

QCAT Act Review 2026 conducted by the Hon David Thomas

**Legal Practitioner Disciplinary matters:
Submission by QCAT President with respect
to the compensation regime in disciplinary
matters**

*Legal Profession (Strengthening Disciplinary Matters)
Amendment Bill 2026 (Qld)*

14 July 2026

Contents

Compensation regime in disciplinary matters - <i>Legal Profession (Strengthening Disciplinary Matters) Amendment Bill 2026</i>	3
Submission	3

Compensation regime in disciplinary matters - *Legal Profession (Strengthening Disciplinary Matters) Amendment Bill 2026*

Submission

1. This submission relates to the *Legal Profession (Strengthening Disciplinary Matters) Amendment Bill 2026* (the Bill) which is currently before Parliament.
2. One area that the Bill does not seek to deal with is the current regime with respect to compensation in disciplinary matters in the *Legal Profession Act 2007* (Qld) (LP Act). As you are aware from your own experience as President at QCAT, it is problematic.
3. Some of the problems are:
 - a) A compensation order, when made, is made against a law practice, not the respondent in the proceedings;
 - b) The law practice is not a party to the disciplinary proceeding;
 - c) There are no specific service requirements for service on an application for compensation on the law practice;
 - d) Section 465 of the LP Act contemplates an agreement between the parties on the compensation but the parties don't include the law practice, and that is the entity a compensation order is made against, not the respondent;
 - e) The complainant is not a party;
 - f) There is no provision setting out how a complainant brings an application for compensation. In consequence, and before my time, a "notice of intention to claim compensation" document was created as some means of bringing the intention to claim compensation before the Tribunal;
 - g) There is a lack of clarity in the LP Act as to what role the complainant can take in the proceeding;
 - h) There is nothing in the LP Act as to what role a law practice, against whom a compensation order is sought, can take in the proceeding.
4. These problems present substantive issues and procedural inefficiencies, and as such, the compensation regime is in need of an overhaul. If that can't be achieved in the current Bill, it is my respectful submission that this area is a matter which you might consider should be given attention as soon as is practicable.

For your consideration,

Justice Mellifont

President, Queensland Civil and Administrative Tribunal