Data Strategy visit the [Department's Open Data Portal](#).

### **QUEENSLAND LANGUAGE SERVICES POLICY**

We continued to provide access to translator services for people from non-English speaking backgrounds, and relay services for people with hearing and vision impairments.

During 2019-2020 our expenditure assisting people with translating needs was \$836.04 paid to the Translating and Interpreter Service (TIS).

### **INTERPRETER SERVICES**

Interpreter services are available for all Commission's publications and online information, and on request for Commission events and for activities undertaken by third parties on the Commission's behalf.

# APPENDIX A

# ABBREVIATIONS AND ACRONYMS

<b>BAQ</b>	Bar Association of Queensland
<b>Commission</b>	Legal Services Commission
<b>Commissioner</b>	Legal Services Commissioner
<b>Investigation matter / Own motion</b>	Pursuant to the Act the Commissioner has power to commence an investigation without a formal complaint being made
<b>ILP</b>	Incorporated Legal Practice
<b>LPAB</b>	Legal Practice Admissions Board
<b>LPC</b>	Legal Practice Committee
<b>LSC</b>	Legal Services Commission
<b>MDP</b>	Multi-disciplinary Partnership
<b>PIPA</b>	<i>Personal Injuries Proceedings Act 2002</i>
<b>PM</b>	Professional Misconduct
<b>QCAT</b>	Queensland Civil and Administrative Tribunal
<b>QLS</b>	Queensland Law Society
<b>RTI</b>	Right to Information
<b>The Act</b>	<i>Legal Profession Act 2007</i>
<b>The Attorney-General</b>	Attorney-General of Queensland, Minister for Justice and Leader of the House
<b>The Department</b>	The Department of Justice and Attorney-General
<b>The Director-General</b>	Director-General, Department of Justice and Attorney-General
<b>UPC</b>	Unsatisfactory Professional Misconduct

# APPENDIX B

**Legal Services Commission**

**Annual Report Statistics**

**2019/2020 Year**

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## Queensland Legal Profession

The Queensland legal profession comprises many current and former practitioners, lawyers, judicial members, barristers, solicitors, government lawyers, academics, and no doubt many others who are proud members of the profession, who remain on the local roll (formerly referred to as the roll of barristers and roll of solicitors and now comprised in a single roll of legal practitioners).

### 1 Barristers of Queensland

Queensland Barristers entitled to engage in the practice of law are the holders of a practising certificate (PC) issued by the BAQ pursuant to the Act and their administrative rules. Government legal officers may apply for a barrister PC, but are not required to hold a certificate for undertaking government work. Government legal officers who do not hold a PC are not included in the statistical information in this report.

#### 1.1 Certificate Holder Analysis as at 30 June 2020

The Commission currently receives limited data from the BAQ as to the demographics and other statistical data of those who comprise the Queensland Bar. The information provided by the BAQ from their regulatory database as at 30 June 2020 is as follows:

	2018-2019	2019-2020
Number of barristers with current practising certificates	1120	1134
Number of barristers who do not hold practising certificates	No data	No data
Number of Barristers Chambers in Queensland	545 total chambers, including group and individual chambers 86 group chambers	552 total chambers, including group and individual chambers 87 group chambers
Male barristers	849	858
Female barristers	271	276

### 2 Solicitors of Queensland

Queensland Solicitors entitled to engage in the practice of law are the holders of a practising certificate issued by the QLS pursuant to the Act and their administrative rules. Government legal officers may apply for a solicitor PC, but are not required to hold a certificate for undertaking government work. Government legal officers who do not hold a PC are not included in the statistical information in this report.

#### 2.1 Certificate Holder Analysis as at 30 June 2020

The following solicitor analysis has been performed on data extracts provided by the QLS from their regulatory database on the 17/7/2020. We have chosen 30 June 2020 as the reference date – hence complaints about solicitors during 2019-20 will be profiled against the solicitor's attributes as recorded at 30 June 2020. Solicitors have been profiled by counting the number of practising certificate holders with locally issued certificates and the primary law firm in which they are employed at that date. The data does not include government legal officers who are not required to hold a practising certificate. The tables below provide a brief summary.

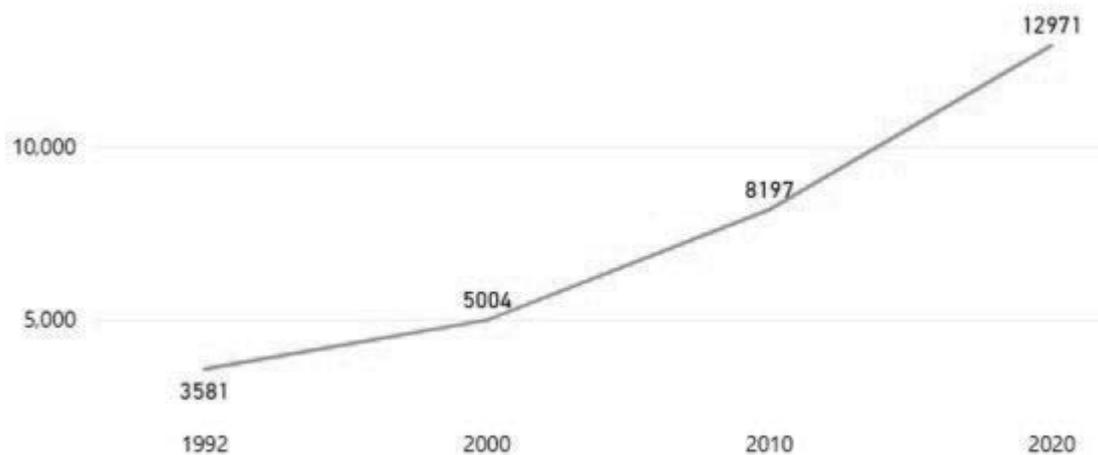
## 2.2 Solicitors with locally Issued PC Holders as at 30 June

Description	Count
Foreign Lawyer	10
Limited Principal	36
Restricted Employee	2,659
Restricted Principal	1
Restricted Volunteer	90
Unrestricted Employee	6,741
Unrestricted Principal	3,386
Unrestricted Volunteer	48
	<b>12,971</b>

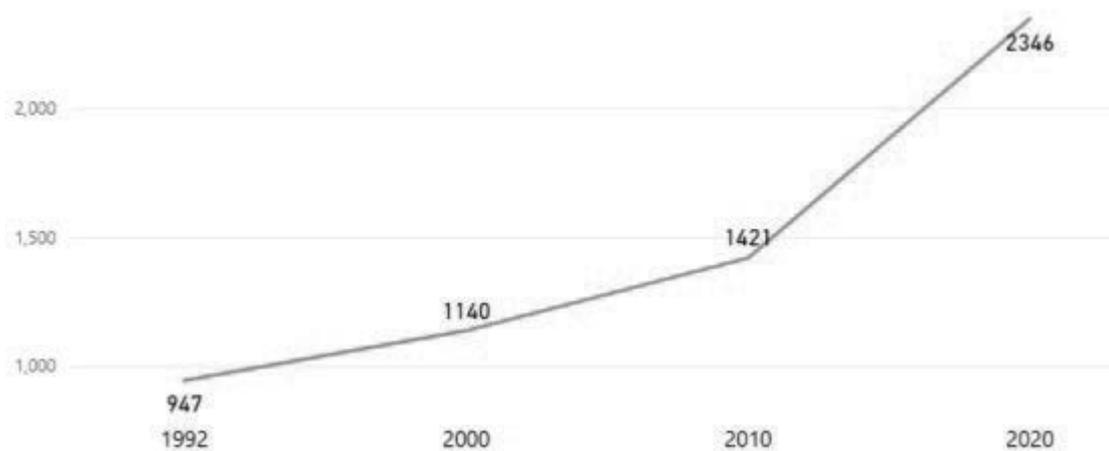
## 3 Certificate Holder Analysis as at 30 June 2020

The following analysis has been performed on data extracts provided by the QLS from their regulatory database on the 17/7/2020. We have chosen 30 June 2020 as the reference date – hence complaints about solicitors during 2019-20 will be profiled against the solicitor’s attributes as recorded at 30 June 2020. The profession has been profiled by counting the number of practising certificate holders with locally issued certificates and the primary law firm in which they were employed at that date.

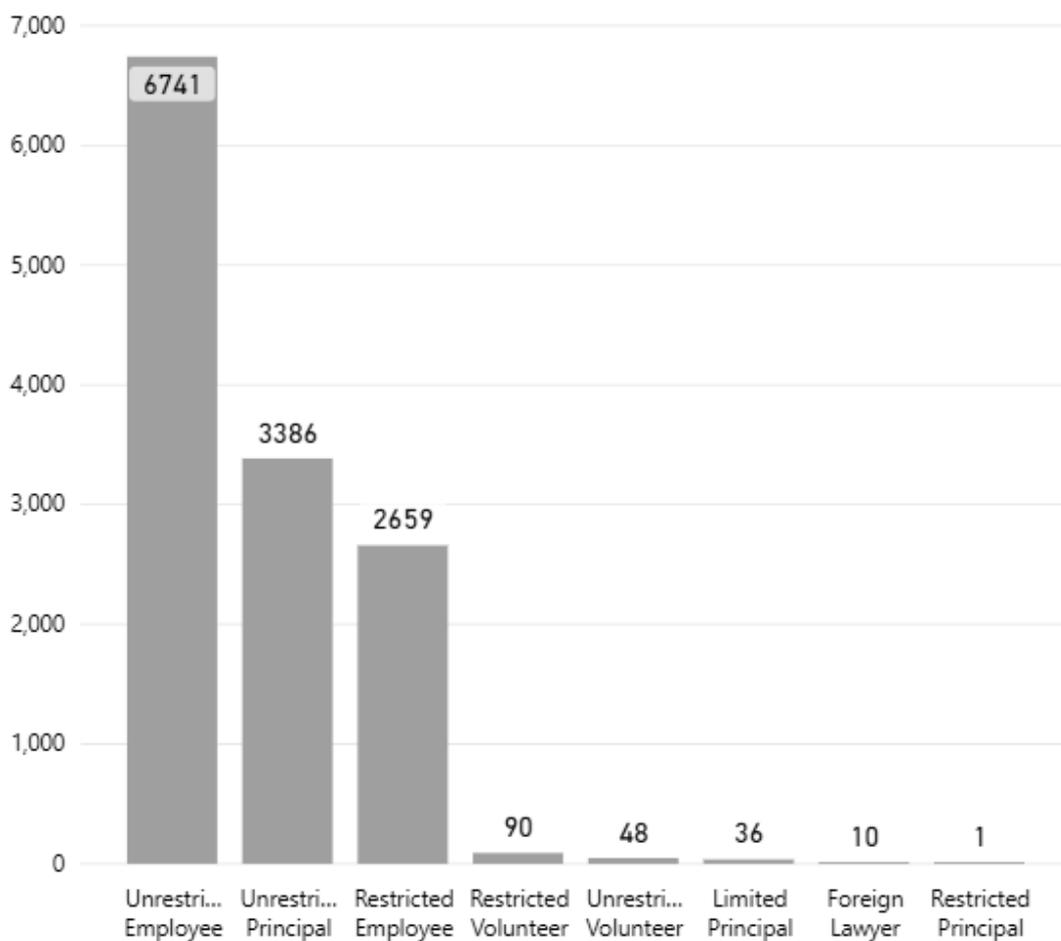
### 3.1 Solicitor PC Holders as at 30 June - Trend Analysis



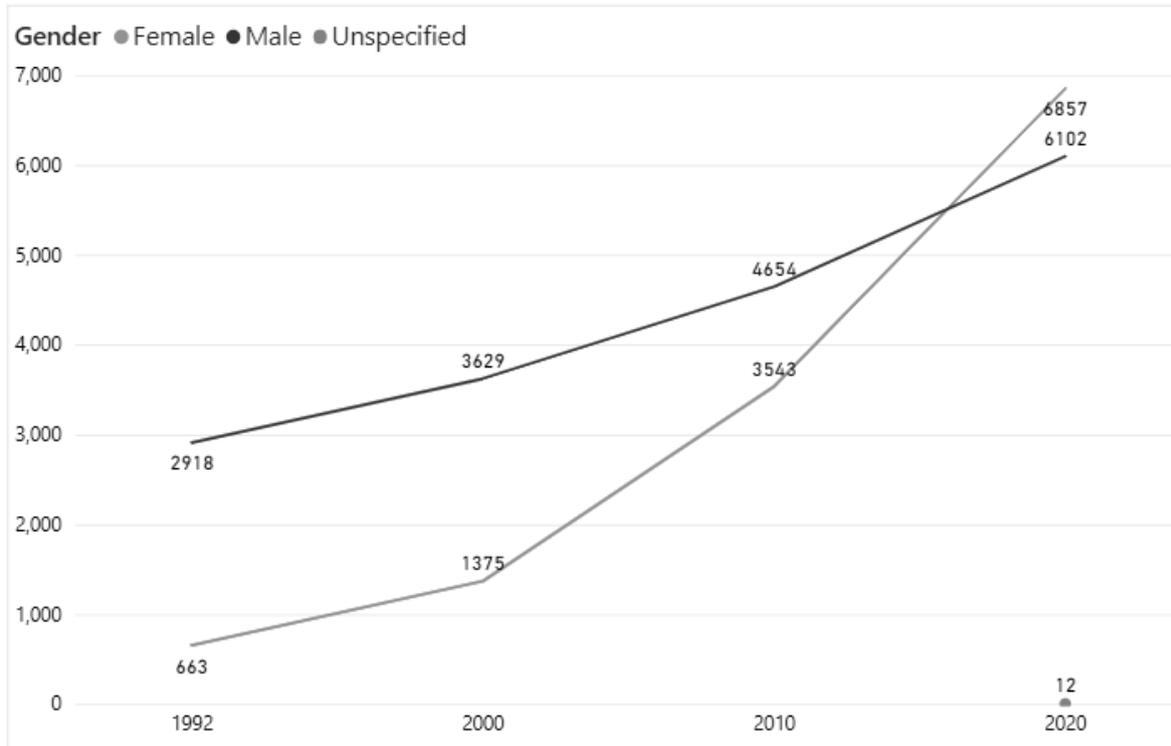
### 3.2 Law Firms as at 30 June - Trend Analysis



### 3.3 Solicitors by type of locally issued practising certificate



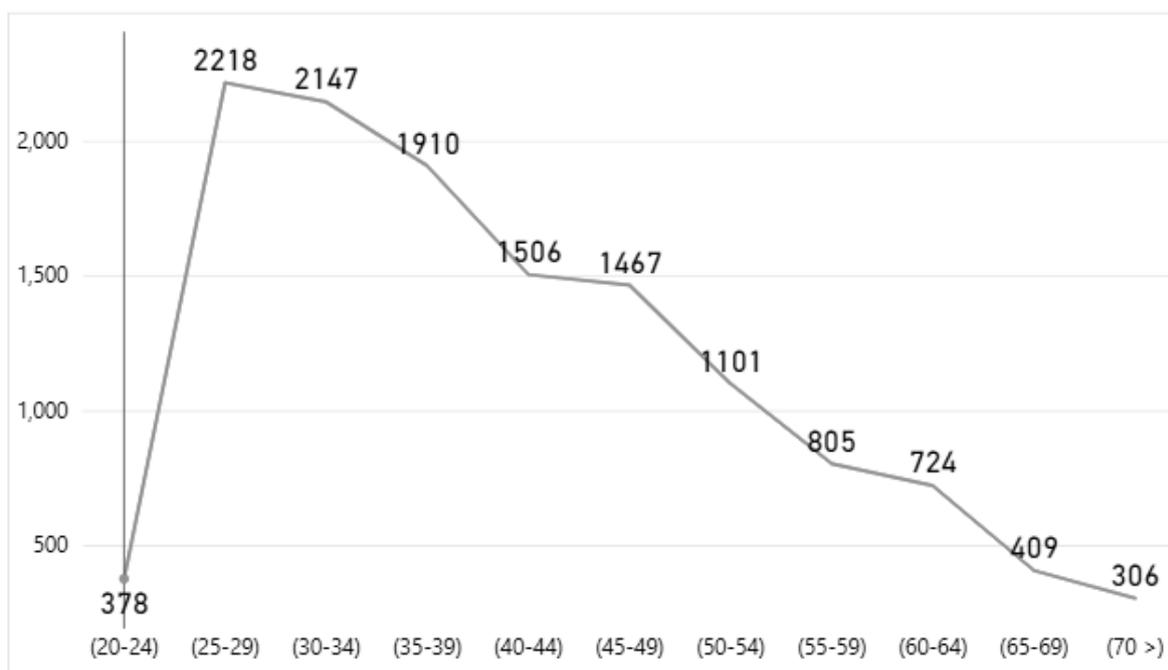
### 3.4 Solicitors by gender



### 3.5 Solicitors by age group

2019-20	
<24	378
25-29	2,218
30-34	2,147
35-39	1,910
40-44	1,506
45-49	1,467
50-54	1,101
55-59	805
60-64	724
65-69	409
70>	306
<b>total</b>	<b>12,971</b>

### 3.6 Solicitors by age group

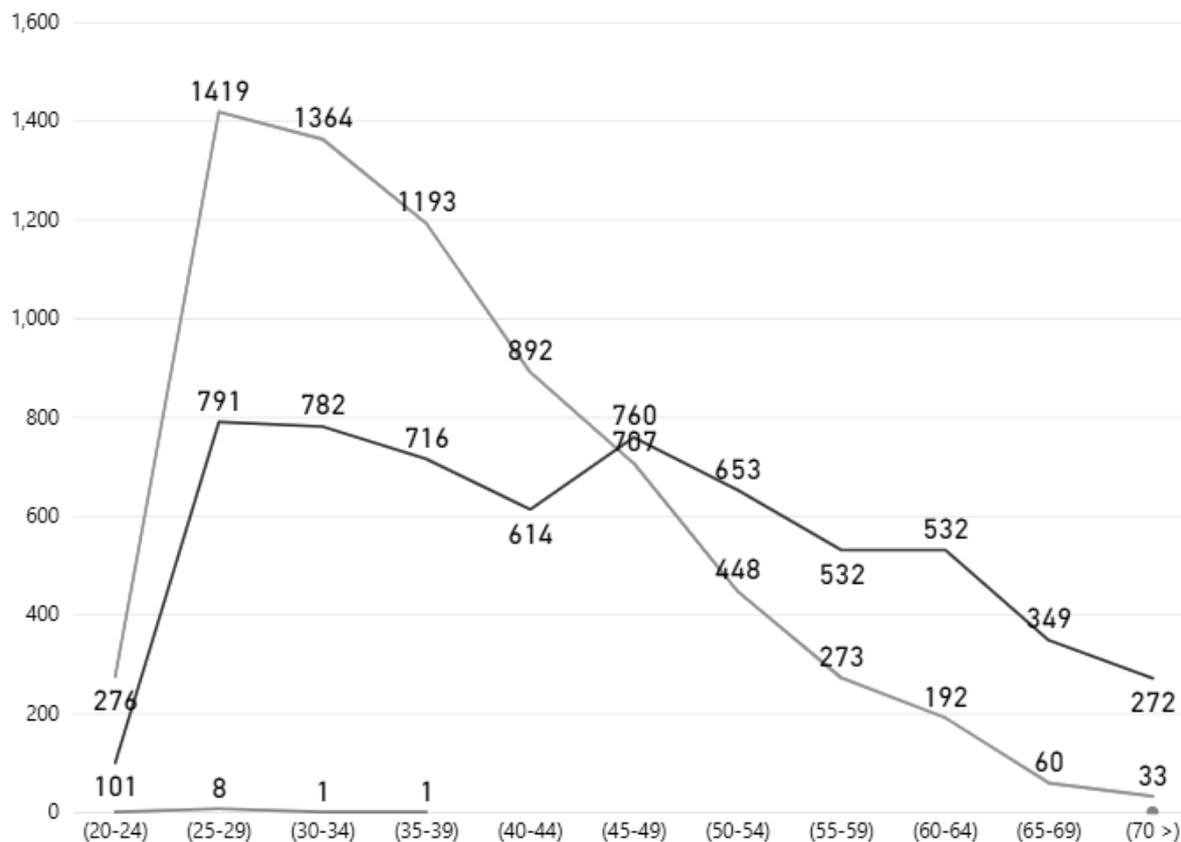


### 3.7 Solicitors by gender by age group

2019-20	Female	Male	Unspecified	Total
<24	276	101	1	378
25-29	1,419	791	8	2,218
30-34	1,364	782	1	2,147
35-39	1,193	716	1	1,910
40-44	892	614	-	1,506
45-49	707	760	-	1,467
50-54	448	653	-	1,101
55-59	273	532	-	805
60-64	192	532	-	724
65-69	60	349	-	409
70>	33	272	1	306
<b>total</b>	<b>6,857</b>	<b>6,102</b>	<b>12</b>	<b>12,971</b>

### 3.8 Solicitors by gender by age group

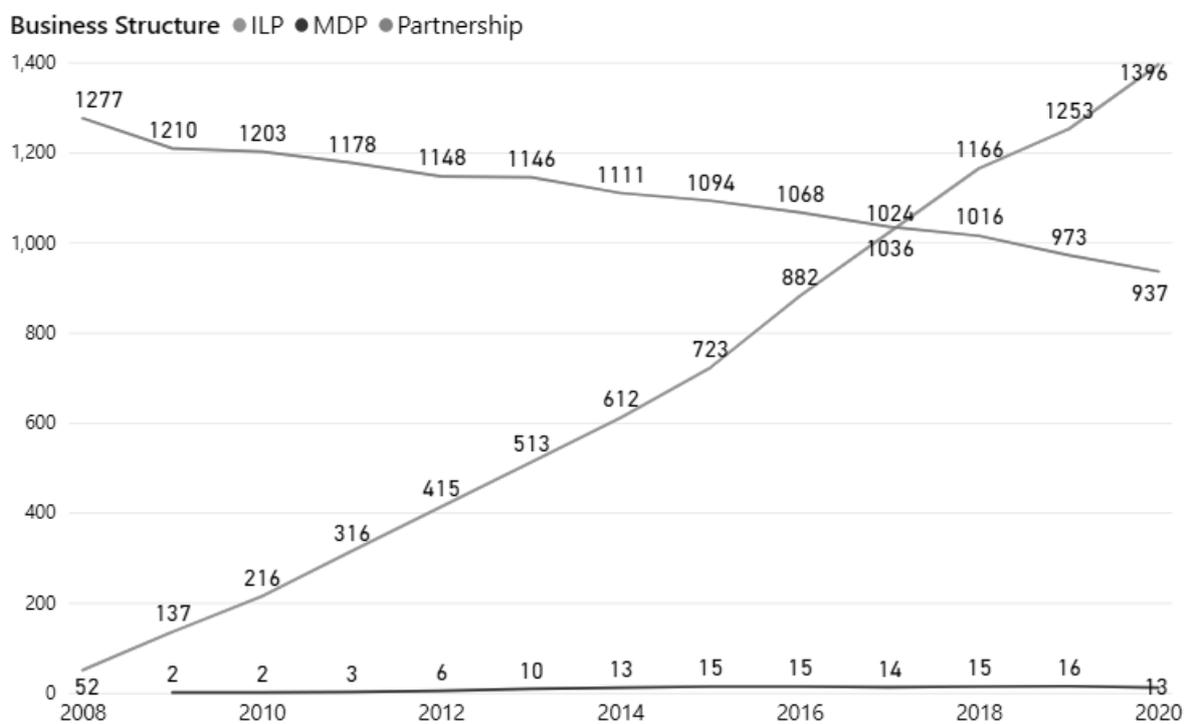
Gender ● Female ● Male ● Unspecified



### 3.9 Law Firms by Business Structure as at 30 June

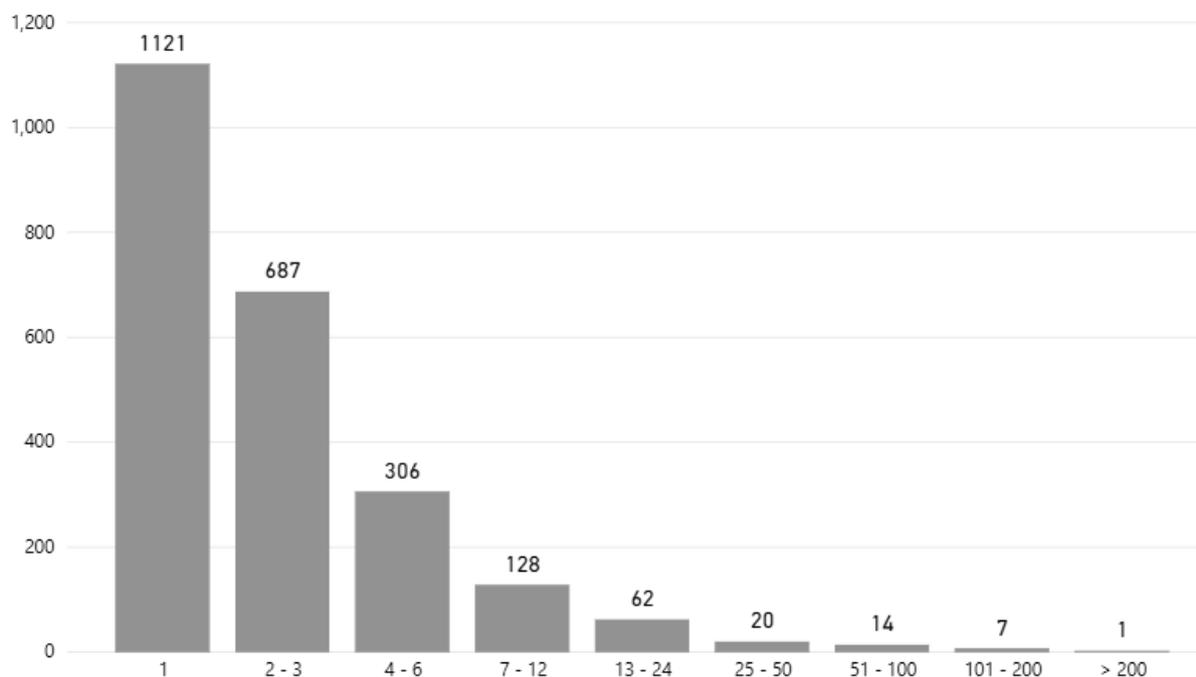
Description	No. of Firms
ILP	1,396
Law practice - QLD	937
MDP – QLD	13
	<b>2,346</b>

### 3.10 Law Firms by Business Structure as at 30 June



### 3.11 Law firms by size (number of PC Holders)

\* This graph 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.



### 3.12 Law firms by size (number of PC Holders)

No. of PC Holders	No. of Law Firms
1	1,121
2 - 3	687
4 - 6	306
7 - 12	128
13 - 24	62
25 - 50	20
51 - 100	14
101 - 200	7
>200	1
<b>total</b>	<b>2,346</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. The do not count barrister’s chambers.

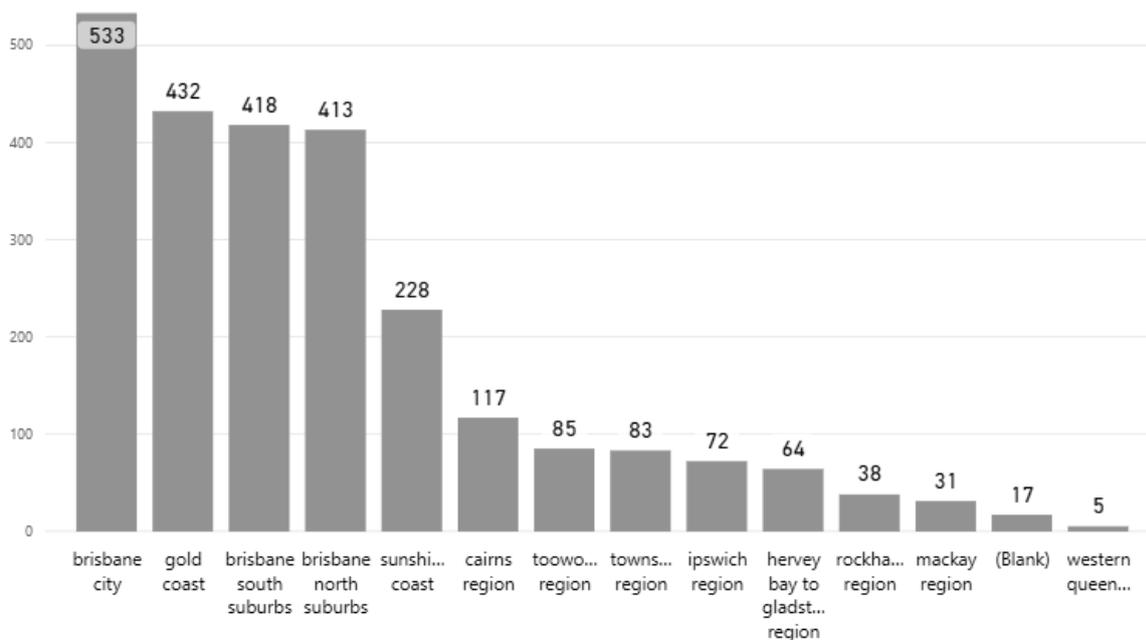
### 3.13 Location of law firm offices

	No. of Law Offices
Brisbane city	533
Brisbane north suburbs	413
Brisbane south suburbs	418
Gold Coast	432
Ipswich region	72
Toowoomba region	85
Western Queensland	5
Sunshine Coast	228
Hervey Bay to Gladstone	64
Rockhampton region	38
Mackay region	31
Cairns region	117
Townsville region	83
unknown	17
<b>total</b>	<b>2,536</b>

\* This table counts each office with an employed solicitor. These figures also include interstate law firms that have a local office. It does not count the location of barrister’s chambers.

### 3.14 Location of law firm offices

\* This graph counts each office with an employed solicitor. These figures also include interstate law firms that have a local office.



## 4 Throughput Summary

### 4.1 Enquiries

	19-20	18-19
enquiries from public received by LSC	2,795	2,452
PIPA enquiries handled during period	123	95

### 4.2 Complaints

	19-20	18-19
matters on hand at 1 July	400	322
plus matters opened	1,205	1,391
less summary dismissals	872	965
less complaints closed	231	249
less investigation matters closed	47	99
<b>on hand at 30 June</b>	<b>455</b>	<b>400</b>

### 4.3 Prosecutions

	19-20	18-19
matters on hand at 1 July	31	49
plus matters opened	35	16
less matters closed	30	34
<b>on hand at 30 June</b>	<b>36</b>	<b>31</b>

### 4.4 Compliance Audits and Civil Litigation

	Self-Assessment Audits	Onsite Reviews	Civil Litigation
on hand at 1/7/2019	-	-	5
opened during year	222	-	6
closed during year	220	-	5
on hand at 30/6/2020	2	-	6

### 4.5 Complaints About Us, Grievances and RTI Applications

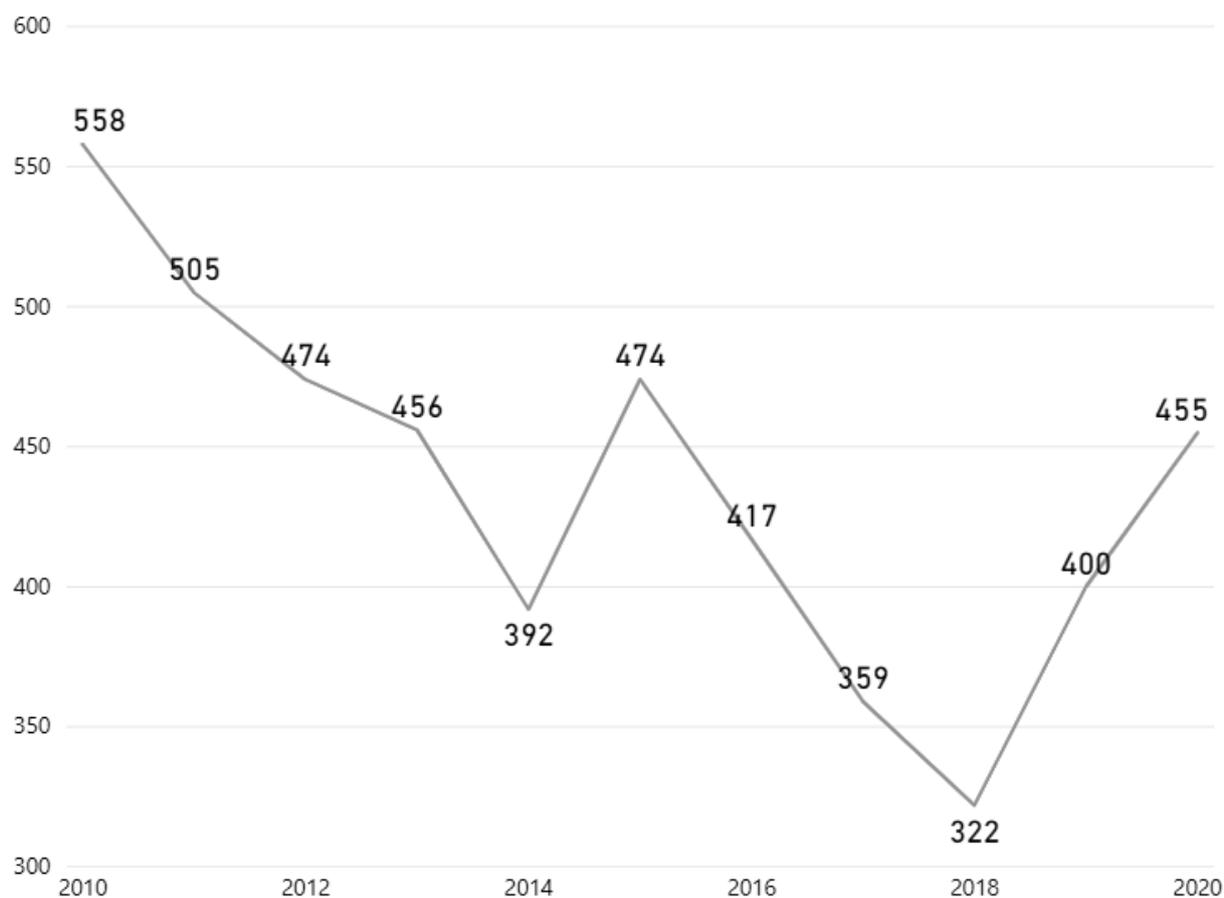
	Complaints about Us	Reconsiderations	Ombudsman	RTI
on hand at 1/7/2019	-	14	1	3
opened during year	-	66	-	9
closed during year	-	62	1	9
on hand at 30/6/2020	-	18	-	3

**4.6 Timeliness**

Type	Matters Completed	Time Band	Actual %	Cumulative %	Target %	Median days open (19-20)	Median days open (18-19)
complaints	143	<= 6 months	51.44	51.44	75	203	135
	106	7 - 18 months	38.13	89.57	100		
	29	> 18 months	10.43	100.00	0		
summary dismissals	590	<= 1 month	67.66	67.66	90	36	31
	120	1 - 2 months	13.76	81.42	100		
	162	> 2 months	18.58	100	0		

## 5 Agency Summary

### 5.1.1 Complaints on hand as at 30 June - trend summary



### 5.1.2 Complaints on hand by agency

	Total	Start of Year
<b>At LSC</b>		
complaints under assessment	243	206
conduct matters	198	174
<b>sub-total</b>	<b>441</b>	<b>381</b>
<b>At BAQ</b>		
conduct matters	14	19
<b>total</b>	<b>455</b>	<b>400</b>

## 6 Enquiry Summary

### 6.1 Enquiry Timeliness

	19-20	%
Enquiries closed on the same day	2,555	87.56
Enquiries closed on a later day	363	12.44
	<b>2,918</b>	

### 6.2 Enquiries by enquirer type

	19-20	%	18-19
client/former client	2,143	73.44	1,861
non-client	414	14.19	345
solicitor	175	6.00	169
third party	54	1.85	59
beneficiary	44	1.51	27
executor	18	0.62	9
solicitor for client	6	0.21	9
barrister	5	0.17	5
all other 'enquirer types' combined	59	2.02	63
<b>total</b>	<b>2,918</b>		<b>2,547</b>

### 6.3 Enquiries by outcome

	19-20	%	18-19
general enquiry	1,542	52.84	1,270
provided complaint form	673	23.06	668
recommended direct approach to firm about concerns	278	9.53	273
provided referral for legal advice or other assistance	130	4.46	86
provided information about LSC to lawyer	107	3.67	106
explained concerns are outside jurisdiction	67	2.30	57
provided Information about the Legal System	6	0.21	8
matter unable to be resolved	4	0.14	3
negotiated remedial action	2	0.07	1
provided cost information	2	0.07	3
lost contact with complainant/enquirer	1	0.03	1
all other 'outcomes' combined	106	3.63	71
<b>total</b>	<b>2,918</b>		<b>2,547</b>

**6.4 PIPA Enquiries by outcome**

	<b>19-20</b>	<b>%</b>
provided information about LSC to lawyer	101	82.11
general enquiry	7	5.69
provided information about the legal system	2	1.63
recommended direct approach to firm about concerns	1	0.81
lost contact with complainant/enquirer	1	0.81
explained concerns are outside jurisdiction	1	0.81
all other 'outcomes' combined	10	8.13
<b>total</b>	<b>123</b>	

**6.5 Enquiries by area of law**

	<b>19-20</b>	<b>%</b>	<b>18-19</b>
family law	467	16.00	414
personal injuries /Workcover litigation	339	11.62	296
deceased estates or trusts	291	9.97	244
litigation	212	7.27	145
conveyancing	173	5.93	146
criminal law	105	3.60	92
property law	75	2.57	70
conduct not in the practice of law	44	1.51	23
commercial /company law	39	1.34	33
immigration	17	0.58	13
administrative law	16	0.55	15
building /construction law	13	0.45	22
trust account breaches	8	0.27	8
leases /mortgages	5	0.17	4
bankruptcy and insolvency	3	0.10	-
all other 'areas of law' combined	1,111	38.07	1,022
<b>total</b>	<b>2,918</b>		<b>2,547</b>

**6.6 Enquiries by nature of the enquiry**

	<b>19-20</b>	<b>%</b>	<b>18-19</b>
costs	524	17.96	505
ethical matters	463	15.87	362
quality of service	306	10.49	279
PIPA	123	4.22	95
communication	116	3.98	101
compliance	41	1.41	32
documents	31	1.06	35
trust funds	23	0.79	18
personal conduct	5	0.17	7
all other 'natures' combined	1,286	44.07	1,113
<b>total</b>	<b>2,918</b>		<b>2,547</b>

**6.7 Enquiries - breakdown of ethical matters**

	<b>19-20</b>	<b>%</b>	<b>18-19</b>
unethical conduct	394	85.10	294
conflict of interest	42	9.07	39
breach of confidentiality	13	2.81	7
instructions - not followed /acting without	8	1.73	5
contacting another solicitor's client	2	0.43	-
pressure to settle	2	0.43	-
misleading /dishonest conduct	1	0.22	4
advertising	1	0.22	-
misleading/dishonest conduct in Court	-	-	2
fraud/misappropriation/stealing	-	-	2
all other natures combined	-	-	9
<b>total</b>	<b>463</b>		<b>362</b>

## 7 Closure Summary

### 7.1 Summary Dismissals

#### 7.1.1 Summary Dismissals by outcome

	19-20	%	18-19
not Chapter 4 conduct (other)	548	62.84	639
not comply with notice	101	11.58	99
withdrawn	70	8.03	66
not Chapter 4 conduct (costs disputes only)	59	6.77	74
referred-other investigative process	27	3.10	27
frivolous/vexatious/lacking in substance	26	2.98	23
out of time	21	2.41	22
previous complaint	5	0.57	4
struck off	2	0.23	-
all other 'outcomes' combined	13	1.49	11
<b>total</b>	<b>872</b>		<b>965</b>

#### 7.1.2 Summary Dismissals by outcome – PIPA

No summary dismissals relating to PIPA were recorded this financial year.

#### 7.1.3 Summary Dismissals by area of law

	19-20	%	18-19
family law	200	22.94	228
litigation	121	13.88	134
deceased estates or trusts	102	11.70	101
conveyancing	84	9.63	77
personal injuries /Workcover litigation	61	7.00	56
criminal law	58	6.65	47
commercial /company law	39	4.47	43
property law	38	4.36	54
conduct not in the practice of law	14	1.61	18
building /construction law	12	1.38	21
administrative law	10	1.15	8
immigration	9	1.03	12
industrial law	7	0.80	11
leases /mortgages	5	0.57	3
bankruptcy and insolvency	3	0.34	9
trust account breaches	1	0.11	4
all other 'areas' combined	108	12.39	139
<b>total</b>	<b>872</b>		<b>965</b>

#### 7.1.4 Summary Dismissals by nature of matter

	19-20	%	18-19
ethical matters	371	42.55	421
quality of service	218	25.00	236
costs	116	13.30	110
communication	71	8.14	62
compliance	21	2.41	33
trust funds	18	2.06	24
documents	15	1.72	26
personal conduct	3	0.34	4
PIPA	-	-	1
all other 'natures' combined	39	4.47	48
<b>total</b>	<b>872</b>		<b>965</b>

#### 7.1.5 Summary Dismissals - breakdown of ethical matters

	19-20	%	18-19
unethical conduct	308	83.02	359
conflict of interest	31	8.36	25
instructions - not followed /acting without	12	3.23	13
breach of confidentiality	9	2.43	13
misleading /dishonest conduct	7	1.89	6
pressure to settle	2	0.54	-
misleading /dishonest conduct in court	1	0.27	1
failure to honour undertakings	1	0.27	-
fraud/misappropriation/stealing	-	-	3
contacting another solicitor's client	-	-	1
<b>total</b>	<b>371</b>		<b>421</b>

## 7.2 Complaints/Investigation Matters

### 7.2.1 Complaints by complainant type

	19-20	%	18-19
client/former client	125	53.88	140
non client	40	17.24	48
solicitor	21	9.05	12
solicitor for client	21	9.05	23
third party	17	7.33	12
beneficiary	3	1.29	5
executor	2	0.86	-
barrister	1	0.43	2
judge	-	-	1
all other 'complainant types' combined	2	0.86	6
<b>total</b>	<b>231</b>		<b>249</b>

### 7.2.2 Complaints by respondent type

	19-20	%	18-19
solicitor	185	80.09	211
barrister	24	10.39	22
unlawful operator	16	6.93	13
other	4	1.73	1
law practice employee	2	0.87	2
<b>total</b>	<b>231</b>		<b>249</b>

### 7.2.3 Complaints by outcome

	19-20	%	18-19
no reasonable likelihood	134	58.01	138
no public interest	33	14.29	69
referred to tribunal	26	11.26	9
referred to other investigative process	16	6.93	5
withdrawn/discontinued	10	4.33	25
referred to Magistrates Court	2	0.87	-
referred for criminal litigation	2	0.87	2
negotiated remedial action	1	0.43	-
not Chapter 4 conduct (other)	1	0.43	-
referred for civil litigation	1	0.43	-
referred to LPC	1	0.43	-
all other 'outcomes' combined	4	1.73	1
<b>total</b>	<b>231</b>		<b>249</b>

## 7.2.4 Complaints by area of law

	19-20	%	18-19
family law	50	21.65	47
deceased estates or trusts	23	9.96	26
conveyancing	22	9.52	21
litigation	19	8.23	39
personal injuries /Workcover litigation	18	7.79	22
criminal law	17	7.36	21
conduct not in the practice of law	14	6.06	6
commercial /company law	13	5.63	10
property law	9	3.90	9
administrative law	3	1.30	-
immigration	3	1.30	2
leases /mortgages	2	0.87	3
building /construction law	1	0.43	4
bankruptcy and insolvency	1	0.43	-
trust account breaches	-	-	5
industrial law	-	-	3
all other 'areas' combined	36	15.58	31
<b>Total</b>	<b>231</b>		<b>249</b>

## 7.2.5 Complaints by nature of matter

	19-20	%	18-19
ethical matters	95	41.13	72
quality of service	61	26.41	72
compliance	20	8.66	21
costs	19	8.23	29
communication	16	6.93	27
documents	6	2.60	8
personal conduct	5	2.16	4
trust funds	2	0.87	9
PIPA	2	0.87	4
all other 'natures' combined	5	2.16	3
<b>total</b>	<b>231</b>		<b>249</b>

## 7.2.6 Complaints - breakdown of ethical matters

	19-20	%	18-19
unethical conduct	71	74.74	45
conflict of interest	9	9.47	11
breach of confidentiality	4	4.21	1
contacting another solicitor's client	3	3.16	6
instructions - not followed /acting without	3	3.16	5
pressure to settle	2	2.11	-
misleading /dishonest conduct	1	1.05	2
misleading /dishonest conduct in court	1	1.05	1
failure to honour undertakings	1	1.05	1
<b>total</b>	<b>95</b>		<b>72</b>

### 7.2.7 Investigation matters by outcome

	19-20	%	18-19
no public interest	18	38.30	71
no reasonable likelihood	13	27.66	17
referred to tribunal	10	21.28	10
referred for criminal litigation	2	4.26	1
referred to Magistrates Court	1	2.13	-
referred to other investigative process	1	2.13	-
all other outcomes combined	2	4.26	-
<b>total</b>	<b>47</b>		<b>99</b>

### 7.2.8 Investigation matters by area of law

	19-20	%	18-19
personal injuries /Workcover litigation	14	29.79	51
conduct not in the practice of law	10	21.28	14
deceased estates or trusts	4	8.51	3
criminal law	2	4.26	1
litigation	2	4.26	4
trust account breaches	2	4.26	9
family law	1	2.13	2
immigration law	1	2.13	
property law	-	-	3
conveyancing	-	-	2
commercial /company law	-	-	2
all other 'areas' combined	11	23.40	8
<b>total</b>	<b>47</b>		<b>99</b>

### 7.2.9 Investigation matters by nature of matter

	19-20	%	18-19
PIPA	13	27.66	47
ethical matters	12	25.53	14
compliance	10	21.28	16
personal conduct	6	12.77	5
trust funds	4	8.51	11
quality of service	2	4.26	2
Costs	-	-	3
all other 'natures of matter' combined	-	-	1
<b>total</b>	<b>47</b>		<b>99</b>

### 7.3 Prosecution Matters

#### 7.3.1 Prosecutions – heard and decided

	19-20	18-19
by Tribunal	12	16
by the Committee	-	-
by the Magistrates Court	1	-
by the Court of Appeal	-	3
<b>sub-total</b>	<b>18</b>	<b>19</b>
reconsidered/withdrawn/discontinued/other	12	15
<b>total</b>	<b>30</b>	<b>34</b>

#### 7.3.2 Prosecutions by respondent type (excludes withdrawn/discontinued)

	19-20	18-19
solicitor	12	15
unlawful operator	2	-
barrister	2	3
legal practitioner	1	-
other	1	1
<b>sub-total</b>	<b>18</b>	<b>19</b>

#### 7.3.3 Prosecutions by area of law (excludes withdrawn/discontinued)

	19-20	18-19
deceased estates or trusts	4	3
criminal law	3	1
litigation	3	2
family law	2	4
commercial /company law	1	1
conduct not in the practice of law	1	-
conveyancing	1	1
trust account breaches	1	2
commercial /company law	-	1
all other 'areas' combined	2	4
<b>total</b>	<b>18</b>	<b>19</b>

**7.3.4 Prosecutions by nature of matter (excludes withdrawn/discontinued)**

---

	<b>19-20</b>	<b>18-19</b>
ethical matters	5	10
personal conduct	3	1
quality of service	3	3
costs	3	-
compliance	1	2
trust funds	-	2
communication	-	1
all other 'natures' combined	3	-
<b>total</b>	<b>18</b>	<b>19</b>

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## 8 Investigations by Solicitor/Law Firm

### 8.1 Investigations regarding solicitors as a proportion of the profession

	PC Holders	Law Firms	Law Offices
size of profession as at 30 June 2019	12,569	2,242	2,389
size of profession as at 30 June 2020	12,971	2,346	2,536
no of respondents for 2019-20 year	187	157	162

### 8.2 Solicitors subject to investigation

	2019-20	2018-19
1 complaint	160	219
2 complaints	20	24
3 complaints	4	5
4 complaints	2	-
5 complaints	-	1
between 6 and 9	1	1
between 10 and 14	-	-
15 and > complaints	-	-
<b>total</b>	<b>187</b>	<b>250</b>

### 8.3 Law firms subject to investigation

	2019-20	2018-19
1 complaint	125	177
2 complaints	23	22
3 complaints	6	6
4 complaints	1	1
5 complaint	1	1
between 6 and 9	1	2
between 10 and 14	-	-
15 and > complaints	-	-
<b>total</b>	<b>157</b>	<b>209</b>

### 8.4 Solicitors subject to investigation by gender

	2019-20	2018-19
male	128	186
female	59	64
<b>total</b>	<b>187</b>	<b>250</b>

**8.5 Solicitors subject to investigation by age group**

	2019-20	2018-19
24 and under	-	3
25 - 29	15	13
30 - 34	12	18
35 - 39	26	18
40 - 44	16	27
45 - 49	24	48
50 - 54	26	31
55 - 59	25	29
60 - 64	21	28
65 - 69	9	22
70 and over	13	13
<b>total</b>	<b>187</b>	<b>250</b>

**8.6 Law firm business types with solicitors subject to investigation**

	2019-20	2018-19
partnership/ sole practitioners	58	91
ILP	98	115
MDP	1	3
<b>total</b>	<b>157</b>	<b>209</b>

**8.7 Law firm sizes with solicitors subject to investigation**

PC holders	2019-20	2018-19
1	51	64
2 - 3	43	61
4 - 6	22	32
7 - 12	18	21
13 - 24	11	14
25 - 50	5	9
51 - 100	4	5
101 - 200	3	3
<b>total</b>	<b>157</b>	<b>209</b>

**8.8 Law office locations with solicitors subject to investigation**

	2019-20	2018-19
Brisbane city	53	49
Brisbane north suburbs	22	31
Brisbane south suburbs	28	33
Gold Coast	23	40
Ipswich region	4	10
Toowoomba region	6	6
Western Queensland	9	-
Sunshine Coast	2	16
Hervey Bay to Gladstone	3	3
Rockhampton region	1	5
Mackay region	5	2
Cairns region	5	6
Townsville region	53	12
Unknown	1	-
<b>total</b>	<b>162</b>	<b>213</b>

## 9 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.

### 9.1 Enquiries

	19-20	\$	18-19	\$	17-18	\$
apology	-	-	-	-	-	-
financial redress/compensation	1	260	1	101	-	-
redress - improved communications	-	-	-	-	1	-
redress – other-	-	-	-	-	1	-
management system improvements	-	-	-	-	-	-
training/mentoring/supervision	-	-	-	-	-	-
made advertisement PIPA compliant	-	-	-	-	-	-
<b>total</b>	<b>1</b>	<b>260</b>	<b>1</b>	<b>101</b>	<b>2</b>	<b>-</b>

### 9.2 Complaints

	19-20	\$	18-19	\$	17-18	\$
apology	16	-	43	-	39	-
financial redress/compensation	12	26,449	15	81,973	17	69,482
redress - improved communications	4	-	8	-	3	-
redress – other-	15	-	24	-	21	-
management system improvements	12	-	26	-	18	-
training/mentoring/supervision	9	-	16	-	9	-
made advertisement PIPA compliant	14	-	52	-	18	-
<b>total</b>	<b>82</b>	<b>26,449</b>	<b>184</b>	<b>81,973</b>	<b>125</b>	<b>69,482</b>

### 9.3 Prosecutions

	19-20	\$	18-19	\$	17-18	\$
employee not to be employed	-	-	-	-	-	-
fined (disciplinary body – USP / PMC)	2	10,750	2	34,000	5	14,500
fined (Magistrates Court – LPA offence)	1	5,000	-	-	2	2,500
ordered to apologise	-	-	-	-	-	-
ordered to pay compensation	-	-	-	-	-	-
ordered to make other redress	2	-	-	-	1	-
ordered to undertake training or be supervised	2	-	2	-	-	-
reprimanded	8	-	5	-	7	-
struck off	7	-	9	-	3	-
suspended	2	-	4	-	4	-
withdrawn/reconsidered – apology	4	-	10	-	12	-
withdrawn/reconsidered – financial redress	-	-	1	45,000	4	38,075
withdrawn/reconsidered – other redress	-	-	1	-	1	-
<b>total</b>	<b>28</b>	<b>15,750</b>	<b>34</b>	<b>79,000</b>	<b>39</b>	<b>55,075</b>

# APPENDIX C

Summary of Requirement		Basis for Requirement	Annual Report Reference
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister/s	ARRs - section 7	i
Accessibility	Table of contents	ARRs - section 9.1	ii
	Glossary		
	Public availability	ARRs - section 9.2	Inside front cover
	Interpreter service statement	Queensland Government Language Services Policy	ii
	Copyright notice	ARRs - section 9.3	ii
	Information Licensing	Copyright Act 1968	ii
General information	Introductory Information	ARRs - section 9.4	4
	Machinery of Government changes	QGEA - Information Licensing	Not applicable
	Agency role and main functions	ARRs - section 9.5	4 and 5
	Operating environment	ARRs - section 10.1	4 and 5
Non-financial performance	Government's objectives for the community	ARRs - section 10.2, 31 and 32	9 and 11
	Other whole-of-government plans / specific initiatives	ARRs - section 10.2	Not applicable
	Agency objectives and performance indicators	ARRs - section 10.3	12
	Agency service areas and service standards	ARRs - section 11.1	12
Financial performance	Summary of financial performance	ARRs - section 11.2	41
Governance - management and structure	Organisational structure	ARRs - section 11.3	36
	Executive management	ARRs - section 11.4	Not applicable
	Government bodies (statutory bodies and other entities)	ARRs - section 12.1	Not applicable
	Public Sector Ethics	ARRs - section 13.1	43
	Human Rights	ARRs - section 13.2	43
	Queensland public service values	ARRs - section 13.3	43

Governance – risk management and accountability	Risk management	Public Sector Ethics Act 1994	37 and 43
	Audit committee	ARRs – section 13.4	Not applicable
	Internal audit	Human Rights Act 2019	Not applicable
	External scrutiny	ARRs – section 13.5	Not applicable
	Information systems and recordkeeping	ARRs – section 13.6	43
Governance – human resources	Strategic workforce planning and performance	ARRs – section 14.1	37
	Early retirement, redundancy and retrenchment	ARRs – section 14.2	37
Open Data	Statement advising publication of information	ARRs – section 14.3	43
	Consultancies	ARRs – section 14.4	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	Overseas travel	ARRs – section 14.5	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	Queensland Language Services Policy	ARRs – section 15.1	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
Financial statements	Certification of financial statements	Directive No.04/18 Early Retirement, Redundancy and Retrenchment	42
	Independent Auditor’s Report	ARRs – section 15.2	Not applicable
		ARRs – section 16	Not applicable
		ARRs – section 33.1	Not applicable
		ARRs – section 33.2	Not applicable
		ARRs – section 33.3	Not applicable
		FAA – section 62	Not applicable
		FPMS – sections 38, 39 and 46	Not applicable
		ARRs – section 17.1	Not applicable
		FAA – section 62	Not applicable
		FPMS – section 46	Not applicable
		ARRs – section 17.2	Not applicable

