THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

Legislative Assembly Chamber,
Brisbane, November 2026

Queensland

No.
A BILL for

An Act to amend the Legal Profession Act 2007 and the legislation mentioned in schedule 1 for particular purposes

Queensland

Legal Profession (Strengthening Disciplinary Matters) Amendment Bill 2026

Contents

		Page
Part 1	**Preliminary**	
1	Short title	10
2	Commencement	10
Part 2	**Amendment of Legal Profession Act 2007**	
3	Act amended	10
4	Amendment of s 10 (Information notices)	10
5	Amendment of s 26 (Associates who are disqualified or convicted persons)	11
6	Amendment of s 29 (Definitions for pt 2.3)	11
7	Amendment of s 32 (Early consideration of suitability)	12
8	Replacement of s 33 (Involvement of tribunal and Supreme Court)	13
	33 Appeal to Court of Appeal against board's refusal to make suitability declaration	13
	33A Appeal to Supreme Court against board's refusal to make suitability declaration	13
9	Amendment of s 46 (Suitability to hold local practising certificate)	14
10	Amendment of s 51 (Grant or renewal of local practising certificate)	14
11	Amendment of s 54 (Applications relating to conditions)	14
12	Amendment of s 61 (Amending, suspending or cancelling a local practising certificate)	15
13	Amendment of s 62 (Operation of amendment, suspension or cancellation of local practising certificate)	15
14	Amendment of s 63 (Immediate amendment or suspension of local practising certificate)	15
15	Amendment of s 69 (Refusal, amendment, suspension or cancellation of local practising certificate because of failure to show cause)	16
16	Amendment of s 70 (Restriction on making further application)	16

17 Amendment of s 76 (Additional condition on interstate legal practitioner engaging in legal practice in this jurisdiction) 16

18 Amendment of s 87 (Health assessment) 16

19 Amendment of s 98 (Law society and bar association to notify other jurisdictions about particular matters) 17

20 Amendment of s 183 (Grant or renewal of local registration) . . . 17

21 Amendment of s 185 (Refusal to grant or renew registration) . . . 17

22 Amendment of s 188 (Amending, suspending or cancelling registration) 18

23 Amendment of s 189 (Operation of amendment, suspension or cancellation of registration) 18

24 Amendment of s 194 (Refusal, amendment, suspension or cancellation of local registration—failure to show cause) 18

25 Amendment of s 195 (Restriction on making further applications) 18

26 Amendment of s 197 (Immediate suspension of registration) . . . 18

27 Amendment of s 208 (Additional conditions on practice of interstate-registered foreign lawyers) 19

28 Amendment of s 278 (Disqualification of person as external examiner) 19

29 Amendment of s 328 (Setting aside costs agreements) 20

30 Amendment of s 375 (Time limit for making claims) 20

31 Amendment of s 377 (Time limit for making claims following advertisement) 21

32 Replacement of ch 3, pt 3.6, div 7, hdg (Review) 22

33 Amendment of s 392 (Review of decision on claim) 22

34 Amendment of s 393 (Review of failure to decide claim within 1 year) 23

35 Amendment of s 394 (Proceedings on review) 24

36 Amendment of s 396 (Limiting payments from fidelity fund to capped amount) 24

37 Amendment of s 420 (Conduct capable of constituting unsatisfactory professional conduct or professional misconduct) 24

38 Amendment of s 443 (Powers for investigations) 25

39 Amendment of s 452 (Starting proceeding before a disciplinary body) 25

40 Amendment of s 456 (Decisions of tribunal about an Australian legal practitioner) 25

41 Replacement of s 457 (Enforcement of orders etc.) 26

457 Notification of Supreme Court orders 26

Authorised by the Parliamentary Counsel

42 Amendment of s 459 (Orders to be filed in Supreme Court and information notices to be given to parties etc.) 27
43 Amendment of s 461 (Compliance with decisions and orders) . . 27
43A Insertion of new s 461A 28
461A Compliance with disciplinary orders of Court of Appeal 28
44 Amendment of s 462 (Costs) 28
45 Replacement of ch 4, pt 4.10A, hdg (Appeals from decisions of disciplinary bodies) 29
46 Omission of s 468 (Appeal may be made to Court of Appeal from tribunal's decision) 30
47 Amendment of s 469 (Application to tribunal for review of committee's decision) 30
48 Omission of s 470 (Appeal to Court of Appeal in relation to a decision of committee) 30
49 Amendment of s 471 (Definition for pt 4.11) 31
50 Amendment of s 477 (General provisions about disclosure of information) 31
50A Amendment of s 488 (Failure to comply with order of a disciplinary body) 31
51 Amendment of s 491 (Confidentiality of client communications) . 31
52 Insertion of new chs 6B–6D 32
Chapter 6B Provisions about proceedings before Supreme Court
Part 6B.1 General matters
581P Application of part 32
581PA Procedure for conducting proceeding 32
581PB Prohibited publication about hearing of proceeding . 32
Part 6B.2 Discipline applications
Division 1 Preliminary
581PC Application of part 34
Division 2 General provisions
Division 3 Panels and related matters
581PG Panel to help Supreme Court hear and decide discipline application 34
581PH Continuing hearing with only 1 panel member 35
Part 6B.3 Particular appeals to Supreme Court
581PP Application of part 36
581PQ Starting appeal 36
581PR Appeal against decision of board etc. 37

Authorised by the Parliamentary Counsel

581PS Appeal against decision of committee 37
581PT Orders on appeal 37
Part 6B.4 Matters relating to costs
581PU Application of part 38
581PV Costs for particular proceedings 38
581PW Costs against lawyer or other representative in interests of justice 38
581PX Costs against intervening parties 39
Chapter 6C Provisions about discipline applications before committee
Part 6C.1 Preliminary
581PY Application of part 40
Part 6C.2 Hearings
Part 6C.3 Conduct of proceedings
Part 6C.4 Powers of committee
Chapter 6D Particular proceedings before Court of Appeal
581QP Definition for chapter 40
581QQ General requirements for appeals against particular Supreme Court decisions 40
581QR Appeal against particular decisions only with leave . 41
581QS Appeal against particular decisions only on question of law and with leave 42
53 Omission of ch 7, pt 7.2, hdg (Provisions about proceedings before tribunal) 42
54 Omission of ch 7, pt 7.2, div 1 (Constitution of tribunal) 42
55 Omission of ch 7, pt 7.2, div 2, hdg (Panels, panel members and related matters) 42
56 Omission of s 599 (Panel to help the tribunal hear and decide discipline application) 43
57 Amendment, relocation and renumbering of s 607 (Establishment of panels for helping the tribunal) 43
58 Relocation and renumbering of s 608 (Appointment of panel members) 43
59 Amendment, relocation and renumbering of s 609 (Remuneration and appointment conditions of panel members) 43
60 Relocation and renumbering of s 610 (Termination of appointment) 44
61 Relocation and renumbering of s 611 (Resignation of members) 44
62 Amendment, relocation and renumbering of s 612 (Disclosure of interests) 44

Authorised by the Parliamentary Counsel

63 Relocation and renumbering of s 613 (Protection of panel members) 45

64 Omission of ch 7, pt 7.3, div 5, hdg (Provisions applying to committee for hearings) 45

65 Relocation and renumbering of s 639 (Constitution of committee for hearing) 45

66 Amendment, relocation and renumbering of s 640 (Conduct of committee for hearing and deciding discipline applications) 46

67 Amendment, relocation and renumbering of s 641 (Disclosure of interests) 46

68 Relocation and renumbering of s 642 (Protection of members etc.) 46

69 Omission of ch 7, pt 7.4, hdg (Other provisions applying to committee for discipline applications) 46

70 Omission of ch 7, pt 7.4, div 1, hdg (Parties to proceedings before committee) 47

71 Relocation and renumbering of s 643 (Parties) 47

72 Omission of ch 7, pt 7.4, div 2, hdg (Conduct of proceedings) . . 47

73 Relocation and renumbering of s 644 (Public hearings) 47

74 Relocation and renumbering of s 645 (Procedure for hearing by committee) 47

75 Amendment, relocation and renumbering of s 646 (Recording evidence) 47

76 Relocation and renumbering of s 647 (Committee may proceed in absence of party or may adjourn hearing) 48

77 Amendment, relocation and renumbering of s 648 (Matter may be decided on affidavit evidence) 48

78 Relocation and renumbering of s 649 (Standard of proof) 48

79 Amendment, relocation and renumbering of s 650 (Prohibited publication about hearing of a disciplinary application) 48

80 Omission of ch 7, pt 7.4, div 3, hdg (Powers of committee) 49

81 Relocation and renumbering of s 651 (Power to disregard procedural lapses) 49

82 Relocation and renumbering of s 652 (Directions for hearings) . 49

83 Relocation and renumbering of s 653 (Attendance notice) 49

84 Relocation and renumbering of s 654 (Authentication of documents) 49

85 Omission of ch 7, pt 7.4, div 4, hdg (Offences) 50

86 Relocation and renumbering of ss 655 and 656 50

87 Omission of ch 7, pt 7.4A, hdg (Provisions applying to tribunal for discipline applications) 50

88 Omission of s 656A (Application of pt 7.4A) 50

89 Amendment, relocation and renumbering of s 656B (Entitlement to

Authorised by the Parliamentary Counsel

appear at hearing) 50

90 Amendment, relocation and renumbering of s 656C (Standard of proof) 51

91 Omission of s 656D (Prohibited publication about hearing of a discipline application) 51

92 Amendment, relocation and renumbering of s 656E (Power to disregard procedural lapses) 51

93 Insertion of new s 713B 52

713B Intervention by Attorney-General 52

94 Insertion of new ch 8, pt 8.1, div 3 52

Division 3 Statements of reasons

713C Obtaining statement of reasons 52

713D Court order requiring statement of reasons be given 53

713E Further statement 54

95 Insertion of new ch 10, pt 10 54

Part 10 Transitional provisions for Legal Profession (Strengthening Disciplinary Matters) Amendment Act 2026

Division 1 Preliminary

789 Definitions for part 55

Division 2 Making and deciding applications and related matters

790 Applications for review of decisions previously reviewable by tribunal 55

791 Existing applications tribunal has started to hear or decide 56

792 Application of new s 32 to particular directions 57

793 Application of new s 70 to particular reviews 57

794 Application of new s 98 to particular reviews 57

795 Application of new s 375 to particular periods 58

796 Application of new s 377 to particular periods 58

797 Application of new s 396 to particular reviews 58

798 Application of new s 474 to particular disciplinary action 59

799 Application of new s 581QQ to particular decisions and directions of tribunal 59

800 Existing applications tribunal has not started to hear or decide 59

Division 3 Orders and related matters

801 Enforcement of particular tribunal orders 60

Authorised by the Parliamentary Counsel

802 Compliance with particular tribunal orders 61
803 Confidentiality of client communications relating to discipline application or disciplinary action of tribunal 61
Division 4 Panel members
804 Continuation of appointment of panel member for Supreme Court 62
805 Panel members to finish helping tribunal for hearing 62
806 Entitlement of member of practitioner panel to remuneration for helping tribunal 63
Division 5 Transitional regulation-making power
807 Transitional regulation-making power 63
808 Expiry of division and transitional regulation 64
96 Insertion of new sch 1 64
Schedule 1 Procedural provisions for Supreme Court for chapters 6B and 6D 64
97 Amendment of sch 2 (Dictionary) 66
Part 3 Other amendments
98 Legislation amended 67
Schedule 1 Other amendments 68
Legal Profession Act 2007 68
Queensland Civil and Administrative Tribunal Act 2009 68

Authorised by the Parliamentary Counsel

2026

A Bill

for

An Act to amend the *Legal Profession Act 2007* and the legislation mentioned in schedule 1 for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Legal Profession (Strengthening Disciplinary Matters) Amendment Act 2026*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

Part 2 Amendment of Legal Profession Act 2007

3 Act amended

This part amends the *Legal Profession Act 2007*.

Note—

See also the amendments in schedule 1.

4 Amendment of s 10 (Information notices)

(1) Section 10(1)—

omit, insert—

(1) An ***information notice*** is a written notice to a person about a decision relating to the person stating—

(a) the decision; and

(b) the reasons for the decision; and

Authorised by the Parliamentary Counsel

(c) if the person may appeal to the Supreme Court or another court against the decision—

(i) that the person may appeal to the court against the decision; and

(ii) the day by which the appeal must be started.

Note—

See sections 265(4) and 277(4) in relation to appeals that may, in the circumstances, be made to a court other than the Supreme Court.

(2) Section 10(3), 'apply for a review, or appeal,'—

omit, insert—

appeal

(3) Section 10(3), 'to apply for review or'—

omit.

5 Amendment of s 26 (Associates who are disqualified or convicted persons)

Section 26(4)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

6 Amendment of s 29 (Definitions for pt 2.3)

(1) Section 29, definition *Supreme Court*, paragraph (a), 'a single Supreme Court judge'—

omit, insert—

a single judge of the Supreme Court

(2) Section 29, definition *Supreme Court*, after paragraph (a)—

insert—

Authorised by the Parliamentary Counsel

(aa) for giving a direction mentioned in section 32(3)(b)—a single judge of the Supreme Court; or

(ab) for deciding an appeal made under section 33A—a single judge of the Supreme Court; or

(3) Section 29, definition *Supreme Court*, paragraphs (aa) to (b)—

renumber as paragraphs (b) to (d).

7 Amendment of s 32 (Early consideration of suitability)

(1) Section 32(3)(b), 'tribunal'—

omit, insert—

Supreme Court

(2) Section 32—

insert—

(3A) If an application is referred to the Supreme Court under subsection (3)(b), the court may give a direction to the board as the court considers appropriate.

(3) Section 32(4), 'mentioned in subsection (3)(b)'—

omit, insert—

given under subsection (4)

(4) Section 32(5)—

omit.

(5) Section 32(3A) and (4)—

renumber as section 32(4) and (5).

Authorised by the Parliamentary Counsel

8 Replacement of s 33 (Involvement of tribunal and Supreme Court)

Section 33—

omit, insert—

33 Appeal to Court of Appeal against board's refusal to make suitability declaration

(1) This section applies if, on referral of an application under section 32(3)(b), the Supreme Court directs the board to refuse to make a declaration mentioned in section 32(2).

(2) The board must give the applicant for the declaration an information notice about the refusal.

(3) The applicant may, within 28 days after being given the information notice, appeal to the Court of Appeal against the refusal.

(4) The appeal is by way of rehearing on the evidence given in the matter before the Supreme Court.

(5) However, subsection (4) does not prevent the Court of Appeal from giving leave to introduce further evidence, whether fresh, additional or substituted, if the court considers the further evidence may be material to the appeal.

(6) The Court of Appeal may make any order it considers appropriate on the appeal.

(7) For the appeal, section 10(1) applies to the information notice as if the reference in the provision to the decision were a reference to the refusal mentioned in subsection (1).

33A Appeal to Supreme Court against board's refusal to make suitability declaration

(1) This section applies if the board decides under section 32(3)(c) to refuse to make a declaration

Authorised by the Parliamentary Counsel

mentioned in section 32(2).

(2) The board must give the applicant for the declaration an information notice about the decision.

(3) The applicant may appeal to the Supreme Court against the decision.

9 Amendment of s 46 (Suitability to hold local practising certificate)

(1) Section 46(2)(d)(i), 'Supreme Court'—

omit, insert—

former disciplinary body

(2) Section 46(2)(d)—

insert—

(ia) a disciplinary order of the Court of Appeal; or

10 Amendment of s 51 (Grant or renewal of local practising certificate)

Section 51(9), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

11 Amendment of s 54 (Applications relating to conditions)

(1) Section 54(2)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

(2) Section 54(4)(b), from 'may' to 'decision'—

omit, insert—

may appeal to the Supreme Court against the

Authorised by the Parliamentary Counsel

decision

12 Amendment of s 61 (Amending, suspending or cancelling a local practising certificate)

Section 61(3)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

13 Amendment of s 62 (Operation of amendment, suspension or cancellation of local practising certificate)

Section 62(3)(a), from 'the tribunal' to 'QCAT Act,'—

omit, insert—

the Supreme Court may, on application by the certificate holder,

14 Amendment of s 63 (Immediate amendment or suspension of local practising certificate)

(1) Section 63(9)(a), from 'apply' to 'tribunal'—

omit, insert—

apply to the Supreme Court

(2) Section 63(9)(b), 'tribunal'—

omit, insert—

court

(3) Section 63(9)(b), 'tribunal's'—

omit, insert—

court's

Authorised by the Parliamentary Counsel

15 Amendment of s 69 (Refusal, amendment, suspension or cancellation of local practising certificate because of failure to show cause)

Section 69(3)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

16 Amendment of s 70 (Restriction on making further application)

(1) Section 70(3), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

(2) Section 70(4)(a), 'application for review of'—

omit, insert—

appeal against

17 Amendment of s 76 (Additional condition on interstate legal practitioner engaging in legal practice in this jurisdiction)

Section 76(3)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

18 Amendment of s 87 (Health assessment)

Section 87(5), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

Authorised by the Parliamentary Counsel

19 Amendment of s 98 (Law society and bar association to notify other jurisdictions about particular matters)

(1) Section 98(1)(b), from 'an application' to 'decision'—

omit, insert—

an appeal to the Supreme Court against a decision

(2) Section 98(2) and (3)(b)(ii), 'review'—

omit, insert—

appeal

20 Amendment of s 183 (Grant or renewal of local registration)

Section 183(4)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

21 Amendment of s 185 (Refusal to grant or renew registration)

(1) Section 185(2)(c), 'a disciplinary body'—

omit, insert—

a disciplinary body, the former disciplinary body

(1A) Section 185(2)(c), 'body, including'—

omit, insert—

body, or a disciplinary order of the Court of Appeal, including

(2) Section 185(7)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

Authorised by the Parliamentary Counsel

22 Amendment of s 188 (Amending, suspending or cancelling registration)

Section 188(3)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

23 Amendment of s 189 (Operation of amendment, suspension or cancellation of registration)

Section 189(3)(a), from 'the tribunal' to 'QCAT Act,'—

omit, insert—

the Supreme Court may, on application by the person,

24 Amendment of s 194 (Refusal, amendment, suspension or cancellation of local registration—failure to show cause)

Section 194(3)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

25 Amendment of s 195 (Restriction on making further applications)

Section 195(3)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

26 Amendment of s 197 (Immediate suspension of registration)

(1) Section 197(8)(a), from 'apply' to 'tribunal'—

omit, insert—

Authorised by the Parliamentary Counsel

apply to the Supreme Court

(2) Section 197(8)(b), 'tribunal'—

omit, insert—

court

(3) Section 197(8)(b), 'tribunal's'—

omit, insert—

court's

27 Amendment of s 208 (Additional conditions on practice of interstate-registered foreign lawyers)

Section 208(4)(b), from 'apply' to 'decision'—

omit, insert—

appeal to the Supreme Court against the decision

28 Amendment of s 278 (Disqualification of person as external examiner)

(1) Section 278(2), (3) and (4), 'information notice'—

omit, insert—

QCAT information notice

(2) Section 278—

insert—

(7) A defect in the QCAT information notice does not affect the individual's right to apply under subsection (6) for a review of the decision to disqualify the individual.

(8) In this section—

QCAT information notice means a notice complying with the QCAT Act, section 157(2).

Authorised by the Parliamentary Counsel

29 Amendment of s 328 (Setting aside costs agreements)

Section 328—

insert—

(1B) For a proceeding on an application to the tribunal, the tribunal is to be constituted by a legally qualified member under the QCAT Act.

30 Amendment of s 375 (Time limit for making claims)

(1) Section 375(1)(b) and (c)—

omit, insert—

(b) within a further period, if any, allowed by the law society under subsection (2); or

(c) within a further period, if any, allowed by the Supreme Court under subsection (4).

(2) Section 375—

insert—

(1A) The law society may allow a further period for making a claim on its own initiative or if asked by the prospective claimant.

(1B) If, on request by the prospective claimant, the law society decides to refuse to allow a further period for making a claim—

(a) the law society must give the prospective claimant an information notice about the decision; and

(b) the prospective claimant may appeal to the Supreme Court against the decision.

(1C) The Supreme Court may, on an appeal mentioned in subsection (3)(b), allow a further period for making the claim.

(3) Section 375(2), from ‘The tribunal’ to ‘subsection (1)’—

omit, insert—

Authorised by the Parliamentary Counsel

The law society or the Supreme Court may allow a further period mentioned in subsection (2) or (4)

(4) Section 375(2)(b), 'the tribunal or law society'—

omit, insert—

the law society or the court

(5) Section 375(1A) to (2)—

renumber as section 375(2) to (5).

31 Amendment of s 377 (Time limit for making claims following advertisement)

(1) Section 377(2)(b) and (c)—

omit, insert—

(b) within a further period, if any, allowed by the law society under subsection (4); or

(c) within a further period, if any, allowed by the Supreme Court under subsection (6).

(2) Section 377—

insert—

(3A) The law society may allow a further period for making a claim on its own initiative or if asked by a prospective claimant.

(3B) If, on request by a prospective claimant, the law society decides to refuse to allow a further period for making a claim—

(a) the law society must give the prospective claimant an information notice about the decision; and

(b) the prospective claimant may appeal to the Supreme Court against the decision.

(3C) The Supreme Court may, on an appeal mentioned in subsection (5)(b), allow a further period for making the claim.

Authorised by the Parliamentary Counsel

(3) Section 377(4), from 'The tribunal' to 'subsection (2)'—

omit, insert—

The law society or the Supreme Court may allow a further period mentioned in subsection (4) or (6)

(4) Section 377(4)(b), 'the tribunal or law society'—

omit, insert—

the law society or the court

(5) Section 377(3A) to (4)—

renumber as section 377(4) to (7).

32 Replacement of ch 3, pt 3.6, div 7, hdg (Review)

Chapter 3, part 3.6, division 7, heading—

omit, insert—

Division 7 Appeals

33 Amendment of s 392 (Review of decision on claim)

(1) Section 392, heading, 'Review of'—

omit, insert—

Appeal against

(2) Section 392(1), from 'apply' to 'review of'—

omit, insert—

appeal to the Supreme Court against

(3) Section 392(2), from 'an application' to '(*review application*)'—

omit, insert—

an appeal under this section

(4) Section 392(2)(a), 'applicant'—

omit, insert—

Authorised by the Parliamentary Counsel

appellant

(5) Section 392(2)(b), from 'the tribunal' to 'review application'—

omit, insert—

the Supreme Court may, on application by the law society, stay the appeal

34 Amendment of s 393 (Review of failure to decide claim within 1 year)

(1) Section 393, heading—

omit, insert—

393 Application for direction and order for failure to decide claim

(2) Section 393(1) and (2)—

omit, insert—

(1) This section applies if the law society fails to decide a claim within 1 year after the claim was made.

(2) While the failure continues, the claimant may apply to the Supreme Court for a direction and an order under this section (a ***relevant application***).

(3) Section 393(3), from 'On an' to '(*review application*)'—

omit, insert—

If a relevant application is made

(4) Section 393(3)(b), from 'the tribunal' to 'review application'—

omit, insert—

the Supreme Court may, on application by the law society, stay the relevant application

(5) Section 393(4), 'The tribunal may decide the review'—

omit, insert—

Authorised by the Parliamentary Counsel

The Supreme Court may decide the relevant application

(6) Section 393(4)(a), 'matter'—

omit, insert—

claim

(7) Section 393(4)(a)(i), 'tribunal'—

omit, insert—

court

35 Amendment of s 394 (Proceedings on review)

(1) Section 394, heading, 'review'—

omit, insert—

appeal

(2) Section 394, 'tribunal'—

omit, insert—

Supreme Court

36 Amendment of s 396 (Limiting payments from fidelity fund to capped amount)

Section 396(5), definition *allowed amount*, from 'reviewed' to 'decided by QCAT'—

omit, insert—

appealed to the Supreme Court, the amount payable in relation to the claim as decided by the court

37 Amendment of s 420 (Conduct capable of constituting unsatisfactory professional conduct or professional misconduct)

Section 420(1)(f), 'a disciplinary body'—

Authorised by the Parliamentary Counsel

omit, insert—

a disciplinary body or the former disciplinary body, or a disciplinary order of the Court of Appeal,

38 Amendment of s 443 (Powers for investigations)

Section 443(4)(b), (5) and (7), 'tribunal'—

omit, insert—

Supreme Court

39 Amendment of s 452 (Starting proceeding before a disciplinary body)

(1) Section 452(1)(a), 'tribunal'—

omit, insert—

Supreme Court

(2) Section 452(2)—

insert—

Notes—

1 For other provisions relating to proceedings for discipline applications before the Supreme Court, see parts 6B.1 and 6B.2.

2 For other provisions relating to proceedings for discipline applications before the committee, see chapter 6C.

40 Amendment of s 456 (Decisions of tribunal about an Australian legal practitioner)

(1) Section 456, heading, 'tribunal'—

omit, insert—

Supreme Court

(2) Section 456(1), 'tribunal', first mention—

Authorised by the Parliamentary Counsel

omit, insert—

Supreme Court

(3) Section 456(1), 'tribunal', second and third mentions—

omit, insert—

court

(4) Section 456(2), 'The tribunal'—

omit, insert—

The Supreme Court

(5) Section 456(2)(d)(iii), 'tribunal'—

omit, insert—

court

(6) Section 456(3), 'The tribunal'—

omit, insert—

The Supreme Court

(7) Section 456(3)(d)(iii), 'tribunal'—

omit, insert—

court

(8) Section 456(4), (5), (6) and (7), 'tribunal'—

omit, insert—

Supreme Court

41 Replacement of s 457 (Enforcement of orders etc.)

Section 457—

omit, insert—

457 Notification of Supreme Court orders

(1) This section applies if the Supreme Court—

Authorised by the Parliamentary Counsel

(a) makes an order under section 456 or 462 or part 4.10 in relation to a discipline application; or

(b) makes an order in relation to a discipline application on an appeal under section 469 against a decision of the committee.

(2) The registrar must give the Minister a copy of the order and the reasons for the order.

42 Amendment of s 459 (Orders to be filed in Supreme Court and information notices to be given to parties etc.)

(1) Section 459, heading—

omit, insert—

459 Notification and filing of committee orders

(2) Section 459(1), 'after'—

omit, insert—

if

(3) Section 459(3), from 'If' to 'the application'—

omit, insert—

If an appeal to the Supreme Court against the decision is not started within the time allowed for making the appeal

43 Amendment of s 461 (Compliance with decisions and orders)

(1) Section 461, heading, after 'orders'—

insert—

of disciplinary bodies

(2) Section 461(2)(a) and (3), 'tribunal'—

omit, insert—

Supreme Court

Authorised by the Parliamentary Counsel

43A Insertion of new s 461A

After section 461—

insert—

461A Compliance with disciplinary orders of Court of Appeal

(1) This section provides for the application of section 461 in relation to an order (a ***disciplinary order***) of the Court of Appeal made on an appeal against—

(a) a decision or order of the Supreme Court made in a proceeding under section 443(4), 452(1)(a) or 469(1); or

(b) an order of the Supreme Court mentioned in section 459(4).

(2) Section 461 applies in relation to a disciplinary order of the Court of Appeal as if—

(a) the reference in section 461(1) to an order of a disciplinary body included a reference to a disciplinary order of the Court of Appeal; and

(b) a reference in section 461(1) and (2) to an order, whether of the Supreme Court or the committee, made under a stated provision of this Act (the ***nominated order***) included a reference to a disciplinary order of the Court of Appeal of a similar nature to the nominated order; and

(c) the reference in section 461(3) to the Supreme Court included a reference to the Court of Appeal.

44 Amendment of s 462 (Costs)

(1) Section 462—

insert—

Authorised by the Parliamentary Counsel

(1A) Nothing in subsection (1) requires the disciplinary body to make an order requiring the person to pay costs relating to conduct in which the person has engaged that is not prescribed conduct.

(2) Section 462(3), 'subsection (2)'—

omit, insert—

subsection (3)

(3) Section 462(6)—

insert—

Note—

The Supreme Court may also make orders for costs under sections 581PW and 581PX.

(4) Section 462(7) and (8)—

omit, insert—

(7) In this section—

prescribed conduct means unsatisfactory professional conduct, professional misconduct or misconduct in relation to a relevant practice, as mentioned in section 456(1) or 458(1).

(5) Section 462(1A) to (7)—

renumber as section 462(2) to (8).

45 Replacement of ch 4, pt 4.10A, hdg (Appeals from decisions of disciplinary bodies)

Chapter 4, part 4.10A, heading—

omit, insert—

Part 4.10A Appeals from committee decisions relating to discipline applications

Authorised by the Parliamentary Counsel

46 Omission of s 468 (Appeal may be made to Court of Appeal from tribunal's decision)

Section 468—

omit.

47 Amendment of s 469 (Application to tribunal for review of committee's decision)

(1) Section 469, heading—

omit, insert—

469 Appeal to Supreme Court against committee's decision

(2) Section 469(1), from 'apply' to 'the decision'—

omit, insert—

appeal to the Supreme Court against the decision

(3) Section 469(2), 'QCAT for the review'—

omit, insert—

the Supreme Court for the appeal

(4) Section 469(2)—

insert—

Note—

For other provisions relating to proceedings for the appeal, see parts 6B.1 and 6B.3.

48 Omission of s 470 (Appeal to Court of Appeal in relation to a decision of committee)

Section 470—

omit.

Authorised by the Parliamentary Counsel

49 Amendment of s 471 (Definition for pt 4.11)

Section 471, definition *disciplinary action*, paragraphs (a) and (b), 'tribunal'—

omit, insert—

former disciplinary body

50 Amendment of s 477 (General provisions about disclosure of information)

(1) Section 477(1)(a), after 'body'—

insert—

or the former disciplinary body

(2) Section 477(1)(c), from ', including' to 'paragraph (a)'—

omit.

50A Amendment of s 488 (Failure to comply with order of a disciplinary body)

(1) Section 488, heading, 'a disciplinary body'—

omit, insert—

disciplinary body or other particular orders

(2) Section 488, 'disciplinary body under this Act'—

omit, insert—

disciplinary body or the former disciplinary body, or a disciplinary order of the Court of Appeal, under this Act

51 Amendment of s 491 (Confidentiality of client communications)

Section 491(1), 'under the QCAT Act,'—

omit, insert—

or order of the Supreme Court

Authorised by the Parliamentary Counsel

52 Insertion of new chs 6B–6D

After chapter 6A—

insert—

Chapter 6B Provisions about proceedings before Supreme Court

Part 6B.1 General matters

581P Application of part

This part applies in relation to a proceeding before the Supreme Court under a provision of this Act mentioned in schedule 1.

581PA Procedure for conducting proceeding

When conducting the proceeding, the Supreme Court—

(a) must act as quickly, and with as little formality and technicality, as is consistent with a fair and proper consideration of the issues before it; and

(b) is not bound by the rules of evidence; and

(c) may inform itself in any way it considers appropriate.

581PB Prohibited publication about hearing of proceeding

(1) Before, during or immediately after the hearing of the proceeding, the Supreme Court may make an order prohibiting the publication of information stated in the order relating to—

Authorised by the Parliamentary Counsel

(a) the proceeding; or

(b) the hearing; or

(c) an order of the court.

(2) A person must not contravene an order under subsection (1).

Maximum penalty—200 penalty units.

(3) A person must not publish or allow someone else to publish—

(a) a question disallowed by the Supreme Court at the hearing; or

(b) an answer given to a question disallowed by the Supreme Court at the hearing.

Maximum penalty—200 penalty units.

(4) Also, the Supreme Court may make an order prohibiting—

(a) the issue of the entire or part of a copy of the record made under the *Recording of Evidence Act 1962*; or

(b) the publication of the entire or part of a copy of the record made under the *Recording of Evidence Act 1962*.

(5) A person must not contravene an order under subsection (4).

Maximum penalty—200 penalty units.

(6) In this section—

publish includes publish on radio, television or the internet.

record includes an audio recording.

Part 6B.2 Discipline applications

Authorised by the Parliamentary Counsel

Division 1 Preliminary

581PC Application of part

This part applies in relation to a proceeding before the Supreme Court for a discipline application.

Division 2 General provisions

Division 3 Panels and related matters

581PG Panel to help Supreme Court hear and decide discipline application

(1) For hearing and deciding a discipline application, the Supreme Court is to be helped by 2 panel members chosen by the registrar and approved by the judge presiding over the proceeding.

(2) However, the panel members do not constitute the Supreme Court for hearing and deciding the discipline application.

(3) The panel members mentioned in subsection (1) must be—

(a) 1 member of the lay panel; and

(b) 1 of the following members—

(i) if the complaint is about the conduct of a person who, at the time of performing the acts or omitting to do the acts constituting the conduct complained of, was a barrister or, in the opinion of the presiding judge, was engaged in legal practice in the manner of a barrister—a member of the practitioner panel who is a barrister;

Authorised by the Parliamentary Counsel

(ii) otherwise—a member of the practitioner panel who is a solicitor.

(4) The registrar must keep a record of the names of the panel members helping the Supreme Court and the discipline application for which the hearing is held.

581PH Continuing hearing with only 1 panel member

(1) This section applies if—

(a) 1 of the panel members mentioned in section 581PG(1) (the ***former panel member***) is helping, or is about to help, the Supreme Court hear and decide a discipline application; and

(b) any of the following events happens—

(i) the appointment of the panel member is ended or terminated under section 581PL(1) or (2);

(ii) the panel member disqualifies themself in relation to the hearing under section 581PN(2);

(iii) the panel member becomes unavailable to help, or to continue to help, the court hear and decide the application;

(iv) the panel member otherwise stops being a panel member or stops helping the court to hear and decide the application; and

(c) the other panel member can continue to help the court hear and decide the application.

(2) Despite section 581PG(1), the Supreme Court may continue to hear and decide the discipline application in the absence of the former panel member if the court considers—

Authorised by the Parliamentary Counsel

(a) it is in the interests of justice to continue to hear and decide the application; and

(b) that not continuing to hear and decide the application would cause undue delay or expense for a party to the application.

(3) This section does not authorise the Supreme Court to hear and decide a discipline application without being helped by at least 1 panel member.

Part 6B.3 Particular appeals to Supreme Court

581PP Application of part

This part applies in relation to an appeal to the Supreme Court against a decision under a provision of this Act mentioned in schedule 1, part 1.

581PQ Starting appeal

The appeal must be started within—

(a) for a person who has been given an information notice about the decision—28 days after the day the person is given the notice; or

(b) for a person who has not been given an information notice about the decision—28 days after the day the person becomes aware of the decision.

Note—

See, however, section 15(2) under which the Supreme Court may allow an appeal after the stated number of days to appeal.

Authorised by the Parliamentary Counsel

581PR Appeal against decision of board etc.

(1) This section applies if the decision was made by the board, the bar association or the law society (each the ***decision-maker***) under this Act.

(2) The appeal is by way of a fresh hearing unaffected by the decision.

(3) Fresh evidence or evidence in addition to, or in substitution for, the evidence before the decision-maker may be given on the appeal.

581PS Appeal against decision of committee

(1) This section applies if the decision was made by the committee.

(2) The appeal is by way of rehearing on the evidence given in the matter before the committee.

(3) However, subsection (2) does not prevent the Supreme Court from giving leave to introduce further evidence, whether fresh, additional or substituted, if the court considers the further evidence may be material to the appeal.

581PT Orders on appeal

In the proceeding for the appeal, the Supreme Court may make any of the following orders—

(a) an order confirming or amending the decision;

(b) an order setting aside the decision and substituting its own decision;

(c) an order setting aside the decision and returning the matter for reconsideration to the entity that made the decision, with the directions the court considers appropriate;

Authorised by the Parliamentary Counsel

(d) any other order the court considers appropriate.

Part 6B.4 Matters relating to costs

581PU Application of part

Unless otherwise provided, this part applies in relation to a proceeding before the Supreme Court under a provision of this Act mentioned in schedule 1.

581PV Costs for particular proceedings

(1) Each party to the proceeding must bear the party's own costs of the proceeding.

(2) Subsection (1) applies subject to subsection (3) and sections 581PW and 581PX.

(3) The Supreme Court may make an order requiring a party to the proceeding to pay all or a stated part of the costs of another party to the proceeding if the court considers the interests of justice require it to make the order.

(4) This section does not apply in relation to a proceeding for a discipline application.

Note—

For orders for costs for proceedings for discipline applications, see section 462.

581PW Costs against lawyer or other representative in interests of justice

(1) This section applies if the Supreme Court considers a lawyer for, or another representative of, a party to the proceeding, rather than the party,

Authorised by the Parliamentary Counsel

is responsible for unnecessarily disadvantaging another party to the proceeding.

(2) The Supreme Court may make an order for costs requiring the lawyer or representative to pay a stated amount to the other party as compensation for the unnecessary costs.

(3) Before making an order for costs under subsection (2), the Supreme Court must give the lawyer or representative a reasonable opportunity to be heard in relation to making the order.

581PX Costs against intervening parties

(1) If the Attorney-General intervenes in the proceeding for the State, the Supreme Court may make an order for costs requiring the State to pay a stated amount to a party to the proceeding as compensation for all or a part of the costs reasonably incurred by the party as a result of the intervention.

(2) If the Supreme Court gives leave to a person to intervene in the proceeding, the court may make an order for costs requiring the person to pay a stated amount to a party to the proceeding as compensation for all or a part of the costs reasonably incurred by the party as a result of the intervention.

Chapter 6C Provisions about discipline applications before committee

Part 6C.1 Preliminary

Authorised by the Parliamentary Counsel

581PY Application of part

This part applies in relation to a proceeding before the committee for a discipline application.

Part 6C.2 Hearings

Part 6C.3 Conduct of proceedings

Part 6C.4 Powers of committee

Chapter 6D Particular proceedings before Court of Appeal

581QP Definition for chapter

In this chapter—

decision, of the Supreme Court, includes—

(a) an order made by the court; and

(b) an order of the court mentioned in section 459(4); and

(c) a direction given by the court.

581QQ General requirements for appeals against particular Supreme Court decisions

(1) This section applies in relation to a decision of the Supreme Court made—

(a) on appeal, from a decision of the bar association, the board, the committee or the

Authorised by the Parliamentary Counsel

law society, under a provision of this Act mentioned in schedule 1, part 1; or

(b) under, or in a proceeding under, a provision of this Act mentioned in schedule 1, part 2.

(2) However, this section applies in relation to a decision of the Supreme Court subject to sections 581QR and 581QS.

(3) A party who is dissatisfied with the decision, or the Minister, may appeal to the Court of Appeal against the decision.

(4) The appeal is by way of rehearing on the evidence given in the matter before the Supreme Court.

(5) However, subsection (4) does not prevent the Court of Appeal from giving leave to introduce further evidence, whether fresh, additional or substituted, if the court considers the further evidence may be material to the appeal.

(6) The Court of Appeal may make any order it considers appropriate on the appeal.

581QR Appeal against particular decisions only with leave

(1) This section applies in relation to a decision of the committee mentioned in section 459(1) that has become an order of the Supreme Court under section 459(4).

(2) An appeal to the Court of Appeal against the decision may be made only with the leave of the Court of Appeal.

(3) The appeal is by way of rehearing on the evidence given in the matter before the committee.

(4) However, subsection (3) does not prevent the Court of Appeal from giving leave to introduce further evidence, whether fresh, additional or substituted, if the court considers the further

Authorised by the Parliamentary Counsel

evidence may be material to the appeal.

581QS Appeal against particular decisions only on question of law and with leave

(1) This section applies in relation to a decision of the Supreme Court made on appeal from a decision of the committee under section 469(1).

(2) An appeal to the Court of Appeal against the decision may be made only—

(a) on a question of law; and

(b) with the leave of the Court of Appeal.

(3) Section 581QQ(4) does not apply in relation to the appeal.

(4) The Court of Appeal may give leave to introduce further evidence, whether fresh, additional or substituted, if the court considers the further evidence may be material to the appeal.

53 Omission of ch 7, pt 7.2, hdg (Provisions about proceedings before tribunal)

Chapter 7, part 7.2, heading—

omit.

54 Omission of ch 7, pt 7.2, div 1 (Constitution of tribunal)

Chapter 7, part 7.2, division 1—

omit.

55 Omission of ch 7, pt 7.2, div 2, hdg (Panels, panel members and related matters)

Chapter 7, part 7.2, division 2, heading—

omit.

Authorised by the Parliamentary Counsel

56 Omission of s 599 (Panel to help the tribunal hear and decide discipline application)

Section 599—

omit.

57 Amendment, relocation and renumbering of s 607 (Establishment of panels for helping the tribunal)

(1) Section 607, heading, 'the tribunal'—

omit, insert—

Supreme Court

(2) Section 607—

relocate to part 6B.2, division 3, as inserted by this Act, and *renumber* as section 581PI.

58 Relocation and renumbering of s 608 (Appointment of panel members)

Section 608—

relocate to part 6B.2, division 3, as inserted by this Act, and *renumber* as section 581PJ.

59 Amendment, relocation and renumbering of s 609 (Remuneration and appointment conditions of panel members)

(1) Section 609(1), 'A member of the lay panel'—

omit, insert—

A panel member

(2) Section 609(1), 'tribunal'—

omit, insert—

Supreme Court

(3) Section 609(2), 'lay'—

Authorised by the Parliamentary Counsel

omit, insert—

panel

(4) Section 609(2), 'section 610'—

omit, insert—

section 581PL

(5) Section 609(3), from 'member' to 'holds'—

omit, insert—

panel member holds

(6) Section 609—

relocate to part 6B.2, division 3, as inserted by this Act, and *renumber* as section 581PK.

60 Relocation and renumbering of s 610 (Termination of appointment)

Section 610—

relocate to part 6B.2, division 3, as inserted by this Act, and *renumber* as section 581PL.

61 Relocation and renumbering of s 611 (Resignation of members)

Section 611—

relocate to part 6B.2, division 3, as inserted by this Act, and *renumber* as section 581PM.

62 Amendment, relocation and renumbering of s 612 (Disclosure of interests)

(1) Section 612(1), 'tribunal', first mention—

omit, insert—

Supreme Court

(2) Section 612(1), 'tribunal', second mention—

Authorised by the Parliamentary Counsel

omit, insert—

court

(3) Section 612(1)(a)—

omit, insert—

(a) the judge presiding over the proceeding; and

(4) Section 612(2), 'himself or herself'—

omit, insert—

themself

(5) Section 612(4)—

omit.

(6) Section 612—

relocate to part 6B.2, division 3, as inserted by this Act, and *renumber* as section 581PN.

63 Relocation and renumbering of s 613 (Protection of panel members)

Section 613—

relocate to part 6B.2, division 3, as inserted by this Act, and *renumber* as section 581PO.

64 Omission of ch 7, pt 7.3, div 5, hdg (Provisions applying to committee for hearings)

Chapter 7, part 7.3, division 5, heading—

omit.

65 Relocation and renumbering of s 639 (Constitution of committee for hearing)

Section 639—

relocate to part 6C.2, as inserted by this Act, and *renumber* as section 581PZ.

Authorised by the Parliamentary Counsel

66 Amendment, relocation and renumbering of s 640 (Conduct of committee for hearing and deciding discipline applications)

(1) Section 640(4), 'section 639(2)'—

omit, insert—

section 581PZ(2)

(2) Section 640—

relocate to part 6C.2, as inserted by this Act, and *renumber* as section 581QA.

67 Amendment, relocation and renumbering of s 641 (Disclosure of interests)

(1) Section 641(6), from 'tribunal' to 'QCAT Act'—

omit, insert—

Supreme Court

(2) Section 641—

relocate to part 6C.2, as inserted by this Act, and *renumber* as section 581QB.

68 Relocation and renumbering of s 642 (Protection of members etc.)

Section 642—

relocate to part 6C.2, as inserted by this Act, and *renumber* as section 581QC.

69 Omission of ch 7, pt 7.4, hdg (Other provisions applying to committee for discipline applications)

Chapter 7, part 7.4, heading—

omit.

Authorised by the Parliamentary Counsel

70 Omission of ch 7, pt 7.4, div 1, hdg (Parties to proceedings before committee)

Chapter 7, part 7.4, division 1, heading—

omit.

71 Relocation and renumbering of s 643 (Parties)

Section 643—

relocate to part 6C.3, as inserted by this Act, and *renumber* as section 581QD.

72 Omission of ch 7, pt 7.4, div 2, hdg (Conduct of proceedings)

Chapter 7, part 7.4, division 2, heading—

omit.

73 Relocation and renumbering of s 644 (Public hearings)

Section 644—

relocate to part 6C.3, as inserted by this Act, and *renumber* as section 581QE.

74 Relocation and renumbering of s 645 (Procedure for hearing by committee)

Section 645—

relocate to part 6C.3, as inserted by this Act, and *renumber* as section 581QF.

75 Amendment, relocation and renumbering of s 646 (Recording evidence)

(1) Section 646(2), ‘section 650’—

omit, insert—

Authorised by the Parliamentary Counsel

section 581QK

(2) Section 646—

relocate to part 6C.3, as inserted by this Act, and *renumber* as section 581QG.

76 Relocation and renumbering of s 647 (Committee may proceed in absence of party or may adjourn hearing)

Section 647—

relocate to part 6C.3, as inserted by this Act, and *renumber* as section 581QH.

77 Amendment, relocation and renumbering of s 648 (Matter may be decided on affidavit evidence)

(1) Section 648(b), 'if the other party does not appear and'—

omit, insert—

without the written consent of the other party if

(2) Section 648—

relocate to part 6C.3, as inserted by this Act, and *renumber* as section 581QI.

78 Relocation and renumbering of s 649 (Standard of proof)

Section 649—

relocate to part 6C.3, as inserted by this Act, and *renumber* as section 581QJ.

79 Amendment, relocation and renumbering of s 650 (Prohibited publication about hearing of a disciplinary application)

(1) Section 650, heading, 'a disciplinary'—

omit, insert—

discipline

Authorised by the Parliamentary Counsel

(2) Section 650—

relocate to part 6C.3, as inserted by this Act, and *renumber* as section 581QK.

80 Omission of ch 7, pt 7.4, div 3, hdg (Powers of committee)

Chapter 7, part 7.4, division 3, heading—

omit.

81 Relocation and renumbering of s 651 (Power to disregard procedural lapses)

Section 651—

relocate to part 6C.4, as inserted by this Act, and *renumber* as section 581QL.

82 Relocation and renumbering of s 652 (Directions for hearings)

Section 652—

relocate to part 6C.4, as inserted by this Act, and *renumber* as section 581QM.

83 Relocation and renumbering of s 653 (Attendance notice)

Section 653—

relocate to part 6C.4, as inserted by this Act, and *renumber* as section 581QN.

84 Relocation and renumbering of s 654 (Authentication of documents)

Section 654—

relocate to part 6C.4, as inserted by this Act, and *renumber* as section 581QO.

Authorised by the Parliamentary Counsel

85 Omission of ch 7, pt 7.4, div 4, hdg (Offences)

Chapter 7, part 7.4, division 4, heading—

omit.

86 Relocation and renumbering of ss 655 and 656

Sections 655 and 656—

relocate to part 4.13 and *renumber* as sections 487A and 487B.

87 Omission of ch 7, pt 7.4A, hdg (Provisions applying to tribunal for discipline applications)

Chapter 7, part 7.4A, heading—

omit.

88 Omission of s 656A (Application of pt 7.4A)

Section 656A—

omit.

89 Amendment, relocation and renumbering of s 656B (Entitlement to appear at hearing)

(1) Section 656B, 'tribunal', first mention—

omit, insert—

Supreme Court

(2) Section 656B(b), 'tribunal'—

omit, insert—

court

(3) Section 656B—

relocate to part 6B.2, division 2, as inserted by this Act, and *renumber* as section 581PD.

Authorised by the Parliamentary Counsel

90 Amendment, relocation and renumbering of s 656C (Standard of proof)

(1) Section 656C(1), 'tribunal', first mention—

omit, insert—

Supreme Court

(2) Section 656C(1), 'tribunal', second mention—

omit, insert—

court

(3) Section 656C(1), 'the body is'—

omit.

(4) Section 656C—

relocate to part 6B.2, division 2, as inserted by this Act, and *renumber* as section 581PE.

91 Omission of s 656D (Prohibited publication about hearing of a discipline application)

Section 656D—

omit.

92 Amendment, relocation and renumbering of s 656E (Power to disregard procedural lapses)

(1) Section 656E(1), 'tribunal', first mention—

omit, insert—

Supreme Court

(2) Section 656E(1), 'tribunal', second mention—

omit, insert—

court

(3) Section 656E(3), 'tribunal's'—

omit, insert—

Authorised by the Parliamentary Counsel

Supreme Court's

(4) Section 656E—

relocate to part 6B.2, division 2, as inserted by this Act, and *renumber* as section 581PF.

93 Insertion of new s 713B

After section 713A—

insert—

713B Intervention by Attorney-General

The Attorney-General may, for the State, intervene in a proceeding in the Supreme Court under this Act at any time.

94 Insertion of new ch 8, pt 8.1, div 3

Chapter 8, part 8.1—

insert—

Division 3 Statements of reasons

713C Obtaining statement of reasons

(1) This section applies if—

(a) the bar association, the board or the law society (each a ***decision-maker***) makes a decision under this Act; and

(b) a person may appeal to the Supreme Court against the decision; and

(c) the person has not been given a written statement of the reasons for the decision.

(2) The person may ask the decision-maker to give the person a written statement of the reasons for the decision.

Authorised by the Parliamentary Counsel

(3) The request must—

(a) be in writing, whether in paper or electronic form; and

(b) be made within 14 days after—

(i) if the person was notified of the decision—the day the person was notified; or

(ii) if subparagraph (i) does not apply—the day the person became aware of the decision.

(4) The decision-maker must give the person the statement within a reasonable period of not more than 28 days after the request is made.

Note—

See the *Acts Interpretation Act 1954*, section 27B in relation to the content of the statement.

713D Court order requiring statement of reasons be given

(1) This section applies if—

(a) under section 713C, a person has asked a decision-maker for a written statement of the reasons for a decision; and

(b) the decision-maker has not given the person the statement under section 713C(4).

(2) The person may apply to the Supreme Court for an order that the decision-maker give the person the statement.

(3) If the person applies for an order under subsection (2), the person must give written notice of the application to the decision-maker.

(4) If the Supreme Court is satisfied the person is entitled to receive the statement, the court may make an order requiring the decision-maker to

Authorised by the Parliamentary Counsel

give the person the statement within the period of not more than 28 days stated in the order.

713E Further statement

(1) This section applies if, under this division, a decision-maker gives a person a written statement of the reasons for a decision—

(a) under section 713C(4); or

(b) in response to an order under section 713D(4).

(2) The person may apply to the Supreme Court for an order under this section against the decision-maker.

(3) If the Supreme Court considers the statement does not contain adequate particulars of the reasons for the decision, the court may make an order requiring the decision-maker to give the person, within a stated period, an additional statement containing further and better particulars about stated matters.

95 Insertion of new ch 10, pt 10

Chapter 10—

insert—

Part 10 Transitional provisions for Legal Profession (Strengthening Disciplinary Matters) Amendment Act 2026

Division 1 Preliminary

Authorised by the Parliamentary Counsel

789 Definitions for part

In this part—

amendment Act means the *Legal Profession (Strengthening Disciplinary Matters) Amendment Act 2026*.

former, in relation to a provision of this Act, whether generally or by reference to a stated provision, means the provision as in force from time to time before the commencement of the transitional provision in which the term is used.

hear or decide, an application, does not include conducting a proceeding for making an order or another decision pending the final hearing of the application.

new, in relation to a provision of this Act, means the provision as in force from the commencement of the transitional provision in which the term is used.

transitional provision means a provision of this part.

Division 2 Making and deciding applications and related matters

790 Applications for review of decisions previously reviewable by tribunal

(1) This section applies if—

(a) before the commencement, an entity made a decision affecting a person under this Act; and

(b) immediately before the commencement—

Authorised by the Parliamentary Counsel

(i) the person could have, but had not, applied to the tribunal for a review of the decision under a former provision; and

(ii) the period allowed for making the application under the QCAT Act, section 33 (the ***original period***) had not ended; and

(c) the person would be able to appeal to the Supreme Court against the decision under a new provision if the decision were made after the commencement.

(2) The person may, within the original period, appeal to the Supreme Court against the decision under the new provision.

(3) If the person does not appeal against the decision within the original period, the Supreme Court may allow the person to appeal against the decision after the original period has ended if the court considers it appropriate having regard to the extent of, and reasons for, the delay.

791 Existing applications tribunal has started to hear or decide

(1) This section applies if—

(a) before the commencement—

(i) an application was made, referred or transferred to the tribunal under a former provision (the ***existing application***); and

(ii) the tribunal had started to hear or decide, but had not finished hearing or deciding, the application; and

(b) after the commencement, an application (however called) or an appeal seeking relief

Authorised by the Parliamentary Counsel

in the nature of the relief sought in the existing application would be authorised or required under a new provision to be made, referred or transferred to the Supreme Court.

(2) The tribunal must continue to deal with the existing application as if the amendment Act had not been enacted.

(3) Without limiting subsection (2), the tribunal may make an order or give a direction in relation to the existing application that the tribunal could have made or given under this Act as in force immediately before the commencement.

792 Application of new s 32 to particular directions

The reference in new section 32(5) to a direction given under new section 32(4) includes a reference to a direction given by the tribunal under former section 32(3)(b), whether before the commencement or after the commencement under section 791.

793 Application of new s 70 to particular reviews

The reference in new section 70(4)(a) to a successful appeal against a decision under that section includes a reference to a successful application to the tribunal under former section 70(3) for a review of the decision under that section, whether the application was decided before the commencement or after the commencement under section 791.

794 Application of new s 98 to particular reviews

(1) The reference in new section 98(1)(b) to a lawyer being successful in an appeal to the Supreme

Authorised by the Parliamentary Counsel

Court against a decision includes a reference to the lawyer being successful in an application to the tribunal for a review of the decision, whether the application was decided before the commencement or after the commencement under section 791.

(2) The reference in new section 98(2) and (3)(b)(ii) to the result of the appeal includes a reference to the result of the review mentioned in subsection (1).

795 Application of new s 375 to particular periods

The reference in new section 375(1)(c) to a further period allowed by the Supreme Court under new section 375(4) includes a reference to a further period allowed by the tribunal on an application mentioned in former section 375(1)(c), whether the application was decided before the commencement or after the commencement under section 791.

796 Application of new s 377 to particular periods

The reference in new section 377(2)(c) to a further period allowed by the Supreme Court under new section 377(6) includes a reference to a further period allowed by the tribunal as mentioned in former section 377(2)(c), whether before the commencement or after the commencement under section 791.

797 Application of new s 396 to particular reviews

The reference in new section 396(5), definition *allowed amount* to an appeal to the Supreme Court against a claim decided by the law society includes a reference to a review by the tribunal mentioned in former section 396(5), definition

Authorised by the Parliamentary Counsel

allowed amount, whether the review was decided before the commencement or after the commencement under section 791.

798 Application of new s 474 to particular disciplinary action

New section 474 applies in relation to disciplinary action as if a reference in the section to a review included a reference to a review by the tribunal under a former provision, whether the review was decided before the commencement or after the commencement under section 791.

799 Application of new s 581QQ to particular decisions and directions of tribunal

(1) This section applies if, after the commencement, the tribunal makes an order or gives a direction under section 791.

(2) New section 581QQ applies in relation to the order or direction as if—

(a) the order or direction had been made or given by the Supreme Court; and

(b) the reference in new section 581QQ(4) to the Supreme Court were a reference to the tribunal.

(3) However, if the order is made under former section 469(1), new section 581QQ as applied under subsection (2) applies in relation to the order subject to new section 581QS.

800 Existing applications tribunal has not started to hear or decide

(1) This section applies if—

(a) before the commencement—

Authorised by the Parliamentary Counsel

(i) an application was made, referred or transferred to the tribunal under a former provision (the ***existing application***); and

(ii) the tribunal had not started to hear or decide the application; and

(b) after the commencement, an application (however called) or an appeal seeking relief in the nature of the relief sought in the existing application would be authorised or required under a new provision to be made, referred or transferred to the Supreme Court.

(2) On the commencement, the existing application is transferred to the Supreme Court.

(3) The Supreme Court must deal with the existing application as if the application had been made, referred or transferred to the Supreme Court under the new provision.

Division 3 Orders and related matters

801 Enforcement of particular tribunal orders

(1) This section applies if—

(a) before the commencement, the tribunal made—

(i) an order under former section 456, former section 462 or former part 4.10; or

(ii) an order under the QCAT Act as mentioned in former section 457(1)(b); or

Authorised by the Parliamentary Counsel

(b) after the commencement, the tribunal makes an order mentioned in paragraph (a)(i) or (ii) under section 791.

(2) Former section 457 continues to apply in relation to the order as if the amendment Act had not been enacted.

802 Compliance with particular tribunal orders

(1) This section applies if—

(a) before the commencement, the tribunal made an order under former section 456 or former section 460; or

(b) after the commencement, the tribunal makes an order mentioned in paragraph (a) under section 791.

(2) Former section 461 continues to apply in relation to the order as if the amendment Act had not been enacted.

803 Confidentiality of client communications relating to discipline application or disciplinary action of tribunal

(1) This section applies in relation to—

(a) a discipline application the tribunal was hearing under former part 4.9 before the commencement or has continued to hear under section 791 after the commencement; or

(b) disciplinary action mentioned in former section 471, definition *disciplinary action* instigated by the tribunal before the commencement or under section 791 after the commencement.

(2) Former section 491 continues to apply in relation

Authorised by the Parliamentary Counsel

to a requirement under the QCAT Act to answer a question or produce information or a document relating to a matter to which the discipline application or disciplinary action relates.

Division 4 Panel members

804 Continuation of appointment of panel member for Supreme Court

(1) This section applies to a person who, immediately before the commencement, was appointed as a panel member.

(2) From the commencement, the person's appointment continues for helping the Supreme Court to hear and decide discipline applications.

(3) Subsection (2) applies despite the terms of the person's appointment as a panel member.

(4) In a document relating to the person's appointment as a panel member, a reference to the tribunal may, if the context permits, be taken to be a reference to the Supreme Court.

805 Panel members to finish helping tribunal for hearing

(1) This section applies to a panel member if—

(a) before the commencement, the panel member was helping the tribunal hear and decide a discipline application; and

(b) section 791 applies in relation to the application.

(2) The panel member must continue to help the tribunal hear and decide the discipline application under former section 599 as if the amendment Act had not been enacted.

Authorised by the Parliamentary Counsel

(3) This section is not affected by section 804.

806 Entitlement of member of practitioner panel to remuneration for helping tribunal

(1) This section applies to a member of the practitioner panel who is helping the tribunal hear and decide a discipline application under section 805(2).

(2) The panel member is not entitled to be paid remuneration or allowances for sitting with the tribunal in relation to hearing and deciding the discipline application.

Division 5 Transitional regulation-making power

807 Transitional regulation-making power

(1) A regulation (a ***transitional regulation***) may make provision about a matter for which—

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as in force before the commencement of the amendment Act to the operation of this Act as in force after the commencement of the amendment Act; and

(b) this Act does not provide or sufficiently provide.

(2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.

(3) A transitional regulation must declare it is a transitional regulation.

Authorised by the Parliamentary Counsel

808 Expiry of division and transitional regulation

This division and any transitional regulation under section 807 expire on the day that is 2 years after the day this section commences.

96 Insertion of new sch 1

Before schedule 2—

insert—

Schedule 1 Procedural provisions for Supreme Court for chapters 6B and 6D

sections 581P, 581PP, 581PU and 581QQ

Part 1 Provisions for appeals to Supreme Court

section 26(4)	Associates who are disqualified or convicted persons
section 33A	Appeal to Supreme Court against board's refusal to make suitability declaration
section 51(9)	Grant or renewal of local practising certificate
section 54(2) and (4)	Applications relating to conditions
section 61(3)	Amending, suspending or cancelling a local practising certificate
section 69(3)	Refusal, amendment, suspension or cancellation of local practising certificate because of failure to show cause

Authorised by the Parliamentary Counsel

section 70(3)	Restriction on making further application
section 76(3)	Additional condition on interstate legal practitioner engaging in legal practice in this jurisdiction
section 87(5)	Health assessment
section 183(4)	Grant or renewal of local registration
section 185(7)	Refusal to grant or renew registration
section 188(3)	Amending, suspending or cancelling registration
section 194(3)	Refusal, amendment, suspension or cancellation of local registration—failure to show cause
section 195(3)	Restriction on making further applications
section 208(4)	Additional conditions on practice of interstate-registered foreign lawyers
section 375(3)	Time limit for making claims
section 377(5)	Time limit for making claims following advertisement
section 392	Appeal against decision on claim
section 469(1)	Appeal to Supreme Court against committee's decision

Part 2 Provisions for decisions or orders of Supreme Court at first instance

section 32(4)	Early consideration of suitability
section 62(3)	Operation of amendment, suspension or cancellation of local practising certificate

Authorised by the Parliamentary Counsel

section 63(9)	Immediate amendment or suspension of local practising certificate
section 189(3)	Operation of amendment, suspension or cancellation of registration
section 197(8)	Immediate suspension of registration
section 393	Application for direction and order for failure to decide claim
section 443(4)	Powers for investigations
section 452(1)(a)	Starting proceeding before a disciplinary body
section 459(4)	Notification and filing of committee orders
section 581QB(6)	Disclosure of interests

97 Amendment of sch 2 (Dictionary)

(1) Schedule 2—

insert—

decision, of the Supreme Court, for chapter 6D, see section 581QP.

decision-maker, for part 8.1, division 3, see section 713C(1)(a).

disciplinary order, of the Court of Appeal, see section 461A(1).

former disciplinary body means—

(a) the tribunal as a disciplinary body under this Act as in force before the commencement of this definition; or

(b) the tribunal continuing to deal with an existing application under section 791 after the commencement of this definition, if the existing application is, or relates to, an

Authorised by the Parliamentary Counsel

application made to the tribunal under former section 452(1)(a).

(2) Schedule 2, definition *disciplinary body*, paragraph (a)—

omit, insert—

(a) the Supreme Court;

(3) Schedule 2, definition *lay panel*, 'section 607(1)(a)'—

omit, insert—

section 581PI(1)(a)

(4) Schedule 2, definition *panel member*, 'part 7.2, division 2'—

omit, insert—

part 6B.2, division 3

(5) Schedule 2, definition *practitioner panel*, 'section 607(1)(b)'—

omit, insert—

section 581PI(1)(b)

Part 3 Other amendments

98 Legislation amended

Schedule 1 amends the legislation it mentions.

Authorised by the Parliamentary Counsel

Schedule 1 Other amendments

section 98

Legal Profession Act 2007

1 Section 451(3), 'sections 650 and 656D'—

omit, insert—

sections 581PB and 581QK

2 Section 454, note—

omit.

3 Section 707(3), '642'—

omit, insert—

581QC

Queensland Civil and Administrative Tribunal Act 2009

1 Section 149(4), note, from 'See'—

omit.

2 Schedule 3, definition *non-publication order*, paragraph (f)—

omit.

Authorised by the Parliamentary Counsel

© State of Queensland 2026

Authorised by the Parliamentary Counsel