

QCAT Practice Direction No. 4 of 2026

Directions relating to discipline applications and requests for compensation under the *Legal Profession Act 2007* and review of decisions by the Queensland Law Society or the Bar Association of Queensland in respect of practice issues

1. This Practice Direction replaces QCAT Practice Direction No. 10 of 2021.

Discipline applications

2. A discipline application under the *Legal Profession Act 2007* ('LPA') must be brought using the QCAT Form 22 - Application or referral - disciplinary proceeding, with appropriate amendments as per QCAT Rule 115. It is not necessary to file any affidavit material supporting the application at that time, but it is permitted.
3. The Legal Services Commissioner ('the Commissioner') must serve a copy of this Practice Direction on the Respondent with the discipline application and give evidence of service to the registry (whether by providing the email record or by filing an affidavit of service).¹
4. Within 14 days of service of the discipline application, the Respondent must file and serve on the Commissioner and any other party, a Notice of Address for Service.
5. Within 28 days of service of the discipline application the Respondent must file and serve on the Commissioner a response complying with QCAT Rule 44.
6. Within 6 weeks of the filing and service of the Notice of Address for Service by the Respondent, a directions hearing will be scheduled by the registry.
7. If the parties are able to come to an agreement as to programming directions prior to the directions hearing,² parties may provide a copy of the proposed directions in a Word document to the President's associate. The presiding tribunal member may consider the proposed directions and issue directions 'on the papers' if they consider that appropriate and desirable.
8. If a complainant has filed a Notice of Intention to Seek Compensation,³ the parties must ensure that the programming directions allow for the complainant to file any material and submissions they wish to rely upon in support of their compensation claim.

¹ If the Commissioner has been unable to engage with the Respondent, an application for substituted service may be filed using the Form 40 – Application for miscellaneous matters.

² Refer to Annexure A, which provides the template programming directions.

³ Further directions are provided about complainant involvement and compensation orders below.

9. If a complainant has provided a copy of a Notice of Intention to Seek Compensation to the Commissioner, but it is not extremely clear to the Commissioner that a copy of that Notice of Intention to Seek Compensation has been provided to the Tribunal and/or the respondent, the Commissioner will, within 7 days of receiving a Notice of Intention to Seek Compensation, provide a copy to the Tribunal to QCATCivil@justice.qld.gov.au, DL-QCAT-CAD-Team1@justice.qld.gov.au and to the Respondent.
10. If programming directions have not been agreed to by the parties and issued by the presiding tribunal member, at the directions hearing the presiding tribunal member will make the directions necessary to progress the proceeding to a final hearing, including directions for the filing of evidence and/or a statement of agreed facts, and/or evidence in reply, as well as the filing of written submissions.
11. The Commissioner is to also advise at the directions hearing whether the Commissioner is aware of any potential complainant and whether paragraph 16 below has been complied with.
12. The Respondent is to advise at the directions hearing whether any attempts at resolving the claim for compensation have been made, and if they wish to attend a compulsory conference with a complainant (if any) who has filed a Notice of Intention to Seek Compensation.
13. If the compensation claim has been resolved between the Respondent and complainant, whether directly or via compulsory conference, the Respondent is to advise the President's associate by email as soon as practicable, but not later than 7 days of the compensation claim being resolved.
14. If the Commissioner is unable to comply with issued programming directions, or has observed that the Respondent or complainant has not complied with directions, the Commissioner is to advise the President's associate, QCATCivil@justice.qld.gov.au and DL-QCAT-CAD-Team1@justice.qld.gov.au within 7 days and provide proposed directions.
15. Upon the conclusion of the disciplinary matter, the registry must send the Tribunal's order and any reasons for decision to the Commissioner, the Respondent, the Supreme Court registry and the Minister.

Complainant involvement and compensation orders

16. Under Part 4.10 of the LPA, the Tribunal may make compensation orders (as that term is defined in s 464 of the LPA).
17. Within 14 days of filing a discipline application under s 452(1)(a) of the LPA against an Australian legal practitioner in relation to a complaint against the legal practitioner, the Commissioner must give the complainant:

- a. correspondence providing basic information about the availability of a compensation order, including that the complainant may wish to obtain independent legal representation with respect to seeking a compensation order;
- b. proforma 'Notice of Intention to Seek Compensation Order';⁴ and
- c. copies of ss 456, 464 and 466 of the LPA.

18. If a complainant intends to seek a compensation order, the complainant must:

- a. prepare a 'Notice of Intention to Seek Compensation Order' which identifies precisely the law practice against which the compensation order is sought ("law practice" is defined in Schedule 2 of LPA), and
- b. within 21 days of being given the documents referred to in paragraph 16:
 - i. file the Notice of Intention to Seek Compensation Order with the Tribunal either by:
 - email: QCATCivil@justice.qld.gov.au;
 - post: QCAT, GPO Box 1639, Brisbane Qld 4001; or
 - in person: QCAT, 259 Queen Street, Brisbane Qld 4001.
 - ii. give a copy of the Notice of Intention to Seek Compensation Order to the Respondent and to the law practice identified in the Notice.

19. Note: Complainants should be aware that one pre-requisite for a compensation order to be made is that there is a finding of unsatisfactory professional conduct or professional misconduct by the Tribunal against the Respondent.

20. Nothing in this Practice Direction derogates from the duties imposed on the Commissioner by s 451 of the LPA.

21. Upon the conclusion of the compensation matter, the registry must send the Tribunal's order and any reasons for decision to the complainant, the Respondent, the law practice, the Commissioner and the Minister.

Review under the LPA of decisions made by the Queensland Law Society or Bar Association of Queensland

22. An example of typical directions made in these matters appears as Annexure C to this Practice Direction.

⁴ See Annexure B.

23. Parties wishing to provide proposed consent directions for the consideration of the Tribunal in advance of a directions hearing in a review matter may email the associate to the President, provided the usual rules of communication with a Judge's Associate are complied with (including no *ex parte* communications, or communications without the prior consent of the other party/parties).



Hon Justice Kerri Mellifont
President
31 July 2026

Annexure A – Programming Directions Template

DIRECTIONS

Case number: **OCRXXX-25**

Applicant: **Legal Services Commissioner**

Respondent: **respondent's name**

Complainant: **complainant's name (if required)**

Before: **Justice [X], President**

Date: **DAY MONTH 20XX**

Proceeding type: **Directions Hearing / On the Papers**

Initiating document: **Application or referral – disciplinary proceeding filed XX MONTH YEAR**

PARTIES ARE TO NOTE:

You will **not** receive reminders of the steps you need to take as set out in these directions from QCAT.

Please ensure that you **mark the filing dates and hearing dates** set in these directions in your own calendar/diary to ensure that you meet the required deadlines and take part in any hearings.

THE TRIBUNAL DIRECTS THAT:

The directions hearing listed on **XX MONTH 20XX** is vacated.

Material sought to be relied upon at hearing

1. The applicant must file in the Tribunal and give a copy to the respondent all material the applicant proposes to rely on at hearing by:
4:00 pm on XX MONTH 20XX.
2. The complainant must file in the Tribunal and give a copy to the applicant and respondent any material (such as affidavits) that they propose to rely upon in support of their notice of intention to seek compensation, by:
4:00 pm on XX MONTH 20XX (approx. 2 weeks).
3. The respondent must file in the Tribunal and give to the applicant all material the respondent proposes to rely on at hearing by:
4:00 pm on XX MONTH 20XX (approx. 2 weeks).

4. If the applicant wishes to rely upon further material, in reply to the respondent's material filed under direction X above, the applicant must file in the Tribunal and give to the respondent a copy of such additional material by:

4:00 pm on XX MONTH 20XX (approx. 2 weeks).

Statement of agreed and disputed facts

5. If the applicant and respondent agree on a statement of agreed and disputed facts, it should be filed by:

4:00 pm on XX MONTH 20XX (approx. 2 weeks).

Written submissions

6. If the parties agree on joint submissions on conduct, characterisation and/or sanction, the parties must file in the Tribunal by:

4:00 pm on XX MONTH 20XX (approx. 2 weeks).

7. Absent joint submissions, the applicant must file in the Tribunal and give to the respondent submissions by:

4:00 pm on XX MONTH 20XX (approx. 2 weeks).

8. The complainant must file in the Tribunal and give a copy to the applicant and respondent their written submissions in support of their notice to seek compensation by:

4:00 pm on XX MONTH 20XX (approx. 2 weeks).

9. Absent joint submissions, the respondent must file in the Tribunal and give to the applicant submissions by:

4:00 pm on XX MONTH 20XX (approx. 2 weeks).

10. If the applicant wishes to file submissions in reply to respondent's submissions filed under direction X above, the applicant must file in the Tribunal and give to the respondent a copy of the submission in reply by:

4:00 pm on XX MONTH 20XX (approx. 2 weeks).

Hearing book

11. The parties must file in the Tribunal four (4) hard copies and one electronic copy of the hearing book – paginated, indexed, and bound with all documents with a cover page and spine label – that must include:

the referral of disciplinary proceedings;

- (a) the response to the referral;
- (b) the parties' submissions, including any joint submissions;
- (c) the statement of agreed and disputed facts, if any;
- (d) all material to be relied upon by either party at the final hearing;
- (e) any notices to seek compensation to be heard at the final hearing;

- (f) all material to be relied upon to support the complainant's notice to seek compensation;
- (g) any non-publication order in force; and
- (h) provision of authorities:

Authorities Part A: copies of all case law, legislation and conduct rules, separated by individual tabs, which will be **relied** upon by either party at the final hearing; and

Authorities Part B: a list of all other cases, legislative provisions and conduct rules to which the parties might **refer**, but upon which the parties will not necessarily take the Tribunal to specifically at the final hearing; by:

4:00 pm on XX MONTH 20XX (approx. 2 weeks).

That list should contain hyperlinks to the cases, where possible.

If a hyperlink cannot be provided, an electronic copy of the case must be provided together with the electronic copy of the hearing book.

Hard copy cases of Part B authorities are not to be provided unless for some good reason a hyperlink or electronic copy cannot be provided.

For the purpose of clarity, Part B should be cases which are often cited for well accepted non-controversial statements of law.

- 12. The folders of the hard copy hearing book are not to be filled more than two thirds up the binding pins.

Final directions hearing

- 13. The matter will be listed for a directions hearing at **10:00 am** on **XX MONTH 20XX** at the **QEI Courts of Law**. The purpose of this directions hearing is for the parties to inform the Tribunal of:
 - (a) the material they have filed and which they intend to rely on at the hearing;
 - (b) the precise issues to be determined at the hearing;
 - (c) the witnesses, if any, they require for cross-examination;
 - (d) the estimate of time for hearing;
 - (e) whether it is proposed that the witnesses will be giving evidence in person or by remote means (specifying the mode of attendance);
 - (f) any limitations as to the time of availability of witness;
 - (g) any other issue necessary to ensure that the matter is ready to proceed to hearing; and
 - (h) whether the matter may be determined on the papers pursuant to section 32(2) of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld).

Date of final hearing

14. The matter will be listed for a hearing on a date, **not before XX MONTH 20XX**, to be set by the Tribunal in consultation with the parties.

Signed

Justice [X], President
Queensland Civil and Administrative Tribunal

Annexure B – Notice of Intention to Seek Compensation Order under the Legal Profession Act 2007

Annexure B

NOTICE OF INTENTION TO SEEK COMPENSATION ORDER UNDER THE *LEGAL PROFESSION ACT 2007*

QCAT Case Number of the
Discipline Application (if known):

Legal Practitioner against whom
Discipline Application is filed:

Person Seeking Compensation Order (Complainant)

Name

Address

Postal Address (if different)

Suburb State/Territory Postcode

Contacts

Mobile

Alternative number

Email

Sign here Date

Details of Compensation Order Sought

Name of law practice against
which the compensation order
is sought:

Specify precisely the
compensation order sought
against the law practice:

IMPORTANT NOTES

Section 464 of the *Legal Profession Act 2007* defines “compensation order” as follows:

A **compensation order** is 1 or more of the following—

- (a) an order that a law practice can not recover or must repay the whole or a stated part of the amount that the law practice charged a complainant for stated legal services;
- (b) an order discharging a lien possessed by a law practice in relation to a stated document or class of documents;
- (c) an order that a law practice carry out stated work for a stated person without a fee or for a stated fee;
- (d) an order that a law practice pay to a complainant an amount by way of compensation for pecuniary loss suffered because of conduct that has been found to be—
 - (i) unsatisfactory professional conduct or professional misconduct of an Australian legal practitioner involved in the relevant practice; or
 - (ii) misconduct of a law practice employee in relation to the relevant practice.

Schedule 2 of the *Legal Profession Act 2007* defines “law practice” as follows:

- (a) an Australian legal practitioner who is a sole practitioner; or
- (b) a law firm; or
- (c) an incorporated legal practice; or
- (d) a multi-disciplinary partnership.

A complainant who seeks a compensation order must:

- a. Specify the **law practice** against which the compensation order is sought, and
- b. Specify precisely the compensation order which is sought.

QCAT cannot make a compensation order under s 464(d) in an amount of more than \$7,500.00 unless the complainant and the law practice both consent to the order.⁵

⁵ *Legal Profession Act 2007* s 466(3).

Annexure C – BAQ and QLS review matters – Directions Template

DIRECTIONS

Case number: OCRXXX-XX
Applicant: [insert]
Respondent: Queensland Law Society / Bar Association of Queensland

Before: Justice [X], President

Date: [insert]
Proceeding Type: On the Papers / Directions Hearing
Initiating Application: Application to Review a Decision filed [insert]

THE TRIBUNAL DIRECTS THAT:

Material sought to be relied upon at hearing

1. The applicant must file in the Tribunal and give to the respondent any material the applicant wishes to rely upon at the hearing of the application to review a decision, by:

4:00pm [insert].
2. The respondent must file in the Tribunal and give to the applicant any material the respondent wishes to rely upon at the hearing of the application to a review a decision, by:

4:00pm [insert].
3. If the applicant wishes to rely upon further material, in reply to the respondent's material filed under direction [x] above, the applicant must file in the Tribunal and give to the respondent all such further material by:

4:00pm [insert].

Written submissions

4. The applicant must file in the Tribunal and give to the respondent an outline of submissions in support of the application to review a decision, by:

4:00pm [insert].

5. The respondent must file in the Tribunal and give to the applicant an outline of submissions setting out the respondent's position with respect to the application to review a decision, by:

4:00pm [insert].

6. The applicant must file and serve any supplementary submissions, in response to the respondent's outline of submissions, by:

4:00pm [insert].

Hearing book

7. The parties must file in the Tribunal two (2) hard copies of the hearing book and one electronic copy on USB – paginated, indexed and bound with all documents that the parties intend to rely upon at the hearing of the review application – that must include:

- (a) the application to review a decision;
- (b) submissions filed by the parties;
- (c) all material relied upon by parties with respect to the review application;
- (d) any chronology and/or statement of facts agreed by the parties, if any;
- (e) any non-publication order in force; and
- (f) all case law, legislation and conduct rules that are relied upon by either party at the final hearing, by:

4:00pm [insert].

The folders of the hard copy hearing books are not to be filled more than 2/3rds up the binding pins.

Final directions hearing

8. The matter be listed for a directions hearing at **10:00 am on [insert]** at **QEII Courts of Law**. The purpose of this directions hearing is for the parties to inform the Tribunal of:

- (a) the material they have filed which they intend to rely on at the hearing;
- (b) the precise issues to be determined at the hearing;
- (c) the estimate of the time for the hearing;
- (d) the witnesses, if any, required for cross-examination;
- (e) whether it is proposed that the witnesses will give evidence in person or by remote means (specifying mode of attendance);
- (f) any limitations as to the time of availability of witnesses; and
- (g) any other issues necessary to ensure the matter is ready to proceed to hearing;
- (h) whether the matter may be determined on the papers pursuant to s 32(2) of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld).

Date of final hearing

9. The application to review a decision will be listed for final hearing on a date to be advised by the Tribunal, to be set in consultation with the parties.

Signed

Justice [X], President
Queensland Civil and Administrative Tribunal