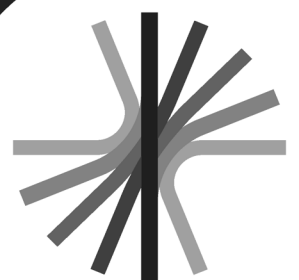


LEGAL SERVICES
COMMISSION

Annual Report 2023-24



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Acknowledgement of the traditional owners

The Legal Services Commission would like to acknowledge Aboriginal peoples and Torres Strait Islander peoples as the Traditional Owners and Custodians of this Country. We recognise their connection to land, sea and community. We pay our respects to them, their cultures, and to their Elders, past, present and emerging.

Letter of Compliance



25 October 2024

The Honourable Yvette D'ath MP
Attorney-General and Minister for Justice
Minister for the Prevention of Domestic and Family Violence
1 William Street
BRISBANE QLD 4000

Dear Attorney-General

In accordance with section 490(1) of the *Legal Profession Act 2007*, I am pleased to submit for presentation to the Parliament the Annual Report 2023-2024 and the financial statements for the Legal Services Commission.

I certify that the report complies with:

- the prescribed requirements of the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2019*, and
- the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*.

A checklist outlining the annual reporting requirements is provided at page 47 of this annual report.

Yours sincerely

ML Mahon

Megan Mahon
Commissioner

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Overview

Message from the Commissioner

It has certainly been another busy year for everyone, and the Commission is no exception. With an ever-increasing demand on the services we provide, the year saw a continued rise in the number of new litigation matters, and pleasingly, another significant jump in the rate of complaint and investigation matter finalisations, which is a credit to the hard work and dedication of the Commission's staff.

This year also marked the lead up to the 20th anniversary of the establishment of the Commission on 1 July 2024. This is a particularly significant milestone, and much has been achieved in that 20 years. The anniversary also presented an opportunity for reflection, to celebrate those successes and to implement further improvements. In the lead up to the 20th anniversary year, and in line with the Commission's commitment to continuous improvement, we embarked on key projects throughout the year which I have highlighted below, alongside other key achievements and messages.

Project Agility

This extensive project involved a series of smaller sub-projects that were completed for launch on 1 July 2024, including rebranding, an updated website, our new enquiry-first forms and processes, and our sexual harassment reporting platform.

In addition to my observations below, a breakdown of each of the major changes and further information about the work undertaken can be found at section 7.1.1 of this report.

To that end, I thank all of the staff of the Commission involved in the development of the various project elements. In particular, I wish to thank Brad Fitzgerald. While Brad left the Commission in February 2024 to further his career in private practice, I am sincerely grateful for his support, diligence and collegiate nature that, simply put, helped us get the job done. Brad was ably supported in those endeavours by Kellie Grainger, Nigel Harvie and Leisa McHattan. We couldn't have done it all in the time that we did, ready for the 1 July launch, without your support – thank you all.

Sexual Harassment Reporting Platform

An important component of Project Agility included the launch of the Commission's new sexual harassment reporting platform, which seeks to contribute to broader cultural change in Queensland's legal profession and to give a voice to those who need it. The reporting tool has the potential to have significant impact on the profession and its launch is an achievement I am particularly proud of and something I hope will garner the support of the profession as we work towards the elimination of workplace sexual harassment.

The rationale for implementing this reporting tool is clear. The Australian Human Rights Commission Report, *'Time for Respect: Fifth national survey on sexual harassment in Australian workplaces'* observed that there continued to be a high rate of sexual harassment in Australian workplaces, however, reporting of sexual harassment continued to be low. Data from the report showed that in the previous five years, one in three Australians had been sexually harassed at work (41% of women and 26% of men). The legal profession is not

immune to this issue - all available statistical and anecdotal evidence suggests that sexual harassment within the legal profession is a prevalent and persistent problem.

Sexual harassment in any form is unacceptable within the legal profession and workplaces more broadly. It is not only illegal, but for members of the profession it is conduct that is capable of constituting professional misconduct. As the Commissioner, I am committed to eradicating sexual harassment in the legal profession and maintaining the high standards of conduct expected of members of our honourable profession. All those who interact with the legal profession, whether clients or those working within it, should feel that it is a safe and respectful environment.

Further details on the implementation of the reporting tool and the other parts of Project Agility, will be reflected on in next year's annual report. Nevertheless, I mention them here as there was significant work that was done in the past year to be in a position to launch all of the Project elements on 1 July 2024.

Refurbishment

The Commission expanded its office accommodations during the reporting year which involved refurbishment of the adjacent tenancy that was taken over, as well as our existing office space – all while we remained in occupation of the space. This work naturally impacted the staff and our output during that time. I am very appreciative for the tolerance and flexibility of the staff of the Commission who remained committed to delivering services while enduring ongoing disruptions and changes over the year. The refurbishment is still not complete – but the expansion has allowed us to improve our meeting and secure storage spaces and allows more flexibility when planning for various aspects of our working week.

Disciplinary proceedings and other litigation

These proceedings are critically important in the protection of the public, particularly consumers of legal services, as well as the reputation of the legal profession. In 2023-24, 55 discipline applications were filed with QCAT, which is five times as many matters referred to QCAT in 2022-23. In addition to disciplinary proceedings, there has also been a 40% increase in new litigation matters commenced, which include offence prosecutions against unlawful operators and injunction applications for an array of concerning conduct in connection with the delivery of legal services. Further detail of these matters is addressed later in this report.

Continuing increase in service demand

The Commission continues to face an ever-increasing demand for services in all areas. To the credit of the staff of the Commission, despite the increase in incoming enquiries and complaints, there was a 25.96% increase in the finalisation of complaints and investigation matters, resulting in a decrease in on-hand matters at end of the reporting year for the first time in three years. This is despite an increase in the average number of days to complete a file, which confirms the growing complexity of files and volume of work required on individual matters. The increased output can be attributed to the continual review and improvement to process and team structures and the diligence of the Commission's staff.

Nevertheless, it is the ongoing and increasing demand issues facing the Commission that puts pressure on staffing and resourcing and can in turn impact the effectiveness of the Commission as a regulator. It is therefore necessary to regularly assess priorities and balance the greatest consumer protection needs with available resources at the relevant time.

Legislative improvements required

As highlighted last year, it is imperative that we have a regulatory regime that can effectively and efficiently respond to unprofessional conduct and is proactive in the deterrence of all unacceptable conduct and the encouragement of exemplary behaviours and ethical practice.

I continue to advocate for amendment of the legal profession legislation, which is required to ensure effective and meaningful regulation can be achieved. It has been 17 years since the last major review of the Act and over the past few years the Commission has done significant work to identify important amendments that will provide better outcomes for regulation of the legal profession and the delivery of legal services and are improvements that will benefit consumers of legal services and the profession itself.

One example is the need for reform of the *Personal Injuries Proceedings Act 2002* advertising restrictions. There has been a significant growth in advertising for personal injuries claim services and while many claim to be within a regulation 'loophole', many are not. The Commission has called for a review of the restrictions so that they may be inclusive of all forms of advertising and close any loopholes that many are purporting to advertise within. The Commission's long term educative approach to ensuring compliance with the restrictions has run its course and it appears that it is now necessary to take a more formal regulatory approach. To this end, legislative amendment will ensure clarity and certainty of the prohibitions that apply, which is for the benefit of Queenslanders and the continued viability of compensation schemes.

Of even greater concern and as reported last year, the delays being experienced in the finalisation of disciplinary proceedings also adds to the backlog of matters requiring regulatory attention and has been exacerbated in the reporting year. As previously acknowledged, there are many significant and competing demands on the Tribunal that is leading to the increasing backlog of matters and other solutions will need to be considered to maintain effective regulation. It has been demonstrated in other Australian jurisdictions that powers allowing the Commission to make early regulatory determinations on less serious conduct matters can bring finalisation to a matter and create effective deterrence, without needing to take every matter to the Tribunal. This is one example of a legislative amendment that will help deliver better regulation and improved outcomes for both complainants and the legal profession.

I appreciate the assistance of the policy staff of the Commission and the Department in relation to these important legislative improvements the Commission seeks for the benefit of all who engage in and with the legal profession.

My sincere thanks

As already mentioned, it was another extremely busy year and one full of significant achievements. I appreciate the continued collegiality and support of all our stakeholders and those with whom we regularly engage. In particular, to our co-regulators at the Queensland Law Society and Bar Association of Queensland, I thank you for your continued support through our respective roles and for the important work you do in the regulation of the legal profession. I am also grateful for the efforts of the staff of the Commission, both past and present, and for their dedication and hard work throughout the reporting year.

Megan Mahon

Commissioner

1. About the Commission

The Commission is an independent statutory body which was established in 2004 and continues its existence pursuant to the Act.

The Act provides for the appointment of the 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 also has proactive function within the regulation of the profession, by identifying emerging issues and assisting and educating the profession on their ethical and legal obligations.

The Commission plays an integral role in the regulation of the legal profession in Queensland along with the Legal Practitioners Admission Board (LPAB), Bar Association of Queensland (BAQ), Queensland Law Society (QLS), the disciplinary bodies (and Legal Practice Committee (LPC)) and the Courts.

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

1.1 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 competently. This is essential work that 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, and the prosecution of unlawful operators. The Commission monitors the wider professional environment to identify conduct within our jurisdiction that warrants the commencement of an investigation matter (which is an investigation commenced by the Commissioner without a complaint).

Complainants are assisted through the complaints process as far as our resources and statutory limitations permit. They are provided with relevant, accessible information, including step-by-step guides to the complaint process.

The Commission also supports consumer redress for complainants where appropriate by giving them guidance on how to achieve satisfactory outcomes in relation to disputes with their legal services provider. 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.

1.2 Protecting consumers from unqualified legal service 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 or corporations who offer to provide legal services or undertake work that amounts to engaging in legal practice without the proper qualifications and authorisations. Under the Act, the Commission has the power to take action to stop unlawful operators and prosecute them.

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 and authorisations is a criminal offence.

1.3 Assisting and contributing 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 in two ways: by monitoring and regulating the legal profession within Queensland in accordance with the Act, and through direct engagement with, and education of, the profession including delivering presentations, providing educative news and alerts throughout the year, and attending events and other functions.

Major challenges facing the legal profession are addressed by working collaboratively with members of the profession and their representative bodies, to provide education, guidance, and feedback on current and emerging issues.

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

1.4 Engagement with emerging professionals

It is also important to engage with future members of the profession at both the undergraduate and graduate levels. The Commission is committed to ensuring that lawyers of the future enter the profession with a strong understanding of their ethical and professional obligations and the role of regulators, including the Commission.

The Commission looks to regularly engage with providers of legal education throughout the State and the Commissioner aims to connect personally with the universities, often presenting to their law students annually.

2. Regulatory Framework

Queensland operates a co-regulatory model of the legal profession. The Commission, the BAQ and QLS, LPAB and the Supreme Court each perform certain functions under the Act.

Together, all authorities are responsible in varying ways for the promotion and enforcement of professional standards, competency, and honesty of the legal profession. In carrying out the regulatory functions outlined below, each authority contributes to ensuring confidence in the administration of justice and the protection of consumers of legal services.

2.1 Regulatory authorities and their key functions

LSC	BAQ	QLS
<ul style="list-style-type: none"> • Peak regulatory body of the legal profession (lawyers, barristers, and solicitors). • Receives complaints about the conduct of lawyers, legal practitioners, undertakes investigations, and commences disciplinary proceedings where necessary. • Investigates and prosecutes individuals and corporations who are unlawfully operating. • Audits of incorporated legal practices. 	<ul style="list-style-type: none"> • Peak representative body of barristers in Queensland. • Responsible for the issuing and regulation of practising certificates for barristers. • Undertakes investigations into the conduct of barristers when a matter is referred from the Commissioner. • Responsible for making the barristers' rules. 	<ul style="list-style-type: none"> • Peak representative body of solicitors in Queensland. • Responsible for the issuing and regulation of practising certificates for solicitors. • Regulates solicitors' trust accounts, undertakes part 3.3 investigations, and enforcement action against solicitors when required. • Responsible for making the solicitors' rules. • Provides support for the LPAB, which supports the Supreme Court in the admission of persons to the legal profession.

2.2 Disciplinary bodies and other proceedings

Once the Commissioner has made the decision to commence a disciplinary proceeding, the matter must be brought before the relevant disciplinary body. For discipline applications relating to conduct of lawyers and legal practitioners, the matter goes before either the QCAT or the LPC. Conduct matters involving non-qualified law practice employees are only able to be heard by the LPC.

For the prosecution of offences under the Act or PIPA, charges are brought and heard before the Magistrates Court of Queensland.

Applications for injunctions and other restrictive orders are made to the Supreme Court of Queensland. The Supreme Court also retains its inherent jurisdiction in relation to the legal profession as officers of that Court.

QCAT	LPC	Magistrates Court
<p>The Commissioner may make a disciplinary application to QCAT for the hearing of conduct matters. These applications relate to allegations of unsatisfactory professional misconduct and professional misconduct.</p> <p>An appeal of a QCAT decision may be made to the Queensland Court of Appeal.</p>	<p>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 practice employees.</p> <p>The Act requires the Commissioner to provide secretariat support to the LPC.</p> <p>An appeal of a LPC decision may be made to QCAT.</p>	<p>Complaint and summons is 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.</p> <p>Decisions of the Magistrates Court can be appealed in the ordinary way.</p>

3. The Queensland Legal Profession

Legal Practitioners

At 30 June 2024, there were 16,450 legal practitioners who held practising certificates in Queensland, an increase of 2.12% on the previous year. 15,258 were solicitors and 1,192 were barristers.

Of that combined total of solicitors and barristers, 8,867 practitioners identify as female (53.90%) and 7,454 practitioners identify as male (45.31%). Within the separate branches of the profession, females make up 55.53% of solicitors and 30.45% of barristers and males make up 43.26% of solicitors and 69.55% of barristers.

129 solicitors do not specify their gender, that's 0.78% of all practitioners.

There are 131 senior counsellors at the Queensland Bar, comprising 14 women (10.69%) and 117 men (89.31%).

Law Practices

There were 2,577 solicitor law practices, a 10.73% decrease from 2023.

1,711 of those were incorporated legal practices, a 6.55% decrease from 2023, and represent 66.39% of all solicitor law practices.

854 of those were sole practitioners or partnerships, a 17.8% decrease from 2023, and represents 33.14% of all solicitor law practices.

12 of those were multi-disciplinary practices, which represents 0.47% of all solicitor law practices.

All data on solicitors and barristers in Queensland is provided to the Commission by the QLS and BAQ respectively.

This data does not include those government legal officers that do not hold a practising certificate. Government legal officers are defined in 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 to provide legal services to the Government.

The Commission is not currently provided with any data in relation to government lawyers who do not hold a practising certificate. Therefore, the number of certificate holders does not reflect the total number of lawyers lawfully practising in Queensland.

3.1 Barristers

At 30 June 2024, there were 1,192 barristers with practising certificates in Queensland. This is a 0.08% increase on the previous reporting period.

Breakdown of Barristers	Count
Private	1038
Employed	154

Breakdown of Barristers by seniority	Count
Kings Counsel or Senior Counsel	131
Junior Counsel	1061

Breakdown of Barristers by practising certificate type	Count
Nil conditions	975
Readership	61
Special – reporting	2

Other	0
Employed	154
Total	1192

Breakdown of Barristers chambers	No. of Chambers	No. of Barristers
Individual chambers	156	156
Group chambers	95	1036
Total	251	1192

3.2 Solicitors

At 30 June 2024 there were 15,258 practising solicitors in Queensland. This is an increase of 2.28% on the previous reporting period.

Solicitors by PC Type	Count
Foreign Lawyers	14
Limited Principal	41
Restricted Employee	3,166
Restricted Principal	2
Restricted Volunteer	64
Unrestricted Employee	8,255
Unrestricted Principal	3,661
Unrestricted Volunteer	55
Total	15,258

4. Compliance and Engagement

The Commissioner has powers under the Act to regulate and audit incorporated legal practices (ILPs).

The Act places obligations on ILPs and their legal practitioner directors (LPDs) to implement and maintain an appropriate management system. These systems need to be designed to ensure that practitioners at the ILPs can maintain their professional and ethical obligations. The Act also obliges LPDs to take reasonable steps to prevent or remedy any breach of these standards where it is apparent that a breach has occurred or may occur.

The Commission continues to work with ILPs to ensure that they are aware of their obligations to have appropriate management systems (as should every law practice).

An appropriate management system simply means a law practice's formal and informal management policies, procedures and controls, work culture, and habits of interaction and practice that support and encourage ethical behaviour by all employees. Importantly, there is no one best way to proceed with the implementation and maintenance of a management system and there is no single system that is applicable to all law practices. A management system that is appropriate for one law practice may not be appropriate for another and these systems will vary from law practice to law practice.

The Commission may conduct an audit of:

- the compliance of an ILP, its officers, and employees with the requirements of the Act, the *Legal Profession Regulation 2017* and the *Australian Solicitors Conduct Rules 2012*; and
- the management of the provision of legal services by the ILP, including the supervision of the officers and employees providing the services.

The Commission's audit program focus is to help ILPs to implement appropriate management systems to promote the delivery of competent legal services to consumers and reduce the likelihood of complaints being made against the law practice. These audits are a collaborative and educative approach for the Commission to work with ILPs to identify opportunities for improvement.

While the statutory power to audit appropriate management systems is currently limited to ILPs, the Commission encourages all law practices to ensure that their systems are effective and supportive of good practice that enables the delivery of competent legal services, while providing a safe workplace for their staff and their clients.

Self-assessment and compliance audits

There are two types of audits that the Commission conducts: self-assessment audits and compliance audits.

Self-assessment audits require LPDs to review their management systems and supervisory arrangements at least six-months after they have given notice to the QLS of the intention to engage in legal practice as an ILP. The Commission provides the LPDs with a self-assessment audit questionnaire asking them to review the effectiveness of their management systems and address three key objectives of sound law practice management.

LPDs use a self-assessment audit questionnaire to describe the status of their practice management systems against the three key objectives. It is designed to help the Commission understand the systems currently in place in the law practice. The questionnaire is also designed to provide an opportunity for the law practice to identify further improvements that could be implemented.

Identified deficiencies and areas for improvement are noted by the Commission and revisited in a follow-up questionnaire 12 months after the initial self-assessment audit. This provides LPDs an opportunity to update the

Commission on the progress made and can flag where further action may be required by the Commission to ensure that there are appropriate measures in place.

Compliance audits comprehensively review the management systems or review discrete aspects of the management systems (e.g., the supervisory arrangements or their billing practices) against the professional obligations owed by the practice and/or its staff.

Compliance audits are a resource intensive exercise. The Commission conducts these audits on an 'as needs' basis, often identified through the complaints or other information received by the Commission. This may include for example, where the Commission receives information, or has determined by a risk-assessment, creating a reasonable suspicion that the practice or some aspects of its practice falls short of the expected standards or requirements.

During the reporting year the Commission issued 177 self-assessment audits and conducted one compliance audit.

The compliance audit conducted by the Commission in the reporting year related to a particular practice that was the subject of a significant number of complaints that were ongoing. To the credit of that law practice, and demonstrative of the utility of a compliance audit, the focused attention on management systems and internal processes has resulted in a complete turnaround of complaints, with none having been received since the completion of the compliance audit.

4.1 PIPA

The Commission has responsibility for the monitoring and enforcement of the advertising and touting restrictions for personal injuries services and the prohibitions on claim farming contained within the PIPA.

Advertising and touting restrictions

The PIPA restricts the advertising of personal injury services by legal practitioners and others. Personal injury services can only be advertised or published in accordance with sections 64, 65 and 66 of the PIPA.

The legislation also contains anti-touting provisions which prevent a person from inducing or attempting to induce another person into making a claim for personal injuries at the scene of an incident or at a hospital after the incident.

A breach of the PIPA advertising restrictions or anti-touting provisions are summary offences and significant penalties can apply, including fines. In addition to possible prosecution of these offences, the same conduct can also result in disciplinary proceedings for legal practitioners.

The Commissioner is responsible for dealing with enquires related to these provisions and monitoring and enforcing these offences under the PIPA. The Commission has published a regulatory guideline on the application of the provisions, the Commission's interpretation and the approach taken for alleged breaches.

During the reporting period the Commission received 16 PIPA advertising and touting related enquiries, which is a significant decrease on previous years. However, the Commission also finalised 11 complaints and four referrals for investigation in relation to possible non-compliance with the advertising or touting restrictions imposed by the PIPA.

In the past the Commission has taken an educative approach toward remedying breaches of the PIPA advertising restrictions. However, due to developments in recent years, there has been an increase in complaints and investigations related to PIPA non-compliance and subsequently an increase in decisions to commence disciplinary proceedings on these matters, with two discipline applications and one offence prosecution commenced this reporting year.

This increase in complaints and investigations can in part be attributed to deficiencies in the legislation, which has not kept up with new and creative ways of advertising, creative marketers and the exploitation of loopholes which could not have been envisaged at the time of drafting. The Commission strongly supports a fulsome review of the provisions, with a view to amending the restrictions to be more effective.

Enquiries	2023-24	2022-23	2021-22
PIPA Advertising and Touting	16	49	62

Claim Farming

The prohibition of claim farming provisions in the *Personal Injuries Proceedings and Other Legislation Amendment Act 2022* (PIPOLA) replicate the provisions contained in the *Motor Accident Insurance Act 1994*. These amendments expanded the regulatory remit of the Commission to include oversight and enforcement of provisions designed to stop the practice of claim farming in Queensland.

The laws:

- prohibit cold calling or personally approaching another person and soliciting or inducing them to make a claim;
- make it an offence for any person to pay claim farmers for the details of potential claimants or to receive payment for a claim referral or potential claim referral;
- impose obligations on supervising principal of a law practice who represent the injured claimants to certify during the claims process that neither they nor their associates have paid a claim farmer for the claim. These certificates are called Law Practice Certificates and will be required at different stages of the claims process;
- require law practices to refund, or not recover, fees and disbursements paid in connection with a claim that has been claim farmed;
- provide the Commission with additional powers to oversee and enforce the new claim farming provisions; and
- expand the Workers' Compensation Regulator's enforcement and investigation powers so it can effectively prosecute claim farming.

Importantly, there are new offences prohibiting claim farming practices including:

- prohibiting a person from giving or receiving consideration for referring a claimant or potential claimant. This offence aims to prevent a person from paying a claim farmer for the details of potential claimants or receiving payment for a claim referral or potential claim referral.
- prohibiting a person from personally approaching or contacting another person to solicit or induce them to make a claim. Personal approach or contact includes contact by mail, telephone, email or other forms of electronic communication. This offence aims to prohibit the act of cold calling or personally approaching another person without their consent to solicit or induce them to make a personal injury claim.

In the last reporting year the Commission received a total of 40 claim farming related enquiries and closed 33 of those over the reporting year. This includes reports of suspected claim farming activity and notifications about non-compliance with the law practice certificate requirements. The Commission issued seven letters of caution, referred three matters to our co-regulators and commenced seven investigations during the year.

The relatively low level of reporting of possible offences of claim farming in Queensland demonstrates the effectiveness of the laws that do much to protect vulnerable Queenslanders from such insidious practices.

Claim farming enquiries by outcome	2023-24	2022-23
Referred for investigation	7	5
No further action	21	50
Compliant	2	0
Referred to other agency	3	0
Total	33	55

4.2 Engagement

The Commission continues to engage and communicate with stakeholders to increase awareness of its regulatory, education and public interest functions.

This is achieved through proactive and regular engagement with members of the profession, through the professional representative bodies such as the BAQ and the QLS, local and district law associations, and with emerging lawyers and law students by engagement with Queensland universities and legal training providers.

These engagements usually involve presentations or participation in panel discussions and attendance at events, ceremonies or conferences by the Commissioner or other senior staff at the Commission. In the case of universities, it also involves guest lectures and presentations. The Commissioner and other staff presented on a range of topics including professional responsibilities, current and emerging ethical challenges and the role and priorities of the Commission. These engagements continue to drive awareness and, in turn, improvements within the profession.

The Commission continues to engage with our co-regulators, the BAQ and QLS, the Department of Justice and Attorney-General and other relevant agencies around the regulation of professional standards within the legal profession and on key areas of reform.

In November 2023, the Commission's senior leadership team attended the national Conference of Regulatory Officers in Tasmania, which brings together the legal regulators from Australia and New Zealand and provides an opportunity for inter-jurisdictional cooperation and collaboration.

The Commission continued the distribution of its newsletter and alerts to the profession in the reporting year. These newsletters and alerts provide direct communication to all practising certificate holders in the profession, allowing them to receive updates, information on new regulatory guides, and other information from the Commission.

4.3 Legal Services Commission Reference Group

The Commission's reference group was established to provide an informal forum in which members of the group share and discuss current and emerging issues. The group represents a broad range of stakeholders and consists of both practising lawyers and law academics and those who are familiar with the nature of the legal system and legal practice.

The group met twice in the reporting period. Topics discussed included the use of social media platforms by practitioners, including for advertising and how practitioners engage with clients and the public more broadly via these platforms, and the rollout of Project Agility at the Commission.

The Commission appreciates the participation and generous time members of the Reference Group continue to give.

5. Professional Conduct

The Commission receives and manages enquiries and complaints from consumers of legal services, practitioners and other persons who engage or interact with the legal profession. The Commission aims to deal with all parties in a fair and efficient manner and to assist complainants through the complaint process as far as resources and statutory limitations permit. Over the course of this year the Commission commenced a project to review and reform the way in which the Commission interacts with members of the public engaging with the Commission (Project Agility). This resulted in the rollout of a new enquiries process from 1 July 2024. A key focus of this project was to improve the communication with consumers prior to a complaint being made. Full details of Project Agility are detailed at section 7.1.1 below.

5.1 Enquiries

Members of the public and the profession make thousands of enquiries each year with the Commission. Enquiries range in nature from general queries about whether a person may be able to make a complaint, to members of the profession seeking assistance to better understand their legal or ethical obligations.

2,428 new enquiries were received in this reporting year, which was an 10.56% increase on the previous reporting year. 91.86% of enquiries were finalised within five days.

Enquiries received	2023-24	2022-23	2021-22
Total	2,428	2,196	1,976

The Commission continued to see an overall increase in the number of interactions with the profession and members of the public. This includes an increase in the number of administrative and other action on matters, such as emails and other documents produced and received, including on ongoing complaint and investigation matters.

The level of activity required on matters, whether enquiries or complaint and investigation matters, has increased significantly alongside the complexity and sophistication of matters and continues to impact output. This increasingly upward trend has continued for the past 5 reporting years.

	2023-24	2022-23	2021-22	2020-21
Calls	5,128	4,788	4,420	5,272
Documents internally generated and externally provided	19,845	20,558	13,535	7,660
Emails received	25,744	22,574	22,440	20,727
Emails sent	34,408	32,196	27,592	17,519
Total	85,125	80,116	67,787	51,178

5.2 Complaints and Investigation Matters

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, practitioners and their employees, and unlawful operators.

All complaints are dealt with as efficiently and expeditiously as practicable and balanced with competing priorities.

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 then makes the decision as to the initiation of any disciplinary proceeding, prosecution, or dismissal of the matter.

The Act also 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.’

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.

Following an initial assessment of the information available, if the Commissioner believes it is reasonable to commence an investigation, a decision is made to commence an investigation matter. Investigation matters may relate to any of the conduct covered by the Act, including investigating contraventions of PIPA, suspected unlawful operators, and other summary offences.

In total there were 915 complaints and investigation matters on hand at the start of the reporting year. Including summary dismissals, there were 1,261 complaints and investigations matters finalised, and 1,177 new matters received or initiated. At 30 June 2024 there were 831 matters on hand. These numbers are broken down in the following pages.

5.2.1 Complaints

The year commenced with 675 complaints on hand. 1,046 complaints were received throughout the year, being approximately the same number as the previous reporting year. 1,108 matters were finalised in the reporting period including 763 summary dismissals. 345 complaints were investigated and finalised, a 70% increase on the previous year. 47 matters were referred to the Commission’s litigation team to commence disciplinary proceedings and two matters were referred to commence a prosecution in the Magistrates Court. The Commissioner also issued 23 letters of caution and was given nine undertakings from practitioners, which largely involve completing further professional development. At 30 June 2024 there were 613 complaints on hand at various stages of progress.

The increased number of investigations finalised is the outcome and realisation of the benefits of the work undertaken in previous reporting years, including the Commission’s restructure and process improvements, which are showing marked improvements in the outputs of the Commission’s Assessment and Investigations teams.

Despite these improved efficiencies, the Commission is still seeing increased workload across the board, including the complaints and investigations space. This is evidenced by the slight increases in time to completion on files and a decrease in the percentage of matters finalised within two years.

Complaints investigated

Complaints by Outcome	2023-24	2022-23	2021-22
s.433 – withdrawn	6	4	5

Complaints by Outcome	2023-24	2022-23	2021-22
s.446(2)(a) – commence in Magistrates court	2	1	0
s.446(2)(b) – refer to police	0	1	0
s.446(2)(d) – no further action	14	0	0
s.447 – decision to refer to LPC	3	1	0
s.447 – decision to refer to QCAT	45	34	15
s.448(1)(a) – dismissed - no reasonable likelihood	202	132	114
s.448(1)(b) – dismissed - no public interest	73	29	25
Total	345	202	159

Complaints by Area of Law	2023-24	2022-23	2021-22
Administrative Law	6	2	2
Bankruptcy and Insolvency	3	0	2
Building /Construction Law	7	3	0
Commercial /Company Law	21	11	8
Conduct not in the practice of law	7	2	3
Conveyancing	23	15	10
Criminal Law	22	14	14
Deceased Estates or Trusts	58	25	24
Family Law	66	66	40
Immigration	13	3	6
Industrial Law	6	2	1
Leases /Mortgages	3	1	0
Litigation	45	16	20
Personal Injuries /Workcover Litigation	15	8	9
Property Law	23	12	8
Trust Account Breaches	0	3	0
Unknown	1	1	0

Complaints by Area of Law	2023-24	2022-23	2021-22
Other	26	18	12
Total	345	202	159

Complaints by Matter Nature	2023-24	2022-23	2021-22
Communication	36	28	7
Compliance	20	5	8
Costs	38	19	18
Documents	9	5	4
Ethical Matters – Communication	22	10	0
Ethical Matters – Disclosure	31	11	0
Ethical Matters – Dishonesty	19	7	0
Ethical Matters – Pressure/threatening	4	0	0
Ethical Matters – General	52	44	75
Personal Conduct	12	9	3
PIPA	0	1	0
Quality of Service	70	45	37
Trust Funds	17	10	6
Other	15	8	2
Total	345	202	159

Complaints by Complainant Type	2023-24	2022-23	2021-22
Barrister	0	2	2
Beneficiary	4	2	1
Client/former client	208	125	84
Executor	2	0	0
Government	1	0	1
Judge	0	0	1

Complaints by Complainant Type	2023-24	2022-23	2021-22
Legal Aid Commission	0	1	0
LSC	0	1	0
Member of Parliament	0	0	1
Non-client	52	29	30
Other Queensland regulatory body	1	0	0
Solicitor	20	13	10
Solicitor for client	19	11	14
Third Party	38	18	15
Total	345	202	159

Summary Dismissals

Summary Dismissals by Outcome	2023-24	2022-23	2021-22
s.430(2)(b) – conduct was more than 3 years ago	4	22	35
s.432(1)(a) – failed to comply with s.431 notice	95	81	70
s.432(1)(b)(i) – not chapter 4 conduct	30	32	40
s.432(1)(b)(ii) – does not disclose UPC or PM	546	452	470
s.432(1)(c) – lacking in substance, vexatious, etc.	8	29	26
s.432(1)(d) – subject of previous complaint	6	7	4
s.432(1)(e) – already struck off	8	1	2
s.432(2) – no further investigation required	32	20	21
s.433 – withdrawn	34	45	38
Total	763	689	706

Summary Dismissals by Area of Law	2023-24	2022-23	2021-22
Administrative Law	10	10	6
Bankruptcy and Insolvency	7	1	6
Building /Construction Law	25	11	10
Commercial /Company Law	32	31	36

Summary Dismissals by Area of Law	2023-24	2022-23	2021-22
Conduct not in the practice of law	4	2	7
Conveyancing	41	46	57
Criminal Law	59	54	51
Deceased Estates or Trusts	88	73	82
Family Law	202	190	191
Immigration	11	8	5
Industrial Law	18	14	8
Leases /Mortgages	2	3	5
Litigation	97	87	77
Personal Injuries /Workcover Litigation	66	53	38
Property Law	41	37	55
Trust Account Breaches	0	0	1
Unknown	16	8	0
Other	44	61	71
Total	763	689	706

Summary Dismissals by Matter Nature	2023-24	2022-23	2021-22
Communication	85	89	56
Compliance	16	4	12
Costs	67	45	63
Documents	15	13	12
Ethical Matters – Communication	34	13	0
Ethical Matters – Disclosure	51	25	0
Ethical Matters – Dishonesty	106	56	0
Ethical Matters – Pressure/threatening	8	10	0
Ethical Matters – General	10	137	312
Personal Conduct	52	75	35

Summary Dismissals by Matter Nature	2023-24	2022-23	2021-22
PIPA	11	1	0
Quality of Service	215	174	183
Trust Funds	17	13	13
Other	76	31	20
Total	763	689	706

Summary Dismissals by Complainant Type	2023-24	2022-23
Barrister	2	1
Beneficiary	11	8
Client/former client	444	371
Executor	4	1
Government	2	2
Lay Observer	1	0
Legal Aid Commission	0	1
Non-client	197	166
Solicitor	28	27
Solicitor for client	5	6
Third Party	69	106
Total	763	689

5.2.2 Investigation Matters

An investigation matter (IM) is commenced when the Commissioner believes that an investigation about a matter should be started into the conduct of an Australian legal practitioner, law practice employee or unlawful operator. Once investigated, the matter can be dismissed or proceed further. Regulatory responses may include proceeding with a disciplinary application, or if the conduct related to an unlawful operator, by complaint and summons to prosecute in the Magistrates Court, or other statutory protection measures such as an injunction or banning order from the Supreme Court.

The Commission had 240 IMs on hand at the start of the reporting period. 128 new referrals for investigation were made. 153 were finalised during the period, including 32 files where, following a detailed assessment, no IM was commenced. This is a 39% increase in finalisations from the previous year. The Commission also issued

11 letters of caution and was given 12 undertakings by practitioners. At 30 June 2024 there were 215 IM files open for assessment or investigation.

IM by Outcome	2023-24	2022-23	2021-22
IM not commenced	32	17	0
s.24AA AIA – repeal of decision	1	5	4
s.446(2)(a) – commence in Magistrates court	4	2	3
s.446(2)(b) – refer to police	1	2	3
s.446(2)(d) – no further action	10	0	0
s.447 – decision to refer to LPC	1	1	0
s.447 – decision to refer to QCAT	36	25	18
s.448(1)(a) – dismissed - no reasonable likelihood	37	36	16
s.448(1)(b) – dismissed - no public interest	31	22	8
Total	153	110	52

IM by Area of Law	2023-24	2022-23	2021-22
Administrative Law	1	2	0
Bankruptcy and Insolvency	2	0	2
Building /Construction Law	1	1	0
Commercial /Company Law	1	0	1
Conduct not in the practice of law	20	17	12
Conveyancing	10	2	2
Criminal Law	11	9	3
Deceased Estates or Trusts	14	6	1
Family Law	6	4	4
Immigration	1	3	2
Industrial Law	1	1	1
Law Practice Management	3	0	0
Litigation	15	4	6

IM by Area of Law	2023-24	2022-23	2021-22
Personal Injuries /Workcover Litigation	14	6	2
Property Law	7	0	0
Trust Account Breaches	4	3	3
Unknown	1	3	1
Other	41	49	17
Total	153	110	57

IM by Matter Nature	2023-24	2022-23	2021-22
Communication	2	2	0
Compliance	62	38	20
Costs	10	3	2
Documents	0	1	0
Ethical Matters – Communication	0	1	0
Ethical Matters – Disclosure	6	1	0
Ethical Matters – Dishonesty	4	7	0
Ethical Matters – General	21	19	22
Personal Conduct	20	17	3
PIPA	10	4	1
Quality of Service	8	4	3
Trust Funds	4	7	4
Other	6	5	2
Total	153	110	57

5.3 Reconsiderations

While there is no obligation under the Act to reconsider a matter, it is considered to be good decision-making practice and in the public interest to reconsider a statutory decision when a request is made, if the matter has not previously been reviewed.

During the reporting year the Commission commenced work on a Reconsideration Policy to give greater guidance and clarity around when a request for reconsideration can be made and the decision-making process if a request is accepted. Work on this policy is ongoing, with the aim of publishing it in the next reporting year.

During the reporting year there were 77 requests for reconsideration accepted. 35 reconsiderations were finalised this year which was 32.6% less than last year. 34 reconsiderations had the decision affirmed and one matter had the decision repealed to allow further assessment.

6. Litigation

The 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. These proceedings can be before one of the two disciplinary bodies in Queensland being the QCAT and LPC. Unlike other jurisdictions, the Commissioner has no ability to make determinations in relation to conduct and, under the current legislation, the only disciplinary course to deal with inappropriate conduct is through a disciplinary proceeding. In recent years, and in the shadows of the pandemic, that has led to an increased number of disciplinary applications being made by the Commissioner.

The Commissioner also seeks to protect the public and the profession from those purporting to practise law without the necessary qualifications, including a valid certificate (unlawful operators). Practising law, or even representing an entitlement to do so, without the necessary qualifications is a criminal offence. The Commissioner can commence proceedings in the Magistrates Court for these and other offences within the Commission's jurisdiction.

In addition to these actions, the Commissioner also commences other litigation and proceedings, such as seeking injunctions. This regulatory activity requires significant resourcing and time. However, these functions are critical to the protection of all Queenslanders and consumers of legal services. There are instances, where the potential impact of harm to individuals, as well as the reputation of the profession and confidence in the administration of justice, will warrant such matters taking priority over disciplinary matters.

In all matters relating to litigation, the Commissioner is supported by our in-house litigation team or by external legal service providers.

There were 75 litigation matters on hand at the start of the reporting year. 67 new matters were commenced, and 25 matters were finalised, including where decisions were handed down for matters heard in previous reporting years. There were 116 active litigation files on-hand at 30 June 2024. These numbers are broken down below.

Litigation by Outcome	2023-24	2022-23	2021-22
Dismissed	1	1	0
No proceeding commenced	2	1	3
One or more charges proven	17	6	17

Litigation by Outcome	2023-24	2022-23	2021-22
Withdrawn (after DA filed)	0	1	4
Reconsidered (no DA filed)	5	0	0
Total	25	9	24

Litigation by Area of Law	2023-24	2022-23	2021-22
Commercial /Company Law	0	0	3
Conduct not in the practice of law	4	0	0
Conveyancing	2	0	3
Criminal Law	0	1	1
Deceased Estates or Trusts	3	0	1
Family Law	4	1	1
Industrial Law	1	0	0
Litigation	2	2	4
Personal Injuries /Workcover Litigation	0	0	1
Property Law	0	1	1
Trust Account Breaches	0	0	5
Other	8	4	4
Total	25	9	24

Litigation by Matter Nature	2023-24	2022-23	2021-22
Communication	4	0	1
Compliance	4	2	7
Costs	1	0	1
Ethical Matters – Disclosure	1	0	0
Ethical Matters – Dishonesty	3	2	0
Ethical Matters – General	3	3	6
Personal Conduct	3	1	1

Litigation by Matter Nature	2023-24	2022-23	2021-22
PIPA	0	0	1
Quality of Service	4	0	0
Trust Funds	0	0	1
Other	0	1	6
Total	25	9	24

Litigation by Respondent Type	2023-24	2022-23
Barrister	0	1
Other	2	0
Solicitor	22	7
Unlawful operator	1	1
Total	25	9

6.1 Disciplinary proceedings

The year commenced with 66 disciplinary proceedings on-hand. 57 new matters were opened during the reporting period which is an increase of 41% from the previous year. 20 matters were finalised, including 18 decisions being handed down by QCAT, a 133% increase of finalisations on the previous year.

The Commission has made significant improvements in addressing the number of matters awaiting filing in a disciplinary body in 2023-24, the most substantial of which is the improvement in productivity. In 2023-24 the Commissioner filed 55 discipline applications with QCAT, which is five times as many matters referred to QCAT in 2022-23 (11) and 2.5 times as many matters filed in 2021-22 (21).

The number of matters filed in QCAT this reporting year, while reflective of the conduct issues in the profession, also demonstrates the results of continuous business and cultural improvements within the Commission, effected by improved workflow processes, early involvement in investigations, improved allocation of resources and proactive case management.

The Commission will continue working to develop a more streamlined approach to QCAT proceedings and improved timeliness. This will be achieved by staffing stability, improved knowledge management and the continued use of external legal service providers and ongoing consultation with QCAT where appropriate.

As at year end, there were a further 36 matters ready and awaiting filing with a disciplinary body following a decision to commence disciplinary proceedings. Filing of these matters is being managed in the overall context

of being able to adequately resource all matters at various stages that are already filed with the disciplinary bodies.

As at 30 June 2024, 100 discipline application files were on-hand at varying stages of progression.

6.2 QCAT decisions

This year QCAT handed down 16 decisions on matters filed by the Commissioner. This included decisions handed down for matters commenced and heard in previous reporting years, as well as decisions relating to interlocutory matters. These decisions are available to download from the Supreme Court Library Queensland's website at www.sclqld.org.au/caselaw/QCAT.

Unfortunately, QCAT was unable to hear or accommodate more matters this reporting year. This is a disappointing result for the Commission given the large volume of work that has gone into numerous matters and has resulted in further growth in the significant backlog of matters that will need to be heard in the coming reporting years.

The growing concern is that while conduct is not able to be addressed by QCAT and consequently there is less deterrence achieved, both personal and general, then the result that appears to be ensuing is increased conduct challenges and higher risks to members of the public and consumers of legal services.

14 decisions found that the legal practitioner had engaged in professional misconduct or unsatisfactory professional conduct. Sanctions imposed in these decisions included:

- 2 practitioners received a reprimand
- 6 practitioners were removed from the local roll
- 1 practitioner was disqualified from applying for registration for a specified period
- 5 practitioners were required to pay a pecuniary penalty

Of the six practitioners removed the roll, three were as a result of convictions for serious criminal offences (including for serious dishonesty and offences of a sexual nature). The remaining three involved a variety of conduct including failing to respond to notices issued by the Commission, making serious unsubstantiated allegations, acting without instructions and trust account breaches.

6.3 Discipline register

The Commission maintains a public register of disciplinary action against lawyers 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 conduct, being professional misconduct. Disciplinary actions of this kind are required to be reported on the register and the relevant party identified by law, regardless of any non-publication order.

In accordance with the Act, disciplinary findings of the lesser categorisation of unsatisfactory professional conduct are currently not entered in the register, unless they attract a practising certificate related consequence (such as suspension, cancellation, refusal to grant or strike off). However, as all orders of the QCAT and LPC are required

by the Act to be filed with the Supreme Court, the outcome of all disciplinary proceedings become a matter of public record and are freely searchable, unless subject to a non-publication order.

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

6.4 Unlawful operator and summary offences

The Commissioner relies on reports from members of the public, practitioners and the courts to identify these activities for potential investigation. Investigation of these matters involves gathering sufficient evidence to meet the higher burden of proof required to successfully prosecute alleged offenders.

Prosecutions of offences 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.

The Commission successfully prosecuted three individuals, has filed five other matters for prosecution for unlawful operation and sent one cease and desist letter during the year.

6.5 Injunctions and Warrants

Injunctions

Injunctions can be sought under section 703 of the Act and are another tool available under the Act to take swift action against persons who are, or maybe engaging in unlawful conduct and may be harmful to the consumers of legal services in Queensland. Injunctions are only sought where it is in the public interest to do so and provide a means to prevent harmful action from continuing while an investigation or disciplinary action is undertaken.

The Commission finalised four Supreme Court injunction application in the reporting year, with an injunction being made by consent for one matter, undertakings being given to the Supreme Court by the respondent in two applications and the fourth application being discontinued following the death of the respondent.

Search warrants

The Commission respects the rights of individuals and understands that the use of search warrants and other coercive powers under the Act can impact on, and limit, the rights of individuals. In particular, a person's right to privacy and reputation, and property rights may be limited by the exercise of these powers. As a result, these decisions are taken seriously, and the powers only exercised where necessary and in a manner that is compatible with human rights.

While such powers may at times impact the rights of individuals the exercise of the powers are nevertheless an important mechanism available to the Commissioner in the discharge of its statutory functions to regulate the legal profession.

The Commission obtained three search warrants in the reporting year and executed two of these. The Commission is appreciative of the cooperation and support of the Queensland Police Service in assisting the Commission in executing the warrants.

7. Operations, Policy and Strategy

Part of the Commission's role includes the publication of information and guidance to the profession and the public, on compliance with the Act, the Commission's approach to regulation and its regulatory remit. This may include the publication of information sheets to aid the public's understanding of Act, as well as policies and regulatory guidelines to assist the profession.

As the peak regulatory body for the legal profession, the Commission also has a role in pursuing and assisting in legislative reform that relates to the profession. This includes participating in the development and consultation processes surrounding proposed legislation or amendments, and where changes impact the Commission's regulatory remit, implementing those amendments and changes.

7.1 Policy and Strategy

During the reporting year the Commission commenced work on the review of existing policies and guidelines to ensure all publications were up to date and fit for purpose. The review also served to identify any gaps that existed for the development of new policies and procedures. Included in this was the review of the Commission's client complaint handling policy, on which work is ongoing.

The review identified the need for greater governance and structure around the Commission process for review and development of policies, procedures and guidelines (both internal and external facing) and work was commenced on development of a framework to better govern this work. It is expected that work will be completed on this in the next reporting year.

7.1.1 Project Agility

During the reporting year the Commission undertook a range of work aimed at modernising the Commission, raising awareness of our role in the regulation of the profession and improving the quality of services provided, both to the public and the legal profession alike. This series of interlinked pieces of work were coined 'Project Agility', to reflect the Commission's commitment to being an agile regulator and adapting to meet new challenges in an ever-changing profession and regulatory environment.

Each change will have a varying level of impact upon the public and members of the profession, however the culmination of the work from Project Agility went live from 1 July 2024 and so reflections upon the outcomes will be contained in the 2024-25 Annual Report. Outlined below are the key pieces of work undertaken in the lead up to the launch on 1 July 2024.

Sexual harassment reporting tool (Elker)

Work was undertaken to launch an online sexual harassment reporting tool, to allow people to report instances of sexual harassment in the legal profession. Importantly, this reporting platform allows those wishing to remain anonymous to do so.

The sexual harassment reporting tool is accessible from the Commission's website and provides a safe and secure portal through which targets and witnesses of sexual harassment can report what happened with as much or as little detail as they feel comfortable providing. These are not formal complaints under the Act; rather, the portal is an informal means of reporting, that aims to reduce the barriers to reporting of sexual harassment within the legal profession and encourage people to come forward and share their experience in a safe way.

Reporters can choose to identify themselves or remain anonymous throughout the entire process and they have control over how their report will progress, including whether they wish to make a formal complaint to the Commission.

The portal will enable anyone, including clients or legal support staff, to report their experiences of harassment within the legal profession. Details of available support services are provided within the reporting tool and will be highlighted to reporters throughout their contact with the Commission.

Reports will be reviewed by the Commission's specially trained Sexual Harassment Response Team, formed by selected individuals from within the Commission's existing staff. These staff members have undertaken trauma informed response training to ensure they are adequately equipped to respond to reports of sexual harassment and can appropriately engage with reporters. Reporters will have a single point of contact within the response team who will have carriage over their report from start to finish.

The reporting tool has a range of safety features for users, including a secure login and quick exit option, and has a two-way chat which allows users to engage with the team at the Commission in real-time (within business hours) or at their own convenience.

Where reporters remain anonymous or choose not to formalise their report into a complaint, the reporting tool will enable the Commission to gather valuable information about the profession and monitor areas of concern, including law practices or practitioners, and where possible take other regulatory action or engage in educational activities with the profession.

The reporting tool is hosted by Elker, an external anonymous reporting platform provider who has implemented the reporting tool for legal regulators, government agencies and other companies across Australia. Implementation of the reporting tool brings Queensland into line with other jurisdictions who have established similar anonymous reporting tools.

Commission rebrand and new website

The Commission's rebrand focused on ensuring that the Commission is seen as an independent, modern, and professional regulator and a leader within the legal profession. This was achieved through the use of an expanded and modern colour palette and the creation of a new and distinctive logo, which will be used to raise awareness of the Commission and its various functions.

As part of the rebrand, the Commission also had a new website developed, designed to improve the user experience and create a useful public facing and internal resource. The previous website was outdated, complicated and difficult to navigate. The new website remedies these issues by streamlining and simplifying the information available for both the public and legal practitioners alike, and ensuring it only contains accurate and accessible information, written in plain English.

New enquiry first process and digital form

The Commission has also implemented a new 'enquiry first' process, which represents a significant shift in process and methodology, with all matters coming to the Commission being treated as an enquiry. The new process does not prevent a person making a complaint if they wish to do so. However, it will allow the Commission to better triage and manage matters with a view to improving operational efficiencies and customer experience, and be a more responsive, efficient, and effective regulator.

The enquiry first process will enable the Commission's Enquiries and Complaint Triage Team to better manage the experience of enquirers by engaging with them earlier to understand the ways in which the Commission can help, guide them in formalising a complaint where they wish to do so, and providing referrals to alternative agencies and organisations where required.

To support this process change, and to modernise the way in which the Commission collects information, a new digital enquiry and complaint form was developed. The digital form is a new and modern way for the public and members of the profession to interact with the Commission. The form is a smart form, meaning that it guides and prompts users to ensure that they provide relevant information and skips through questions that are irrelevant to a particular user and is accessible from the Commission's website.

7.1.2 Project Leapfrog

During the reporting year, the Commission initiated Project Leapfrog to address the critical deficiencies of the Commission's legacy case management system (CMS). The Commission's CMS is used to carry out all core business and statutory functions, including management of complaints, disciplinary and enforcement activities and other regulatory activities. The legacy system hinders the Commission's ability to carry out these functions in an efficient and expeditious manner due to a heavy reliance on laborious business processes and work arounds established to accommodate its limitations. The system also has limited capability to track matters required by the anti-claim farming offences introduced in the PIPOLA and lacks adequate integration with external systems for timely data sharing among co-regulators, including the QLS and BAQ.

The project supports the Commission's strategic objectives for modern and effective regulation of the legal profession, timely handling of complaints and enquiries, and is aligned with the Department's ICT Strategy 2022-26, which highlights the importance of continuous development of ICT capabilities and fostering a more integrated justice service response. With the legacy system nearing the end of its life and built on obsolete technology, Project Leapfrog aims to implement a modern CMS that will support all of the Commission's regulatory functions, while delivering business value by improving workforce efficiency, adaptability, information sharing, decision-making, and service continuity.

At the end of the reporting year, the project had neared completion of its business requirements and solution options analysis, with stakeholder consultations and feasibility assessments underway. The next phase will focus

on delivery planning, with CMS implementation expected by the end of the 2024-25 reporting year and project closure early the following reporting year.

7.2 Governance and Organisational Structure

A copy of the Commission's Organisation Chart can be found at [Appendix B](#).

7.2.1 Commissioner

The 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 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 and service demands permit.

Commissioner Mahon was appointed as 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 (at that time) and her WLAQ 2009 Woman Lawyer of the Year award. Commissioner Mahon was also the 2017 recipient of the QLS President's Medal.

In October 2023 Commissioner Mahon was re-appointed as Commissioner for a further five-year term.

7.2.2 The Commission's Senior Leadership Team

In addition to the Commissioner, the Commission's Senior Leadership Team comprises the Deputy Commissioner (currently vacant) and the following senior leaders.

Scott McLean – General Counsel

The General Counsel leads the Commission's in-house litigation team, responsible for conducting disciplinary proceedings, offence prosecutions and other enforcement action, and general litigation on behalf of the Commissioner.

Scott returned to the Commission in March 2024 having previously worked with the Office of the Health Ombudsman as Executive Director, Legal Services and Director of Proceedings. Scott is a lawyer with over 30 years' experience in private and government practice focusing on criminal prosecutions, professional regulation and discipline.

Kellie Grainger – Director, Professional Conduct

The Director, Professional Conduct leads the Commission's teams responsible for the intake and assessment of enquiries and complaints, the investigation of complaints and investigation matters as well as investigations about possible offences under the Act (such as unlawful operators) and under PIPA (such as claim farming and PIPA advertising breaches).

Kellie joined the Commission in August 2020, having previously worked at the regulator for the legal profession in the Northern Territory, the Law Society Northern Territory, for eight years. She holds Bachelor of Laws and Bachelor of Commerce degrees. Following her admission in 1996, she worked in private practice in regional Queensland for over 16 years.

Brad Fitzgerald – Director, Operations, Policy and Strategy - Retired from the role on 16 February 2024.

The Director, Operations, Policy, and Strategy is responsible for the business operations of the Commission, legislative reform, stakeholder engagement, data and reporting, development and review of internal policies as well as regulatory guidelines for the profession.

Brad joined the Commission in 2020 as an investigator before moving into the role of Director, Operations Policy, and Strategy in 2022. As acknowledged by the Commissioner, Brad left the Commission and returned to private practice in February 2024.

7.2.3 Staff of the Commission

The Commission comprises the Commissioner and a full-time equivalent (FTE) team of 29 staff. Due to backfilling and delivery demands, at 30 June 2024, the Commission had an actual FTE count of 35.8, with 18 staff being employed on a temporary basis (four of which are seconded from other inter-departmental agencies), one staff member on extended leave and three staff on reduced working hours. There are 16 substantial vacancies, all being filled by the temporary staff (with the funding for two additional FTEs expiring during the year, related to claim farming funding as further addressed below). The net result being an actual FTE of 35.8 staff.

The Commission was granted additional funding for the implementation of the new oversight and enforcement measures to prohibit claim farming practices contained within the PIPOLA in the reporting year. The funding for the reporting year provided for six FTE at the start of the year and reduced to four positions that are the subject of recurrent funding (which at the end of the reporting year was yet to be released). Those ongoing FTEs are included in the above Commission staff numbers.

7.2.4 Organisation change and workforce planning

The Commission has seen significant improvement to its structure and operations over the past four years, including an organisational restructure, improvements to business processes and broadening the scope of its operation to include both proactive and reactive regulatory functions. A new strategic plan for 2022 - 27 was also developed to help guide the Commission along this improvement journey. These changes and improvements have all been aimed at ensuring the Commission is an efficient and effective regulator and fulfilling all of its statutory functions and obligations.

While these previous changes have seen marked improvement across operation, which has materialised in this past reporting year, further refinement and optimisation was required to assist the Commission in dealing with growing service demand. Project Agility introduced those changes, with effect from 1 July 2024, with all work carried out in the reporting year. This included slight adjustments to the structure and composition of the Commission's three core units. With a commitment to continual improvement, the Commission will continue to assess these changes at regular intervals to determine if they have assisted in service delivery and other outcomes.

7.2.5 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. The lawyers employed at the Commission are also subject to the professional obligations of all lawyers, including professional rules of conduct. All staff of the Commission are provided ethics and code of conduct training through the Department when onboarded and undertake refresher courses at intervals determined by the Department.

7.3 Performance Reporting

Service	Performance Target	2023-24
Enquiries: informal queries or enquiries that are made by telephone, writing, email or in person.	Respond to all enquiries in a timely manner. Enquiries received: Response times: • 100% within five working days of receipt	 2,428 91.86%
Complaints: new complaints received.	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. Complaints on hand at 30 June 2023	1,046 613
Summary dismissals: number of complaints assessed and finalised by way of summary dismissal	Number of summary dismissals. Assess and finalise complaints that are deemed summary dismissals: • 70% within four months • 100% within six months	763 80.12% 91.74%
Investigation Matters: investigation matters commenced by the Commissioner.	Commence own motion investigations where information comes to the attention of the Commissioner and is in the public interest to commence an investigation	128

Service	Performance Target	2023-24
Investigate and finalise complaints and investigation matters.	Investigations finalised: number of complaints and investigation matters investigated and finalised which involve a disciplinary issue or a contravention of a relevant law (this figure does not include complaints that are summarily dismissed – set out above).	
	Number of investigations completed:	498
	Finalised:	
	• 60% of investigations within 18 months	55.02%
	• 100% within 24 months	70.48%
Reconsiderations: there is no power or obligation under the Act to reconsider a matter. However, it is considered to be in the public interest to reconsider a statutory decision when requested, if the matter has not previously been reviewed, even though it has a significant resourcing impact.	Number of matters reviewed and reconsidered where appropriate	35
	• Decision affirmed	34
	• Decision revoked for further assessment of matter	1
Prosecutions and other enforcement: prosecution of disciplinary matters or other enforcement action.	Number of new prosecutions allocated	67
	Number of prosecutions finalised/decisions delivered	25
ILP Compliance Audits: ensure all LPDs of an ILP are contacted within one month of commencement of practice.	Number of initial self-assessment letters sent to directors of newly notified ILPs	173
		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 six engagements per year	17
	Continually review website and publications for both content and accessibility	Ongoing

7.4 Financial Reporting

The cost of administering the system for dealing with complaints in 2023-24:

Legal Services Commission	2023-24 Original Budget ² \$	2023-24 Amended Budget ³ \$	2023-24 Actual ⁴ \$	2024-25 Approved Budget \$
Employment Costs	4,904,900.00	5,364,000.00	4,786,342.45	4,734,200.00
Other Costs ¹	4,531,400.00	3,203,600.00	2,515,895.09	3,214,300.00
Total	9,436,300.00	8,567,600.00	7,302,237.54	7,948,500.00

¹ This figure includes brief-out costs of \$573,211.

² In March 2022 the Cabinet Budget Review Committee approved funding of \$6.703M over 2022-26 for the enforcement of new measures to prevent undesirable billing practices by lawyers in speculative person injury claims. In 2023-24 the allocation was \$1.770M.

³ Funding of \$1.543M was deferred from 2022-23 for:

- Backlog issues (\$0.955M); and
- purchase of new Case Management System and media campaign (\$0.588M).

⁴ At the conclusion of the year funding of \$3.383M was deferred into 2024-25 for:

- purchase of new Case Management System (\$2.000M);
- contractor costs for the Case Management System (\$0.425M); and
- continued work related pressures (\$0.958M)

Brief out costs

2021-22	2022-23	2023-24
\$210,623	\$495,209	\$573,211

Penalties and costs

Orders	QCAT \$	LPC \$	Courts \$	2023-24 total \$	2022-23 total \$	2021-22 total \$
Penalties (QCAT/LPC/Courts)						
Ordered	2,500		-	2,500	2,000	10,000
Payments received	5,000		-	5,000	2,000	7,500
Written Off	-	-	-	-	-	-
Payments pending at 30 June	4,000			4,000	6,500	6,500
Costs (QCAT/LPC/Courts)						
Ordered, agreed or assessed	116,970			116,970	6,500	139,533
Payments received	96,790			96,790	98,600	109,667
Written off		-	-	-	-	-
Payments pending at 30 June	171,649		-	171,649	151,468	243,568

*Courts – include matters heard in the Magistrates, District and Court of Appeal

7.5 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.

7.6 External scrutiny

The Commission responded to two complaints investigated by the Queensland Ombudsman, which resulted in no further action. There were no significant findings or reports handed down by the Ombudsman specifically related to the Commission.

During the reporting year the Commission responded to two complaints relating to human rights, one of which was finalised in the reporting year with no further action required and one matter is ongoing.

7.7 Service Complaints

Feedback is an important tool to assist the Commission to continue to improve the quality of service provided. Constructive feedback, including complaints, helps us to identify areas for organisational improvement, staff development and training, and what we are doing right.

During the reporting year the Commission commenced a thorough review of our existing client complaints handling policy, to ensure ongoing compliance with Australian standards and the Queensland Ombudsman's *Guide to Developing Effective Complaints Management Policies and Procedures*. The review is nearing completion, and the policy will be published to the Commission's website in the next reporting year.

The Commission received 16 service complaints and finalised 15 during the year, including those from previous reporting years. 14 matters required no further action and one matter was referred to an external agency for further action.

7.8 Information and record keeping

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

The Commission understands the need for constant vigilance and improvement in this area. Having undertaken a process of review and gap analysis of our information and record keeping systems, it was identified that the current CMS needs to be replaced. The Commission currently operates a 25-year-old CMS, to support its service delivery. This system is used to manage all functions of the Commission but has many critical deficiencies and is at end-of-life.

The Commission commenced Project Leapfrog during the previous reporting year to implement a new CMS that effectively addresses the critical deficiencies of the current system and provides sustainable technology.

There has also been continued impact by a major IT upgrade by the QLS, which has affected the data-feeds to the Commission's case management system. The Commission, our CMS providers, the QLS and the QLS IT Team have worked diligently to ensure that accurate data was available for the purpose of this annual report and to ensure that useable data could be fed into the Commission's CMS.

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.

7.9 Right to Information

There were five compliant applications made under the *Right to Information Act 2009* and four compliant applications for access under the *Information Privacy Act 2009* in the reporting year.

7.10 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 authority 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.

While the very nature of the regulatory work that we do results in making decisions that may impact individual human rights, all decisions appropriately consider and are compatible with human rights, including that where any limitation is imposed, it is considered reasonable and demonstrably justified. These decisions strike a balance between the rights which may be limited and the nature and purpose of the limitation. Any such limitation on human rights resulting from a decision of the Commissioner is done so lawfully, as provided for in the regulatory regime of the Act and where public interest considerations are considered, such as the protection of the public and the reputation of the profession, and it is in the interests of the administration of justice.

The Commission has reviewed, and continuously reviews, all decision-making processes, policies and guidelines to ensure their continued compatibility with human rights.

7.11 Open data

Without limiting our powers and obligations under the Act, the Commission aligns with the Department's Open Data Strategy. For more information on the Open Data Strategy visit the Queensland Government Open Data Portal.

7.12 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.

7.13 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.

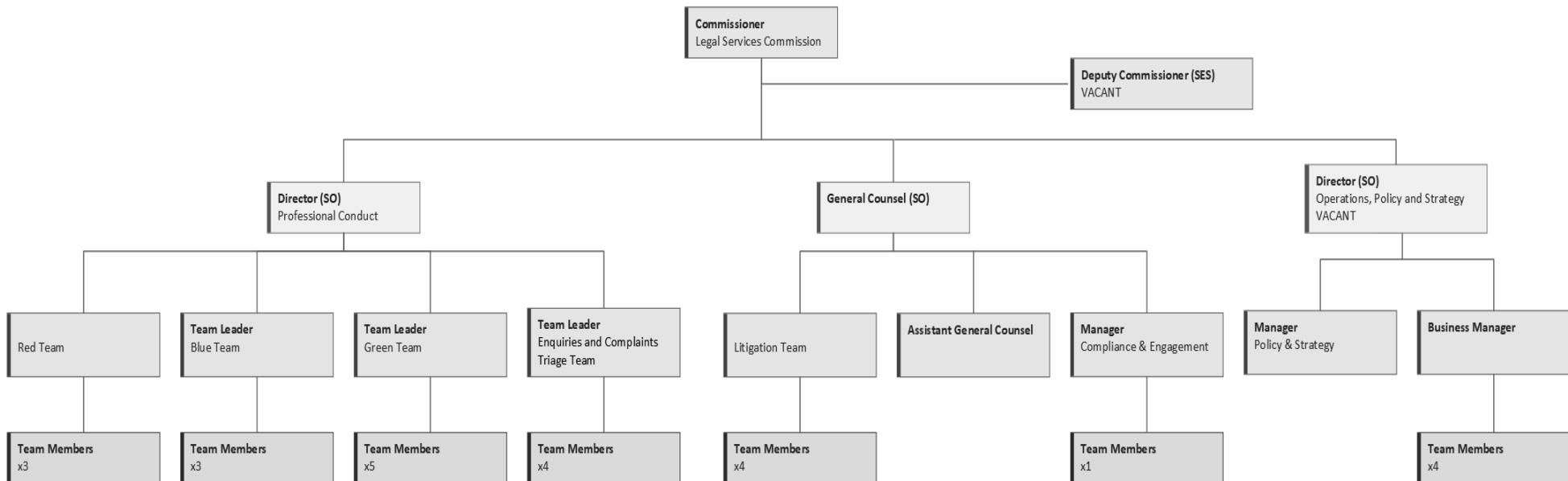
8. Appendices

Appendix A

Abbreviations and acronyms	
BAQ	Bar Association of Queensland
Commission	Legal Services Commission
Commissioner	Legal Services Commissioner
Investigation matter (IM)	Pursuant to the Act the Commissioner has power to commence an investigation without a formal complaint being made
ILP	Incorporated legal practice
LPAB	Legal Practitioners Admissions Board
LPC	Legal Practice Committee
LPD	Legal practitioner director (of an ILP)
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
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
UPC	Unsatisfactory professional conduct

Appendix B – Legal Services Commission Organisational Chart

LSC Organisational Structure



Appendix C – Compliance checklist

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	3
Accessibility	<ul style="list-style-type: none"> Table of contents Glossary 	ARRs – section 9.1	4-5
			45
	<ul style="list-style-type: none"> Public availability 	ARRs – section 9.2	2
	<ul style="list-style-type: none"> Interpreter service statement 	Queensland Government Language Services Policy ARRs – section 9.3	2
	<ul style="list-style-type: none"> Copyright notice 	Copyright Act 1968 ARRs – section 9.4	2
	<ul style="list-style-type: none"> Information Licensing 	QGEA – Information Licensing ARRs – section 9.5	2
General information	<ul style="list-style-type: none"> Introductory Information 	ARRs – section 10	9-12
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	39-40
	<ul style="list-style-type: none"> Agency service areas and service standards 	ARRs – section 11.3	39-40
Financial performance	<ul style="list-style-type: none"> Summary of financial performance 	ARRs – section 12.1	40-41
Governance – management and structure	<ul style="list-style-type: none"> Organisational structure 	ARRs – section 13.1	37, 46
	<ul style="list-style-type: none"> Executive management 	ARRs – section 13.2	37-38
	<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	39
	<ul style="list-style-type: none"> Human Rights 	Human Rights Act 2019 ARRs – section 13.5	43
	<ul style="list-style-type: none"> Queensland public service values 	ARRs – section 13.6	-
Governance – risk management and accountability	<ul style="list-style-type: none"> Risk management 	ARRs – section 14.1	41
	<ul style="list-style-type: none"> Audit committee 	ARRs – section 14.2	-
	<ul style="list-style-type: none"> Internal audit 	ARRs – section 14.3	-

	• External scrutiny	ARRs – section 14.4	42
	• Information systems and recordkeeping	ARRs – section 14.5	42-43
	• Information Security attestation	ARRs – section 14.6	-
Governance – human resources	• Strategic workforce planning and performance	ARRs – section 15.1	38-39
	• Early retirement, redundancy and retrenchment	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 15.2	-
Open Data	• Statement advising publication of information	ARRs – section 16	43
	• Consultancies	ARRs – section 31.1	https://data.qld.gov.au
	• Overseas travel	ARRs – section 31.2	https://data.qld.gov.au
	• Queensland Language Services Policy	ARRs – section 31.3	https://data.qld.gov.au
Financial statements	• Certification of financial statements	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	3
	• 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