

**Legal Services Commission**

ANNUAL REPORT

**2022–23**



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**Acknowledgement of the traditional owners**

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

## Letter of compliance



27 October 2023

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

Dear Attorney-General

In accordance with section 4901(1) of the *Legal Profession Act 2007*, I am pleased to submit for presentation to the Parliament the Annual Report 2022-2023 and financial statements for the Legal Services Commission.

I certify that this Annual 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 36 of this annual report.

Yours sincerely

*M. Mahon*

Megan Mahon  
Commissioner

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### LEGAL SERVICES COMMISSION

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# 1. Overview

## Message from the Commissioner

As in all years, it has been another eventful year at the Commission. We have continued to focus on implementing our new strategic direction, including finalising our organisational structure and the re-work of our internal procedures. The work done in this space has had many positive impacts across the organisation, which has been reflected in our increased productivity for the year.

The Commission saw an increase in the number of matters received or commenced during the reporting period. There was a 25% increase in new matters, both complaints and investigation matters, which is significant. Matters are also becoming increasingly complex and often involve review of voluminous material. However, as a result of our new process and procedures, and the Commission's commitment to continuous improvement, we also saw a greater number of matters completed and an increase in efficiency across the board.

There was also a corresponding increase in the number of discipline applications and criminal prosecution matters that we commenced this year, with a 123% increase on the previous reporting period. We also filed an additional 11 discipline applications with the Queensland Civil and Administrative Tribunal (QCAT) and 3 criminal prosecutions in the Magistrates Court. No doubt due to its many significant and competing demands, QCAT was unable to hear and finalise many disciplinary matters this reporting year, with reporting decisions down on previous years. This has resulted in a significant backlog of matters that will need to be filed and heard in the coming reporting years.

Unlike other jurisdictions, the Commission has no ability to make determinations in relation to conduct and as such, all matters warranting a disciplinary outcome must proceed to be determined by a disciplinary body (being the Legal Practice Committee for the lesser conduct matters or law practice employee conduct matters or QCAT).

While the profession itself has ethical and professional responsibilities to honour, the regulatory regime holds them to account or encourages more than mere technical compliance. The Commission has a significant role in that regime and is the sole entity able to commence a disciplinary proceeding.

There has been discussion for many years, and probably decades, that there is ongoing decline in professional standards and even simple professional courtesies. While the Commission (and the regulatory bodies) simply doesn't have the resources to deal with every single transgression, if we don't take steps to address some of those less serious conduct matters, then over time that decline soon becomes a noticeable slide.

The proverbial slippery slope will only be addressed and standards maintained – or preferably, improved – if 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.

If that can't be efficiently and effectively dealt, for resource reasons, with given current demands and constraints, then alternative measures need to be considered. Such measures may be totally new, may be improved past practices, or can be modifications of successful practices in other jurisdictions. It is incumbent upon all regulatory stakeholders to continually seek to improve and ensure the regulatory regime - particularly its disciplinary processes that ensure consumer protection - is upheld and effective. That will likely require legislative change to ensure the regulatory regime remains effective, adaptive and contemporary.

At the end of the day, the entire legal profession and stakeholders all want the same outcome: an ethical and robust profession that has the confidence of the public, fellow practitioners and

the judiciary. In that way, the public is protected, the profession enjoys a rightfully positive reputation of high regard and the administration of justice operates effectively.

The Commission strives to continuously engage with the legal profession, judiciary, academia and other key stakeholders, on variety of issues and to ensure there is awareness of the Commission and its role. Engaging with stakeholders is a key function of this and helps to maintain a contemporary knowledge of the current issues facing the profession and how the Commission can seek to address these. A priority for the reporting year was to engage directly with the profession, and this year provided the first real opportunity to do so. Over the course of the year I was able to make multiple visits to metro and regional areas to engage with members of the profession, academia and the judiciary, and inform them of the work being done at the Commission, but most importantly, to listen.

In October 2022 we were fortunate to host the first in-person National Conference of Regulatory Offices (CORO) since COVID. CORO is an annual conference that provides a rare opportunity for the regulators of legal services across all Australian jurisdictions and New Zealand to come together for a three-day conference. It's an opportunity to better understand the work ongoing in each jurisdiction, to share ideas, collaborate and discuss the broad variety of matters that we are commonly facing in the regulation of the profession. I would like to thank both the Bar Association of Queensland and the Queensland Law Society in their support and assistance with co-hosting the conference in Brisbane. The event was a great success and I would like to thank all those who participated in our various panels discussions and presentations. The conference saw over 83 attendees join us from across the nation, and New Zealand. I, along with our management team, express our deep thanks to all who made it a success. I look forward to seeing the progress that has been made in each jurisdiction at the next CORO in Tasmania.

The reporting year also saw the implementation of the *Personal Injuries Proceedings and Other Legislation Amendment Act 2022*. The Act brought in a series of reforms to stamp out claim farming in Queensland. The Legal Services Commission was the lead agency in the implementation process and benefited from the collaborative participation of the Office of Industrial Relations and the Motor Accident Insurance Commission, our co-regulators in the space. The Commission was supported by the Department of Justice and Attorney-General, Queensland Corrective Services, Office of Industrial Relations and Motor Accident Insurance Commission, the Queensland Law Society and Australian Lawyers Alliance in extending the reach of advertising and awareness campaign, that ran as part of the implementation process. I thank each of our significant stakeholders for their support in ensuring the implementation and the awareness campaign was a success.

The reporting year continued to see significant advancements in technology, with the expectation of further monumental change yet to come that may change the way legal services are delivered. While there is much talk about the impacts of AI in particular, we have seen examples of major flaws and fails in solely relying on the current artificial aids to prepare documents (and infamous court submissions). Ultimately, whatever initial source or technological aids used for the delivery of services, our regulatory regime holds individuals responsible for those services. It is incumbent on all practitioners, and particularly principals of law practices, to ensure that the legal services provided are appropriate, ethical and in the best interests of their clients.

As mentioned at the outset, it has been an eventful year at the Commission and another very busy one. I appreciate the ongoing support and collegiality of all stakeholders and other entities with whom we regularly engage. Importantly, I sincerely thank all our staff for their dedication to the work of the Commission, without the ongoing commitment and dedication of our workforce we could not provide the levels of service that we do.

**Megan Mahon**  
Legal Services Commissioner

## **About the Commission**

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

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

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

### ***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.



### ***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.

### ***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.

### ***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.

## 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.

### **Regulatory authorities and their key functions**

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

### **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 legal practitioners or legal practitioner employees 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 are filed in the Magistrates Court for offences under the Act, including unlawful operators, either unlawfully providing legal services, representing that they will or are entitled to provide legal services, and other summary offences.</p> <p>Decisions of the Magistrates Court can be appealed in the ordinary way.</p>

## The Queensland Legal Profession

At 30 June 2023, there were 16,108 legal practitioners who held practising certificates in Queensland, an increase of 2% on the previous year. 14,917 were solicitors and 1,191 were barristers.

7,430 of practitioners identify as male, that's 46.13% of all practitioners. Males make up 43.97% of solicitors and 73.13% of barristers.

8,555 of practitioners identify as female, that's 53.11% of all practitioners. Females make up 55.21% of solicitors and 26.87% of barristers.

123 of Legal Practitioners do not specify their gender, that's 0.76% of all practitioners.

There were 2,887 solicitor law practices, a 14.15% increase from 2022.

1,831 of those were incorporated legal practices, a 11.1% increase from 2022, and represent 63.42% of all solicitor law practices.

1,039 of those were sole practitioners or partnerships, a 19.38% increase from 2022, and represents 35.99% of all solicitor law practices.

17 of those were multi-disciplinary practices, which represents 0.59% of all solicitor law practices.

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.

### **Barristers**

At 30 June 2023, there were 1,191 barristers with practising certificates in Queensland. This is a 2.5% increase on the previous reporting period.

<b>Breakdown of Barristers</b>	<b>Count</b>
Private	1030
Employed	161

<b>Breakdown of Barristers by Seniority</b>	<b>Count</b>
Queen's Counsel or Senior Counsel	133
Junior Counsel	1058

<b>Breakdown of Barristers by Practising Certificate Type</b>	<b>Count</b>
Nil conditions	964
Readership	63
Special – reporting	2
Other	1
Employed	161
<b>Total</b>	<b>1,191</b>

Due to changes in the way that barristers are working post-COVID (such as working from home), data on the numbers of group and individual barristers' chambers has been omitted for this financial year. The BAQ is undertaking a review of group chamber data to determine if there is any meaningful data that can be used and examined in the future.

### **Solicitors**

At 30 June 2023 there were 14,917 practising solicitors in Queensland. This is an increase of 1.95% on the previous reporting period.

<b>Breakdown of Solicitors by Practising Certificate Type</b>	<b>Count</b>
Foreign Lawyer	14
Limited Principal	51
Restricted Employee	3,344
Restricted Principal	3
Restricted Volunteer	55
Unrestricted Employee	7,756
Unrestricted Principal	3,648
Unrestricted Volunteer	46
<b>Total</b>	<b>14,917</b>

## **2. Compliance and Engagement**

The Commissioner has powers under the Act to regulate and audit 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.

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 was re-established last year with the primary objective, and renewed focus, of these audits to help ILPs to implement appropriate management systems 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.

## **Self-Assessment Audits and Compliance Audits**

There are two types of audits that the Commission can conduct: 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 legal practice. The questionnaire is also designed to provide an opportunity for the law practice to identify further improvements that could be implemented.

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, and the Commission conducts these audits on an 'as needs' basis. 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.

These audits may comprise a range of activities, such as surveys, policy and procedure review, interviews with LPDs, managers, staff, clients and relevant third parties, and file reviews.

A draft audit report, including recommendations and further action required to remedy or improve systems, is then published to the LPDs. The Commissioner then ordinarily provides an opportunity for the LPDs to respond to the draft report before it is finalised.

	2022-23
Self-assessment audits sent	156
Returned	93

## PIPA

### ***Advertising Restrictions and Touting***

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.

During the reporting period the Commission received 48 PIPA related enquiries. No investigations in relation to possible non-compliance with the advertising or touting restrictions imposed by the PIPA were commenced. This reduction in enquiries and investigation matters relates to the reduction in the number of queries made regarding the restrictions and the Commissioner's educative approach toward remedying breaches of the PIPA advertising restrictions.

	2022-23	2021-22
PIPA Advertising and Touting	48	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 (LPC) 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 LSC 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.

Since the commencement of the claim farming provisions the Commission has received a total of 55 claim farming related enquiries and closed 54 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.

Claim farming enquiry by outcome	2022-23
General enquiry - no further action	4
Lost Contact with Complainant/Enquirer	1
Matter Unable to be Resolved	15
Provided information about LSC and its functions	10
Negotiated remedial action	23
Provided complaint form	1
<b>Total</b>	<b>54</b>

## Engagement

Over the last reporting year, the Commission has had increased opportunities to engage and communicate with stakeholders and increase awareness of its regulatory, education and public interest functions.

The Commission achieved this 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 continue to drive awareness and, in turn, improvements within the profession.

Last year was the first full year post-COVID where the Commission was able to re-engage with the profession through presentations and attendance at events and engagements, including visiting many district law associations across the State. 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.

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.

In November 2022, Queensland co-hosted the first in-person national Conference of Regulatory Officers (CORO) since 2019. The conference theme was 'The Great Adaption' focussing on how people consume legal services, and how legal services are being delivered and how we as regulators can adapt in a changing landscape. More than 83 delegates from across Australia and New Zealand joined the three-day conference and heard from a range of speakers including The Honourable Chief Justice Helen Bowskill and Professor Rosalind Croucher AM.

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.

## **Claim Farming Implementation and Evaluation**

The Legal Services Commission was the lead agency for the implementation of the *Personal Injuries Proceedings and Other Legislation Amendment Act 2022* and worked collaboratively with the Office of Industrial Relations (responsible for Workers Compensation claims) and the Motor Accident Insurance Commission (responsible for CTP claims), as co-regulators.

From June 2022, the Commission engaged in broad consultation as part of the implementation process with stakeholders internal and external to government and the legal profession. This consultation sought to understand key issues as identified by various stakeholders, what was required to successfully implement that new laws, and what advertising would be required to raise awareness via an ad campaign.

Consultation occurred in one-to-one settings and in group environments. The following stakeholders were consulted at various stages leading up to and after the commencement of all provisions in the amending act on 31 October 2022:

- Knowmore
- Queensland Government Insurance Fund (QGIF)
- Michael Garbett of Moray and Agnew, as Chair of the Queensland Law Society Accident Compensation / Tort Law Committee
- Queensland Law Society (QLS)
- Australian Lawyers Alliance (ALA)
- Bar Association of Queensland (BAQ)
- Crown Law
- Queensland Corrective Services (QCS)
- Prisoners Legal Service Qld



- Insurance Council of Australia (ICA)
- Shine Lawyers
- Maurice Blackburn Lawyers

The Commission thanks all those who participated in the consultation process and is appreciative of their time and contribution.

Representatives from the Commission also presented at numerous events held by the ALA, QLS and at the National Conference of Regulatory Officers about the amendments and implementation of the claim farming reforms.

A state-wide advertising campaign coincided with all provisions commencing on 31 October 2022, and ran throughout November 2022 and again in February 2023, for a four-week period. The campaign targeted both the public and the profession, seeking to raise awareness of the new laws and the issue it sought to address.

The creative for the ad campaign used a strong statement 'Claim farming is now a crime'. The approach was a simple and stylised illustration and animation, which provided a visual explanation of the concept of claim farming, allowing creative to be recognisable and responsive to a diverse audience. Animation was supported by a compelling voice-over, creating a story that explains the concept of claim farming, how they may be approached and a strong call to action to report the behaviour. Assets were created for the profession, with messaging focussing on the new laws and what the changes mean.

The Commissioner provided regular updates to the Legal Services Commission Reference Group and by regular email correspondence directly to the profession. Further reach was achieved through collaboration with the QLS and ALA to push communications through their established networks. A stakeholder communication kit was also circulated to agencies who attended consultation and information sessions, for use in their communications.

## **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 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 four times throughout the reporting period. Topics discussed included the claim farming amendments in the PIPA, the use of terminology within law practices (such as the term 'principal'), supervision requirements, and social media use by lawyers.

The reference group also welcomed eight new members including:

- Bruce Barbour - Crime and Corruption Commission, Chairperson
- Shannon Daykin – FLPA, Vice President
- Jessica McClymont – Women Lawyers Association of Queensland, President
- Sarah Plasto – Queensland Law Society Future Leaders Committee, President
- Trina Faaiuasoo - Pasifika Lawyers Association of Queensland, President
- Rosslyn Munro – Community Legal Centres Queensland, Director
- Chi Mary Kalu - Queensland African Aust Legal Network, member

- Dominic Nguyen – Asian Australian Lawyers Association, Queensland Branch, President

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

## Website Enhancement Project

As part of the Commission’s review of all external facing communication platforms, a project was commenced in the second half of the reporting year, to improve the Commission’s website experience for visitors. This project has included a review all existing content, such as factsheets, regulatory guides and policies, and the introduction of an online enquiry form. This process aims to create a more use friendly experience when engaging with the Commission for both members of the profession and the public. This work is ongoing, and completion is expected before the end of 2023.

Coinciding with the website redesign, the Commission also began work to assist persons wishing to report allegations of sexual harassment within the legal profession. The Commission will implement over the next reporting period a specialised anonymous reporting platform for those wishing to report sexual harassment within the profession. The platform will enable anonymous reporting to a specialised team within the Commission, to provide victims with the safety they need.

## 3. Professional Conduct

The Commission receives and manages complaints and enquiries 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.

### 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.

2,196 new enquiries were received in this reporting year, which was an 11.96% increase on the previous reporting year. 87% of enquiries were finalised within five days.

	2022-23	2021-22	2020-21
Enquiries	2,196	1,976	2,780

The Commission saw an overall increase in the number of other interactions with the profession or members of the public. This includes an increase in the number of 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 and continues to impact output.

	2022-23	2021-22	2020-21	2019-20
Calls	4,788	4,420	5,272	5,223
Documents internally generated and externally provided	20,558	13,535	7,660	5,445
Emails received	22,574	22,440	20,727	16,695
Emails Sent	32,196	27,592	17,519	14,728
<b>Total</b>	<b>80,116</b>	<b>67,787</b>	<b>51,178</b>	<b>42,091</b>

## Complaint 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.

If the Commissioner believes it is reasonable to commence an investigation, that decision results in the commencement of 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 725 complaints and investigation matters on hand at the start of the reporting year. Including summary dismissals, 1,001 complaints and investigations matters were finalised, and 1,191 new matters were received or initiated. At 30 June 2023 there were 915 matters on hand. These numbers are broken down in the following pages.

### Complaints

The year commenced with 518 complaints on hand. 1,048 complaints were received, a 25% increase on the previous reporting year.

891 matters were finalised in the reporting period. Of these, 689 were summarily dismissed and 202 were progressed to an investigation and finalised. At 30 June 2023 there were 675 complaints on hand at various stages of progress.

### **Complaints Investigated**

<b>Complaints (Investigated) by outcome</b>	<b>2022-23</b>	<b>2021-22</b>
No Public Interest	29	25
No reasonable likelihood	132	114
Referred to LPC	1	0
referred to Mags court	1	0
referred to Tribunal	34	15
Referred - Other Investigation Process	1	0
Withdrawn	4	5
<b>Total</b>	<b>202</b>	<b>159</b>

<b>Complaints (Investigated) by Area of Law</b>	<b>2022-23</b>	<b>2021-22</b>
Administrative Law	2	2
Bankruptcy and Insolvency	0	2
Building /Construction Law	3	0
Commercial /Company Law	11	8
Conduct not in the practice of law	2	3
Conveyancing	15	10
Criminal Law	14	14
Deceased Estates or Trusts	25	24
Family Law	66	40
Immigration	3	6
Industrial Law	2	1
Leases /Mortgages	1	0
Litigation	16	20
Personal Injuries /Workcover Litigation	8	9
Property Law	12	8
Trust Account Breaches	3	0
Unknown	1	0
Z - Other	18	12
<b>Total</b>	<b>202</b>	<b>159</b>

<b>Complaints (Investigated) by complainant type</b>	<b>2022-23</b>	<b>2021-22</b>
Barrister	2	2
Beneficiary	2	1
Client/Former Client	125	84
Government	0	1
Judge	0	1
Lay observer	0	0
Legal Aid Commission	1	0
LSC	1	0
M.P.	0	1
Non-client	29	30
Solicitor	13	10
Solicitor for client	11	14
Third Party	18	15
<b>Total</b>	<b>202</b>	<b>159</b>

Complaints (Investigated) by matter nature	2022-23	2021-22
Communication	28	7
Compliance	5	8
Costs	19	18
Documents	5	4
Personal Conduct	9	3
PIPA	1	0
Quality of Service	45	37
Trust Funds	10	6
Other	8	2
Ethical Matters – dishonesty*	7	0
Ethical Matters – communication*	10	0
Ethical Matters -pressuring/threatening*	0	0
Ethical Matters – disclosure*	11	0
Ethical Matters – general	44	75
<b>Total</b>	<b>202</b>	<b>159</b>

\*New Matter natures were introduced during the reporting year to enable better data collection and reporting. These replaced 'Ethical Matters' which previously encompassed all ethical matter natures in a singular category.

### **Summary dismissals**

Summary dismissals by outcome (dismissal reason)	2022-23	2021-22
Not comply with notice	81	70
Not Chapter 4 Conduct (costs dispute only)	32	40
Not Chapter 4 Conduct (other)	452	470
Frivolous/Vexatious/lacking in substance	29	26
Previous Complaint	7	4
Struck Off	1	2
Referred-Other Investigation Process	20	21
Out of Time	22	35
Withdrawn	45	38
<b>Total</b>	<b>689</b>	<b>706</b>

Summary dismissals by Area of law	2022-23	2021-22
Administrative Law	10	6
Bankruptcy and Insolvency	1	6
Building /Construction Law	11	10
Commercial /Company Law	31	36
Conduct not in the practice of law	2	7
Conveyancing	46	57
Criminal Law	54	51
Deceased Estates or Trusts	73	82
Family Law	190	191
Immigration	8	5
Industrial Law	14	8
Leases /Mortgages	3	5
Litigation	87	77
Personal Injuries /Workcover Litigation	53	38
Property Law	37	55
Trust Account Breaches	0	1
Unknown	8	0
Z - Other	61	71
<b>Total</b>	<b>689</b>	<b>706</b>

Summary dismissals by matter nature	2022-23	2021-22
Communication	89	56
Compliance	4	12
Costs	45	63
Documents	13	12
Personal Conduct	75	35
PIPA	1	0
Quality of Service	174	183
Trust Funds	13	13
Other	31	20
Ethical Matters – dishonesty*	56	0
Ethical Matters – communication*	13	0
Ethical Matters -pressuring/threatening*	10	0
Ethical Matters – disclosure*	25	0
Ethical Matters – general	137	312
Unknown	3	0
<b>Total</b>	<b>689</b>	<b>706</b>

\*New Matter natures were introduced during the reporting year to enable better data collection and reporting. These replaced 'Ethical Matters' which previously encompassed all ethical matter natures in a singular category.

### ***Investigation Matters***

An investigation matter 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 protections measures pursued, such as an injunction or banning order.

The Commission had 207 investigation matters on hand at the start of the reporting period. 143 new investigation matters were commenced, an increase of 13.5% from the previous year, and 110 were finalised during the period, a 49.12% increase from the previous year. At 30 June 2023 there were 240 investigation matters on hand.

Investigation Matters by outcome	2022-23	2021-22
Decision not to investigate*	17	-
No Public Interest	22	8
No reasonable likelihood	36	16
Referred for civil litigation	1	0
Referred to LPC	1	0
referred to Mags court	1	3
referred to Tribunal	25	18
Referred - Other Investigation Process	2	3
Withdrawn	5	4
<b>Total</b>	<b>110</b>	<b>52</b>

\*This represents matters where information was provided to the Commissioner and preliminary investigation work and assessments were completed to determine whether an investigation matter should continue. Following assessment, the decision was made that no further investigation was required.

Investigation Matters by Area of Law	2022-23	2021-22
Administrative Law	2	0
Bankruptcy and Insolvency	0	2
Building /Construction Law	1	0
Commercial /Company Law	0	1
Conduct not in the practice of law	17	12
Conveyancing	2	2
Criminal Law	9	3
Deceased Estates or Trusts	6	1
Family Law	4	4
Immigration	3	2
Industrial Law	1	1
Leases /Mortgages	0	0
Litigation	4	6
Personal Injuries /Workcover Litigation	6	2
Trust Account Breaches	3	3
Unknown	3	1
Z - Other	49	17
<b>Total</b>	<b>110</b>	<b>57</b>

Investigation Matters by matter nature	2022-23	2021-22
Communication	2	0
Compliance	38	20
Costs	3	2
Documents	1	0
Personal Conduct	17	3
PIPA	4	1
Quality of Service	4	3
Trust Funds	7	4
Other	5	2
Ethical Matters – dishonesty*	7	0
Ethical Matters – communication*	1	0
Ethical Matters – disclosure*	1	0
Ethical Matters – general*	19	22
Unknown	1	0
<b>Total</b>	<b>110</b>	<b>57</b>

\*New Matter natures were introduced during the reporting year to enable better data collection and reporting. These replaced 'Ethical Matters' which previously encompassed all ethical matter natures in a singular category.

## 4. Disciplinary Proceedings

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.

The year commenced with 40 disciplinary proceedings and prosecution matters on hand. 47 new matters were opened during the reporting period and 9 were finalised.

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

### Tribunal Decisions

The following decisions were handed down by the QCAT during the last reporting period. Some of the matters listed were commenced or heard during earlier reporting periods:

*Legal Services Commissioner v Mouritz* [2023] QCAT 325 (delivered ex tempore)

*Legal Services Commissioner v Magill* [2023] QCAT 134

*Legal Services Commissioner v Pennisi* [2023] QCAT 118

*Legal Services Commissioner v Sewell* [2023] QCAT 94 (decision in relation to discipline application amendment)

*Legal Services Commissioner v Bradley* [2022] QCAT 209

The Legal Practice Committee heard and decided 2 matters:

*Legal Services Commissioner v Kim*

*Legal Services Commissioner v Lavercombe*

Despite the low number of hearings, the Commission saw a 123% increase in new matters commenced. 11 new discipline applications were filed.



Litigation by outcome	2022-23	2021-22
One or more charges proved	8	17
reconsidered - NPI	1	3
Withdrawn - NPI	0	3
Withdrawn - NRL	0	1
<b>Total</b>	<b>9</b>	<b>24</b>

Litigation by Area of law	2022-23	2021-22
Commercial /Company Law	0	3
Conveyancing	0	3
Criminal Law	1	1
Deceased Estates or Trusts	0	1
Family Law	1	1
Litigation	2	4
Personal Injuries /Workcover Litigation	0	1
Property Law	1	1
Trust Account Breaches	0	5
Z - Other	4	4
<b>Total</b>	<b>9</b>	<b>24</b>

Litigation - Respondent Type	2022-23
Barrister	1
Solicitor	7
Unlawful Operator	1
<b>Total</b>	<b>9</b>

Litigation by matter nature	2022-23	2021-22
Communication	0	1
Compliance	2	7
Costs	0	1
Personal Conduct	1	1
PIPA	0	1
Trust Funds	0	1
Ethical Matters – dishonesty*	2	0
Ethical Matters – general	3	6
Unknown	1	6
<b>Total</b>	<b>9</b>	<b>24</b>

\*New Matter natures were introduced during the reporting year to enable more characterised data collection and reporting. These replaced 'Ethical Matters' which previously encompassed all ethical matter natures in a singular category.

## **5. Other litigation and enforcement action**

In addition to dealing with complaints and any subsequent disciplinary proceedings, the Commission also commences other litigation and proceedings. This regulatory activity does take significant resourcing and time. However, these functions and the proceedings and prosecutions which were all successfully pursued, are critical to the protection of consumers. 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.

### **Unlawful operators and summary offences**

The Commissioner seeks to protect the public and the profession from those purporting to practise law without the necessary qualifications, including a valid and appropriate level practising certificate. Practising law, or even representing an entitlement to do so, without the necessary qualifications is a criminal offence.

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 one individual, has filed three other matters for prosecution for unlawful operation and sent one cease and desist letter during the year.

### **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.

This year the Commission successfully obtained 3 Supreme Court Injunctions:

*Legal Services Commissioner v Joel Stansfield*

*Legal Services Commissioner v Graeme Page KC*

*Legal Services Commissioner v Raghoobar*

#### ***Search Warrants***

A number of search warrants were executed across Queensland in the reporting year. The Commission is appreciative of the cooperation and support of the Queensland Police Service in assisting the Commission in executing the warrants.

### **Removal from the local roll**

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

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

During the last reporting period orders were made for 3 lawyers to be removed from the local roll.

### **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. In accordance with the Act, disciplinary findings of the lesser categorisation of unsatisfactory professional conduct are currently not entered in the Register. However, as all orders of the Tribunal and the 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 is located on the Commission's website and can be accessed at: <https://www.lsc.qld.gov.au/discipline/queenslanddiscipline-register>.

## 6. 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.

### **Governance and Organisational structure**

#### ***Commissioner Megan Mahon***

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

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

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

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

#### ***Staff of the Commission***

The Commission comprises the Commissioner and a full-time equivalent (FTE) team of 29 staff. At 30 June 2023, the Commission had 8 vacancies, in addition to 2 staff members on extended leave, 3 staff on reduced hours and 3 staff were on inter-departmental secondments. Of the 8 vacancies, 6 are being filled by temporary staff. The net result being an actual FTE of 27.3 staff.

The Commission was also granted additional funding for the implementation of the new oversight and enforcement measures to prohibit claim farming practices contained within the *Personal Injuries Proceedings and other Legislation Amendment Act 2022*. The funding for the reporting year provided for 6 FTE to implement and establish the new measures, 4 of those positions being permanently funded and 2 being funded for a temporary basis. At 30 June 2023, all FTE were filled, one of these positions were filled permanently with the remaining 5 being filled with temporary staff.

#### ***Organisation change and strategic workforce planning***

Last year, the Commission underwent a significant organisational change which incorporated both a restructure and re-alignment of the Commission's staff and reporting lines, and changes to our internal operational processes and workflows. All of this was aimed at improving the

Commission's efficiency and effectiveness as a regulator. These changes have now been implemented.

### ***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.

### **Performance reporting**

The Act requires the Commissioner to develop performance criteria relating to the handling of complaints by the Commission.

Our evaluation of the previous targets identified that some of the timeframes set were unreasonable and put too much emphasis on the speed at which matters were closed. They also did not accurately reflect the other regulatory work of the Commission, which expanded in the reporting year.

While the speed at which matters are dealt with is certainly important, effectiveness as a regulator and the protection of the public has greater weight when deciding which matters are investigated and the priority each matter is given. While it is neither feasible nor necessary for the Commission to investigate every matter, the criteria provide the Commission with a more reasonable timeframe to assess and, where warranted, thoroughly investigate a matter.

During the reporting year, the Commissioner developed performance criteria that better reflects the evolving landscape of legal regulation, which continues to provide protection for the consumers of legal services and maintains the highest of ethical and professional standards of the legal profession.

The reported assessment of that newly developed criteria provides a more accurate representation of the Commission's performance in the current regulatory environment while still holding ourselves to a high standard of service delivery. It also enables the Commission to communicate our achievements and challenges more appropriately. This development demonstrates our commitment to responsible, effective and meaningful regulatory practice.

Service	Performance Target	2022-23
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	2,196 86.9%
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	1,048 675
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	689 82% 88.24%
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	143
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 dismissals – set out above).	Investigate and finalise complaints and investigation matters. Number of investigations completed: Finalised: • 60% of investigations within 18 months • 100% within 24 months	308 58.01% 75.64%
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	52
Prosecutions and other Enforcement: prosecution of disciplinary matters or other enforcement action.	Number of new prosecutions allocated Number of prosecutions finalised/decisions delivered	47 9
ILP Compliance Audits: ensure all Directors of an incorporated legal practice are contacted within one month of commencement of practice.	Number of initial self-assessment letters sent to directors of newly notified ILPs Ensure every new incorporated legal practice receives an initial self-assessment letter within one month of receiving notice from the QLS	179 100%
External Engagement: number of engagements with users of legal services, lawyers and stakeholders to help improve standards of conduct in the provision of legal services.	Complete 6 speaking engagements per year Continually review website and publications for both content and accessibility	15 Ongoing

## Policy and Strategy

The Commission's policies and guidelines are published to assist members of the profession and the public to understand the Commissioner's position on different areas of regulation. Regulatory guides are targeted at the profession to assist in understanding key areas of the Commissioner's focus, including guidance on the type of conduct that may result in disciplinary action or prosecution. The Commission's information sheets are targeted at consumers of legal services and the public, to provide high level information about the regulation of the profession and what the Commission can and can't do.

The Strategic Plan 2023–2027 outlines the Commission's vision, objectives and priorities over the next five years. The plan reflects the work that has been undertaken to transform the Commission into an effective, efficient, and modern regulator. The Commission actively contributes to legislative reform in Queensland, particularly where this involves matters affecting the legal profession and its regulation. The most significant reform activity during the reporting period was the Commission's continued lead on the implementation of the *Personal Injuries Proceedings and Other Legislation Amendment Act 2022*. 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 Commission has continued its collaborative approach to implementing these reforms through its work with the Office of Industrial Relations and the Motor Accident Insurance Commission.

The Commission regularly engaged in consultation processes and provided feedback where appropriate for legislative amendments progressed within the Department of Justice and Attorney-General Portfolio.

## Financial Reporting

The cost of administering the system for dealing with complaints in 2022-23

	2022-23 Original Budget \$	2022-23 Amended Budget \$	2022-23 Actual \$	2023-24 Approved Budget \$
Employment Costs	4,806,100.00	4,806,100.00	4,010,604.22	4,904,900.00
Other Costs <sup>1</sup>	4,796,700.00	2,835,700.00	2,095,148.55	4,531,400.00
Capital	105,000.00	105,000.00	-	-
<b>Total</b>	<b>9,707,800.00</b>	<b>7,746,800.00</b>	<b>6,105,752.77</b>	<b>9,436,300.00</b>

<sup>1</sup> This figure includes brief-out costs of \$495,209.

<sup>2</sup> 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 2022-23 the allocation was \$2.873M.

<sup>3</sup> During the year funding of \$1.961M was deferred into 2023-24 for:

- accommodation fit-out (\$0.711M); and
- purchase of new Case Management System (\$1.250M).

## Penalties and Costs

The following table represents the Penalties and Costs awarded in favour of the Commission.

Orders	QCAT \$	LPC \$	Courts \$	2022-23 total \$	2021-22 total \$	2020-21 total \$
<b>Penalties (QCAT/LPC/Courts)</b>						
Ordered	-	2,000	-	2,000	10,000	13,500
Payments received	-	2,000	-	2,000	7,500	13,500
Written Off	-	-	-	-	-	1,413
Payments pending at 30 June		5,000	1,500	6,500	6,500	4,000
<b>Costs (QCAT/LPC/Courts)</b>						
Ordered, agreed or assessed		5,000	1,500	6,500	139,533	339,010
Payments received	92,100	5,000	1,500	98,600	109,667	273,970
Written off		-	-	-	-	-
Payments pending at 30 June	131,818	19,650	-	151,468	243,568	213,702

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

## Risk Management and Accountability

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

- Workplace health and safety matters
- Building evacuation procedures
- Business continuity plan

## Information and Record Keeping

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

The Commission understands the need for constant vigilance and improvement in this area. The Commission is undertaking an ongoing process of review and gap analysis of our information and record keeping systems, with the full knowledge that our current case management system needs to be improved and updated.

This has been impacted by a major IT upgrade by the QLS, which has affected the data-feeds to the Commission's case management system. The Commission, our case management system 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 Commissioner case management system.

Ongoing collaboration on the integrity of those data feeds is continuing to ensure the Commission receives the necessary data to discharge its statutory functions.

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

## Right to Information

There was one application made under the *Right to Information Act 2009*. One application for access under the *Information Privacy Act 2009* was finalised.



## **Human Rights**

The Commission treats all people with dignity and respect. The Commission is committed to protecting and promoting the human rights of all people as we help build a culture that encourages and respects human dignity. As a statutory body we have an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision to give proper consideration to human rights. The Commission has reviewed all decision-making processes, policies and guidelines to ensure their continued compatibility with human rights.

## **Open Data**

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

## **Queensland Language Services Policy**

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

## **Interpreter Services**

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

## 7. Appendices

### Appendix A - Abbreviations and Acronyms

BAQ	Bar Association of Queensland
Commission	Legal Services Commission
Commissioner	Legal Services Commissioner
Investigation matter/Own motion investigation	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 or MDP)
LSC	Legal Services Commission
MDP	Multi-disciplinary Partnership
PIPA	<i>Personal Injuries Proceedings Act 2002</i>
PM	Professional Misconduct
QCAT	Queensland Civil and Administrative Tribunal
QLS	Queensland Law Society
RTI	Right to Information
The Act	<i>Legal Profession Act 2007</i>
The Attorney-General	Attorney-General of Queensland, Minister for Justice Minister for Women and Minister for the Prevention of Domestic and Family Violence
The Department	The Department of Justice and Attorney-General
The Director-General	Director-General, Department of Justice and Attorney-General
UPC	Unsatisfactory Professional Conduct

## Appendix B - Compliance Checklist

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	<ul style="list-style-type: none"> <li>A letter of compliance from the accountable officer or statutory body to the relevant Minister/s</li> </ul>	ARRs – section 7	3
Accessibility	<ul style="list-style-type: none"> <li>Table of contents</li> </ul>	ARRs – section 9.1	4-5
	<ul style="list-style-type: none"> <li>Glossary</li> </ul>		
	<ul style="list-style-type: none"> <li>Public availability</li> </ul>	ARRs – section 9.2	2
	<ul style="list-style-type: none"> <li>Interpreter service statement</li> </ul>	Queensland Government Language Services Policy ARRs – section 9.3	2
	<ul style="list-style-type: none"> <li>Copyright notice</li> </ul>	Copyright Act 1968 ARRs – section 9.4	2
	<ul style="list-style-type: none"> <li>Information Licensing</li> </ul>	QGEA – Information Licensing ARRs – section 9.5	2
General information	<ul style="list-style-type: none"> <li>Introductory information</li> </ul>	ARRs – section 10	8-12
Non-financial performance	<ul style="list-style-type: none"> <li>Government's objectives for the community and whole-of-government plans/specific initiatives</li> </ul>	ARRs – section 11.1	
	<ul style="list-style-type: none"> <li>Agency objectives and performance indicators</li> </ul>	ARRs – section 11.2	29-31
	<ul style="list-style-type: none"> <li>Agency service areas and service standards</li> </ul>	ARRs – section 11.3	29-32
Financial performance	<ul style="list-style-type: none"> <li>Summary of financial performance</li> </ul>	ARRs – section 12.1	31-32
Governance – management and structure	<ul style="list-style-type: none"> <li>Organisational structure</li> </ul>	ARRs – section 13.1	28-29
	<ul style="list-style-type: none"> <li>Executive management</li> </ul>	ARRs – section 13.2	28-29
	<ul style="list-style-type: none"> <li>Government bodies (statutory bodies and other entities)</li> </ul>	ARRs – section 13.3	
	<ul style="list-style-type: none"> <li>Public Sector Ethics</li> </ul>	Public Sector Ethics Act 1994 ARRs – section 13.4	29
	<ul style="list-style-type: none"> <li>Human Rights</li> </ul>	Human Rights Act 2019 ARRs – section 13.5	33
	<ul style="list-style-type: none"> <li>Queensland public service values</li> </ul>	ARRs – section 13.6	
Governance – risk management and accountability	<ul style="list-style-type: none"> <li>Risk management</li> </ul>	ARRs – section 14.1	32
	<ul style="list-style-type: none"> <li>Audit committee</li> </ul>	ARRs – section 14.2	
	<ul style="list-style-type: none"> <li>Internal audit</li> </ul>	ARRs – section 14.3	
	<ul style="list-style-type: none"> <li>External scrutiny</li> </ul>	ARRs – section 14.4	
	<ul style="list-style-type: none"> <li>Information systems and recordkeeping</li> </ul>	ARRs – section 14.5	32
	<ul style="list-style-type: none"> <li>Information Security attestation</li> </ul>	ARRs – section 14.6	32
Governance – human resources	<ul style="list-style-type: none"> <li>Strategic workforce planning and performance</li> </ul>	ARRs – section 15.1	28-29
	<ul style="list-style-type: none"> <li>Early retirement, redundancy and retrenchment</li> </ul>	Directive No.04/18 Early Retirement, Redundancy and Retrenchment ARRs – section 15.2	
Open Data	<ul style="list-style-type: none"> <li>Statement advising publication of information</li> </ul>	ARRs – section 16	
	<ul style="list-style-type: none"> <li>Consultancies</li> </ul>	ARRs – section 31.1	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	<ul style="list-style-type: none"> <li>Overseas travel</li> </ul>	ARRs – section 31.2	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
	<ul style="list-style-type: none"> <li>Queensland Language Services Policy</li> </ul>	ARRs – section 31.3	<a href="https://data.qld.gov.au">https://data.qld.gov.au</a>
Financial statements	<ul style="list-style-type: none"> <li>Certification of financial statements</li> </ul>	FAA – section 62 FPMS – sections 38, 39 and 46 ARRs – section 17.1	
	<ul style="list-style-type: none"> <li>Independent Auditor's Report</li> </ul>	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

