Legal Profession (Strengthening Disciplinary Matters) Amendment Bill 2026

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity

Title of the Bill

Legal Profession (Strengthening Disciplinary Matters) Amendment Bill 2026

Objectives of the Amendments

The objectives of the amendments are to:

- clarify that certain decisions or orders made by the Supreme Court under the legal practitioner jurisdiction can be appealed to the Court of Appeal, even where the decision or order is made under a section of the Act that is different to the section under which the proceeding was originally commenced, to ensure the provisions operate as intended;
- clarify that orders made by the Court of Appeal in appeals relating to discipline applications must be implemented and enforced by entities with functions under the Legal Profession Act, to ensure these orders of the Court of Appeal are implemented and enforced similarly to orders of the Supreme Court and Legal Practice Committee; and
- clarify that failing to comply with an order of the Court of Appeal in appeals relating to discipline applications is capable of being unsatisfactory professional misconduct or professional misconduct, to ensure these orders of the Court of Appeal are treated similarly to orders of the Supreme Court and Legal Practice Committee.

Achievement of the Objectives

The objectives of the amendments are achieved by:

- ensuring that a decision of the Supreme Court made in a proceeding under a provision mentioned in new schedule 1, part 2 of the *Legal Profession Act 2007* (the Act) may be appealed to the Court of Appeal under new section 581QQ (inserted by clause 52 of the Bill), even if the decision or orders in that proceeding were made under a different provision;
- providing that stated orders of the Court of Appeal made on appeal in relation to a discipline application must be given effect to, or enforced by, an entity with a relevant functions or powers under the Act and notified to relevant entities having functions or powers under a corresponding law of another jurisdiction; and
- providing that failure to comply with stated orders of the Court of Appeal made on appeal in relation to a discipline application is capable of being unsatisfactory professional misconduct or professional misconduct.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways to achieve the policy objectives of the amendments.

Estimated Cost for Government Implementation

Any implementation costs will be absorbed from existing agency resources.

Consistency with Fundamental Legislative Principles

The amendments are consistent with fundamental legislative principles.

Consultation

The Justice, Integrity and Community Safety Committee conducted an inquiry into the Bill and the amendments to the Bill address technical matters raised in submissions to the Committee.

Notes on provisions

Amendments 1 and 2 amend clause 9 (Amendment of s 46 (Suitability to hold local practising certificate)) to insert in section 46(2)(d) of the Act a reference to contravening a disciplinary order of the Court of Appeal as a matter a regulatory authority may take into account in considering whether a person is a fit and proper person to hold a local practising certificate.

Amendment 3 amends clause 21 (Amendment of s 185 (Refusal to grant or renew registration)) to insert in section 185(2)(c) of the Act a reference to contravening a disciplinary order of the Court of Appeal as a matter the law society may rely on to refuse to grant or renew an applicant's registration as a foreign lawyer under the Act.

Amendment 4 amends clause 37 (Amendment of s 420 (Conduct capable of constituting unsatisfactory professional conduct or professional misconduct)) to insert in section 420(1)(f) of the Act a reference to failing to comply with a disciplinary order of the Court of Appeal as conduct capable of constituting unsatisfactory professional conduct or professional misconduct.

Amendments 5 and 6 amend clause 43 (Amendment of s 461 (Compliance with decisions and orders)) so that the section heading for section 461 reads 'Compliance with decisions and orders of disciplinary bodies' and to insert new subclause numbering because of this change. This change reflects the content of the section and distinguishes it from new section 461A inserted by amendment 7.

Amendment 7 inserts new clause 43A (Insertion of new s 461A) which inserts new section 461A (Compliance with particular orders of Court of Appeal) in the Act which provides for compliance with disciplinary orders of the Court of Appeal.

New section 461A(1) provides for the application of section 461 of the Act in relation to the following orders of the Court of Appeal (referred to as a 'disciplinary order') made on appeal against:

- a decision or order of the Supreme Court made in a proceeding under:
    - section 443(4) which provides for the Legal Services Commissioner (Commissioner) to apply to the Supreme Court for an order in relation to the charge that an Australian legal practitioner has committed professional misconduct in failing to comply with a requirement relating to an investigation;
    - section 452(1)(a) which provides for the Commissioner to apply to the Supreme Court for an order against an Australian legal practitioner in relation to a complaint against the legal practitioner or an investigation matter; or
    - section 469(1) which provides for a party dissatisfied with a final decision of the Legal Practice Committee to appeal to the Supreme Court against the decision; or
- an order of the Supreme Court mentioned in section 459(4), which is an order of the Legal Practice Committee under section 458 or 462 that is filed in the Supreme Court.

New section 461A(2) provides that section 461 applies in relation to a disciplinary order of the Court of Appeal as if:

- 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
- a reference in section 461(1) and (2) to an order, whether of the Supreme Court or the Legal Practice Committee, made under a stated provision of the 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
- the reference in section 461(3) to the Supreme Court included a reference to the Court of Appeal.

Amendment 8 inserts new clause 50A (Amendment of s 488 (Failure to comply with order of a disciplinary body) which amends section 488 of the Act:

- so that the section heading reads 'Failure to comply with an order of a disciplinary body or other particular orders'; and
- to replace the reference to 'disciplinary body under this Act' with 'disciplinary body or the former disciplinary body, or a disciplinary order of the Court of Appeal, under this Act'.

This amendment clarifies that failure to comply with an order of a disciplinary body or the former disciplinary body, or a disciplinary order of the Court of Appeal, is capable of being unsatisfactory professional conduct or professional misconduct.

Amendment 9 amends clause 52 (Insertion of new chs 6B-6D) so that new section 581QQ also applies to a decision of the Supreme Court made in a proceeding under a provision of the Act mentioned in schedule 1, part 2. This will ensure that these decisions of the Supreme Court can be appealed to the Court of Appeal, even if the decision or order is made under a provision not mentioned in schedule 1, part 2.

Amendment 10 amends clause 97 (Amendment of sch 2 (Dictionary)) to insert a definition of 'disciplinary order' of the Court of Appeal.

©The State of Queensland 2026