

Legal Services Commission

2020 - 2021 Annual Report

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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.

25 October 2021

The Honourable Shannon Fentiman MP
Attorney-General and Minister for Justice
Minister for Women and Minister for the
Prevention of Domestic and Family Violence
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 2020-2021 Annual Report.

This report has been prepared in accordance with section 46(2) of the Financial and Performance Management Standard 2019 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 2021.

The information contained in the Legal Services Commission 2020-2021 Annual Report is compliant with the Commission's prescribed obligations under the *Legal Profession Act 2007* and meets the requirements of the Financial and Performance Management Standard 2019.

Yours sincerely



Megan Mahon
Legal Services Commissioner

CONTENTS

Overview	1
From the Commissioner	1
About the Commission	3
The Year in Review	4
The Queensland Legal Profession at a Glance	5
Confidence in a Strong Independent Legal Profession	6
Ensuring Public Confidence in the Legal Profession	7
Supporting a Strong and Ethical Legal Profession	8
Regulation in Action	9
Compliance	24
Governance and Organisational Structure	25
Performance Reporting	26
Financial Reporting	27
Other Compliance	28
Appendices	
Appendix A - Abbreviations and Acronyms	29
Appendix B - Statistical Analysis	31
Appendix C - Checklist	58

FROM THE COMMISSIONER

One constant is that the Queensland legal profession continues to grow. The past reporting year saw a 7% increase in the number of barristers and solicitors, with 15,167 practising in Queensland by the end of June 2021.

Another constant is the profession's strength and independence, comprising a largely ethical and hard-working profession whose members contribute to the administration of justice and the upholding of the rule of law.

While the demand for services from the Commission also grows each year, it is important to maintain perspective and acknowledge that matters progressing through to disciplinary action represent a very small percentage of the profession overall.

It is of course through strong and effective regulation that the legal profession continues to be the foundation of the administration of justice in Queensland. Members of the public will only have confidence in a profession that is robust and ethical, and together with the profession, the Commission works to maintain that confidence.

Practitioners who do not honour their oath and act in a manner that falls below the expected standard undermine this confidence to the detriment of the whole profession. It is these few, together with unqualified members of the public who attempt to provide legal services, that jeopardise the good reputation of the legal profession in Queensland and against whom action is required to be taken.

Of particular mention is the matter of Legal Services Commissioner v SD [2021] QCAT 204 involving a now former practitioner who was charged with common assault - domestic violence and also breach of a protection order. While it was the first disciplinary case in Queensland directly relating to breaches of domestic violence orders, it is also a salutary warning to all practitioners that personal conduct that is not connected with the practice of law can result in removal from the roll.

The Tribunal, presided over in this matter by the President of QCAT, The Honourable Justice Daubney AM, accepted that conduct of that kind meant that the practitioner respondent could not be regarded as a person in whom clients, especially vulnerable people, could place their trust, nor could he command their respect.

His Honour found at [22] that the respondent's conduct in relation to common assault-domestic violence "bespeaks unsuitability for ongoing membership of this honourable profession".

Another decision of note in the reporting year is the matter of Legal Services Commissioner v Ioannides [2020] QCAT 479. The now former practitioner was convicted and sentenced for multiple charges relating to trafficking of methylamphetamine and GHB. Again, this was conduct that was not associated with the practice of law, but was protracted criminal behaviour resulting in the conviction of a serious offence and other offences. In this matter, The Honourable Justice Daubney AM observed at [14] that the "seriousness and persistence of the offending conduct was completely at odds with all norms which the community expects of those engaged in legal practice". And at [25] His Honour affirmed that the regulatory jurisdiction is "protective of the public and not punitive against the practitioner . . . the Tribunal must have primary regard to the need to protect the public from unsuitable practitioners and ensure maintenance of proper professional standards".

Further affirming the importance of appropriate disciplinary action, His Honour went on to observe at [26] that the respondent "repeatedly flouted the law, and in so doing demonstrated a character which had no respect for the fundamental obligation of all legal practitioners to protect and maintain the rule of law. Her conduct demonstrates that she is a person who, at this point in time, cannot be trusted by clients, fellow practitioners, the judiciary, or the public at large. The courts, the legal profession, and the public depend on maintenance of the highest standards of integrity in the legal profession".

Inappropriate personal conduct can and does have significant long term impacts for all involved. Importantly however, appropriate disciplinary action does result in ensuring that those who do not maintain appropriate professional standard or are not fit to be members of the legal profession, do not remain legal practitioners.

Consumer protection and confidence in the administration of justice is maintained when appropriate action is taken against such persons by the Commission under the jurisdiction of the *Legal Profession Act 2007*.

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 its good reputation.

Integral to the Commission being at the forefront of emerging issues and challenges faced by the profession is ongoing engagement at all levels.

I am committed to positive and mutually beneficial engagement with our stakeholders. While that has again meant many virtual meetings and presentations this year, face to face opportunities are increasing.

Consistent with my commitment to meaningful engagement, I have established the LSC Reference Group to ensure broader meaningful engagement.

My aim in establishing the Reference Group was to benefit from the knowledge and experience of both qualified and non-legal professionals who are familiar with the nature of the legal system and have consumer protection, stakeholder engagement, policy and management experience, and other interests relevant to the work of the Commission.

The Reference Group provides a forum for the sharing of information and perspectives on the role and functions of the Commission. It provides an informal opportunity to discuss:

- the Commission's policies, procedures and strategic directions;
- the Commission's performance;
- opportunities for the Commission to meet its statutory obligations;
- increased and more productive stakeholder engagement;
- promoting the highest standards of conduct among legal professionals and their employees;
- policy and legislative reform;
- legal and non-legal issues impacting the profession;
- building an understanding of the role of the Commission within the profession and the wider community; and
- other related matters within the scope of the Act, relevant to the legal profession and the provision of legal services.

Members of the LSC Reference Group comprise practising lawyers (diversely representative of Queensland barristers and solicitors of varying seniority and from regional, suburban and city firms of varying sizes), members of representative bodies (such as WLAQ, FLPA and STEP) and other state regulatory authorities, as well as legal academics, and a private investigator.

I am sincerely thankful to all members of the Reference Group who accepted my invitation to participate and generously give of their valuable time in doing so.

I also thank all the Commission's other key stakeholders, particularly members of the legal profession, for their ongoing support and commitment.

It shouldn't go without saying that the discharge of my functions and responsibilities would not be possible without the invaluable contribution and efforts of the staff of the Commission. We are currently undergoing a transformation of our internal operations, with a commitment to continual improvement. I appreciate and acknowledge the efforts of the staff of the Commission in their contribution to that improvement and a renewed focus on optimal service delivery.

At the forefront of improvements are a dedicated and hardworking leadership team for whom I am sincerely grateful to for their diligence, patience, collegiality and support.

There are many within the Department who also ultimately support the services of the Commission and help ensure its continued service delivery, albeit independently from the Department. To all, I extend my appreciation.

Finally, I sincerely thank the Attorney-General, The Honourable Shannon Fentiman MP, whose ongoing support and interest in the work of Commission and the profession more generally is acknowledged and greatly appreciated.

Megan Mahon
Legal Services Commissioner

ABOUT THE COMMISSION

The Legal Services Commission is an independent statutory body which was established in 2004 and continues its existence pursuant to the *Legal Profession Act 2007* (Act).

The Act provides for the appointment of the Legal Services Commissioner who is conferred with statutory powers and the responsibility for the functions to regulate the legal profession, and to receive, manage and investigate complaints about the conduct of legal practitioners, their employees, and unlawful operators in relation to the provision of legal services in Queensland.

The Commissioner is supported by the staff of the Commission to discharge these obligations to ensure effective regulation of legal practice in Queensland in the interest of the administration of justice and for the protection of consumers of the legal profession and the public generally. This includes monitoring lawyers and legal practitioners while also safeguarding the public and the profession from those purporting to practise law when not entitled to do so.

The Commission plays an integral role in the regulation of the legal profession in Queensland along with the LPAB, QLS, BAQ, the disciplinary bodies (QCAT and LPC) and the Courts.

The Commission ensures complaints are dealt with by a statutory body that is independent from the legal profession. Our approach as an effective regulator protects consumers and also supports lawyers in their obligations to provide competent legal services, improved professionalism and ethical decision making.

QUEENSLAND CO-REGULATORY MODEL

The BAQ and the QLS are the peak professional representative bodies of barristers and solicitors 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, competency, and honesty of the legal profession. It is together, in these vital regulatory functions, that each regulatory authority contributes to ensuring confidence in the administration of justice and the protection of consumers of legal services.

THE YEAR IN REVIEW

From 1 July 2020

We received
2,869
new enquiries
in 12 months

We commenced
116
own motion
investigations

We received
1,214
new complaints
or an average
of just over
101
complaints
each month

We closed
1,051
complaint and
investigation
matters

We summarily
dismissed
805
complaints

We commenced
the year with
36 prosecution
matters on
hand and
initiated
27
new litigation
matters and
finalised 25

THE QUEENSLAND LEGAL PROFESSION AT A GLANCE[△]

15,167

legal practitioners in Queensland
(14,031 solicitors and 1,136 barristers) *

13

MDPs or 0.52% of all solicitor practices

917

or 36.98% are other solicitor law practices
(sole practitioners or partnerships)

7,609[#]

female practitioners (51.38% of all practitioners) 53.53% of solicitors (up from 48.61% last year) and 25.53% of all barristers who identify as female

1,094

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

7,197[#]

male practitioners (48.6% of all practitioners) 46.45% of solicitors and 74.47% of barristers identify as male

324

total barrister's chambers including group and individual chambers – representing a significant increase in group chambers up to 101 from 87 last year

3

gender unspecified practitioners or 0.02%

913

barristers are now in group chambers or 80.5%, up from 59% last year; with 223 in individual chambers (being 19.5%, which is down from 41% last year)

2,483

solicitors' legal practices increasing by 5.84% in 12 months

1,550

ILPs or 62.50% of all solicitor law practices

* Does not include those government legal officers who do not hold a practising certificate.

[#] Does not include those who hold an interstate practising certificate.

[△] Data provided by QLS.

CONFIDENCE IN A STRONG AND INDEPENDENT LEGAL PROFESSION

ENSURING PUBLIC CONFIDENCE IN THE LEGAL PROFESSION

OUR SERVICES AND CONTRIBUTION TO QUEENSLAND

The Commission provides a valuable service to the people of Queensland by regulating the legal profession pursuant to the *Legal Profession Act 2007* (Act).

PROTECTING THE PUBLIC FROM UNSUITABLE PRACTITIONERS

The Commission ensures 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, the Commission aims 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).

The Commission assists complainants through the complaints process as far as our resources and statutory limitations permit and provides relevant, accessible information, and where necessary, outlines the steps when action is required.

The Commission also supports 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. By ensuring members of the public can be confident in receiving sound legal advice from competent, qualified legal practitioners, the Commission safeguards 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, the Commission has 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.

SUPPORTING A STRONG AND ETHICAL LEGAL PROFESSION

OUR CONTRIBUTION TO THE PROFESSION

The work of the Commission ensures legal practitioners in Queensland uphold the highest professional standards, understand their obligations to their clients and when engaging with members of the public. This is achieved by monitoring and regulating the legal profession within Queensland in accordance with the Act.

The Commission engages with the profession more directly by delivering presentations and attending interactive events and other functions. This continues to be hampered by ongoing travel and gathering restrictions, but have nonetheless continued in a modified way including online.

A high priority is placed on the contribution the Commission makes to the legal profession. These engagements are an opportunity to promote increased awareness and encourage greater adherence to professional obligations and standards.

Major challenges facing the legal profession are addressed 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.

The Commission constructively engages with the profession across a range of public and private sectors throughout Queensland and Australia to ensure the services provided are continuously improving and integrate current best practice.

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 members of the legal profession within both the private and public sectors, and their professional representative bodies.

OUR CONTRIBUTION TO EMERGING PROFESSIONALS

It is imperative to prioritise engagement with emerging legal professionals, both at undergraduate and graduate levels.

As the lawyers of the future, it is important to equip 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 2020-2021 the Commissioner spoke with students at Griffith University and The University of Queensland to educate them on how to avoid complaints and what to do if they receive a complaint.

REFERENCE GROUP

The Commissioner established the LSC Reference Group in the reporting year.

The group comprises:

- practising lawyers and legal academics who between them are broadly representative of the profession (such as solicitors/barristers; specialty areas of practice; professional representative roles; assorted demographics, including big firms / small firms / government; CBD / suburban / regional; equitable representation); and
- non-lawyers who are familiar with the nature of the legal system and legal practice and who have consumer protection, policy, and / or managerial expertise and interests relevant to the work of the Commission.
- It is not a decision-making body and has no formal or operational status or authority, rather, the group's purpose is to provide an informal forum in which the Commissioner and members share and discuss current and emerging issues.

REGULATION IN ACTION

ENQUIRIES AND COMPLAINTS HANDLING

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

The Commission receives and manages complaints and enquiries in a fair, efficient and transparent manner. This is achieved by assisting complainants through the complaint process as far as resources and statutory limitations permit.

ENQUIRIES

2,869 new enquiries were received in this reporting year, consistent with last year. Most enquiries were finalised on the same 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 Commission.

The year commenced with 455 complaint and investigation matters on hand. 1,214 new complaints were received, which was similar to last year.

1,051 complaints were finalised. At the close of the reporting period, 618 complaint and investigation matters were on hand.

The Commission assessed 74.13% of new complaints and had 25.87% awaiting assessment at the end of the reporting period. Of the number of new complaints assessed, 74.69% were summarily dismissed, 25.31% were assessed to be conduct matters.

Complaints by Complaint Type

	20-21	19-20	18-19
client/former client	107	125	140
non client	34	40	48
solicitor	29	21	12
third party	18	17	12
beneficiary	5	3	5
solicitor for client	3	21	23
judge	1	-	1
executor	-	2	-
barrister	-	1	2
all other 'complainant types' combined	3	2	6
Total	200	231	249

Complaints by Outcome

	20-21	19-20	18-19
no reasonable likelihood	128	134	138
no public interest	46	33	69
referred to tribunal	7	26	9
withdrawn/discontinued	7	10	25
referred to LPC	5	1	-
referred to other investigative process	4	16	5
referred for criminal litigation	2	2	2
referred to Magistrates Court	-	2	-
negotiated remedial action	-	1	-
not Chapter 4 conduct (other)	-	1	-
referred for civil litigation	-	1	-
all other 'outcomes' combined	1	4	1
Total	200	231	249

Complaints by Area of Law

	20-21	19-20	18-19
family law	36	50	47
deceased estates or trusts	23	23	26
personal injuries/workcover litigation	22	18	22
criminal law	20	17	21
conveyancing	18	22	21
litigation	18	19	39
commercial/company law	10	13	10
conduct not in the practice of law	6	14	6
property law	4	9	9
immigration	3	3	2
trust account breaches	2	-	5
administrative law	1	3	-
building/construction law	1	1	4
industrial law	1	-	3
bankruptcy and insolvency	-	1	-
leases/mortgages	-	2	3
all other 'areas' combined	35	36	31
Total	200	231	249

Complaints by Nature of Matter

	20-21	19-20	18-19
ethical matters	79	95	72
quality of service	52	61	72
communication	14	16	27
compliance	14	20	21
costs	14	19	29
trust funds	10	2	9
PIPA	6	2	4
documents	2	6	8
personal conduct	2	5	4
all other 'natures' combined	7	5	3
Total	200	231	249

SUMMARY DISMISSALS TABLES

Summary Dismissals by Outcome

	20-21	19-20	18-19
not Chapter 4 conduct (other)	583	548	639
not comply with notice	59	101	99
not Chapter 4 conduct (costs disputes only)	47	59	74
withdrawn	36	70	66
referred to other investigative process	30	27	27
out of time	20	21	22
frivolous/vexatious/lacking in substance	11	26	23
previous complaint	5	5	4
struck off	1	2	-
all other 'outcomes' combined	13	13	11
Total	805	872	965

Summary Dismissals by Nature of Matter

	20-21	19-20	18-19
ethical matters	417	371	421
quality of service	177	218	236
costs	89	116	110
communication	48	71	62
documents	20	15	26
compliance	14	21	33
trust funds	14	18	24
personal conduct	5	3	4
PIPA	3	-	1
all other 'natures' combined	18	39	48
Total	805	872	965

OWN MOTION INVESTIGATIONS

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

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

If the Commissioner believes it is reasonable 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 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 2020-2021, the Commissioner commenced 116 own motion investigation matters, including PIPA matters. There were 11 own motion matters that related to barristers which were referred to the BAQ for investigation.

Own Motion Investigations by Area of Law

	20-21	19-20	18-19
personal injuries/workcover litigation	12	14	51
conduct not in the practice of law	8	10	14
criminal law	5	2	1
deceased estates or trusts	4	4	3
conveyancing	3	-	2
trust account breaches	2	2	9
commercial /company law	1	-	2
family law	1	1	2
litigation	1	2	4
immigration law	-	1	
property law	-	-	3
all other 'areas' combined	9	11	8
Total	46	47	99

Own Motion Investigations by Nature of Matter

	20-21	19-20	18-19
ethical matters	16	12	14
compliance	15	10	16
PIPA	8	13	47
quality of service	3	2	2
trust funds	2	4	11
personal conduct	1	6	5
costs	-	-	3
all other 'natures of matter' combined	1	-	1
Total	46	47	99

Own Motion Investigations by Outcome

	20-21	19-20	18-19
no public interest	19	18	71
no reasonable likelihood	17	13	17
referred to tribunal	5	10	10
referred for civil litigation	3	-	-
referred to other investigative process	1	1	-
referred for criminal litigation	-	2	1
referred to Magistrates Court	-	1	-
all other outcomes combined	1	2	-
Total	46	47	99

PROACTIVE REGULATION

PIPA INVESTIGATIONS

While included in the enquiry and own motion data above it is important to note that the Commission regulates and investigates 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.

During the reporting period the Commission received 89 PIPA related enquiries and commenced eight own motion investigations in relation to possible non-compliance with the advertising restrictions imposed by PIPA. This reflects a 26.35% reduction in PIPA enquiries from the previous period, the majority of which relates to reduced lawyer enquiries about PIPA contraventions.

The continued reduction of PIPA own motion investigations in the reporting year relates to the decrease in investigations initiated by the Commission for technical breaches of the PIPA advertising restrictions.

While the Commission continues to receive PIPA referrals and complaints, competing regulatory operational priorities, particularly when considering both the public interest and need for protecting consumers, has required the Commission's limited resources to be focused on more pressing regulatory issues.

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 the Commission has brought the breaches to their attention. However, any identification of ongoing breaches, despite previous dismissals of investigation matters, may have a different outcome.

UNLAWFUL OPERATORS & OTHER SUMMARY OFFENCES

The Commission seeks to protect the public and the profession from those practising law without the necessary qualifications. Practising law, or even representing an entitlement to do so, without the necessary qualifications is a criminal offence.

The Commission relies on reports from members of the public and practitioners to identify such activities for potential investigation. Being a criminal offence, an investigation involves gathering sufficient gathering sufficient evidence to meet the higher burden of proof required to successfully prosecute alleged offenders.

Such prosecutions are actively pursued to ensure that consumers are protected from the serious consequences that can arise from engaging unlawful operators (often without knowing that they are not qualified) and so that the legal profession's reputation and standards are upheld.

PIPA Enquiries by Outcome

	20-21	%	19-20
provided information about LSC to lawyer	55	61.80	101
general enquiry	11	12.36	7
provided information about the legal system	1	1.12	2
recommended direct approach to firm about concerns	-	-	1
lost contact with complainant/enquirer	-	-	1
explained concerns are outside jurisdiction	-	-	1
all other 'outcomes' combined	22	24.72	10
Total	89		123

EFFECTIVE SUPERVISION

EFFECTIVE SUPERVISION - PREVENTING, DETECTING AND DETERRING MISCONDUCT

The Commission actively encourages adherence to ethical and professional standards.

The Commission works 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.

The Commission's engagement also extends to 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 issuing and the regulation of practising certificates for Queensland's legal practitioners, comprising solicitors and barristers, respectively.

At 30 June 2021, there were 15,167 practising certificate holders in Queensland; an increase of 4.7% on the last reporting period. 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

At 30 June 2021, there were 1,136 barristers with practising certificates in Queensland. This is an increase of 0.18%, or two additional practising certificates, during the last reporting period.

There has been a significant move to group chambers at the Queensland Bar in the reporting year, with more than 80.5% of barristers holders in group chambers.

SOLICITORS

At 30 June 2021, there were 14,031 practising solicitors in Queensland (13,674 solicitors with Queensland practising certificates and 357 solicitors practising in Queensland on an interstate practising certificates). This is an increase of 5.09% on the last reporting period.

Barristers

	20-21	19-20	18-19
number of barristers with current practising certificates	1136	1134	1120
number of barristers chambers in queensland*	324	552	545
group chambers	101	87	86

* Total number including group and individual

Solicitors

	20-21	19-20	18-19
Number of PC holders in Law Practices *		12,971	12,569
1	1166	1,121	1049
2 - 3	734	687	675
4 - 6	317	306	277
7 - 12	158	128	139
13 - 24	58	62	64
25 - 50	25	20	16
51 - 100	11	14	12
101 - 200	10	7	9
Greater than 200	1	1	1
Total	2480	2,346	2,242

* 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 summaries of the practising legal profession in Queensland during the 2020-2021 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 Commission's revamped compliance audit program is underway, currently limited to notifying new LPDs of their obligations under the Act, following the law practice's notification to the QLS of having commenced as an ILP. The program will be fully operable once appropriate personnel resourcing is possible.

Current transformation and improvement programs have limited the Commission's ability to fully implement a more proactive program in the reporting year.

There were 1,550 ILPs in Queensland at 30 June 2021.

DISCIPLINARY AND ENFORCEMENT

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 (LPC). 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 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.

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

QUEENSLAND CIVIL AND ADMINISTRATIVE TRIBUNAL

The Commissioner may make an application to QCAT for the hearing of conduct matters. These applications relate to allegations of unsatisfactory professional misconduct and professional misconduct.

An appeal of a QCAT decision may be made to the Queensland Court of Appeal.

OTHER JURISDICTIONS

MAGISTRATES COURT

Complaint and summons are filed in the Magistrates 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.

APPEALS

Decisions of the Magistrates Court can be appealed in the ordinary way.

REMOVAL FROM THE LOCAL ROLL

The local roll under the Act records the names of persons admitted to the legal profession as a lawyer. It is now a single roll that comprises the various rolls established over time, including the previous solicitors' roll and barristers' roll (prior to the 2004 Legal Profession Act), and the roll of legal practitioners (created under the 2004 Legal Profession Act).

There are occasionally circumstances where a legal practitioner may be found to have engaged in conduct so serious that orders are made resulting in the legal practitioner's name being removed or 'struck' from the local roll in Queensland or the recommendation made for their name to be removed from an interstate roll.

During the last reporting period orders were made for seven legal practitioners to be removed from the local roll. This is the same number of lawyers struck from the roll in the previous reporting year.

DISCIPLINE REGISTER

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

There were 7 entries added to the Discipline Register during the reporting period.

The Register is located on the Commission's website and can be accessed at:
<https://www.lsc.qld.gov.au/discipline/queensland-discipline-register>

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.

QCAT

[Legal Services Commissioner v Greenhalgh \[2020\] QCAT 349](#)

[Legal Services Commissioner v Loel \[2020\] QCAT 326](#)

[Legal Services Commissioner v Rosser \[2020\] QCAT 375](#)

[Legal Services Commissioner v Wright \[2020\] QCAT 438](#)

[Legal Services Commissioner v McLeod \[2020\] QCAT 371](#)

[Legal Services Commissioner v Cullen \[2020\] QCAT 439](#)

[Legal Services Commissioner v Brown \[2020\] QCAT 423](#)

[Legal Services Commissioner v Roati \[2020\] QCAT 466](#)

[Legal Services Commissioner v Hadley \[2020\] QCAT 509](#)

[Legal Services Commissioner v Anderson \[2020\] QCAT 476](#)

[Legal Services Commissioner v Ioannides \[2020\] QCAT 479](#)

[Legal Services Commissioner v Bentley \(No 4\) \[2021\] QCAT 2](#)

[Legal Services Commissioner v Bui \[2021\] QCAT 93](#)

[Legal Services Commissioner v SD \[2021\] QCAT 204](#)

[Legal Services Commissioner v Keliher \[2021\] QCAT 211](#)

LPC

[Legal Services Commissioner v Rosen LPC 01/2020](#)

[Legal Services Commissioner v Corbin LPC 02/2020](#)

MAGISTRATES COURT

(Summary offences, including unlawful operation)

[Legal Services Commissioner v Collins, 21 July 2020 unreported](#)

[Legal Services Commissioner Nielson, 21 July 2020 unreported](#)

[Legal Services Commissioner v Collins & Nielson Legal Pty Ltd, 21 July 2020 unreported](#)

[Legal Services Commissioner v Deem, 4 May 2021 unreported](#)

[Legal Services Commissioner v Corleone, 16 July 2021 unreported](#)

UNDERTAKING FAIR AND CONSISTENT DISCIPLINARY OR ENFORCEMENT ACTIVITIES

The Commission's involvement in disciplinary applications is conducted fairly, transparently and according to the principles of natural justice.

The Commission upholds the model litigant principles in all proceedings and in its dealings with disciplinary bodies, respondents, and their legal representatives.

DISCIPLINE PROCEEDINGS AND OFFENCE PROSECUTIONS

The Legal Services Commissioner has the sole authority to bring disciplinary proceedings against lawyers, legal practitioners and law practice employees in relation to conduct matters under the Act.

The year began with 36 prosecution matters in train, another 24 were commenced and 27 were finalised. The Commission successfully prosecuted offences under the Act against 4 individuals and 1 corporation.

Discipline Proceedings and Offence Prosecutions - Heard and Decided

	20-21	19-20	18-19
by Tribunal	15	16	16
by the Committee	2	-	-
by the Magistrates Court	5	1	-
by the Court of Appeal	-	-	3
sub-total	22	17	19
reconsidered/withdrawn/discontinued/other	5	13	15
Total	27	30	34

Discipline Proceedings by Area of Law (excludes withdrawn / discontinued)

	20-21	19-20	18-19
criminal law	4	3	1
conduct not in the practice of law	1	1	-
deceased estates or trusts	1	4	3
family law	1	2	4
leases/mortgages	-	-	-
personal injuries/workcover	2	-	-
trust account breaches	-	1	2
litigation	1	3	2
commercial/company law	1	1	1
conveyancing	3	1	1
all other 'areas' combined	3	1	5
Total	17	17	19

Discipline Proceedings by Nature of Matter(excludes withdrawn / discontinued)

	20-21	19-20	18-19
ethical matters	6	5	10
personal conduct	5	3	1
quality of service	5	3	3
trust funds	-	-	2
costs	-	3	-
compliance	1	1	2
communication	-	-	1
all other 'natures' combined	-	2	-
Total	17	17	19

Discipline Proceedings by Outcome

removed from the roll of practitioners	Lawyers	7
suspended	Lawyers	2
financial penalties imposed	Lawyers	2
reprimanded	Lawyers	5
undertake further training or be supervised	Lawyers	1
ordered to make redress	Lawyers	1
withdrawn/re-considered/apology	Matters	5

CONSUMER REDRESS

11

**Apologies
from lawyers**

12

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

6

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

16

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

14

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

13

**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, the Commission proactively engages with stakeholders, universities, government and professional organisations, to 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 representative organisations, government bodies, universities, and other regulators.

The Commission provides requested information to the Society of Notaries Queensland relevant to prospective applicants, and also provide certificates of conduct and disciplinary history to members of the profession seeking admission elsewhere, or upon seeking admission in Queensland (where appropriate). Information is only ever provided with the consent of the relevant person to whom that information relates.

COMMUNITY ENGAGEMENT

The Commission is committed to engaging with and supporting worthwhile Queensland initiatives and organisations. During 2020-2021, the following causes were supported through team donation and conservation efforts.

Organisation	Items	Community Benefit
Women’s Legal Services Mums and bubs Christmas Drive	Care package Christmas gifts for mums and bubs	Supporting women and families in the Brisbane and Caboolture region impacted by domestic and family violence
Brisbane Youth Services Christmas Hamper Drive	Grocery and essential items	Care packages of food for youth in crises in the greater Brisbane community. These were items that would not usually be purchased by youth in crises

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 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 and 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 and a full-time equivalent (FTE) team of 25 staff. As at 30 June, the Commission had nine vacancies, in addition to two staff members on extended leave and three staff on reduced hours. Ten temporary staff filled (or backfilled) these positions, including one inter-department secondment. Two staff members were acting in higher positions. The net result being an actual FTE at 30 June 2021 of 25.1 staff.

STRATEGIC WORKFORCE PLANNING

The Commission seeks organisational excellence in the application of our statutory functions and obligations. The aim is for continuous improvement in the way complaints are received, managed, investigated and progressed, while positively and proactively engaging with stakeholders.

The Commission is looking to the future and considering the needs of our staff, stakeholders and organisation to determine the capabilities required moving into the next year and beyond. Such continual improvement includes a review of all processes and functions to ensure optimal service delivery within often competing timeframes and limited resources.

The Commission is also developing and implementing organisational change which is anticipated to be implemented in the 2021-2022 reporting period.

CODE OF CONDUCT

As an independent statutory body, the Commission currently employs legal officers and other staff who remain officers of the Department.

In addition to the Commission's professional, legal, and ethical obligations, all staff adhere to the Code of Conduct for the Queensland Public Service and the Department's Charter.

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	2020-2021	2019-2020
Enquiries: 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	2,869	2,918
	Response to enquiries: - 80% within 1 working day of receipt - 100% within 2 working days	71.3% 28.7%	90% 100%
Complaints: 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.	1,214	1,205
	Complaints on hand as at 30 June 2021	618	455
Summary Dismissals: number of complaints assessed and finalised by way of summary dismissal	Number of Summary Dismissals	622	872
	Assess and finalise complaints that are deemed summary dismissals: - 80% within 1 month - 100% within 2 months	58% 72%	68% 81%
Investigations Finalised: 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).	246	278
	Number of investigations completed Finalise: - 75% of Conduct matters within 6 months - 100% within 18 months	52.4% 92.3%	51.6% 89.5%
Reconsiderations: 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	67	62
Prosecutions and other Enforcement: prosecution of disciplinary matters or other enforcement action	Number of new prosecutions allocated Number of prosecutions finalised / decisions delivered	24 17	35 30
ILP Compliance Audits: 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	159	285
	Ensure every new incorporated legal practice receives an initial self-assessment letter within one month of receiving notice from the QLS	100%	100%
External Engagement: 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 / electronic newsletters	10 14	9 6
	Continually review website and publications for both content and accessibility		Ongoing following major update

FINANCIAL REPORTING

MANAGEMENT AND TRANSPARENCY OF OUR FINANCES

THE COST OF ADMINISTERING THE SYSTEM FOR DEALING WITH COMPLAINTS IN 2020 - 2021

Legal Services Commission	2020-21 Original Budget \$	2020-21 Actual \$	2021-22 Approved Budget \$
Employment Costs	3,646,000	2,912,488	3,840,300
Other Costs ¹	1,724,500	1,323,693	1,623,500
Total	5,370,500	4,236,181	5,463,800

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, the Commission is conscious of the need to ensure public monies expended to protect the public are, whenever possible and appropriate, recovered in full.

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

	QCAT \$	LPC \$	Courts \$	2020-21 total \$	2019-20 total \$
Penalties (QCAT/LPC/Courts)					
Ordered	10,000	3,500	-	13,500	40,750
Payments received	10,000	3,500	-	13,500	41,850
Written Off	1,413	-	-	1,413	-
Payments pending at 30 June	4,000	-	-	4,000	5,413
Costs (QCAT/LPC/Courts)					
Ordered, agreed or assessed	329,260	9,000	750	339,010	111,208
Payments received	268,070	5,000	90	273,970	138,376
Written off	-	-	-	-	37,623
Payments pending at 30 June	190,052	4,000	19,650	213,702	148,663

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

INFORMATION AND RECORD KEEPING

The Commission's records and information systems are stored, maintained and disposed of in accordance with relevant legislation and State Government protocols.

The Commission understands the need for constant vigilance and improvement in this area. The Commission is 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 case management system needs to be improved.

This will be further impacted by a major IT upgrade by the Queensland Law Society, the upgrade will in turn affect the data-feeds to the Commission's case management system. Ongoing collaboration on the integrity of those data feeds is continuing 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 case management system 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.

HUMAN RIGHTS

The Commission treats all people with dignity and respect. The Commission is 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.

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

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

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

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

APPENDIX B

Annual Report Statistics

2020/2021 Year

Table of Contents

Queensland Legal Profession.....	4
1 Barristers of Queensland.....	4
1.1 Certificate Holder Analysis as at 30 June 2021	4
2 Solicitors of Queensland.....	4
2.1 Certificate Holder Analysis as at 30 June 2021	4
2.2 Solicitors with locally Issued PC Holders as at 30 June 2021	5
3 Certificate Holder analysis as at 30 June 2021	5
3.1 PC Holders as at 30 June - Trend Analysis	5
3.2 Law Firms as at 30 June - Trend Analysis	6
3.3 Solicitors by type of locally issued practising certificate	6
3.4 Solicitors by gender	7
3.5 Solicitors by age group	7
3.6 Solicitors by gender by age group.....	8
3.7 Law Firms by Business Structure as at 30 June.....	9
3.8 Law firms by size (number of PC Holders)	9
3.9 Location of law firm offices	10
4 Throughput Summary	11
4.1 Enquiries.....	11
4.2 Complaints.....	11
4.3 Prosecutions	11
4.4 Compliance Audits and Civil Litigation	11
4.5 Complaints About Us, Grievances and RTI Applications.....	11
4.6 Timeliness	11
5 Agency Summary	13
5.1.1 Complaints on hand as at 30 June - trend summary	13
5.1.2 Complaints on hand by agency	13
6 Enquiry Summary.....	14
6.1 Enquiry Timeliness.....	14
6.2 Enquiries by enquirer type	14
6.3 Enquiries by outcome	14
6.4 PIPA Enquiries by outcome	15
6.5 Enquiries by area of law	15
6.6 Enquiries by nature of the enquiry.....	15
6.7 Enquiries - breakdown of ethical matters.....	16
7 Closure Summary	17
7.1 Summary Dismissals	17
7.1.1 Summary Dismissals by outcome.....	17
7.1.2 Summary Dismissals by outcome – PIPA	17
7.1.3 Summary Dismissals by area of law	17
7.1.4 Summary Dismissals by nature of matter	18
7.1.5 Summary Dismissals - breakdown of ethical matters	18
7.2 Complaints/Investigation Matters	19
7.2.1 Complaints by complainant type	19

7.2.2	Complaints by respondent type	19
7.2.3	Complaints by outcome	19
7.2.4	Complaints by area of law.....	20
7.2.5	Complaints by nature of matter.....	20
7.2.6	Complaints - breakdown of ethical matters.....	20
7.2.7	Investigation matters by outcome	21
7.2.8	Investigation matters by area of law	21
7.2.9	Investigation matters by nature of matter	21
7.3	Disciplinary Proceedings and Offence Prosecutions Matters.....	22
7.3.1	Disciplinary proceedings and offence prosecutions – heard and decided ...	22
7.3.2	Disciplinary proceedings and offence prosecutions by respondent type (excludes withdrawn/discontinued)	22
7.3.3	Disciplinary Proceedings by area of law (excludes withdrawn/discontinued)	22
7.3.4	Disciplinary Proceedings by nature of matter (excludes withdrawn/discontinued)	22
8	Investigations by Solicitor/Law Firm	23
8.1	Investigations regarding solicitors as a proportion of the profession	23
8.2	Solicitors subject to investigation.....	23
8.3	Law firms subject to investigation.....	23
8.4	Solicitors subject to investigation by gender	23
8.5	Solicitors subject to investigation by age group	24
8.6	Law firm business types with solicitors subject to investigation	24
8.7	Law firm sizes with solicitors subject to investigation	24
8.8	Law office locations with solicitors subject to investigation	25
9	Consumer Redress.....	26
9.1	Enquiries.....	26
9.2	Complaints	26
9.3	Prosecutions	26

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 2021

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 2021 is as follows:

	2020-2021	2019-2020
Number of barristers with current practising certificates	1136	1134
Number of Barristers Chambers in Queensland	324 total chambers, including group and individual chambers 101 group chambers	552 total chambers, including group and individual chambers 87 group chambers
Male barristers	846	858
Female barristers	290	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 2021

The following solicitor analysis has been performed on data extracts provided by the QLS from their regulatory database on the 1/7/2021. We have chosen 30 June 2021 as the reference date – hence complaints about solicitors during 2020-21 will be profiled against the solicitor's attributes as recorded at 30 June 2021. 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.

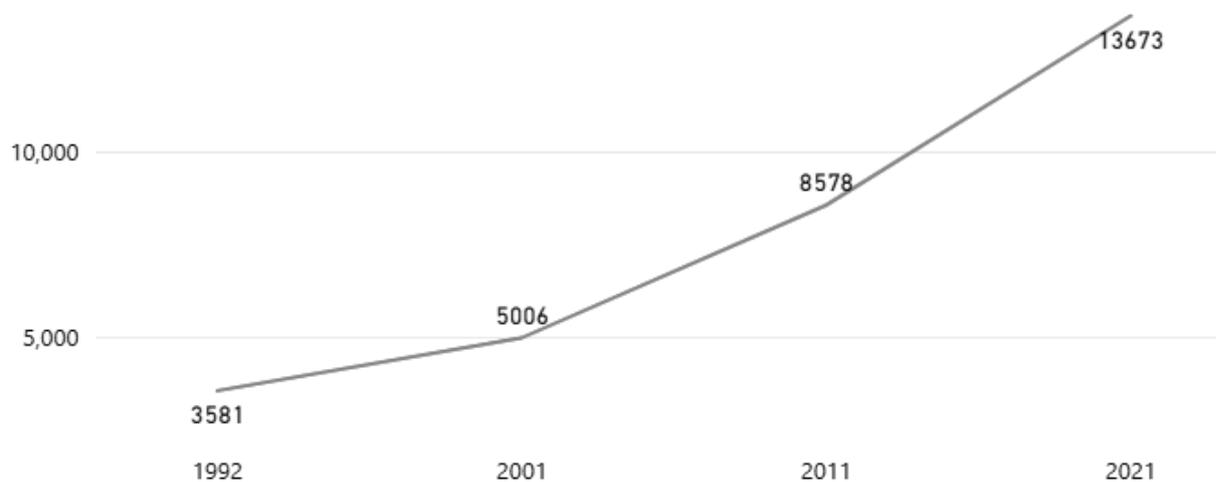
2.2 Solicitors with locally Issued PC Holders as at 30 June 2021

Description	Count
Foreign Lawyer	11
Interstate PC	357
Limited Principal	40
Restricted Employee	2879
Restricted Principal	1
Restricted Volunteer	82
Unrestricted Employee	7086
Unrestricted Principal	3529
Unrestricted Volunteer	46
	14031

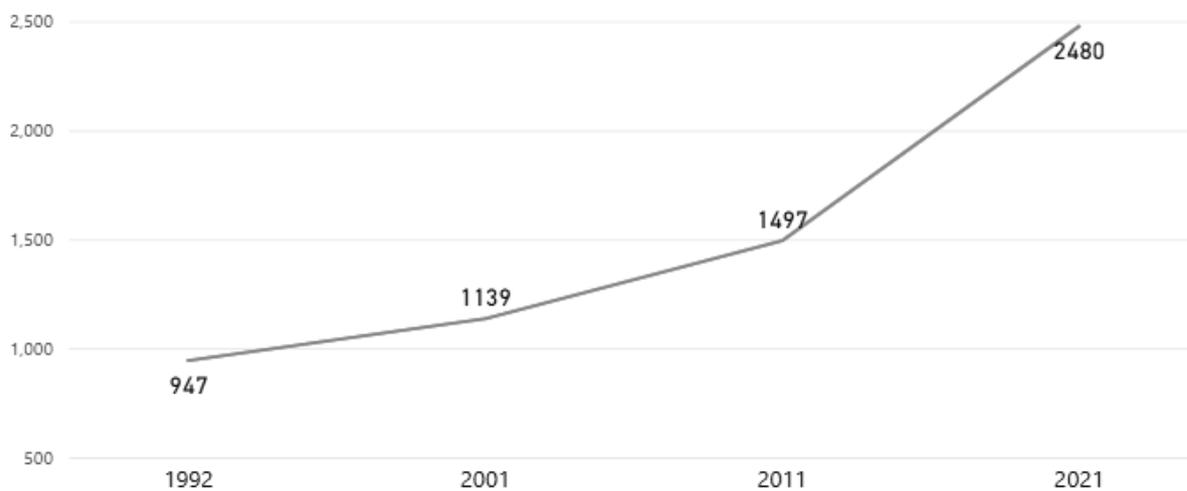
3 Certificate Holder analysis as at 30 June 2021

The following analysis has been performed on data extracts provided by the QLS from their regulatory database on the 26/7/2021. We have chosen 30 June 2021 as the reference date – hence complaints about solicitors during 2020-21 will be profiled against the solicitor’s attributes as recorded at 30 June 2021. 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.

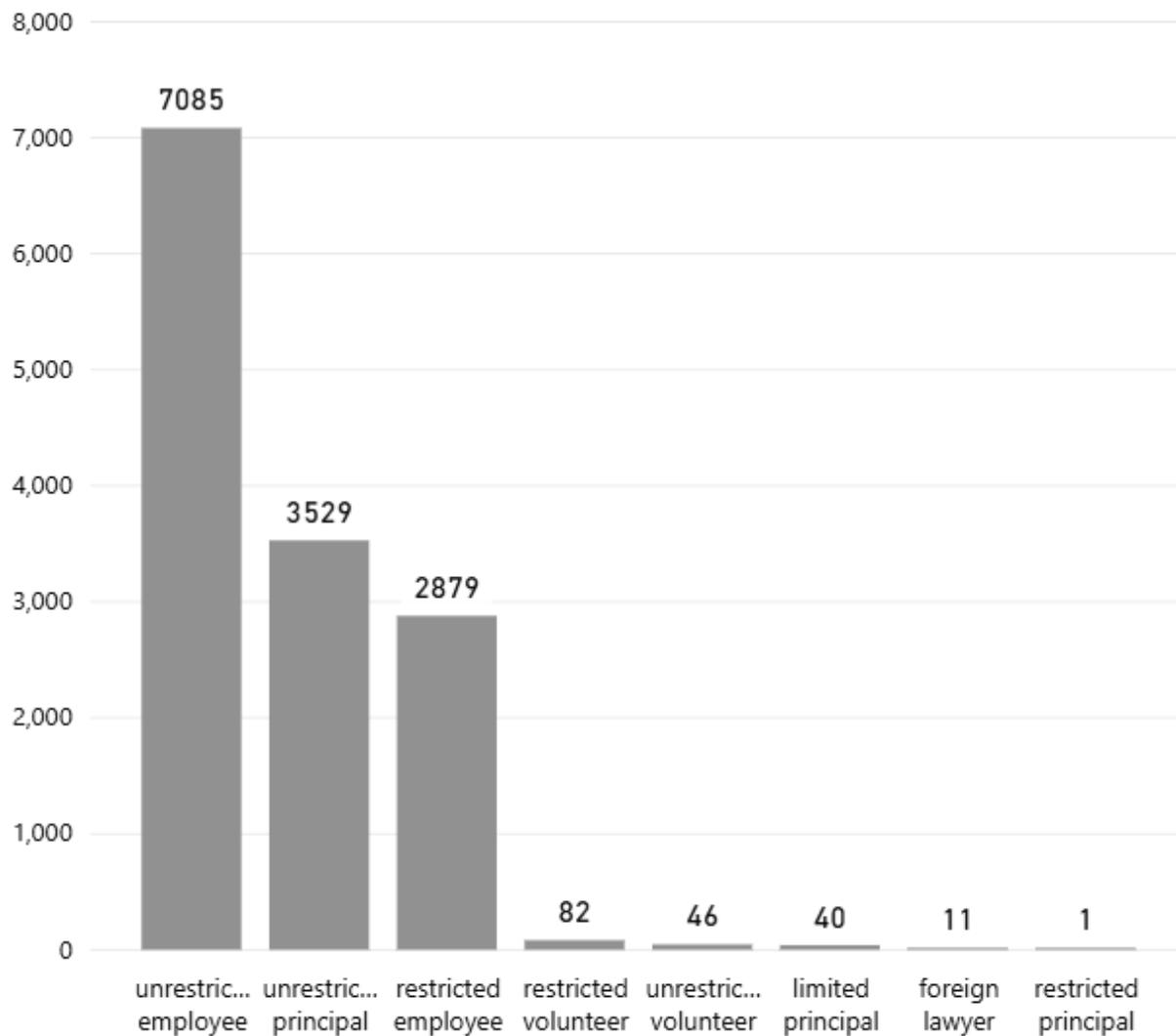
3.1 PC Holders as at 30 June - Trend Analysis



3.2 Law Firms as at 30 June - Trend Analysis

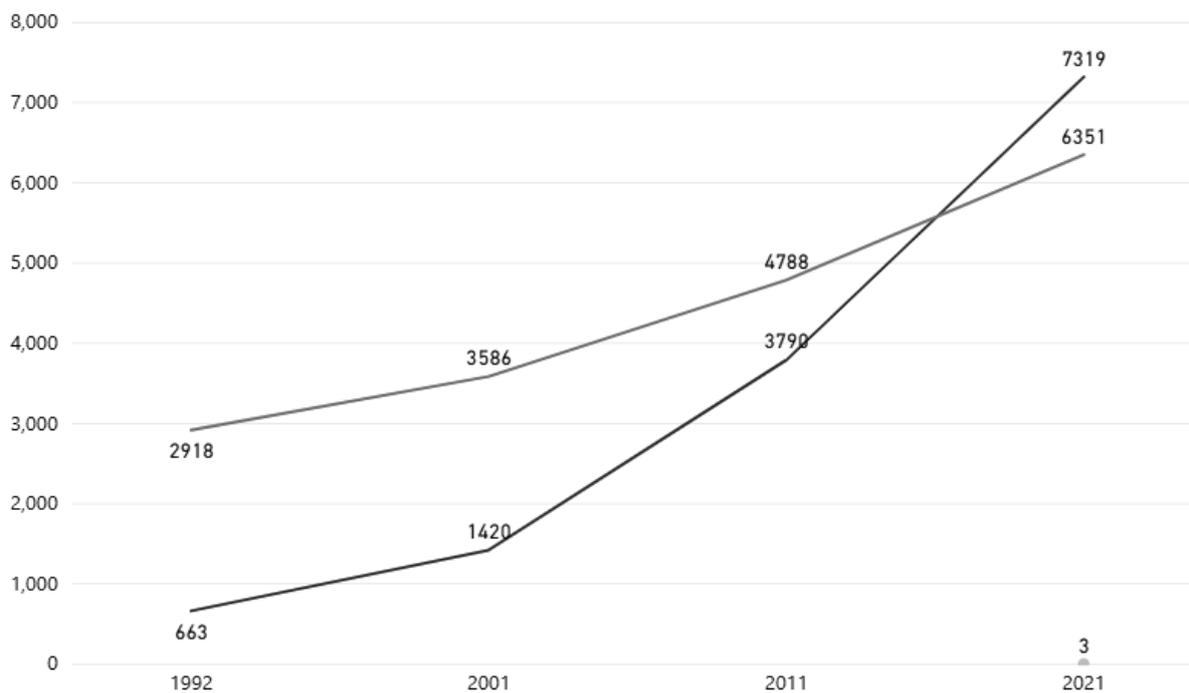


3.3 Solicitors by type of locally issued practising certificate

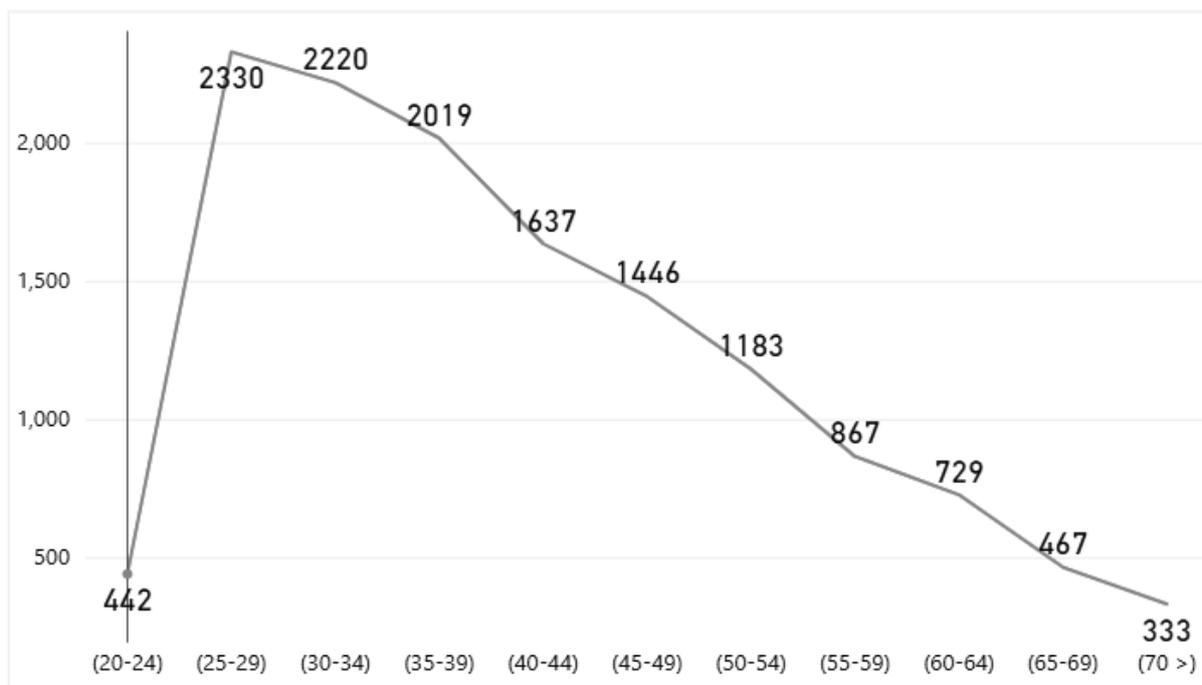


3.4 Solicitors by gender

Gender ● Female ● Male ● Unspecified

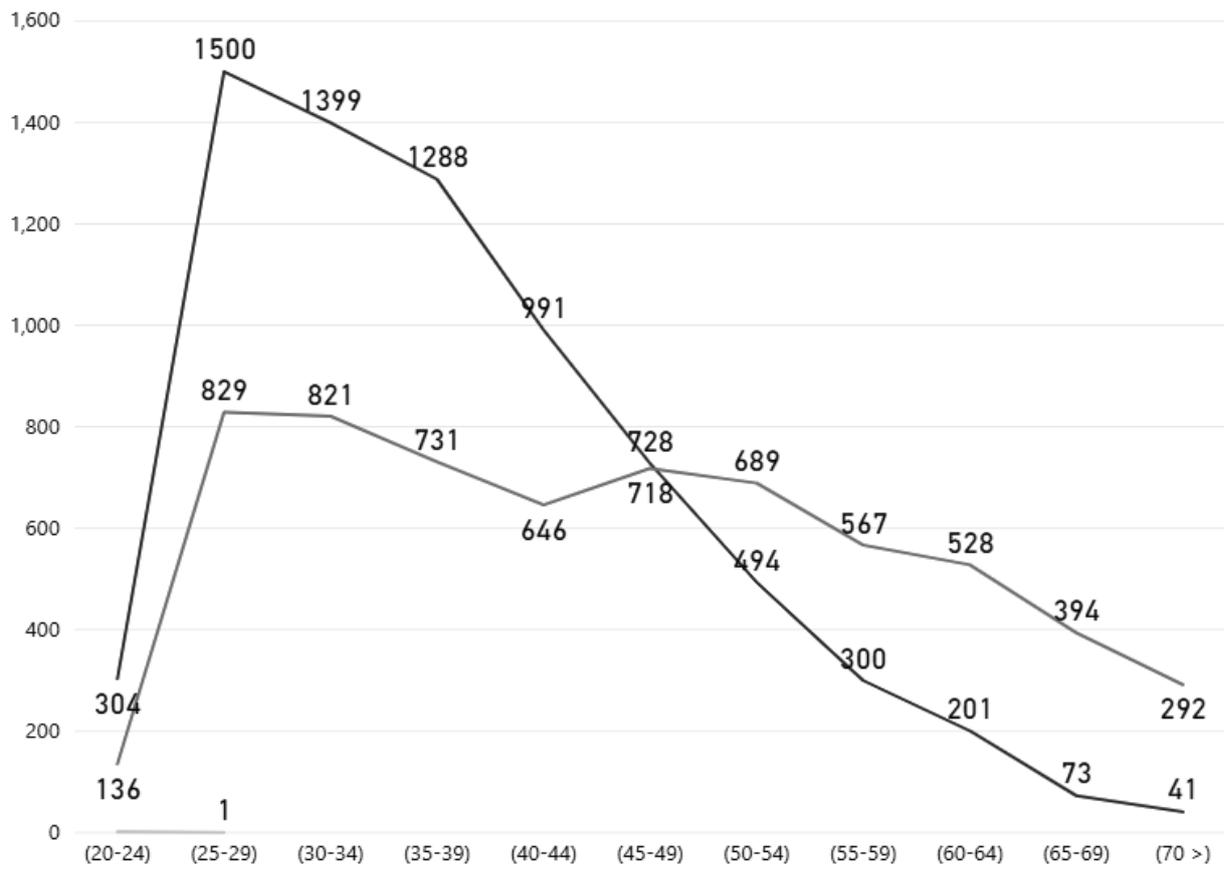


3.5 Solicitors by age group

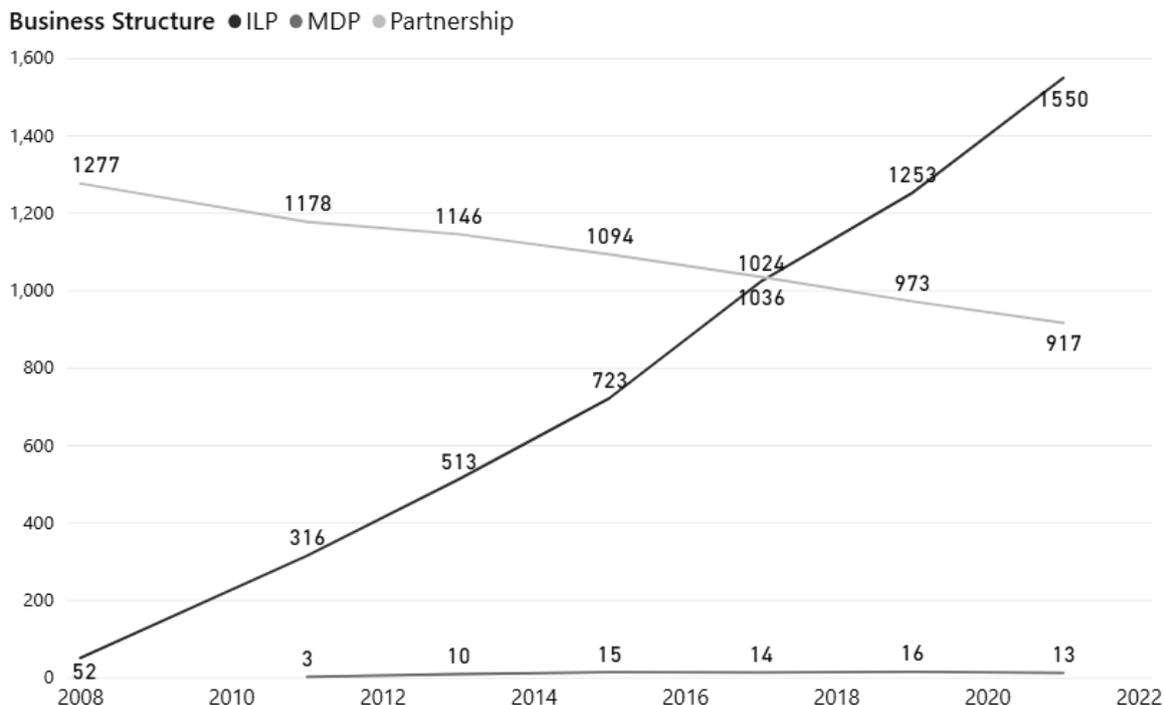


3.6 Solicitors by gender by age group

Gender ● Female ● Male ● Unspecified

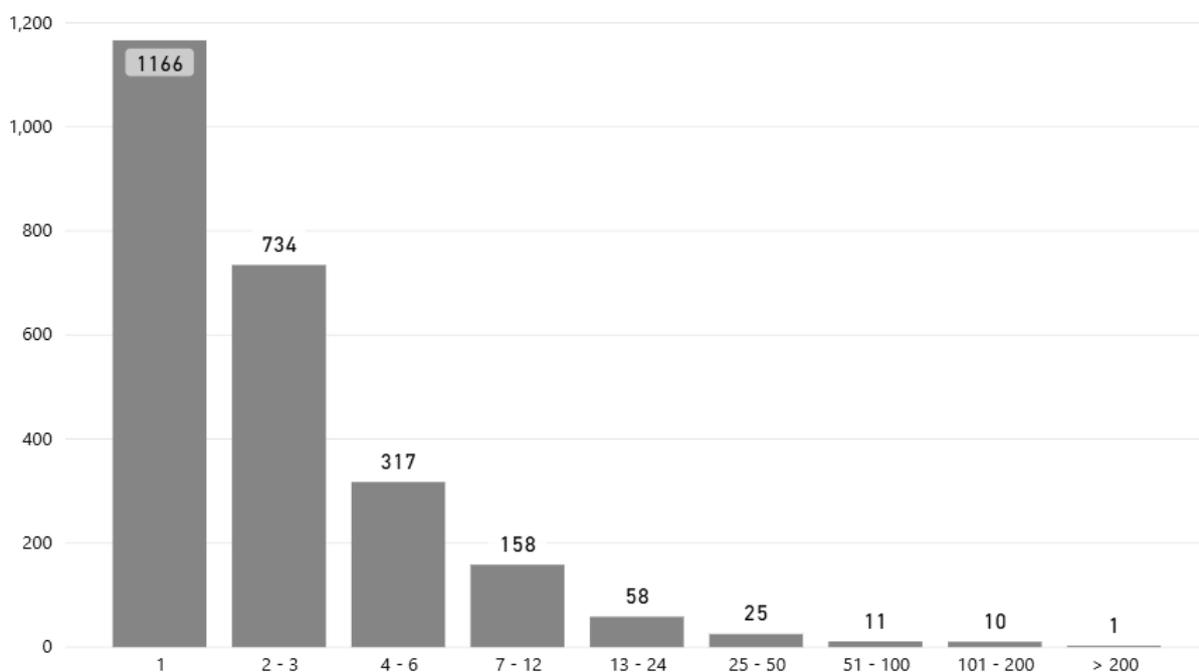


3.7 Law Firms by Business Structure as at 30 June



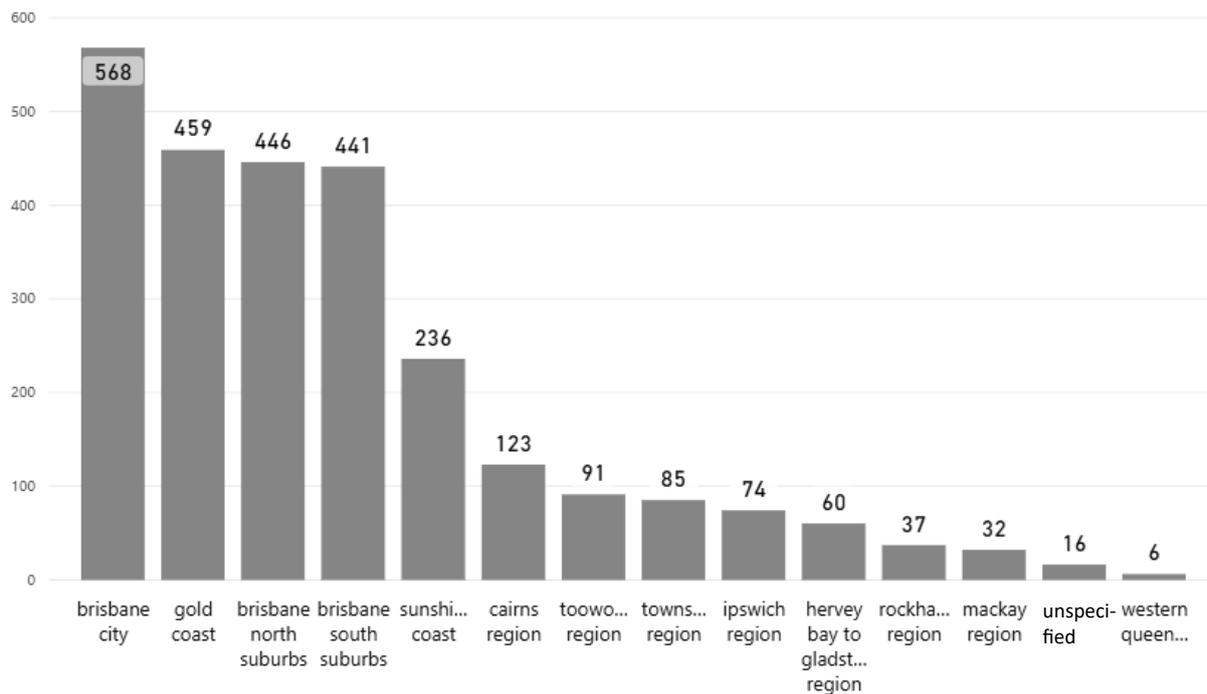
3.8 Law firms by size (number of PC Holders)

* 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.



3.9 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

	20-21	19-20	18-19
enquiries from public received by LSC	2,780	2,795	2,452
PIPA enquiries handled during period	89	123	95

4.2 Complaints

	20-21	19-20	18-19
matters on hand at 1 July	455	400	322
plus matters opened	1,214	1,205	1,391
less summary dismissals	805	872	965
less complaints closed	200	231	249
less investigation matters closed	46	47	99
on hand at 30 June	618	455	400

4.3 Disciplinary Proceedings and Offence Prosecutions

	20-21	19-20	18-19
matters on hand at 1 July	36	31	49
plus matters opened	24	35	16
less matters closed	17	30	34
on hand at 30 June	43	36	31

4.4 Compliance Audits and Civil Litigation

	Self-Assessment Audits	Onsite Reviews	Civil Litigation
on hand at 1 July	2	-	6
opened during year	157	1	3
closed during year	159	1	7
on hand at 30 June	-	-	2

4.5 Complaints About Us, Grievances and RTI Applications

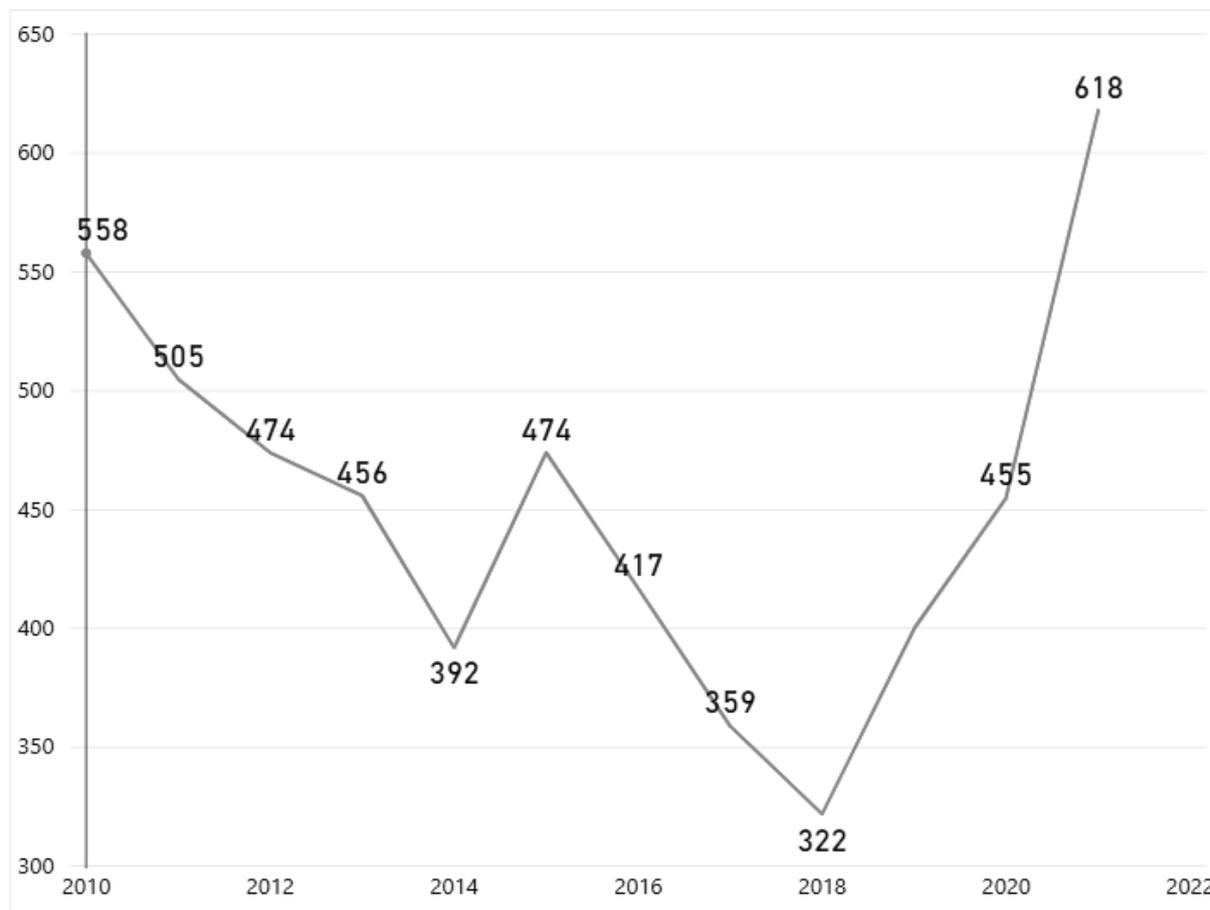
	Complaints about Us	Reconsiderations	Ombudsman	RTI
on hand at 1 July	-	14	1	3
opened during year	-	66	-	9
closed during year	-	62	1	9
on hand at 30 June	-	18	-	3

4.6 Timeliness

Type	Matters Completed	Time Band	Actual %	Cumulative %	Target %	Median days open (20-21)	Median days open (19-20)
complaints	129	<= 6 months	52.44	52.44	75	203	203
	98	7 - 18 months	39.84	92.28	100		
	19	> 18 months	7.72	100.00	0		
summary dismissals	467	<= 1 month	58.02	58.02	90	49	36
	112	1 - 2 months	13.91	71.93	100		
	226	> 2 months	28.07	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
At LSC		
complaints under assessment	325	243
conduct matters	275	198
sub-total	600	441
At BAQ		
conduct matters	17	14
At QLS		
conduct matters	1	-
total	618	455

6 Enquiry Summary

6.1 Enquiry Timeliness

	20-21	%	19-20	%
Enquiries closed on the same day	2,296	79.09	2,555	87.56
Enquiries closed on a later day	573	20.91	363	12.44
	2,869		2,918	

6.2 Enquiries by enquirer type

	20-21	%	19-20	18-19
client/former client	1,981	69.05	2,143	1,861
non-client	462	16.10	414	345
solicitor	157	5.47	175	169
third party	73	2.54	54	59
beneficiary	30	1.05	44	27
executor	22	0.77	18	9
Q.L.S.	11	0.38	-	-
barrister	10	0.35	5	5
solicitor for client	5	0.17	6	9
all other 'enquirer types' combined	118	4.11	59	63
total	2,869		2,918	2,547

6.3 Enquiries by outcome

	20-21	%	19-20	18-19
general enquiry	1,142	39.80	1,542	1,270
provided complaint form	1,042	36.32	673	668
recommended direct approach to firm about concerns	171	5.96	278	273
provided referral for legal advice or other assistance	143	4.98	130	86
explained concerns are outside jurisdiction	86	3.00	67	57
provided information about LSC to lawyer	75	2.61	107	106
provided cost information	7	0.24	2	3
provided information about the Legal System	5	0.17	6	8
matter unable to be resolved	5	0.17	4	3
negotiated remedial action	4	0.14	2	1
lost contact with complainant/enquirer	3	0.10	1	1
all other 'outcomes' combined	186	6.48	106	71
total	2,869		2,918	2,547

6.4 PIPA Enquiries by outcome

	20-21	%	19-20
provided information about LSC to lawyer	55	61.80	101
general enquiry	11	12.36	7
provided information about the legal system	1	1.12	2
recommended direct approach to firm about concerns	-	-	1
lost contact with complainant/enquirer	-	-	1
explained concerns are outside jurisdiction	-	-	1
all other 'outcomes' combined	22	24.72	10
total	89		123

6.5 Enquiries by area of law

	20-21	%	19-20	18-19
family law	437	15.23	467	414
personal injuries /Workcover litigation	299	10.42	339	296
deceased estates or trusts	277	9.65	291	244
conveyancing	204	7.11	173	146
litigation	183	6.38	212	145
criminal law	96	3.35	105	92
property law	73	2.54	75	70
commercial /company law	44	1.53	39	33
conduct not in the practice of law	33	1.15	44	23
immigration	26	0.91	17	13
building /construction law	19	0.66	13	22
trust account breaches	14	0.49	8	8
administrative law	5	0.17	16	15
leases /mortgages	2	0.07	5	4
bankruptcy and insolvency	-	-	3	-
all other 'areas of law' combined	1,157	40.33	1,111	1,022
total	2,869		2,918	2,547

6.6 Enquiries by nature of the enquiry

	20-21	%	19-20	18-19
ethical matters	546	19.03	463	362
costs	458	15.96	524	505
quality of service	254	8.85	306	279
communication	123	4.29	116	101
PIPA	89	3.10	123	95
documents	33	1.15	31	35
compliance	30	1.05	41	32
trust funds	24	0.84	23	18
personal conduct	11	0.38	5	7
all other 'natures' combined	1,301	45.35	1,286	1,113
total	2,869		2,918	2,547

6.7 Enquiries - breakdown of ethical matters

	20-21	%	19-20	18-19
unethical conduct	469	85.90	394	294
conflict of interest	42	7.69	42	39
breach of confidentiality	14	2.56	13	7
instructions - not followed /acting without	12	2.20	8	5
advertising	3	0.55	1	-
contacting another solicitor's client	2	0.37	2	-
pressure to settle	2	0.37	2	-
misleading /dishonest conduct	-	-	1	4
misleading/dishonest conduct in Court	1	0.18	-	2
fraud/misappropriation/stealing	1	0.18	-	2
all other natures combined	-	-	-	9
total	546		463	362

7 Closure Summary

7.1 Summary Dismissals

7.1.1 Summary Dismissals by outcome

	20-21	%	19-20	18-19
not Chapter 4 conduct (other)	583	72.42	548	639
not comply with notice	59	7.33	101	99
not Chapter 4 conduct (costs disputes only)	47	5.84	59	74
withdrawn	36	4.47	70	66
referred-other investigative process	30	3.73	27	27
out of time	20	2.48	21	22
frivolous/vexatious/lacking in substance	11	1.37	26	23
previous complaint	5	0.62	5	4
struck off	1	0.12	2	-
all other 'outcomes' combined	13	1.61	13	11
total	805		872	965

7.1.2 Summary Dismissals by outcome – PIPA

	20-21	%	19-20
not Chapter 4 conduct (other)	3	100.00	-
total	3		-

7.1.3 Summary Dismissals by area of law

	20-21	%	19-20	18-19
family law	227	28.20	200	228
litigation	113	14.04	121	134
deceased estates or trusts	76	9.44	102	101
conveyancing	69	8.57	84	77
personal injuries /Workcover litigation	57	7.08	61	56
criminal law	43	5.34	58	47
property law	41	5.09	38	54
commercial /company law	37	4.60	39	43
building /construction law	18	2.24	12	21
industrial law	12	1.49	7	11
conduct not in the practice of law	9	1.12	14	18
administrative law	7	0.87	10	8
immigration	5	0.62	9	12
bankruptcy and insolvency	4	0.50	3	9
leases /mortgages	2	0.25	5	3
trust account breaches	-	-	1	4
all other 'areas' combined	85	10.56	108	139
total	805		872	965

7.1.4 Summary Dismissals by nature of matter

	20-21	%	19-20	18-19
ethical matters	417	51.80	371	421
quality of service	177	21.99	218	236
costs	89	11.06	116	110
communication	48	5.96	71	62
documents	20	2.48	15	26
compliance	14	1.74	21	33
trust funds	14	1.74	18	24
personal conduct	5	0.62	3	4
PIPA	3	0.37	-	1
all other 'natures' combined	18	2.24	39	48
total	805		872	965

7.1.5 Summary Dismissals - breakdown of ethical matters

	20-21	%	19-20	18-19
unethical conduct	337	80.82	308	359
conflict of interest	38	9.11	31	25
breach of confidentiality	12	2.88	9	13
instructions - not followed /acting without	9	2.16	12	13
misleading /dishonest conduct	9	2.16	7	6
misleading /dishonest conduct in court	7	1.68	1	1
pressure to settle	2	0.48	2	-
contacting another solicitor's client	2	0.48	-	1
fraud/misappropriation/stealing	1	0.24	-	3
failure to honour undertakings	-	-	1	-
total	417		371	421

7.2 Complaints/Investigation Matters

7.2.1 Complaints by complainant type

	20-21	%	19-20	18-19
client/former client	107	53.50	125	140
non client	34	17.00	40	48
solicitor	29	14.50	21	12
third party	18	9.00	17	12
beneficiary	5	2.50	3	5
solicitor for client	3	1.50	21	23
judge	1	0.50	-	1
executor	-	-	2	-
barrister	-	-	1	2
all other 'complainant types' combined	3	1.50	2	6
total	200		231	249

7.2.2 Complaints by respondent type

	20-21	%	19-20	18-19
solicitor	181	90.50	185	211
barrister	10	5.00	24	22
unlawful operator	6	3.00	16	13
law practice employee	2	1.00	2	2
other	1	0.50	4	1
total	200		231	249

7.2.3 Complaints by outcome

	20-21	%	19-20	18-19
no reasonable likelihood	128	64.00	134	138
no public interest	46	23.00	33	69
referred to tribunal	7	3.50	26	9
withdrawn/discontinued	7	3.50	10	25
referred to LPC	5	2.50	1	-
referred to other investigative process	4	2.00	16	5
referred for criminal litigation	2	1.00	2	2
referred to Magistrates Court	-	-	2	-
negotiated remedial action	-	-	1	-
not Chapter 4 conduct (other)	-	-	1	-
referred for civil litigation	-	-	1	-
all other 'outcomes' combined	1	0.50	4	1
total	200		231	249

7.2.4 Complaints by area of law

	20-21	%	19-20	18-19
family law	36	18.00	50	47
deceased estates or trusts	23	11.50	23	26
personal injuries /Workcover litigation	22	11.00	18	22
criminal law	20	10.00	17	21
conveyancing	18	9.00	22	21
litigation	18	9.00	19	39
commercial /company law	10	5.00	13	10
conduct not in the practice of law	6	3.00	14	6
property law	4	2.00	9	9
immigration	3	1.50	3	2
trust account breaches	2	1.00	-	5
administrative law	1	0.50	3	-
building /construction law	1	0.50	1	4
industrial law	1	0.50	-	3
bankruptcy and insolvency	-	-	1	-
leases /mortgages	-	-	2	3
all other 'areas' combined	35	17.50	36	31
Total	200		231	249

7.2.5 Complaints by nature of matter

	20-21	%	19-20	18-19
ethical matters	79	39.50	95	72
quality of service	52	26.00	61	72
communication	14	7.00	16	27
compliance	14	7.00	20	21
costs	14	7.00	19	29
trust funds	10	5.00	2	9
PIPA	6	3.00	2	4
documents	2	1.00	6	8
personal conduct	2	1.00	5	4
all other 'natures' combined	7	3.50	5	3
total	200		231	249

7.2.6 Complaints - breakdown of ethical matters

	20-21	%	19-20	18-19
unethical conduct	61	77.22	71	45
conflict of interest	10	12.66	9	11
breach of confidentiality	3	3.80	4	1
contacting another solicitor's client	2	2.53	3	6
fraud/misappropriation/stealing	1	1.27	-	-
misleading /dishonest conduct in court	1	1.27	1	1
pressure to settle	1	1.27	2	-
instructions - not followed /acting without	-	-	3	5
misleading /dishonest conduct	-	-	1	2
failure to honour undertakings	-	-	1	1
total	79		95	72

7.2.7 Investigation matters by outcome

	20-21	%	19-20	18-19
no public interest	19	41.30	18	71
no reasonable likelihood	17	36.96	13	17
referred to tribunal	5	10.87	10	10
referred for civil litigation	3	6.52	-	-
referred to other investigative process	1	2.17	1	-
referred for criminal litigation	-	-	2	1
referred to Magistrates Court	-	-	1	-
all other outcomes combined	1	2.17	2	-
total	46		47	99

7.2.8 Investigation matters by area of law

	20-21	%	19-20	18-19
personal injuries /Workcover litigation	12	26.09	14	51
conduct not in the practice of law	8	17.39	10	14
criminal law	5	10.87	2	1
deceased estates or trusts	4	8.70	4	3
conveyancing	3	6.52	-	2
trust account breaches	2	4.35	2	9
commercial /company law	1	2.17	-	2
family law	1	2.17	1	2
litigation	1	2.17	2	4
immigration law	-	-	1	
property law	-	-	-	3
all other 'areas' combined	9	-	11	8
total	46		47	99

7.2.9 Investigation matters by nature of matter

	20-21	%	19-20	18-19
ethical matters	16	34.78	12	14
compliance	15	32.61	10	16
PIPA	8	17.39	13	47
quality of service	3	6.52	2	2
trust funds	2	4.35	4	11
personal conduct	1	2.17	6	5
costs	-	-	-	3
all other 'natures of matter' combined	1	2.17	-	1
total	46		47	99

7.3 Disciplinary Proceedings and Offence Prosecutions Matters

7.3.1 Disciplinary proceedings and offence prosecutions – heard and decided

	20-21	19-20	18-19
by Tribunal	15	16	16
by the Committee	2	-	-
by the Magistrates Court	5	1	-
by the Court of Appeal	-	-	3
sub-total	22	17	19
reconsidered/withdrawn/discontinued/other	5	13	15
total	27	30	34

7.3.2 Disciplinary proceedings and offence prosecutions by respondent type (excludes withdrawn/discontinued)

	20-21	19-20	18-19
solicitor	16	12	15
unlawful operator	5	1	-
barrister	1	2	3
legal practitioner	-	1	-
other	-	1	1
total	22	17	19

7.3.3 Disciplinary Proceedings by area of law (excludes withdrawn/discontinued)

	20-21	19-20	18-19
criminal law	4	3	1
conduct not in the practice of law	1	1	-
deceased estates or trusts	1	4	3
family law	1	2	4
leases/mortgages	-	-	-
personal injuries/Workcover	2	-	-
trust account breaches	-	1	2
litigation	1	3	2
commercial /company law	1	1	1
conveyancing	3	1	1
all other 'areas' combined	3	1	5
total	17	17	19

7.3.4 Disciplinary Proceedings by nature of matter (excludes withdrawn/discontinued)

	20-21	19-20	18-19
ethical matters	6	5	10
personal conduct	5	3	1
quality of service	5	3	3
trust funds	-	-	2
costs	-	3	-
compliance	1	1	2
communication	-	-	1
all other 'natures' combined	-	2	-
total	17	17	19

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
size of profession as at 30 June 2021	13,673	2,480	2,674
no of respondents for 2020-21 year	184	155	155

8.2 Solicitors subject to investigation

	2020-21	2019-20	2018-19
1 complaint	162	160	219
2 complaints	18	20	24
3 complaints	2	4	5
4 complaints	1	2	-
5 complaints	1	-	1
between 6 and 9	-	1	1
between 10 and 14	-	-	-
15 and > complaints	-	-	-
total	184	187	250

8.3 Law firms subject to investigation

	2020-21	2019-20	2018-19
1 complaint	120	125	177
2 complaints	28	23	22
3 complaints	5	6	6
4 complaints	2	1	1
5 complaints	-	1	1
between 6 and 9	-	1	2
between 10 and 14	-	-	-
15 and > complaints	-	-	-
total	155	157	209

8.4 Solicitors subject to investigation by gender

	2020-21	2019-20	2018-19
male	121	128	186
female	63	59	64
total	184	187	250

8.5 Solicitors subject to investigation by age group

	2020-21	2019-20	2018-19
24 and under	1	-	3
25 - 29	14	15	13
30 - 34	23	12	18
35 - 39	27	26	18
40 - 44	18	16	27
45 - 49	22	24	48
50 - 54	25	26	31
55 - 59	16	25	29
60 - 64	18	21	28
65 - 69	11	9	22
70 and over	8	13	13
unspecified	1	-	-
total	184	187	250

8.6 Law firm business types with solicitors subject to investigation

	2020-21	2019-20	2018-19
partnership/ sole practitioners	59	58	91
ILP	95	98	115
MDP	1	1	3
total	155	157	209

8.7 Law firm sizes with solicitors subject to investigation

PC holders	2020-21	2019-20	2018-19
1	50	51	64
2 - 3	38	43	61
4 - 6	33	22	32
7 - 12	16	18	21
13 - 24	10	11	14
25 - 50	5	5	9
51 - 100	2	4	5
101 - 200	1	3	3
total	155	157	209

8.8 Law office locations with solicitors subject to investigation

	2020-21	2019-20	2018-19
Brisbane city	42	53	49
Brisbane north suburbs	21	22	31
Brisbane south suburbs	20	28	33
Gold Coast	30	23	40
Ipswich region	5	4	10
Toowoomba region	1	6	6
Western Queensland	-	9	-
Sunshine Coast	19	2	16
Hervey Bay to Gladstone	4	3	3
Rockhampton region	3	1	5
Mackay region	2	5	2
Cairns region	4	5	6
Townsville region	4	53	12
unspecified	-	1	-
total	155	162	213

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

	20-21	\$	19-20	\$	18-19	\$
apology	-	-	-	-	-	-
financial redress/compensation	-	-	1	260	1	101
redress - improved communications	1	-	-	-	-	-
redress – other-	-	-	-	-	-	-
management system improvements	1	-	-	-	-	-
training/mentoring/supervision	-	-	-	-	-	-
made advertisement PIPA compliant	-	-	-	-	-	-
total	2	-	1	260	1	101

9.2 Complaints

	20-21	\$	19-20	\$	18-19	\$
apology	11	-	16	-	43	-
financial redress/compensation	12	54,674	12	26,449	15	81,973
redress - improved communications	5	-	4	-	8	-
redress – other-	16	-	15	-	24	-
management system improvements	13	-	12	-	26	-
training/mentoring/supervision	11	-	9	-	16	-
made advertisement PIPA compliant	14	-	14	-	52	-
total	82	54,674	82	26,449	184	81,973

9.3 Prosecutions

	20-21	\$	19-20	\$	18-19	\$
employee not to be employed	-	-	-	-	-	-
fined (disciplinary body – UPC / PMC)	1	10,000	2	10,750	2	34,000
fined (Magistrates Court – LPA offence)	2	4,000	1	5,000	-	-
ordered to apologise	-	-	-	-	-	-
ordered to pay compensation	-	-	-	-	-	-
ordered to make other redress	3	-	2	-	-	-
ordered to undertake training or be supervised	2	-	2	-	2	-
reprimanded	5	-	8	-	5	-
struck off	3	-	7	-	9	-
suspended	1	-	2	-	4	-
withdrawn/reconsidered – apology	1	-	4	-	10	-
withdrawn/reconsidered – financial redress	-	-	-	-	1	45,000
withdrawn/reconsidered – other redress	1	-	-	-	1	-
total	19	14,000	28	15,750	34	79,000

APPENDIX C

Summary of Requirement	Basis for Requirement	Annual Report Reference	
Letter of compliance	<ul style="list-style-type: none"> A letter of compliance from the accountable officer or statutory body to the relevant Minister/s 	ARRs – section 7	i
Accessibility	<ul style="list-style-type: none"> Table of contents Glossary 	ARRs – section 9.1	
	<ul style="list-style-type: none"> Public availability 	ARRs – section 9.2	
	<ul style="list-style-type: none"> Interpreter service statement 	Queensland Government Language Services Policy ARRs – section 9.3	
	<ul style="list-style-type: none"> Copyright notice 	Copyright Act 1968 ARRs – section 9.4	
	<ul style="list-style-type: none"> Information Licensing 	QGEA – Information Licensing ARRs – section 9.5	
General information	<ul style="list-style-type: none"> Introductory Information 	ARRs – section 10	
Non-financial performance	<ul style="list-style-type: none"> Government’s objectives for the community and whole-of-government plans/ specific initiatives 	ARRs – section 11.1	
	<ul style="list-style-type: none"> Agency objectives and performance indicators 	ARRs – section 11.2	
	<ul style="list-style-type: none"> Agency service areas and service standards 	ARRs – section 11.3	
Financial performance	Summary of financial performance	ARRs – section 12.1	
Governance – management and structure	<ul style="list-style-type: none"> Organisational structure 	ARRs – section 13.1	
	<ul style="list-style-type: none"> Executive management 	ARRs – section 13.2	
	<ul style="list-style-type: none"> Government bodies (statutory bodies and other entities) 	ARRs – section 13.3	
	<ul style="list-style-type: none"> Public Sector Ethics 	Public Sector Ethics Act 1994 ARRs – section 13.4	
	<ul style="list-style-type: none"> Human Rights 	Human Rights Act 2019 ARRs – section 13.5	
	<ul style="list-style-type: none"> Queensland public service values 	ARRs – section 13.6	

Governance - risk management and accountability	• Risk management	ARRs - section 14.1	
	• Audit committee	ARRs - section 14.2	
	• Internal audit	ARRs - section 14.3	
	• External scrutiny	ARRs - section 14.4	
	• Information systems and record-keeping	ARRs - section 14.5	
	• Information Security attestation	ARRs - section 14.6	
Governance - human resources	• Strategic workforce planning and performance	ARRs - section 15.1	
	• Early retirement, redundancy and retrenchment	Directive No.04/18 Early Retirement, Redundancy and Retrenchment ARRs - section 15.2	
Open Data	• Statement advising publication of information	ARRs - section 16	
	• Consultancies	ARRs - section 33.1	https://data.qld.gov.au
	• Overseas travel	ARRs - section 33.2	https://data.qld.gov.au
	• Queensland Language Services Policy	ARRs - section 33.3	https://data.qld.gov.au
Financial statements	• Certification of financial statements	FAA - section 62 FPMS - sections 38, 39 and 46 ARRs - section 17.1	
	• Independent Auditor's Report	FAA - section 62 FPMS - section 46 ARRs - section 17.2	

FAA Financial Accountability Act 2009

FPMS Financial and Performance Management Standard 2019

ARRs Annual report requirements for Queensland Government agencies

