

Legal Profession (Strengthening Disciplinary Matters) Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Legal Profession (Strengthening Disciplinary Matters) Amendment Bill 2026 (the Bill).

Policy objectives and the reasons for them

On 30 January 2025, the Attorney-General and Minister for Justice and Minister for Integrity (Attorney-General) commissioned the Honourable David Graham Thomas (the Reviewer) to conduct a statutory review of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

The statutory review of the QCAT Act is considering the legislative framework that regulates the functions and operations of the Queensland Civil and Administrative Tribunal (QCAT) and includes express consideration of the operation of various professional disciplinary lists (including legal practitioners) and whether QCAT remains the most appropriate forum for these jurisdictions.

The Attorney-General requested that consideration of QCAT's legal practitioner jurisdiction (LPJ) be prioritised and delivered ahead of the broader Review.

On 29 October 2025, the Reviewer provided the Attorney-General with the *QCAT Act Statutory Review 2025-26: Legal practitioner jurisdiction Report (October 2025)* (the Report). The Report makes 23 recommendations to transfer the LPJ from QCAT to the Supreme Court of Queensland (Supreme Court) and clarify the procedural and costs arrangements applicable in the Supreme Court.

The *Legal Profession Act 2007* (Legal Profession Act) sets out the LPJ which, as referred to in the Report, comprises of:

- disciplinary proceedings – discipline applications by the Legal Services Commissioner (Commissioner) about the conduct of legal practitioners; and reviews of disciplinary proceeding decisions by the Legal Practice Committee; and
- other related matters – generally involving decisions of the Queensland Law Society (QLS), Bar Association of Queensland (BAQ) or Legal Practitioners Admission Board (LPAB) in relation to the ability of a person to practise as a legal practitioner in Queensland or claims on the fidelity fund.

The policy objective of the Bill is to give effect to all of the Report's recommendations.

Achievement of policy objectives

The Bill will amend the Legal Profession Act to give effect to the recommendations of the Report by transferring the LPJ from QCAT to the Supreme Court.

Transfer of legal practitioner disciplinary jurisdiction from QCAT to the Supreme Court

Transfer of jurisdiction for discipline applications

The Bill transfers QCAT's legal practitioner disciplinary jurisdiction to the Supreme Court and provides that the Commissioner may 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 (i.e. an investigation initiated by the Commissioner), instead of applying to QCAT (recommendation 1).

The amendments in the Bill will not affect the Supreme Court's inherent jurisdiction in relation to legal practitioners (recommendation 22).

Under the Bill, discipline applications will be heard by a single judge of the Supreme Court in its original jurisdiction, enabling the Chief Justice to manage the workload of the jurisdiction more efficiently (recommendations 3 and 11).

The Bill will retain existing provisions for how a disciplinary proceeding is conducted but instead apply these to the Supreme Court, and further provisions modelled on the QCAT Act are also introduced, to ensure that proceedings generally remain the same (recommendation 20).

Otherwise, the *Uniform Civil Procedure Rules 1999* (UCPR) will apply to the proceedings, where not inconsistent with the Legal Profession Act (recommendation 20).

Consistent with its usual jurisdiction, the Supreme Court will be able to make use of existing mechanisms, such as active case management, to refine the issues in dispute (recommendation 18); and parties will continue to have a right to legal representation in proceedings (recommendation 19).

The Bill provides that on commencement, any existing proceedings in QCAT will be moved to the Supreme Court, unless QCAT has already started to hear and decide the application (recommendation 23).

Use of panel members

The Bill will continue to provide that both a legal professional member and a layperson member must be appointed from a panel to assist the Supreme Court to decide disciplinary proceedings (recommendations 12 and 13). The use of panel members will ensure that the views of both the profession and the community are represented and reflects fundamental principles of fairness, impartiality, openness and accountability in the complaints and disciplinary process for legal professionals.

The Bill also provides that the court may only continue in the absence of a panel member if it is in the interests of justice; and not continuing would cause undue delay or costs. This ensures fairness, maintains the integrity of the process, and preserves the benefits of including panel members in the proceeding (recommendation 14).

Further, the Bill provides that the legal professional panel member will be entitled to remuneration, to provide equity with lay panel members who are already remunerated, and encourage participation by the profession (recommendation 15).

Costs orders

The Bill will clarify how costs are to be awarded for disciplinary proceedings involving mixed findings in relation to multiple charges of prescribed conduct. The Bill will clarify that nothing in current section 462 of the Legal Profession Act will require a disciplinary body to make an order requiring the person to pay costs for conduct that was not proven to be professional misconduct or unsatisfactory professional conduct (recommendations 16 and 17).

This amendment will enshrine the approach in the case of *Pennisi v LSC [No 2] [2023] QCA 251*, which considered how costs should be awarded under section 462, and will prevent a scenario where a disciplinary body considers that section 462 requires it to make a costs order against the respondent lawyer in relation to the entire proceeding, even if the respondent has successfully defended certain charges.

Appeal of decisions of the Legal Practice Committee for discipline applications

The Bill also provides that decisions of the Legal Practice Committee will be appealed to a single judge of the Supreme Court by way of a rehearing on the evidence before the Committee. This includes decisions about legal practice employees under section 458(4) of the Legal Profession Act (recommendation 6). However, the Supreme Court 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.

Transfer of other related matters from QCAT to the Supreme Court

The Bill will also transfer other related matters of the LPJ from QCAT to the Supreme Court (recommendation 1) as outlined below.

Appeal of decisions of the QLS, BAQ and LPAB

The Bill transfers the current ‘review’ rights to QCAT regarding decisions of the QLS, BAQ and LPAB to ‘appeal’ rights to the Supreme Court in its original jurisdiction and specifies how the Supreme Court will hear an appeal (recommendation 4). For example:

- a QLS or BAQ decision to refuse to grant or renew a local practising certificate or impose a condition on the certificate may be appealed to the Supreme Court under section 51(9) of the Legal Profession Act; and
- a QLS decision to wholly or partly disallow a claim on the fidelity fund may be appealed to the Supreme Court under section 392 of the Legal Profession Act.

The Supreme Court will hear these matters as an appeal de novo, which is not conditioned on the identification of an error in fact, law, or in the exercise of a discretion in the decision. The court will not be limited in considering the evidence before the original decision maker and can receive fresh evidence. The intent is that the review of the original decision by way of an appeal is a judicial function of the Supreme Court.

Original decisions required from the Supreme Court in the first instance

The Bill transfers to the Supreme Court a range of matters that currently require an order or decision of QCAT in the first instance. For example, the Bill will provide that the LPAB may apply to the Supreme Court under section 32(3)(b) of the Legal Profession Act for a direction about whether a matter will affect a person being a fit and proper person to be admitted to the legal profession.

Procedural and costs arrangements

The Bill provides that when hearing these appeals or matters, the Court is not bound by the rules of evidence, and the Court can inform itself in any way it considers appropriate and act with as little formality and technicality as possible. The Bill provides that each party will be responsible for their own costs unless the Court considers the interests of justice require a costs order. This will ensure that these proceedings generally remain the same as how they are currently conducted by QCAT and will ensure access to justice is preserved in transferring these matters to the Supreme Court (recommendation 20).

Otherwise, the UCPR will apply to the proceedings, where not inconsistent with the Legal Profession Act (recommendation 20).

Jurisdiction of the Legal Practice Committee

The Bill retains the Legal Practice Committee's jurisdiction to hear claims of unsatisfactory professional conduct (recommendation 2). This includes the requirement for the Legal Practice Committee to provide an information notice with reasons for its decisions (recommendation 7).

Jurisdiction of the Court of Appeal

The Bill clarifies how decisions of the Supreme Court for the LPJ can be appealed to the Court of Appeal.

The Bill provides that decisions of the Supreme Court in relation to discipline applications or appeals of decisions of the QLS, BAQ or LPAB can be appealed to the Court of Appeal, consistent with the current approach under section 468 of the Legal Profession Act (recommendations 8 and 10).

However, for a decision of the Supreme Court in relation to an appeal of a decision of the Legal Practice Committee for a discipline application, the Bill specifies that the appeal to the Court of Appeal must be with leave and on a question of law only (recommendation 9).

Jurisdiction retained by QCAT

QCAT will retain its merits review jurisdiction for a decision by the QLS to disqualify a person as an external examiner under section 278(6) of the Legal Profession Act. However, the Bill provides that these reviews are no longer required to be heard by a judicial member, and QCAT will instead be constituted at the discretion of the President, in accordance with section 165 of the QCAT Act (recommendation 5).

Additionally, both the Supreme Court and QCAT will have jurisdiction to hear applications to set aside costs agreements under section 328 of the Legal Profession Act; and the Bill provides

that QCAT will instead be constituted by a legally qualified member in hearing these matters, rather than a judicial member (recommendation 21).

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than by legislative amendment.

Estimated cost for government implementation

Any implementation costs will be absorbed from existing agency resources.

Consistency with fundamental legislative principles

The Bill has been drafted with regard to the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992* (LS Act). Potential breaches of FLPs associated with the Bill are addressed below.

Rights and liberties, or obligations, dependent on administrative power only if subject to appropriate review (section 4(3)(a) of the LS Act)

Section 4(3)(a) of the LS Act provides that legislation should make rights and liberties, or obligations, dependent on administrative power only if subject to appropriate review. Where individual rights and liberties are in jeopardy, a merits-based review is generally considered the most appropriate form of review.

The Bill proposes to amend the review process for certain decisions that were previously subject to a merits-based review by QCAT, replacing this with an appeal mechanism in the Supreme Court within the Court's original jurisdiction. The appeal mechanism will involve a *de novo* hearing, meaning the matter will be heard afresh. This ensures that the Supreme Court has the opportunity to fully consider the facts and circumstances of the case, providing a robust and comprehensive review process.

While this represents a change in the nature of the review process, the shift from a merits-based review in QCAT to a *de novo* appeal in the Supreme Court is considered justified. The Supreme Court's original jurisdiction provides an appropriate forum for resolving these matters, ensuring that the principles of natural justice are upheld while balancing the need for timely and effective decision-making. The *de novo* nature of the hearing ensures that the rights and liberties of individuals are adequately protected, as the Court will have the ability to consider all relevant evidence and make a fresh determination.

Appropriate standard of proof (section 4(3)(a) of the LS Act)

Section 4(3)(a) of the LS Act also requires that legislation provide for an appropriate standard of proof for matters arising under the legislation. The Bill amends section 656C (Standard of Proof) of the Legal Profession Act to make it relevant to the Supreme Court. This raises the issue of whether the standard of proof applied under the amended provision is appropriate, particularly given the potential seriousness of the consequences of an adverse finding.

The common law implies a sliding scale for the standard of proof, ranging from "on the balance of probabilities" to "beyond reasonable doubt," depending on the seriousness of the matter. The Bill applies a standard of proof which is that the Supreme Court must be satisfied on the balance of probabilities that an allegation is true, consistent with how the standard previously applied to QCAT.

Consultation

The Reviewer, relevant Heads of Jurisdiction, the Legal Services Commission, the QLS, and the BAQ were consulted in developing the Bill.

Feedback received during this consultation process was taken into account in finalising the Bill.

Consistency with legislation of other jurisdictions

The amendments are specific to the legislative framework of the State of Queensland.

Notes on provisions

Part 1 - Preliminary

Clause 1 provides that the Bill, when enacted, may be cited as the *Legal Profession (Strengthening Disciplinary Matters) Amendment Act 2026*.

Clause 2 provides that the Bill, when enacted, will commence on a day to be fixed by proclamation.

Part 2 - Amendment of the Legal Profession Act 2007

Clause 3 provides that part 2 of the Bill amends the *Legal Profession Act 2007* (LP Act).

Clause 4 amends section 10 (Information notices) to remove reference to applying to the Queensland Civil and Administrative Tribunal (tribunal) for a review of a decision, and require an information notice to include information related to appeal rights to the Supreme Court or another court, if available. Notice related to a decision to disqualify an individual from being an external examiner will be dealt by a QCAT information notice in section 278, as amended by clause 28.

Clause 5 amends section 26 (Associates who are disqualified or convicted persons) to provide that an applicant for approval by the Queensland Law Society (law society) of a person as a lay associate may appeal to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 6 amends the definition of ‘Supreme Court’ in section 29 (Definitions for pt 2.3) so that it includes a single judge of the Supreme Court in relation to giving a direction mentioned in section 32(3)(b), and deciding an appeal under section 33A.

Clause 7 amends section 32 (Early consideration of suitability) to:

- provide that, under section 32(3)(b), the Legal Practitioners Admission Board (board) may refer an application for early consideration of suitability to the Supreme Court for direction, rather than the tribunal;
- insert new section 32(3A) to provide that if an application is referred to the Supreme Court under section 32(3)(b), the Supreme Court may give a direction to the board as the court considers appropriate; and
- omit section 32(5) which requires the board to give the applicant an information notice about a refusal to make a declaration, including appeal rights to the Supreme Court. Relevant appeal rights to the Court of Appeal will be provided by new section 33, inserted by clause 8.

Clause 8 replaces section 33 (Involvement of tribunal and Supreme Court) with new sections 33 and 33A.

New section 33 (Appeal to Court of Appeal against board’s refusal to make suitability declaration) provides for requirements if the board refers an application for a declaration concerning a suitability matter under section 32(3)(b) to the Supreme Court, and the Supreme Court directs the board to refuse to make a declaration mentioned in section 32(2). The board

must give the applicant an information notice about the refusal. The applicant may appeal to the Court of Appeal within 28 days after being given the information notice, and section 10(1) applies to the information notice as if a decision was a reference to the refusal. The appeal is by way of rehearing on the evidence given in the matter before, the Supreme Court. However, the Court of Appeal is not prevented 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. The Court of Appeal may make any order it considers appropriate on the appeal.

New section 33A (Appeal to Supreme Court against board's refusal to make suitability declaration) applies if the board decides under section 32(3)(c) to refuse to make a declaration mentioned in section 32(2). The board must give the applicant for the declaration an information notice about the decision, and the applicant may appeal to the Supreme Court against the decision.

Clause 9 amends section 46 (Suitability to hold local practising certificate) to allow a regulatory authority to, in considering whether a person is, or is no longer, a fit and proper person to hold a practising certificate, to take into account whether the person has contravened an order of the tribunal as the former disciplinary body. Reference to orders of the Supreme Court is also omitted because the Supreme Court will be a disciplinary body due to amendments in clause 97.

Clause 10 amends section 51 (Grant or renewal of local practising certificate) to provide that an applicant for the grant or renewal of a local practising certificate may appeal to the Supreme Court against a decision by a regulatory authority to refuse to grant or renew a local practising certificate, instead of applying to the tribunal for a review of the decision.

Clause 11 amends section 54 (Applications relating to conditions) to provide that, in stated circumstances, an applicant who did not apply for a practising certificate to be subject to a condition that is imposed by a regulatory authority may appeal to the Supreme Court against the decision to impose the condition, instead of applying to the tribunal for a review of the decision.

Clause 12 amends section 61 (Amending, suspending or cancelling a local practising certificate) to provide that a certificate holder may appeal to the Supreme Court against a decision by the relevant regulatory authority to amend, suspend or cancel a local practising certificate, instead of applying to the tribunal for a review of the decision.

Clause 13 amends section 62 (Operation of amendment, suspension or cancellation of local practising certificate) to provide that the Supreme Court may, on the application of the certificate holder, order that an amendment, suspension or cancellation of a practising certificate in stated circumstances be stayed, instead of the tribunal.

Clause 14 amends section 63 (Immediate amendment or suspension of local practising certificate) to provide that the regulatory authority may apply to the Supreme Court for an order extending the period of the amendment or suspension of a local practising certificate, rather than the tribunal.

Clause 15 amends section 69 (Refusal, amendment, suspension or cancellation of local practising certificate because of failure to show cause) to provide that the applicant or certificate holder who is subject to a decision by the relevant regulatory authority to refuse to grant or renew, or to amend, suspend or cancel a local practising certificate, in stated circumstances,

may appeal to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 16 amends section 70 (Restriction on making further application) to provide that an applicant or certificate holder who is subject to a decision by a regulatory authority that they are not entitled to apply for the grant of a local practising certificate for a stated period of not more than five years may appeal to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 17 amends section 76 (Additional condition on interstate legal practitioner engaging in legal practice in this jurisdiction) to provide that an interstate legal practitioner who is subject to a decision by the relevant regulatory authority to impose a condition in stated circumstances may apply to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 18 amends section 87 (Health assessment) to provide that a person who is subject to a decision by the relevant authority to require the undergoing of a health assessment in stated circumstances may appeal to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 19 amends section 98 (Law society and bar association to notify other jurisdictions about particular matters) to provide that notice must be given to corresponding authorities in stated circumstances if a lawyer is successful in an appeal to the Supreme Court, rather than if a lawyer is successful in an application to the tribunal for a review of a decision.

Clause 20 amends section 183 (Grant or renewal of local registration) to provide that a person who is the subject of a decision by the regulatory authority not to grant or renew registration as a foreign lawyer may appeal to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 21 amends section 185 (Refusal to grant or review registration) to:

- provide that the law society may refuse to grant or renew an applicant's registration as a foreign lawyer if the applicant has contravened an order of the tribunal as the former disciplinary body; and
- provide that a person may appeal to the Supreme Court against a decision of the law society to refuse to grant or renew an application for registration as a locally registered foreign lawyer, instead of applying to the tribunal for a review of the decision.

Clause 22 amends section 188 (Amending, suspending or cancelling registration) to provide that a person who is subject to a decision by the law society to amend, suspend or cancel their registration as a foreign lawyer may appeal to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 23 amends section 189 (Operation of amendment, suspension or cancellation of registration) to provide that the Supreme Court may, on the application of the relevant person, order that an amendment, suspension or cancellation of that person's registration as a foreign lawyer in stated circumstances be stayed, instead of the tribunal.

Clause 24 amends section 194 (Refusal, amendment, suspension or cancellation of local registration – failure to show cause) to provide that a person who is the subject of a decision by the law society to refuse to grant or renew an application for local registration, or to amend,

suspend or cancel the registration of a locally registered foreign lawyer, in stated circumstances, may appeal to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 25 amends section 195 (Restriction on making further applications) to provide that a person who is the subject of a decision of the law society that they are not entitled to apply for registration as a foreign lawyer for a stated period of not more than five years may appeal to the Supreme Court against the decision, instead of applying to the tribunal for a review of the decision.

Clause 26 amends section 197 (Immediate suspension of registration) to provide that the law society may apply to the Supreme Court for an order extending the period of suspension of a person's registration as a foreign lawyer, instead of applying to the tribunal.

Clause 27 amends section 208 (Additional conditions on practice of interstate-registered foreign lawyers) to provide that an interstate-registered foreign lawyer who is the subject of a decision by the law society to impose a condition on their practice of foreign law may appeal to the Supreme Court against the decision to impose the condition, instead of applying to the tribunal for a review of the decision.

Clause 28 amends section 278 (Disqualification of person as external examiner) to provide that the law society may disqualify an individual from being an external examiner by QCAT information notice, instead of an information notice, and provide that a defect in the QCAT information notice does not affect the individual's right to apply for a review of the decision to disqualify the individual. QCAT information notice is defined as a notice complying with section 157(2) of the *Queensland Civil and Administrative Tribunal Act 2009* (QCAT Act).

Clause 29 amends section 328 (Setting aside costs agreements) to provide that for a proceeding on an application to the tribunal, the tribunal is to be constituted by a legally qualified member under the QCAT Act.

Clause 30 amends section 375 (Time limit for making claims) to:

- require the law society to provide an information notice to a prospective claimant about a decision by the law society refusing to allow a further period for making a claim against the fidelity fund; and
- provide that a prospective claimant subject to a decision by the law society refusing to allow a further period for making a claim against the fidelity fund may appeal to the Supreme Court against the decision, rather than applying to the tribunal for a review of the decision, and make consequential changes reflecting this change.

Clause 31 amends section 377 (Time limit for making claims following advertisement) to:

- require the law society to provide an information notice to a prospective claimant about a decision by the law society refusing to allow a further period for making a claim against the fidelity fund following its advertising of a final date after which claims relating to a default by a law practice cannot be made; and
- provide that a prospective claimant subject to a decision by the law society refusing to allow a further period for making a claim against the fidelity fund following its advertising of the final date may appeal to the Supreme Court against the decision, rather than applying to the tribunal for a review of the decision, and make consequential changes reflecting this change.

Clause 32 replaces the heading to chapter 3, part 3.6 division 7 (Review) so that it refers to 'Appeals'.

Clause 33 amends section 392 (Review of decision on claim) to:

- amend the section heading to refer to ‘Appeal against decision on claim’; and
- provide that a claimant may appeal to the Supreme Court against a stated decision under the capping and sufficiency provisions (defined in section 356), instead of applying to the tribunal for a review of the decision, and make consequential changes to reflect this change.

Clause 34 amends section 393 (Review of failure to decide claim within 1 year) to:

- amend the section heading to refer to ‘Application for direction and order for failure to decide claim’; and
- provide that a claimant may apply to the Supreme Court for a direction and an order under the section, rather than to the tribunal for a review, if the law society fails to decide a claim against the fidelity fund within one year after the claim was made, and make consequential changes to reflect this change.

Clause 35 amends section 394 (Proceedings on review) to:

- amend the section heading to refer to ‘Proceeding on appeal’; and
- refer to proceedings brought before the Supreme Court under section 392, rather than the tribunal.

Clause 36 amends section 396 (Limiting payments from fidelity fund to capped amount) so that the definition of ‘allowed amount’ for a stated claim against the fidelity fund applies to the amount payable in relation to the claim as decided by the Supreme Court, if the law society’s decision is appealed to the Supreme Court, rather than the amount payable in relation to the claim as decided by QCAT if the law society’s decision is reviewed by QCAT.

Clause 37 amends section 420 (Conduct capable of constituting unsatisfactory professional conduct or professional misconduct) to provide that conduct of an Australian legal practitioner in failing to comply with an order of the tribunal as the former disciplinary body is capable of constituting unsatisfactory professional conduct or professional misconduct.

Clause 38 amends section 443 (Powers for investigations) to provide that the Legal Services Commissioner (commissioner) may apply to the Supreme Court for an order in stated circumstances following failure by a practitioner to comply with a requirement related to an investigation, instead of applying to the tribunal, and make consequential changes to reflect this change.

Clause 39 amends section 452 (Starting proceeding before a disciplinary body) to provide that the commissioner may 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, instead of applying to the tribunal. Notes are also included to alert readers to provisions relating to proceedings for discipline applications before the Supreme Court in new parts 6B.1 and 6B.2, and relating to discipline applications before the Legal Practice Committee (committee) in new chapter 6C.

Clause 40 amends section 456 (Decisions of tribunal about an Australian legal practitioner) to:

- amend the section heading to refer to ‘Decisions of Supreme Court about an Australian legal practitioner’; and

- update references from the tribunal to the Supreme Court, to reflect that the Supreme Court will hear and make resulting orders of a discipline application, rather than the tribunal.

Clause 41 replaces section 457 (Enforcement of orders) with new section 457 (Notification of Supreme Court orders). New section 457 provides that if the Supreme Court makes a stated order in relation to a discipline application, or makes an order in relation to a discipline application on appeal against a stated decision of the committee, the registrar must give the Minister a copy of the order and the reasons for the order. Specific enforcement arrangements are not required for orders made by the Supreme Court.

Clause 42 amends section 459 (Orders to be filed in Supreme Court and information notices to be given to parties etc.) to:

- amend the section heading to refer to ‘Notification and filing of committee orders’; and
- provide that the commissioner must file stated orders made by the committee in relation to a discipline application in the Supreme Court registry if an appeal to the Supreme Court against the decision is not started within the time allowed for making the appeal, rather than if no application is made to the tribunal within the relevant time allowed.

Clause 43 amends section 461 (Compliance with decisions and orders) to provide that:

- the commissioner must ensure that entities having functions under powers under a corresponding law of another jurisdiction are notified of the making and contents of stated orders of the Supreme Court, instead of the making and contents of such orders of the tribunal; and
- the Brisbane registrar must remove, or arrange with another registrar for the removal of, the name of an Australian legal practitioner from the local roll if the Supreme Court makes an order recommending the removal, rather than if the tribunal makes such an order.

Clause 44 amends section 462 (Costs) to:

- provide that nothing in section 462(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;
- insert a note altering readers that the Supreme Court may also make orders for costs under new sections 581PW and 581PX, inserted by clause 52; and
- provide that ‘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).

Clause 45 replaces the heading to chapter 4, part 4.10A (Appeals from decisions of disciplinary bodies) with ‘Appeals from committee decisions relating to discipline applications’.

Clause 46 omits section 468 (Appeal may be made to the Court of Appeal from the tribunal’s decision) to remove the right of appeal from a decision of the tribunal to the Court of Appeal. As the tribunal will no longer make decisions as a disciplinary body, this appeal right is no longer required.

Clause 47 amends section 469 (Application to tribunal for review of committee’s decision) to:

- amend the section heading to refer to ‘Appeal to Supreme Court against committee’s decision’;

- provide that a party dissatisfied with a final decision of the committee about a discipline application may appeal to the Supreme Court against the decision, rather than apply to the tribunal for a review of the decision;
- provide that the committee is not a party and the commissioner is a party to the proceeding before the Supreme Court, rather than before QCAT for the review; and
- insert a note alerting readers to other provisions relating to proceedings for appeal in new parts 6B.1 and 6B.3.

Clause 48 omits section 470 (Appeal to Court of Appeal in relation to a decision of committee), given appeals to the Court of Appeal in relation to a decision of the committee will be dealt with by new section 581QS, inserted by clause 52.

Clause 49 amends section 471 (Definition for part 4.11) so that the definition of ‘disciplinary action’ no longer refers to the making of an order by the tribunal that finds an Australian legal practitioner has engaged in professional misconduct, or refers to stated actions following a finding by the tribunal of unsatisfactory professional misconduct or professional misconduct by an Australian legal practitioner, but rather refers such orders and actions of the former disciplinary body. This reflects disciplinary applications no longer being made to the tribunal.

Clause 50 amends section 477 (General provisions about disclosure of information) so that it no longer includes reference to the tribunal exercising jurisdiction other than as a disciplinary body, but rather refers to the former disciplinary body. This reflects that the tribunal will no longer be a disciplinary body.

Clause 51 amends section 491 (Confidentiality of client communications) to provide that an Australian legal practitioner must comply with a requirement under an order of the Supreme Court to answer a question or produce information or a document in stated circumstances, rather than a requirement under the QCAT Act.

Clause 52 inserts new chapters 6B, 6C, and 6D.

Chapter 6B (Provisions about proceedings before Supreme Court) contains parts 6B.1 to 6B.4.

Part 6B.1 (General matters) contains sections 581P to 581PB.

New section 581P (Application of part) provides that part 6B.1 applies in relation to a proceeding before the Supreme Court under a provision mentioned in new schedule 1, inserted by clause 96. Schedule 1 lists those types of appeals to the Supreme Court that are in the jurisdiction transferred from QCAT by the Bill, and other provisions for decisions or orders of the Supreme Court at first instance that are in the jurisdiction transferred from QCAT by the Bill, which include disciplinary proceedings started in the Supreme Court.

New section 581PA (Procedure for conducting proceeding) provides that when conducting the proceeding, the Supreme Court 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, is not bound by the rules of evidence, and may inform itself in any way it considers appropriate.

New section 581PB (Prohibited publication about hearing of proceeding) provides:

- that the Supreme Court may make an order, before, during or immediately after the hearing of the proceeding prohibiting the publication of information stated in the order relating to the proceeding, the hearing or an order of the court. A person must not contravene such an order and doing so is an offence with a maximum penalty of 200 penalty units;

- that a person must not publish or allow someone to publish a question disallowed by the Supreme Court at the hearing, or an answer given to a question disallowed at the hearing. Doing so is an offence with a maximum penalty of 200 penalty units; and
- that the Supreme Court may make an order prohibiting the issue or publication of the entire or part of a copy of the record made under the *Recording of Evidence Act 1962*. A person must not contravene such an order and failure to comply is an offence with a maximum penalty of 200 penalty units.

Part 6B.2 (Discipline applications) contains new divisions 1 to 3.

New part 6B.2, division 1 (Preliminary) contains new section 581PC.

New section 581PC (Application of part) provides that part 6B.2 applies in relation to a proceeding before the Supreme Court for a discipline application.

New part 6B.2, division 2 (General provisions) contains new section 581PD to 581PF.

New section 581PD (Entitlement to appear at hearing) is relocated into part 6B.2, division 2 by clause 89.

New section 581PE (Standard of proof) is relocated into part 6B.2, division 2 by clause 90.

New section 581PF (Power to disregard procedural lapses) is relocated into part 6B.2, division 2 by clause 92.

New part 6B.2, division 3 (Panels and related matters) contains new sections 581PG to 581PO.

New section 581PG (Panel to help Supreme Court hear and decide discipline applications) provides that for hearing and deciding a discipline application the Supreme Court is to be helped by two panel members chosen by the registrar and approved by the judge presiding over the proceeding. The panel members must be 1 member of the lay panel and either a member of the practitioner panel who is a barrister or who is a solicitor, depending on stated features of the complaint. The registrar must keep a record of the names of the panel members.

New section 581PH (Continuing hearing with only 1 panel member) applies if one of the panel members mentioned in section 581PG(1) is helping, or is about to help, the Supreme Court hear and decide a discipline application, and a stated event happens which means that the panel member becomes unavailable to help, stops being a panel member or stops helping the court, and the other panel member can continue to help the court hear and decide the application. 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 it is in the interests of justice to continue to do so, and that not continuing to hear and decide the application would cause undue delay or expense for a party to the application. The section does not authorise the Supreme Court to hear and decide a discipline application without being helped by at least one panel member.

New section 581PI (Establishment of panels for helping the Supreme Court) is relocated into part 6B.2, division 3 by clause 57.

New section 581PJ (Appointment of panel members) is relocated into part 6B.2, division 3 by clause 58.

New section 581PK (Remuneration and appointment conditions of panel members) is relocated into part 6B.2 division 3 by clause 59.

New section 581PL (Termination of appointment) is relocated into part 6B.2, division 3 by clause 60.

New section 581PM (Resignation of member) is relocated into part 6B.2, division 3 by clause 61.

New section 581PN (Disclosure of interest) is relocated into part 6B.2, division 3 by clause 62.

New section 581PO (Protection of panel members) is relocated into part 6B.2, division 3 by clause 63.

Part 6B.3 (Particular appeals to Supreme Court) contains new sections 581PP to 581PT.

New section 581PP (Application of part) provides that part 6B.3 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. Schedule 1, part 1 lists those appeals to the Supreme Court that are in the jurisdiction transferred from QCAT by the Bill.

New section 581PQ (Starting appeal) provides that the appeal must be started within 28 days after the day the person is given an information notice about the decision, or otherwise 28 days after the day the person becomes aware of the decision. A note is inserted alerting readers to section 15(2) under which the Supreme Court may allow an appeal after the stated number of days to appeal.

New section 581PR (Appeal against decision of board etc.) applies if the decision was made by the board, the bar association or the law society under this Act. The Supreme Court will hear the matter as an appeal *de novo*, which is not conditioned on the identification of an error in fact, law, or in the exercise of a discretion in the decision. The Supreme Court will not be limited in considering the evidence before the original decision maker and may give leave to introduce further evidence, whether fresh, additional or substituted if the court considers that the further evidence may be material to the appeal.

New section 581PS (Appeal against decision of committee) applies if the decision was made by the committee. The appeal is by way of rehearing on the evidence in the matter before the committee. However, the Supreme Court is not prevented 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.

New section 581PT (Orders on appeal) provides that in the proceeding for the appeal, the Supreme Court may make any of the following orders:

- an order considering or amending the decision;
- an order setting aside the decision or substituting its own decision;
- an order setting aside the decision and returning the matter for reconsideration to the entity that made the decision with the directions the court consider appropriate;
- any other order the court considers appropriate.

Part 6.B4 (Matters relating to costs) contains new sections 581PU to 581PX.

New section 581PU (Application of part) provides that, unless otherwise provision, part 6B.5 applies in relation to a proceeding before the Supreme Court under a provision mentioned in Schedule 1.

New section 581PV (Costs for particular proceedings) provides that, subject to sections 581PW and 581PX, each party to a proceeding must bear the party's own costs unless the court considers the interests of justice require a costs order. The section does not apply to a proceeding for a discipline application, and a note is inserted alerting readers that section 462 provides for orders for costs for proceedings for discipline applications.

New section 581PW (Costs against lawyer or other representative in interests of justice) provides that if the Supreme Court considers a lawyer for a party to the proceeding, rather than the party, is unnecessarily responsible for disadvantaging another party to the proceeding, the court may make an order for costs requiring the lawyer to pay a stated amount to the other party as compensation for the unnecessary costs. Before making such an order, the Supreme Court must give the representative a reasonable opportunity to be heard in relation to making the order.

New section 581X (Costs against intervening parties) provides that 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. 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) contains parts 6C.1 to 6C.4.

Part 6C.1 (Preliminary) contains new section 581PY.

New section 581PY (Application of provision) provides that part 6C.1 applies in relation to a proceeding before the committee for a discipline application.

Part 6C.2 (Hearings) contains new sections 581PZ to 581QC.

New section 581PZ (Constitution of Committee for hearing) is relocated into part 6C.2 by clause 65.

New section 581QA (Conduct of committee for hearing and deciding discipline applications) is relocated into part 6C.2 by clause 66.

New section 581QB (Disclosure of interests) is relocated into part 6C.2 by clause 67.

New section 581QC (Protection of members etc.) is relocated into part 6C.2 by clause 68.

Part 6C.3 (Conduct of proceedings) contains new section 581QD to QK.

New section 581QD (Parties) is relocated into part 6C.3 by clause 71.

New section 581QE (Public hearings) is relocated into part 6C.3 by clause 73.

New section 581QF (Procedure for hearing by committee) is relocated into part 6C.3 by clause 74.

New section 581QG (Recording evidence) is relocated into part 6C.3 by clause 75.

New section 581QH (Committee may proceed in absence of party or adjourn hearing) is relocated into part 6C.3, subdivision 4 by clause 76.

New section 581QI (Matter may be decided on affidavit evidence) is relocated into part 6C.3 by clause 77.

New section 581QJ (Standard of proof) is relocated into part 6C.3 by clause 78.

New section 581QK (Prohibited publication about hearing of a disciplinary application) is relocated into part 6C.3 by clause 79.

Part 6C.4 (Powers of committee) contains new sections 581QL to 581QO.

New section 581QL (Power to disregard procedural lapses) is relocated into part 6C.4 by clause 81.

New section 581QM (Directions for hearings) is relocated into part 6C.4 by clause 82.

New section 581QN (Attendance notice) is relocated into part 6C.4 by clause 83.

New section 581QO (Authentication of documents) is relocated into part 6C.4 by clause 84.

Chapter 6D (Particular proceedings before Court of Appeal) contains new sections 581QP to 581QS.

New section 581QP (Definition for chapter) provides that, for chapter 6D, ‘decision’ of the Supreme Court includes an order made by court, an order of the court mentioned in section 459(4), and a direction given by the court.

New section 581QQ (General requirements for appeals against particular Supreme Court decisions) applies in relation to a decision of the Supreme Court made on appeal from a decision of the bar association, the board, the committee or the law society under a provision of this Act mentioned in schedule 1, part 1; or a decision made under a provision of this Act mentioned in schedule 1, part 2, subject to new sections 581QR and 581QS. A party who is dissatisfied with the decision, or the Minister, may appeal to the Court of Appeal against the decision. The appeal is by way of a rehearing on the evidence given in the matter before the Supreme Court, but the Court of Appeal is not prevented 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. The Court of Appeal may make any order it considers appropriate on the appeal.

New section 581QR (Appeal against particular decisions only with leave) applies to a decision of the committee mentioned in section 459(1) that has become an order of the Supreme Court under section 459(4). An appeal to the Court of Appeal may only be made with the leave of the Court of Appeal. The appeal is by way of rehearing on the evidence given in the matter before the committee, but the Court of Appeal is not prevented 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.

New section 581QS (Appeal against particular decisions only on a question of law and with leave) applies in relation to a decision of the Supreme Court made on appeal from a decision of the Committee under section 469(1). An appeal to the Court of Appeal against the decision may only be made on a question of law and with the leave of the Court of Appeal. In deciding the appeal, 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.

Clause 53 omits the heading to chapter 7, part 7.2 (Provisions about proceedings before tribunal). Provisions in this part have been omitted or relocated.

Clause 54 omits chapter 7, part 7.2, division 1 (Constitution of tribunal).

Clause 55 omits the heading to chapter 7, part 7.2, division 2 (Panels, panel members and related matters). Provisions in this part have been omitted or relocated.

Clause 56 omits section 599 (Panel to help the tribunal hear and decide discipline applications). New section 581PG, inserted by clause 52, will provide for panels to help the Supreme Court.

Clause 57 amends the heading to section 607 (Establishment of panels for helping the tribunal) to refer to ‘Establishment of panels for helping the Supreme Court’, relocates it to part 6B.2, division 3 and renumbers it as section 581PI.

Clause 58 relocates section 608 (Appointment of panel members) to part 6B.2, division 3 and renumbers it as section 581PJ.

Clause 59 amends section 609 (Remuneration and appointment conditions of panel members), relocates it to part 6B.2, division 3 and renumbers it as section 581PK. The section is amended to refer to a panel member, rather than a member of the lay panel and lay member, and refer to a panel member sitting with the Supreme Court, rather than the tribunal.

Clause 60 relocates section 610 (Termination of appointment) to part 6B.2, division 3 and renumbers it as section 581PL.

Clause 61 amends section 611 (Resignation of members) to part 6B.2, division 3 and renumbers it as section 581PM.

Clause 62 amends section 612 (Disclosure of interests), relocates it to part 6B.2, division 1, subdivision 3 and renumbers it as section 581PN. The section is amended to:

- refer to the panel member helping the Supreme Court, rather than the tribunal;
- require the panel member to disclose an issue giving rise to a conflict of interest about a proceeding before the Supreme court to the judge presiding over the proceeding, rather than requiring this for a proceeding before the tribunal to the president of the tribunal;
- update language to be gender neutral; and
- remove the provision which allows the tribunal to decide it is appropriate to proceed with the hearing with only one panel member, if a panel member is disqualified. The disqualification of a panel member will be dealt with by new section 581PH, inserted by clause 52.

Clause 63 relocates section 613 (Protection of panel members) to part 6B.2, division 3 and renumbers it as section 581PO.

Clause 64 omits the heading to chapter 7, part 7.3, division 5 (Provisions applying to committee for hearings). Provisions in this part are relocated.

Clause 65 relocates section 639 (Constitution of Committee for hearing) to part 6C.2 and renumbers it as section 581PZ.

Clause 66 amends section 640 (Conduct of committee for hearing and deciding discipline applications), relocates it to part 6C.2 and renumbers it as section 581QA. The section is amended to update a reference to relocated section 581PZ.

Clause 67 amends section 641 (Disclosure of interests), relocates it to part 6C.2, and renumbers it as section 581QB. The section is amended to provide that, in stated circumstances where the committee cannot be reconstituted to hear and decide a discipline application following a member disclosing issues giving rise to a conflict of interest, the discipline application is to be transferred to the Supreme Court, rather than to the tribunal.

Clause 68 relocates section 642 (Protection of members etc.) to part 6C.2 and renumbers it as section 581QC.

Clause 69 omits the heading to chapter 7, part 7.4 (Other provisions applying to committee for discipline applications). The provisions in this part are relocated.

Clause 70 omits the heading to chapter 7, part 7.4, division 1 (Parties to proceedings before committee). The provision in this division is relocated.

Clause 71 relocates section 643 (Parties) to part 6C.3 and renumbers it as section 581QD.

Clause 72 omits the heading to chapter 7, part 7.4, division 2 (Conduct of proceedings before committee). The provisions in this division are relocated.

Clause 73 relocates section 644 (Public hearings) to part 6C.3 and renumbers it as section 581QE.

Clause 74 relocates section 645 (Procedure for hearing by committee) to part 6C.3 and renumbers it as section 581QF.

Clause 75 amends section 646 (Recording evidence), relocates it to part 6C.3 and renumbers it as section 581QG. The section is amended to update a reference to relocated section 581QK.

Clause 76 relocates section 647 (Committee may proceed in absence of party or may adjourn hearing) to part 6C.3 and renumbers it as section 581QH.

Clause 77 amends section 648 (Matter may be decided on affidavit evidence), relocates it to part 6C.3 and renumbers it as section 581QI.

Clause 78 relocates section 649 (Standard of proof) to part 6C.3 and renumbers it as section 581QJ.

Clause 79 amends the section heading to section 650 (Prohibited publication about hearing of a disciplinary application), relocates it to part 6C.3 and renumbers it as section 581QK. The section heading is amended to refer to discipline applications rather than disciplinary applications to promote consistency.

Clause 80 omits the heading to chapter 7, part 7.4 division 3 (Powers of committee). The provisions in this division are relocated.

Clause 81 relocates section 651 (Power to disregard procedural lapses) to part 6C.4 and renumbers it as section 581QL.

Clause 82 relocates section 652 (Directions for hearings) to part 6C.4 and renumbers it as section 581QM.

Clause 83 relocates section 653 (Attendance notice) to part 6C.4 and renumbers it as section 581QN.

Clause 84 relocates section 654 (Authentication of documents) to part 6C.4 and renumbers it as section 581QO.

Clause 85 omits the heading to chapter 7, part 7.4, division 4 (Offences). The provisions in this division are relocated.

Clause 86 relocates section 655 (False or misleading information) and section 656 (False or misleading documents) to part 4.13 (Miscellaneous) and renumbers them as sections 487A and 487B respectively.

Clause 87 omits the heading to chapter 7, part 7.4 (Provisions applying to tribunal for discipline applications). Provisions in part 7.4A are relocated to part 6B.2, division 2 so the application section is not required.

Clause 88 omits section 656A (Application of part 7.4A). Provisions in part 7.4A are relocated to part 6B.2, division 1 so the application section is not required.

Clause 89 amends section 656B (Entitlement to appear at hearing), relocates it to part 6B.2, division 2 and renumbers it as section 581PD. The section is amended so that it refers to a discipline application before the Supreme Court, rather than the tribunal.

Clause 90 amends section 656C (Standard of proof), relocates it to part 6B.2, division 2 and renumbers it as section 581PE. The section is amended so that it refers to the Supreme Court hearing a discipline application, rather than the tribunal, and makes consequential changes reflecting this.

Clause 91 amends section omits s 656D (Prohibited publication about hearing of a discipline application). The content of this section is now covered by new section 581PB, inserted by clause 52.

Clause 92 amends section 656E (Power to disregard procedural lapses), relocates it to part 6B.2, division 2 and renumbers it as section 581PF. The section is amended so that it refers to the Supreme Court hearing discipline applications and making stated orders, rather than the tribunal, and makes consequential changes reflecting this.

Clause 93 inserts new section 713B (Intervention by Attorney-General) which provides that the Attorney-General may, for the State, intervene in a proceeding in the Supreme Court under this Act at any time.

Clause 94 inserts new chapter 8, part 8.1 division 3 (Statements of reasons), which contains new sections 713C to 713E.

New section 713C (Obtaining statement of reasons) allows a person to ask a decision-maker to give a person a written statement of reasons for a decision where the person may appeal to the Supreme Court against the decision and they have not been given such a statement. The request must meet stated requirements, and the decision-maker must give the person the statement within a reasonable period of not more than 28 days after the request is made.

New section 713D (Court order requiring statement of reasons to be given) allows a person to apply to the Supreme Court for an order that the decision-maker give a person a written statement of reasons that the person has asked for under new section 713C, and has not been given the statement. The person must give written notice of the application to the decision-maker. The Supreme Court may make an order requiring the decision-maker to give the person the statement within the period of not more than 28 days stated in the order.

New section 713E (Further statement) allows a person to apply to the Supreme Court for an order requiring the decision-maker to give the person an additional statement containing further and better particulars about stated matters, where given a written statement in response to a request by the person or an order by the court. The Supreme Court may make an order requiring such an additional statement.

Clause 95 inserts new chapter 10, part 10 (Transitional provisions for Legal Profession (Strengthening Disciplinary Matters) Amendment Act 2026) containing divisions 1 to 5.

New chapter 10, part 10, division 1 (Preliminary) contains new section 789.

New section 789 (Definitions for part) contains definitions of ‘amendment Act’, ‘former’, ‘hear or decide’, ‘new’ and ‘transitional provision’ for the purposes of chapter 10, part 10.

Division 2 (Making and deciding applications and related matters) contains new sections 790 to 799.

New section 790 (Applications for review of decisions previously reviewable by tribunal) applies if:

- an entity made a decision affecting a person under the LP Act before the commencement,

- immediately before the commencement, the person could have, but had not, applied to the tribunal but did not for a review of the decision under a former provision, and the period allowed for doing so under the QCAT Act had not ended, and
- the person would be able to appeal to the Supreme Court against the decision under a new provision if a decision was made after the commencement.

The person may, within the original period allowed under the QCAT Act, appeal to the Supreme Court under the new provision, and the Supreme Court may allow an appeal after the original period has ended if the court considers it appropriate having regard to the extent of, and reasons for, the delay.

New section 791 (Existing applications tribunal has started to hear or decide) applies if:

- an application was made, referred or transferred to the tribunal under a former provision, and the tribunal had started to hear or decide it (as defined in new section 789), but had not finished doing so; and
- after the commencement an application or an appeal seeking relief in the nature of the relief sought in the application previously made would be authorised or required under a new provision to be made, referred or transferred to the Supreme Court.

The tribunal must continue to deal with the existing application as if the amendment Act had not been enacted, and may make an order or give a direction that it could have given or made under the Act as in force immediately before commencement.

New section 792 (Application of new s 32 to particular directions) provides that the reference in new section 32(5) to a direction given under new section 32(4) includes a reference given by the tribunal under former section 32(3)(b) whether before the commencement or after the commencement under section 791.

New section 793 (Application of new s 70 to particular reviews) provides that 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 that section whether the application was decided before the commencement or after the commencement under section 791.

New section 794 (Application of new s 98 to particular reviews) provides that the reference in new section 98(1)(b) to a lawyer being successful in an appeal to the Supreme 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.

New section 795 (Application of new s 375 to particular periods) provides that 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.

New section 796 (Application of new s 377 to particular periods) provides that 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.

New section 797 (Application of new s 396 to particular reviews) provides that the reference in the definition of 'allowed amount' in new section 396(5) 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 the definition of ‘allowed amount’ in former section 396(5) whether the review was decided before the commencement or after the commencement of section 791.

New section 798 (Application of new s 474 to particular disciplinary action) provides that 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 or after the commencement of section 791.

New section 799 (Application of new s 581QQ to particular directions and decisions of tribunal) applies if, after the commencement, the tribunal makes an order or gives a direction under new section 791. New section 581QQ, which allows for an appeal to the Court of Appeal, applies in relation to the order or direction as if it had been given or made by the Supreme Court, and evidence given in the matter before the tribunal is taken to be evidence given to the Supreme Court under section 581QQ(4). However, if an 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.

New section 800 (Existing applications tribunal has not started to hear or decide) provides that if an application was made, referred or transferred to the tribunal under the former provision that the tribunal had not started to hear or decide, and an application or an appeal seeking relief in the nature of relief sought would be authorised or required under a new provision to be made, referred or transferred to the Supreme Court, the application is transferred to the Supreme Court on commencement. The Supreme Court must deal with application as if it had been made, referred or transferred to the Supreme Court.

New chapter 10, part 10, division 3 (Orders and related matters) contains new sections 801 to 803.

New section 801 (Enforcement of particular tribunal orders) provides that, after the commencement, former section 457, concerning enforcement of orders, continues to apply to stated orders made by the tribunal.

New section 802 (Compliance with particular tribunal orders) provides that former section 461, concerning compliance with decisions and orders of the tribunal continues to apply to stated orders made by the tribunal before the commencement.

New section 803 (Confidentiality of client communications relating to discipline application or disciplinary action of tribunal) applies in relation to discipline applications that the tribunal was hearing or is continuing to hear after commencement or disciplinary action instigated by the tribunal before the commencement. Former section 491, concerning confidentiality of client communications when complying with requirement to answer a question or produce information of a document, continues to apply in relation such a requirement under the QCAT Act.

New chapter 10, part 10, division 4 (Panel members) contains new sections 804 to 806.

New section 804 (Continuation of appointment of panel member for Supreme Court) provides that the appointment of a person as a panel member immediately before the commencement continues for helping the Supreme Court to decide and hear discipline applications.

New section 805 (Panel members to finish helping tribunal for hearing) provides that a panel member who was helping the tribunal to hear and decide a discipline application to which new section 791 applies must continue to help the tribunal to hear and decide the discipline application under former section 599 as if the amendment Act had not been enacted.

New section 806 (Entitlement of member of practitioner panel to remuneration for helping tribunal) provides that a member of the practitioner panel who is helping the tribunal to hear and decide a discipline application under section 805(2) is not entitled to be paid remuneration or allowances for sitting with the tribunal in relation to hearing a deciding the discipline application. This preserves the status quo for members of the practitioner panel.

New chapter 10, part 10, division 5 (Transitional regulation-making power) contains new sections 807 and 808.

New section 807 (Transitional regulation-making power) enables transitional regulations to be made about stated matters. A transitional regulation may have retrospective operation to the day section 807 commences and must declare that it is a transitional regulation.

New section 808 (Expiry of division and transitional regulation) provides that new chapter 10, part 10, division 5 and any transitional regulation under new section 807 expire on the day that is two years after the day section 808 commences.

Clause 96 inserts new schedule 1 (Procedural provisions for chapter 6B and 6D) which contains parts 1 and 2.

Schedule 1, part 1 (Provisions for appeals to Supreme Court) lists provisions under which proceedings for appeals to the Supreme Court are subject to part 6B.1, 6B.3 and 6B.4, and under which decision made on appeal are subject to chapter 6D which allows for a further appeal to the Court of Appeal.

Schedule 1, part 2 (Provisions for decisions or orders of the Supreme Court at first instance) lists provisions under which proceedings in Supreme Court are subject to part 6B.1 and 6B.4 (unless otherwise provided), and under which decisions or made by the Supreme Court are subject to chapter 6D which allows for an appeal to the Court of Appeal.

Clause 97 amends schedule 2 (Dictionary) to:

- insert a definition of ‘decision’ for chapter 6D;
- insert a definition of ‘decision-maker’ for part 8.1 division 3 in new section 713C(1)(a);
- insert a definition of ‘former disciplinary body’ which means the tribunal as a disciplinary body under the LP Act as in force before the commencement of the definition; and
- amend the definition of ‘disciplinary body’ to omit the tribunal and insert the Supreme Court; and
- amend the definitions of ‘lay panel’ of ‘panel member’ and ‘practitioner panel’ to refer to updated provisions of the Act.

Part 3 – Other amendments

Clause 98 provides that Schedule 1 to the Bill amends other legislation.

Schedule 1 – Other amendments

Schedule 1 provides for other minor changes to stated provisions of the LP Act and the QCAT Act as a consequence of other amendments made by the Bill.