

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Regulatory Decision-making

Statistical Report 1 April 2023 – 31 March 2024

Regulatory Operations Department
Legal & Enforcement Department
Standards Department

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Introduction

1. This Statistical Report accompanies the Regulatory Decision-Making Annual Report for 2023/24 and presents the statistical data collected between 1 April 2023 and 31 March 2024 concerning the new applications and reports that we received, the caseload that we worked on throughout the year, the outcomes of this work, and the quality assurance work carried out by the Independent Reviewers. This data was extracted from our Case Management System in June/July 2024. Where possible, figures for 2022/23 are also provided for comparison.
2. The Bar Standards Board's Authorisation Team is responsible for dealing with applications for waivers and exemptions from our practising requirements. The team also deals with the authorisation of Approved Education and Training Organisations, Alternative Business Structures and Entities.
3. The Bar Standards Board publishes a Handbook with which barristers comply. Where there is evidence that the Handbook has been breached, the BSB will consider what action may be necessary by way of enforcement or otherwise. The work of enforcing the Handbook is carried out by the Contact and Assessment Team, Investigation and Enforcement Team, and the Independent Decision-making Body of the BSB. We assess reports, investigate allegations and, where appropriate, take action against barristers who have breached their professional obligations as set out in the Handbook.
4. Where enforcement is not appropriate the matter may be passed to the Supervision Team to address any regulatory issues identified to prevent recurrence and ensure compliance with the Handbook.

Authorisations Team

Table 1 Quarterly KPIs

KPI	Q1	Q2	Q3	Q4	2023/24
Authorisation, exemptions and waivers					
Applications determined within six weeks of receipt of the complete application (Target 75%)	40.9%	43.3%	29.7%	38.2%	38.8%
Applications determined within eight weeks of receipt of the complete application (Target 80%)	47.8%	55.4%	35.1%	49.7%	48.2%
Applications determined within twelve weeks of receipt of the complete application (Target 98%)	64.5%	75.4%	47.3%	59.0%	63.3%
Entity (including ABS) Authorisation					
Authorisation decisions made within six months of receipt of the application and associated fee (Target 90%)	83.3%	100.0%	80.0%	100.0%	88.9%
Authorisation decisions made within nine months of receipt of the application and associated fee (Target 100%)	83.3%	100.0%	100.0%	100.0%	94.4%

Table 2 Applications received

Application type	2022/23	2023/24
Transferring Qualified Lawyer	422	586
Certificate of Academic Standing (qualifying degree)	132	153
Pupillage Reduction	74	94
Litigation Authorisation	54	66
Reactivation of Stale Qualifications	61	63
Fee Waiver Request	24	51
Pupillage Funding and/or Advertising Waiver	52	46
OISC Licensed Access (Renewal)	40	39
Pupillage Dispensation	33	36
Waiver of the Qualified Person Requirement	31	31

Pupillage Reduction (barristers also qualified as solicitors)	13	26
Licensed Access Amendment/Renewal	29	24
Licensed Access Authorisation	15	14
OISC Licensed Access (Registration)	12	13
Under Review	15	12
Public Access Exemption	13	12
Non-QLD Provider Exemption	9	12
General Exemption	8	12
CPD Waiver (NPP)	9	11
Exercise of Discretion	4	10
Early Commencement of the Vocational Component of Bar Training (formerly Rule Q28.1 Waiver)	8	8
Review of a Decision of the Inns' Conduct Committee		8
QLD Provider Exemption	6	7
Certificate of Academic Standing (without qualifying degree)	2	4
Retrospective Registration of Pupillage	5	1
Temporary Admission	2	1
Professional Qualifications Exemption		1
CPD Extension (NPP)	2	
Bar Exam Transcript/Letter	1	
Total	1076	1341

Table 3**Applications determined**

Application type	2022/23	2023/24
Transferring Qualified Lawyer	302	192
Certificate of Academic Standing (qualifying degree)	128	126
Litigation Authorisation	40	78
Reactivation of Stale Qualifications	45	51
OISC Licensed Access (Renewal)	44	39
Pupillage Funding and/or Advertising Waiver	51	36
Pupillage Reduction	54	34
Waiver of the Qualified Person Requirement	25	31
Fee Waiver Request	18	28
Pupillage Dispensation	28	19
Licensed Access Amendment/Renewal	29	14
Public Access Exemption	14	12
OISC Licensed Access (Registration)	14	12
Pupillage Reduction (barristers also qualified as solicitors)	12	12
Licensed Access Authorisation	8	12
Under Review	13	9
CPD Waiver (NPP)	7	9
Non-QLD Provider Exemption	8	8
Early Commencement of the Vocational Component of Bar Training (formerly Rule Q28.1 Waiver)	7	6
QLD Provider Exemption	4	6
Review of a Decision of the Inns' Conduct Committee	1	5
Exercise of Discretion	3	4
General Exemption	3	2
Retrospective Registration of Pupillage	6	1
Certificate of Academic Standing (without qualifying degree)	2	1
CPD Extension (NPP)	4	
Temporary Admission	1	
Total	871	747

Figure 1

Age distribution of applications determined in 2023/24

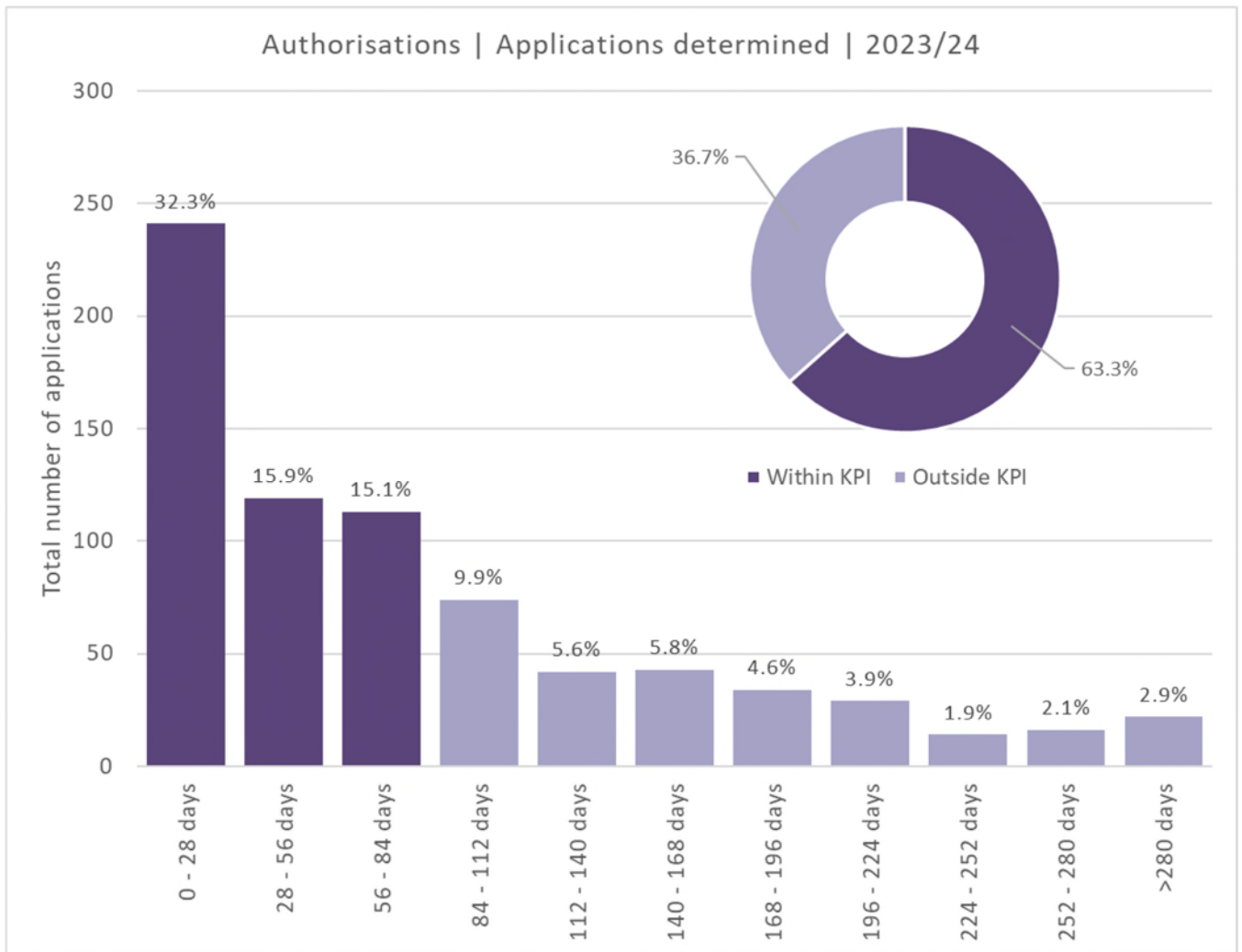
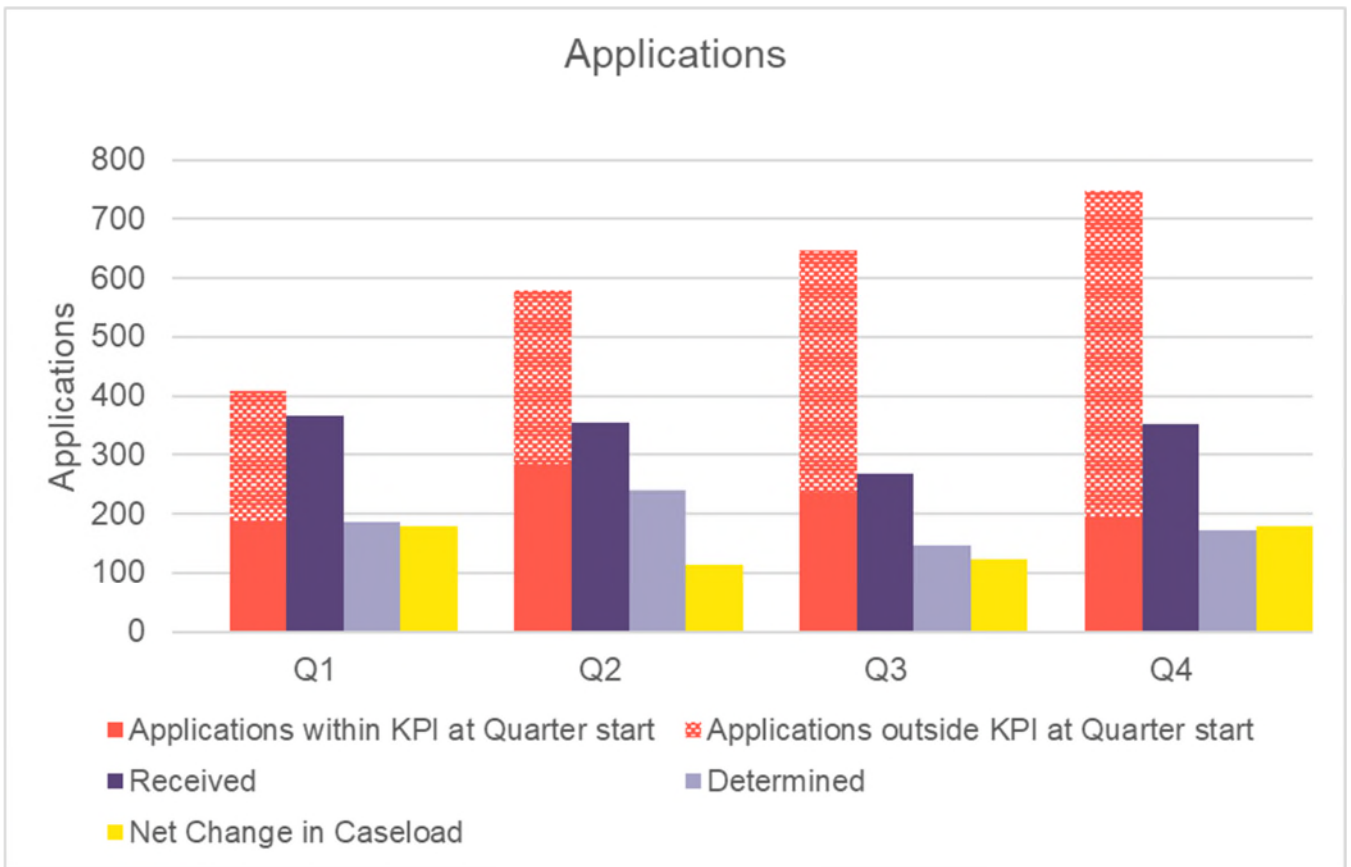


Figure 2

Throughput of applications in 2023/24



Contact and Assessment Team

Table 4 Quarterly KPIs

KPI	Q1	Q2	Q3	Q4	2023/24
General Enquiries					
General enquiries addressed within 5 days (Target 80%)	156 (94.9%)	213 (95.8%)	162 (96.3%)	140 (96.4%)	671 (95.8%)
General enquiries referred within 3 days (Target 80%)	35 (74.3%)	60 (83.3%)	63 (82.5%)	65 (98.5%)	223 (86.1%)
Initial Assessment					
Concluded or referred within 8 weeks (Target 80%)	433 (61.0%)	474 (59.5%)	372 (67.5%)	491 (57.8%)	1,770 (61.1%)
Quality Indicators					
Percentage of cases where the Independent Reviewer upheld the original decision following a request for review (Target 95%)	16 (100.0%)	6 (100.0%)	6 (100.0%)	0	28 (100.0%)

Table 5 Reports and other cases opened*

Year	Number of cases
2019/20	1,459
2020/21	1,885
2021/22	2,199
2022/23	1,911
2023/24	1,802

*General enquiries with the case type 'Ask a Question' are excluded

Table 6 All incoming information

Purpose	2022/23	2023/24
Ask a Question	913	899
Report Something	1,564	1,558
Report - Reporting Obligations	167	166
Other	180	78

Table 7**Closures and outcomes**

Outcome	2022/23	2023/24
Ask a Question	926	897
Closed by CAT	926	897
Report Something	1,425	1,605
Allocated to Enforcement	72	69
Allocated to Supervision	52	67
Closed by CAT	1,301	1,467
Ongoing	0	2
Report - Reporting Obligations	156	165
Allocated to Enforcement	35	31
Allocated to Supervision	15	14
Closed by CAT	106	120
Other	183	81
Allocated to Supervision	2	0
Closed by CAT	181	81

Table 8**Assessed reports with specified Areas of Law**

Area of Law	2022/23	2023/24
Arbitrator or umpire or mediator	1	0
Chancery contentious	22	40
Chancery non-contentious	7	5
Commercial and Financial Services	25	22
Construction	2	2
Crime	106	111
Defamation	41	6
Employment	50	35
Family - children [†]	71	92
Family - other [†]	38	60
Immigration	20	20
Insolvency	4	1
Intellectual property	2	5
International	1	4
Landlord & tenant (non-residential)	5	5
Landlord & tenant (residential)	24	20
Other	55	42
Other common law	32	26
Personal injury	3	6
Planning	0	7
Professional discipline	12	11

Professional negligence	7	8
Public Law	5	10
Revenue	3	1
Total	536	539

Notes

This table shows the breakdown by area of law for assessed reports, where this information has been identified. Reports with no area of law are excluded from this table.

†"Family – children" and "Family – other" categories grouped under the term "Family law" in the 2023/24 Regulatory Decision-Making report.

Figure 3 Age distribution of general enquiries addressed in 2023/24

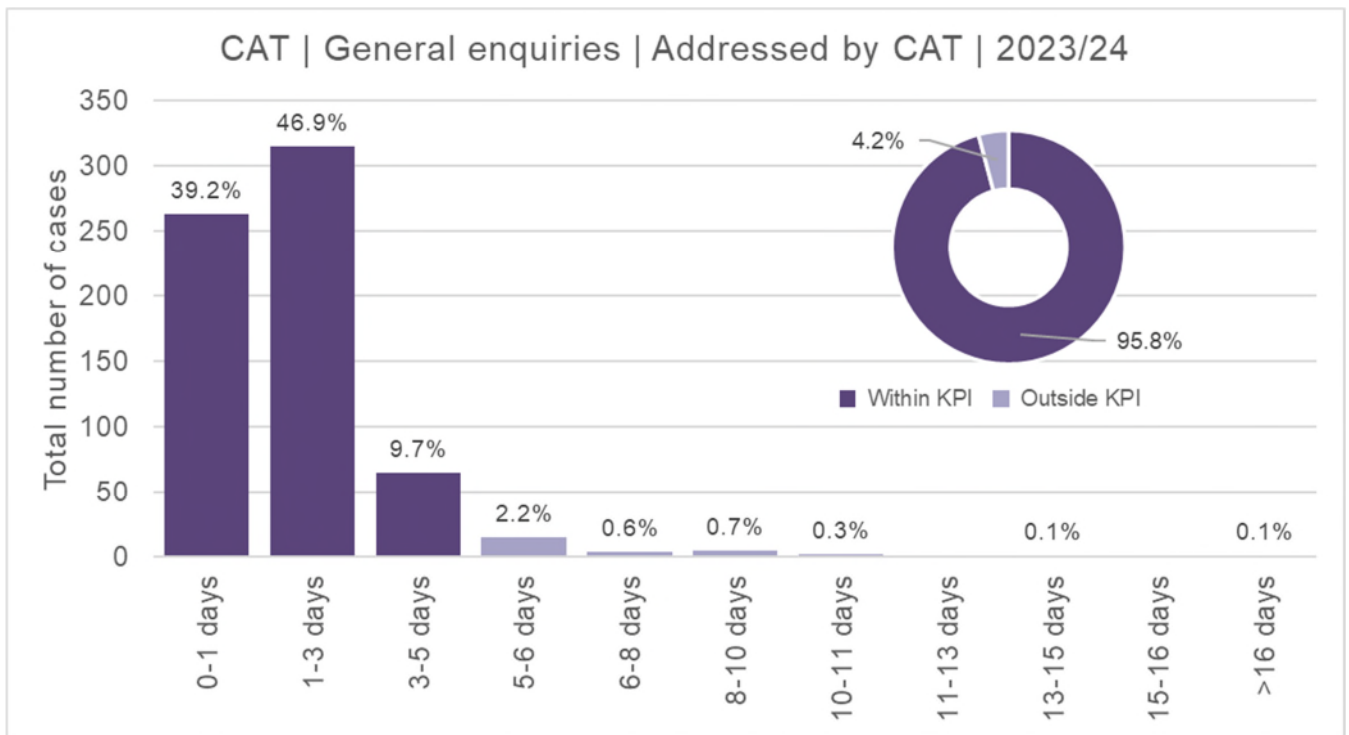


Figure 4

Age distribution of general enquiries referred in 2023/24

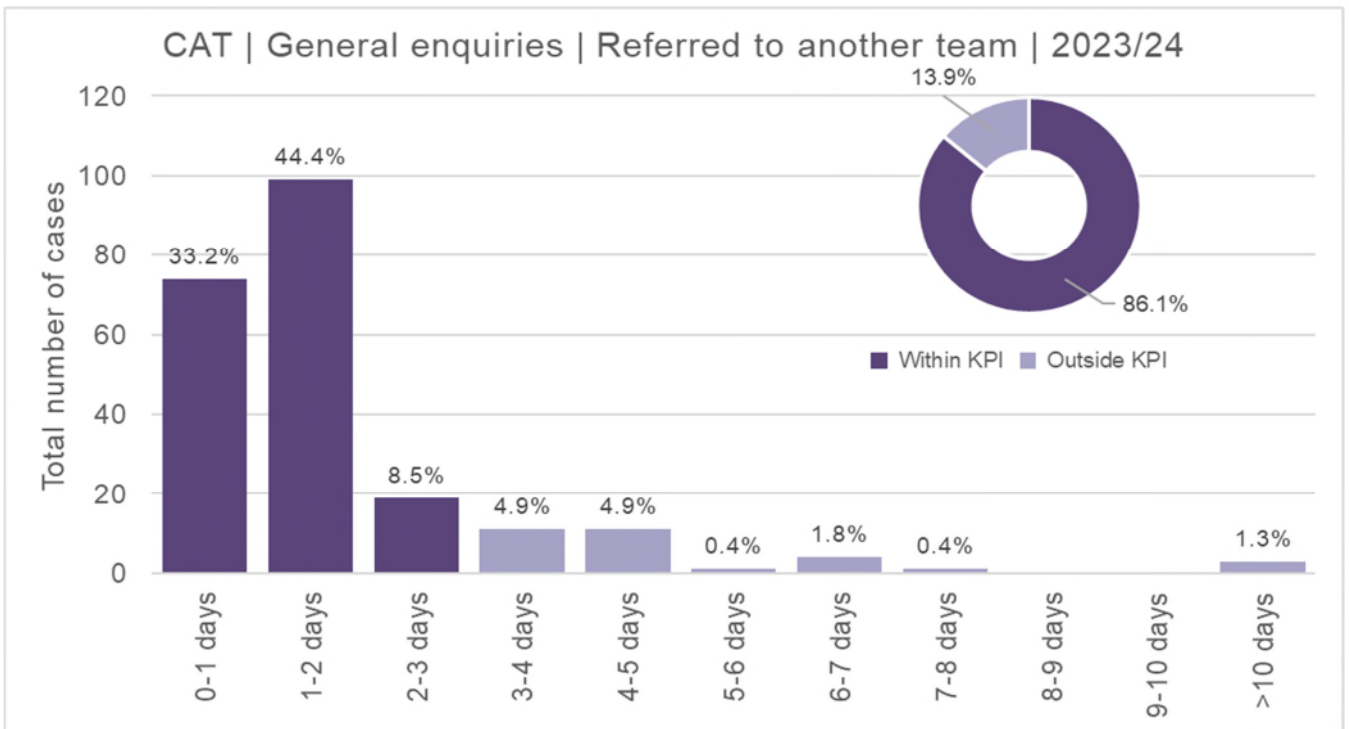


Figure 5

Age distribution of reports concluded or referred in 2023/24

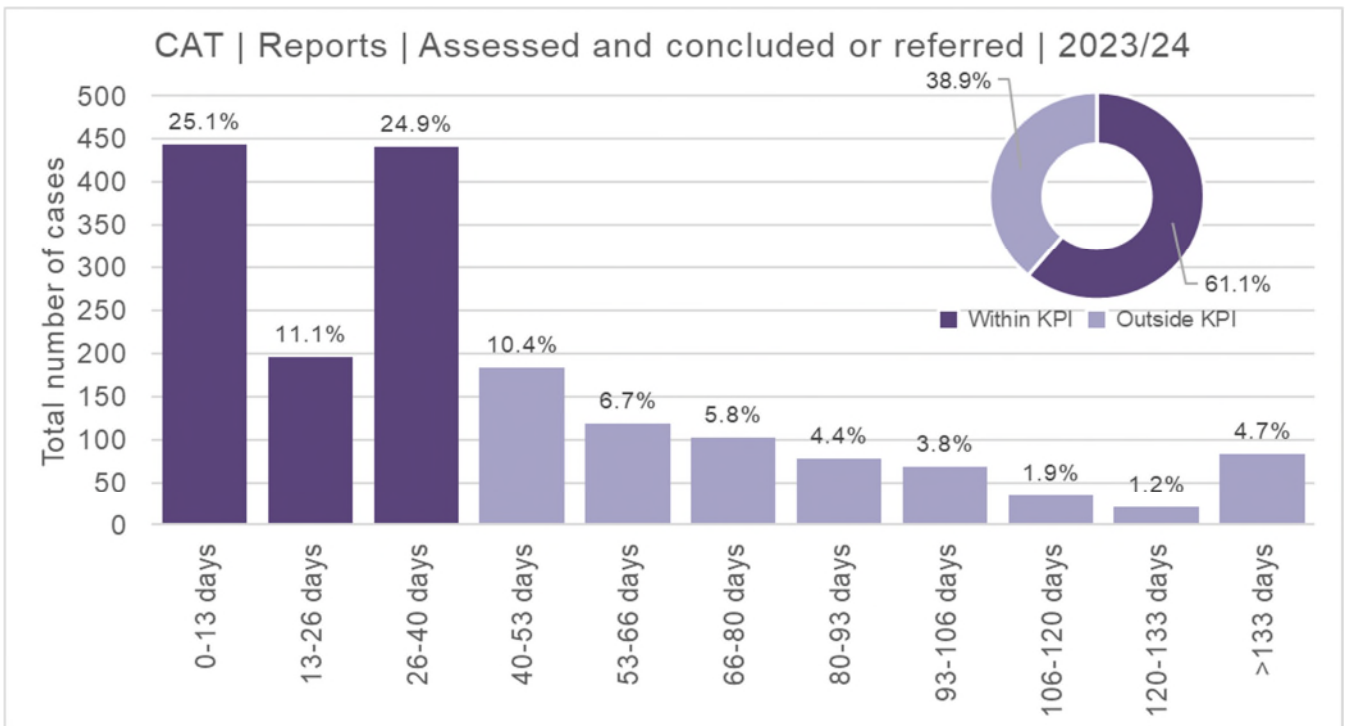


Figure 6

Throughput of general enquiries in 2023/24

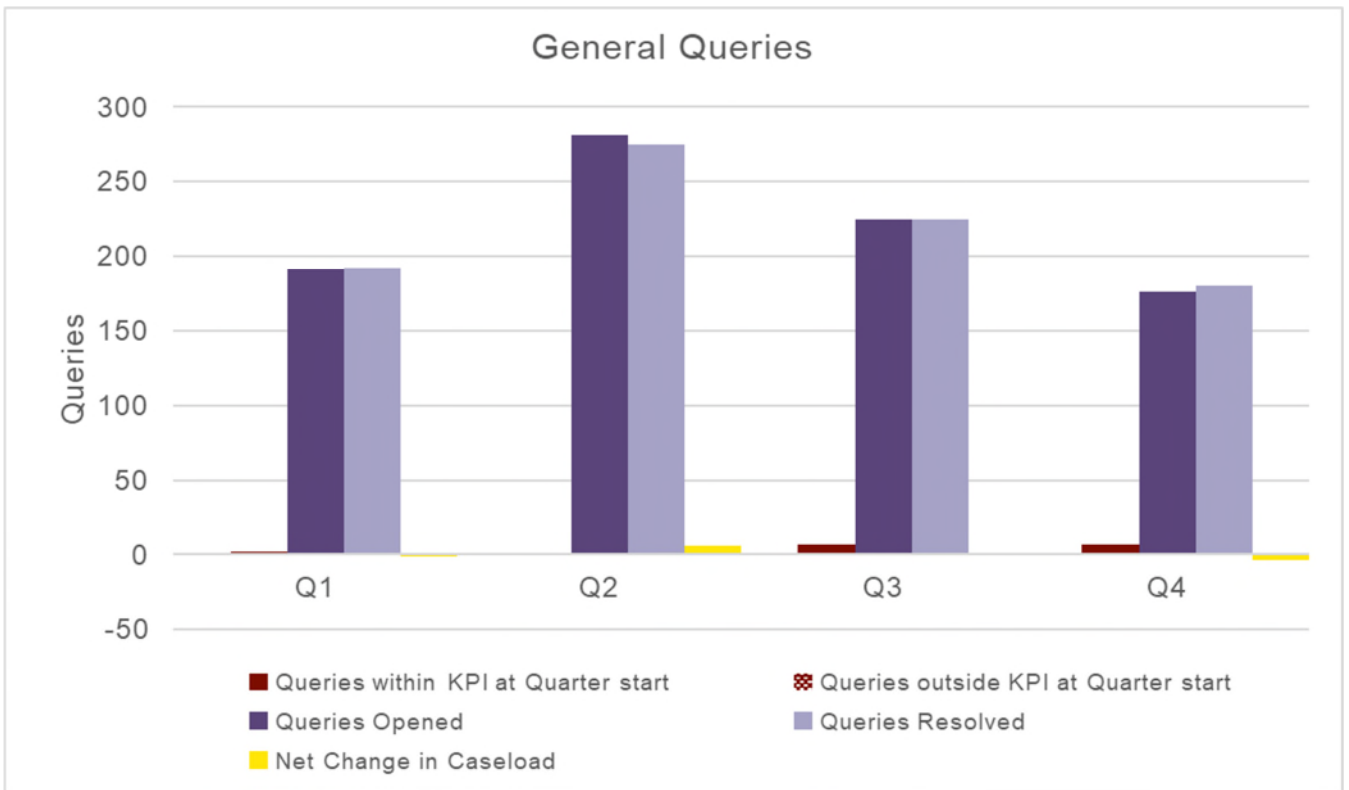
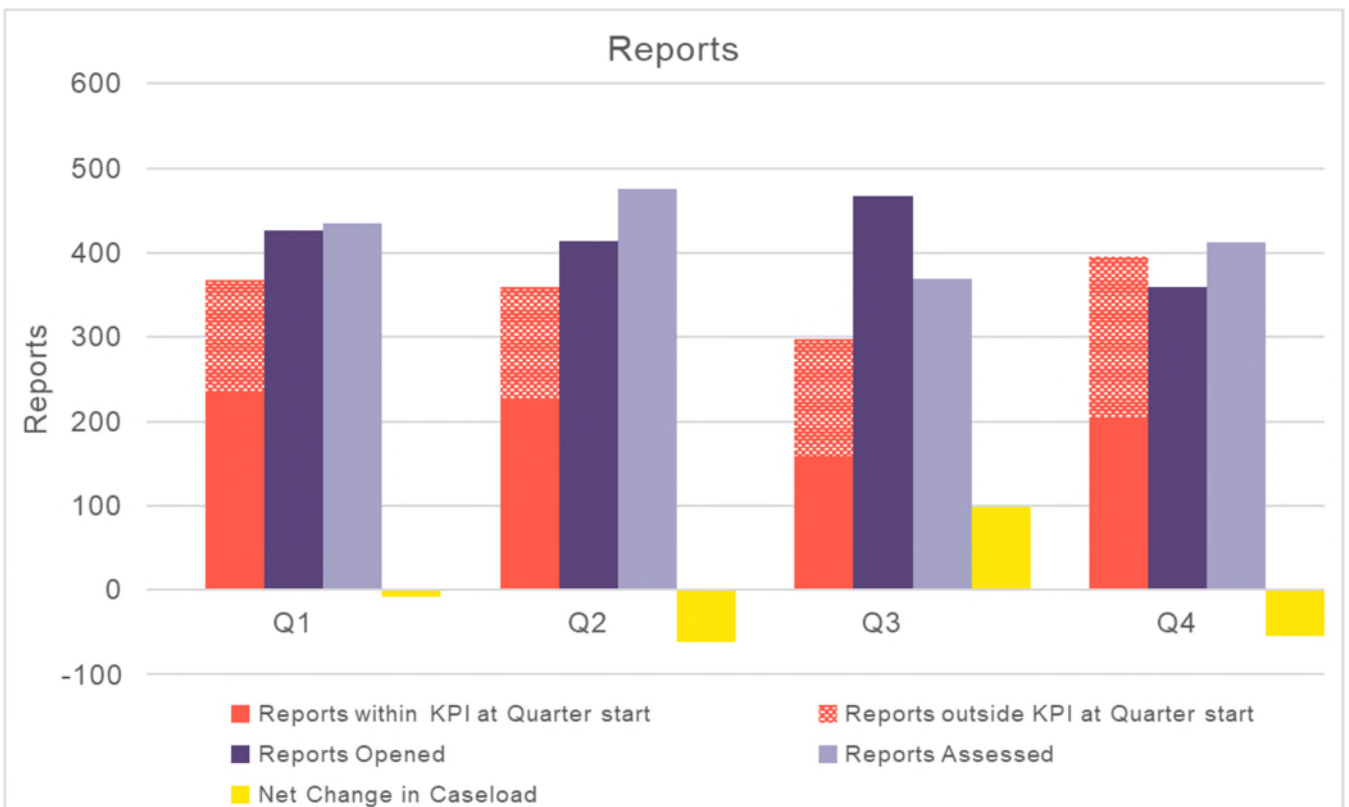


Figure 7

Throughput of reports in 2023/24



Investigation and Enforcement Team

Table 9		Quarterly KPIs				
KPI	Q1	Q2	Q3	Q4	2023/24	
Referral of cases						
Accepted or referred back within 2 weeks (Target 80%)	26 (100.0%)	34 (91.2%)	20 (85.0%)	24 (87.5%)	104 (91.3%)	
Investigation						
Decision on disposal within 25 weeks (Target 80%)	31 (48.4%)	19 (31.6%)	22 (40.9%)	22 (63.6%)	94 (46.8%)	
Quality Indicators						
Percentage of cases where the Independent Reviewer upheld the original decision following a request for review (Target 95%)	2 (50.0%)	1 (100.0%)	0	1 (100.0%)	4 (75.5%)	
Number successful appeals against the imposition of administrative sanctions (Target 0%)	0	1 (100.0%)	0	0	1 (100.0%)	
Number successful appeals of Disciplinary Tribunal decisions attributable to procedural or other error by the BSB or discrimination in the decision-making process (Target 0%)	2 (0.0%)	0	1 (0.0%)	1 (0.0%)	4 (0.0%)	

Table 10		Cases referred to investigation
Year	Number of referrals	
2019/20	175	
2020/21	128	
2021/22	236	
2022/23	122	
2023/24	108	

Table 11 Throughput of investigation cases

Decisions	2019/20	2020/21	2021/22	2022/23	2023/24
Closed after Investigation	96	91	107	127	54
Referred to Disciplinary Action	31	39	29	53	41
Total	127	130	136	180	95

Table 12 Decision sources for cases closed after investigation

Decision Source	2022/23	2023/24
LED staff	94	24
Independent Decision-making Panel	32	30
Other	1	0
Total	127	54

Table 13 Final outcomes of reports

Outcome	2022/23	2023/24
Closed without Investigation	38	28
Closed after Investigation	127	54
Administrative Warning/Fine	58	14
Dismissed	35	29
Closed/Withdrawn	34	11
Determination by Consent	4	5
Proved/Upheld	4	5
Dismissed	-	-
Disciplinary Tribunal	25	39
Proved/Upheld	21	33
Dismissed	1	3
Withdrawn/Struck Out/No Evidence Offered	3	3
Total	194	126

Notes

The outcomes listed are the final outcomes of reports. Where reports were reopened, only the final outcome is listed, not any interim decisions.

Table 14 Disciplinary action cases concluded

Disciplinary Action	2019/20	2020/21	2021/22	2022/23	2023/24
Determination by Consent	5	4	4	4	5
Disciplinary Tribunal	42	29	29	25	39
Total	47	33	33	29	44

Table 15 Sanctions imposed by Disciplinary Tribunal panels or under the Determination by Consent procedure

Sentence	2019/20	2020/21	2021/22	2022/23	2023/24
Disbarred	10	4	6	9	10
Suspended	15	9	8	5	9
Fined	10	11	12	7	12
Reprimanded	13	10	14	5	9
Total	36	24	26	22	30

Notes

The figures listed are the number of barristers who were subject to these sanctions.

Table 16 Open cases at year end

Stage	2021/22	2022/23	2023/24
Referrals	61	4	8
Investigations	129	91	75
IDB	9	12	8
Determination by Consent	2	2	1
Disciplinary Tribunal	29	51	52
Appeals	6	2	2
Total	236	162	146

Table 17**Sources of new investigation cases**

Role of Reporter	2022/23	2023/24
A barrister	39	37
A chambers	0	1
A member of another professional body/regulator	15	6
A member of public	31	32
A pupil	1	2
An entity	0	1
BSB staff	10	6
Coroner	0	0
Employee of Barrister/Chambers/Entity	1	0
Judge	2	6
Legal Ombudsman	1	0
Other	10	7
Solicitor	10	8
Not specified/unknown	4	4

Table 18**Aspects of new investigation cases**

Aspect	2022/23	2023/24
Other diminishing trust and confidence	46	39
Dishonesty in professional or personal life	21	14
Other	7	9
Not acting in the client's best interests	6	9
Discrimination	3	9
Harassment	6	7
Breach of confidentiality	5	6
Inappropriate communications with clients or others	2	5
Rudeness/misbehaviour out of court	1	5
Other misleading the court*	12	4
Other abuse of role as an advocate	8	4
Failing to provide information promptly to the BSB	8	4
Holding out as a barrister when not authorised to do so	5	4
Conducting litigation when not authorised to do so	3	4
Failing to report disciplinary action by another regulator	3	4
Providing an incompetent standard of work/service	7	3
Criminal conviction other than drink driving	6	3
Failing to administer practice properly/efficiently	6	3
Making misleading/false/unfounded submissions or statements*	5	3
Making serious allegations without proper foundation	3	3
Failing to properly advise client	3	3

Aspect	2022/23	2023/24
Conflict of interest	3	3
Inappropriate content on social media	3	3
Failing to keep proper records	2	3
Making unsupported allegations of fraud/false assertions	2	3
Rudeness/misbehaviour in court		3
Civil debt (including clerks) or bankruptcy		3
Making statements designed to insult/annoy/humiliate		3
Performing reserved legal activities when not authorised to do so		3
Criminal conviction for drink driving	7	2
Handling client money	5	2
Failing to submit documents on time	4	2
Drafting statements/documents not properly arguable	3	2
Inappropriately remaining in or withdrawing from instructions	3	2
Failing to administer chambers/entity competently/efficiently	3	2
Failing to take steps to ensure court has all relevant information	3	2
Failing to acknowledge complaints promptly	2	2
Other breach of Public Access Rules	2	2
Failing to report own serious misconduct	2	2
Failure to comply with the complaints handling regulations	2	2
Wasting the court's time	1	2
Inappropriate cross-examination	1	2
Disciplinary finding by another body	1	2
Failing to register with BMIF	1	2
Failing to comply with a court order		2
Rehearsing, practising or coaching witnesses		2
Failing to use own professional judgement		2
Inappropriate drafting of documents		2
Misleading a person or client*	10	1
Failing to renew practising certificate	4	1
Failing to preserve client confidentiality	3	1
Failing to report criminal charges or convictions	3	1
Victimisation	3	1
Failing to co-operate with the Legal Ombudsman	2	1
Failing to report a bankruptcy or other associated proceedings	2	1
Failing to follow instructions	2	1
Failing to inform client that cannot carry out instructions	2	1
Inappropriate handling of information or evidence	2	1
Failing to act independently	2	1
Failing to comply with sentence of a tribunal	1	1
Drafting statements/documents not supported by client or instructions	1	1
Making inappropriate media comments	1	1
Failing to provide or disclose information	1	1
Failing to consider need for a professional client		1

Aspect	2022/23	2023/24
Accepting instructions when not authorised to do so		1
Failing to act appropriately towards a pupil		1
Providing legal services when not authorised to do so		1
Other failing to comply with authorisation to practise regulations	5	
Misleading clients about the nature/scope/terms of work*	4	
Inappropriate use of position as a barrister	4	
Undue delay in dealing with papers	3	
Failing to pay BMIF premiums	2	
Failing to notify a change of practising address	2	
False declarations on call/in CVs and other official documents	2	
Practising without 'qualified person(s)'	2	
Fee dispute	2	
Failing to keep records	2	
Inappropriately withholding services	2	
Failure to obtain practising certificate	1	
Failing to comply with regulations regarding non-authorised workers	1	
Inappropriately accepting instructions	1	
Failing to obtain appropriate insurance	1	
Failing to comply with regulations on witnesses	1	
Failing to comply with undertaking when conducting litigation	1	
Employing/appointing a disqualified person	1	
Failing to consider if best interests served by other representation	1	
Failing to report serious misconduct by another	1	
Money laundering	1	

Notes

“Aspects” describe the allegations made in a report. A report may have multiple different aspects.

*Misleading aspects grouped under the umbrella term “misleading the court or others” in the 2023/24 Regulatory Decision-Making report.

Table 19**Charges upheld at disciplinary action**

Charge	2022/23	2023/24
Breach of duties	15	26
Undermining honesty, integrity or independence in public eyes	13	20
Misleading or attempting to mislead anyone	3	6
Failing to report a criminal charge	1	4
Being dishonest or otherwise discreditable	2	3
Failing to report a criminal conviction/caution	1	3
Acting in a manner likely to bring prof into disrepute	3	2
Making untrue or misleading submissions, representations or suggesting facts to witnesses	2	2
Misleading or attempting to mislead the court	2	2
Failing to report serious misconduct	1	2
Wasting court time		2
Public Access - failing to provide proper notification of terms of engagement		2
Handling client money		2
Failure to report regulatory or disciplinary action by another regulator		2
Failing to provide information to BSB promptly	2	1
Practising without a practising certificate	2	1
Calling or putting untrue or misleading evidence		1
Complaints - failure to acknowledge a complaint		1
NULL		1
Complaints - failure to notify clients in advance of right to complaint and go to LeO		1
Public Access - failing to keep proper client records		1
Failing to use own judgement (personal responsibility)		1
Public Access - failure to return client documents		1
Failure to ensure proper administration of chambers		1
Unlawful discrimination, victimisation or harrasment		1
Failure to ensure proper administration of practice		1
False declarations on Call or subsequently		1
Not abusing your role as an advocate		1
Failing to comply with a decision or sentence of BSB/BTAS panel	1	
Failing to report (general)	1	
Knowingly or recklessly misleading the court	1	
Carrying out reserved legal activity without authorisation	1	
Acting in a manner prejudicial to admin of justice	1	
Holding out	1	
Failure to keep adequate records of fees	1	

Notes

The figures listed are numbers of charges for cases upheld following a Disciplinary Tribunal or the Determination by Consent procedure. A case may have multiple different charges, and within a case the barrister may have breached the same paragraph of the Code of Conduct multiple times.

Figure 8

Age distribution of referrals closed in 2023/24

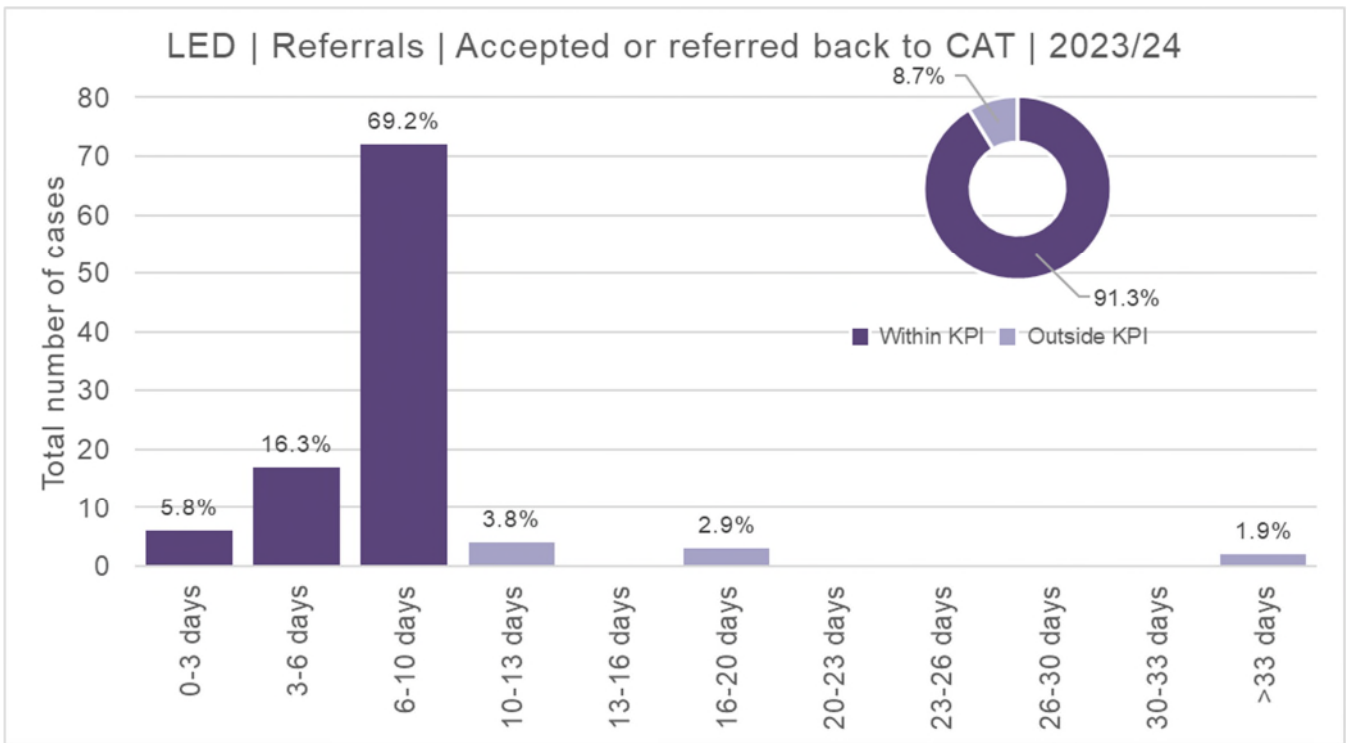


Figure 9

Age distribution of investigations decided in 2023/24

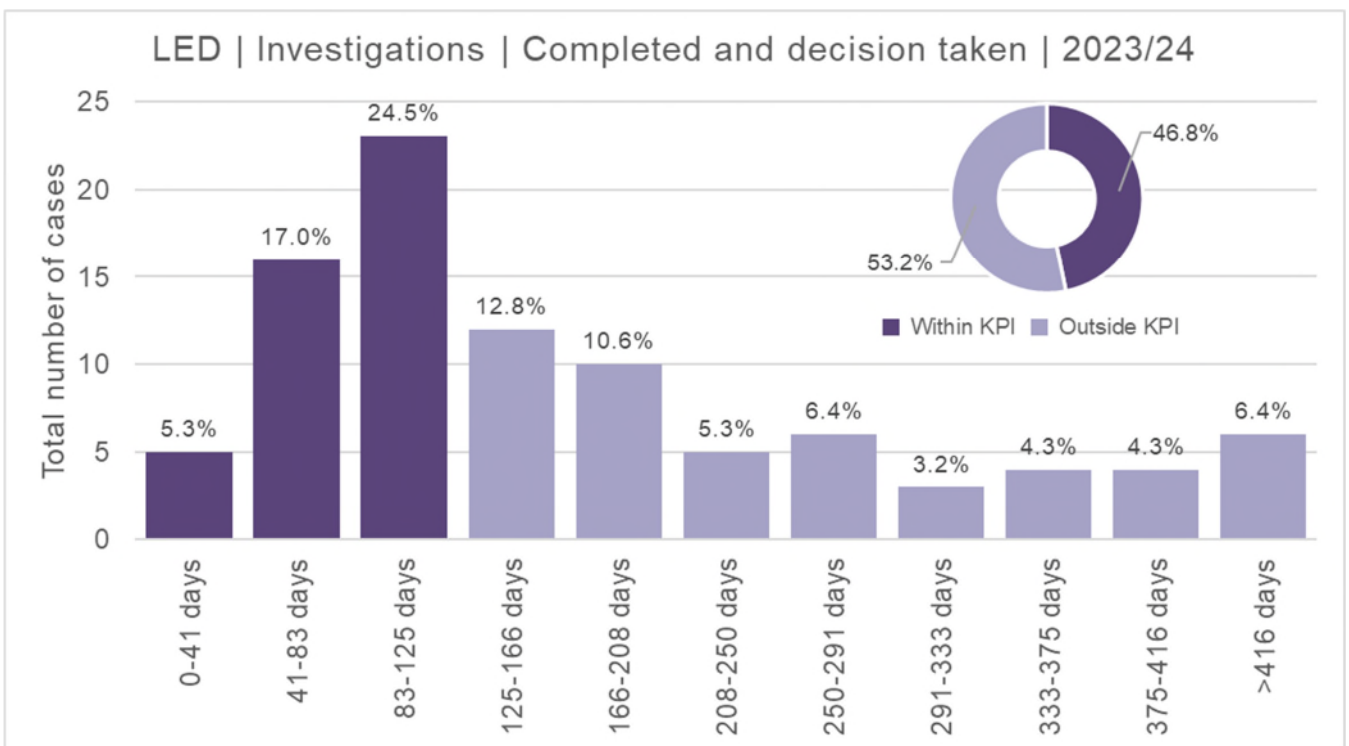


Figure 10 Throughput of referrals in 2023/24

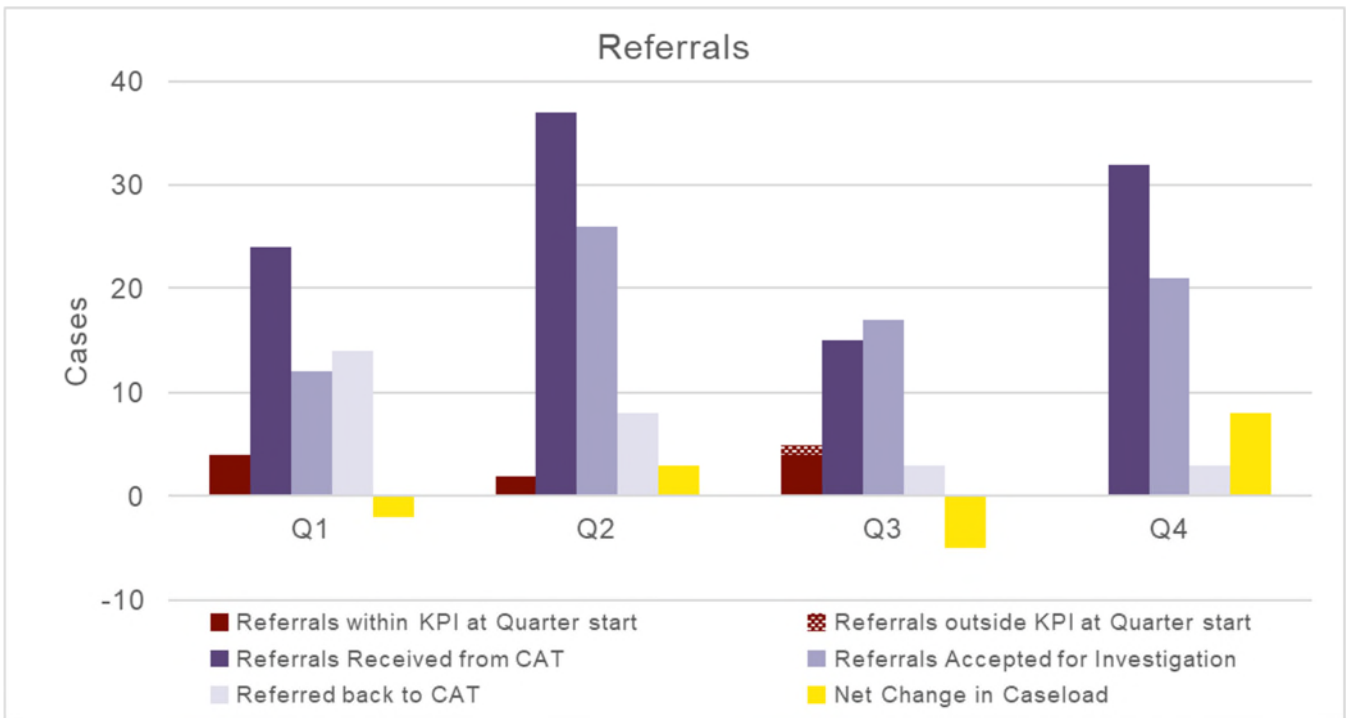
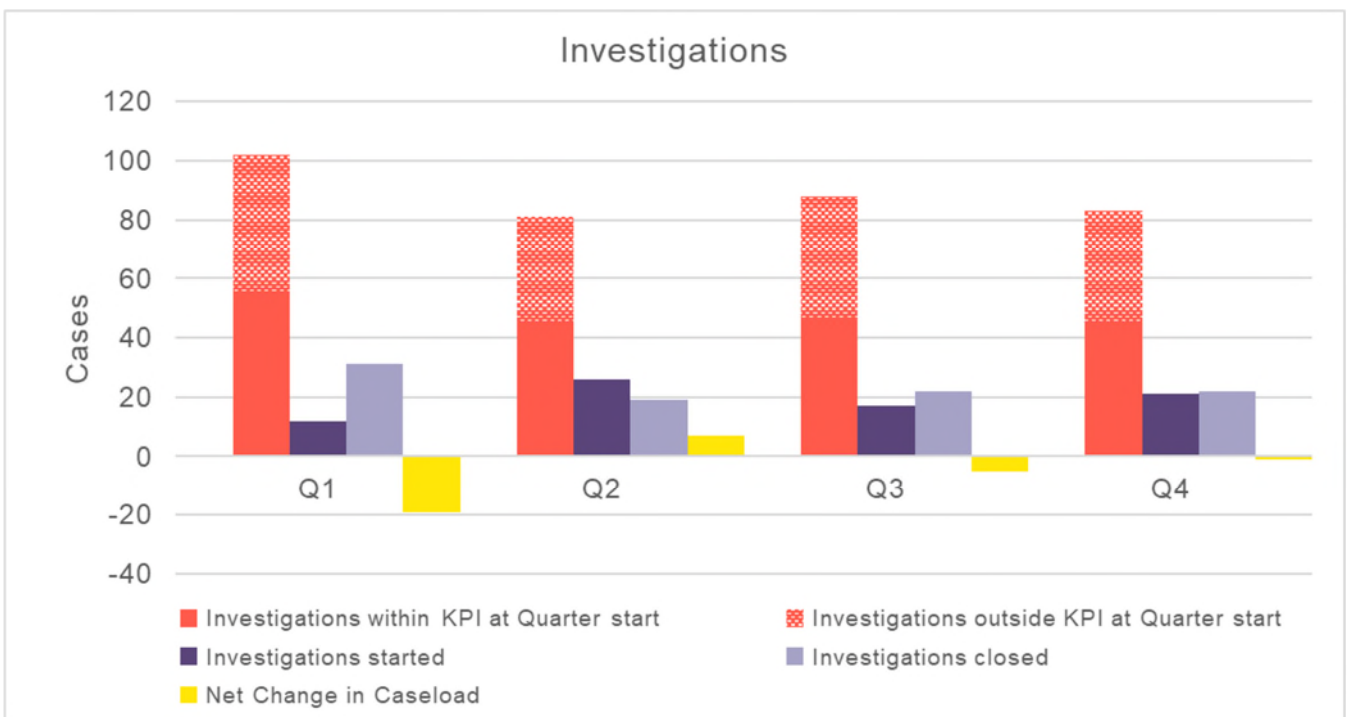


Figure 11 Throughput of investigations in 2023/24



Supervision Team

Table 20	Quarterly KPIs				
KPI	Q1	Q2	Q3	Q4	2023/24
Allocations					
Assigned within 3 working days (Target 80%)	22 (100.0%)	22 (100.0%)	22 (100.0%)	26 (100.0%)	92 (100.0%)
Regulatory Response					
Agreeing a regulatory response within 20 working days of the case being assigned (Target 80%)	62 (95.2%)	47 (100.0%)	36 (100.0%)	45 (100.0%)	190 (98.4%)
Visits					
Report letters issued within 5 working days of a visit to an organisation (Target 80%)	2 (100.0%)	3 (66.7%)	1 (100.0%)	1 (100.0%)	7 (85.7%)

Table 21	Cases opened	
Purpose	2022/23	2023/24
Referred to Supervision by CAT	79	94
Received directly by Supervision	35	69
Thematic Reviews	31	29

Table 22	Stages completed	
Stage	2022/23	2023/24
Allocations		
Cases assigned to members of the Supervision team	78	92
Regulatory Response		
Agreement of the regulatory response	126	190
Visits		
Report letters issued	11	7
Closures		
Cases closed	120	206

Figure 23

Age distribution of supervision cases allocated in 2023/24

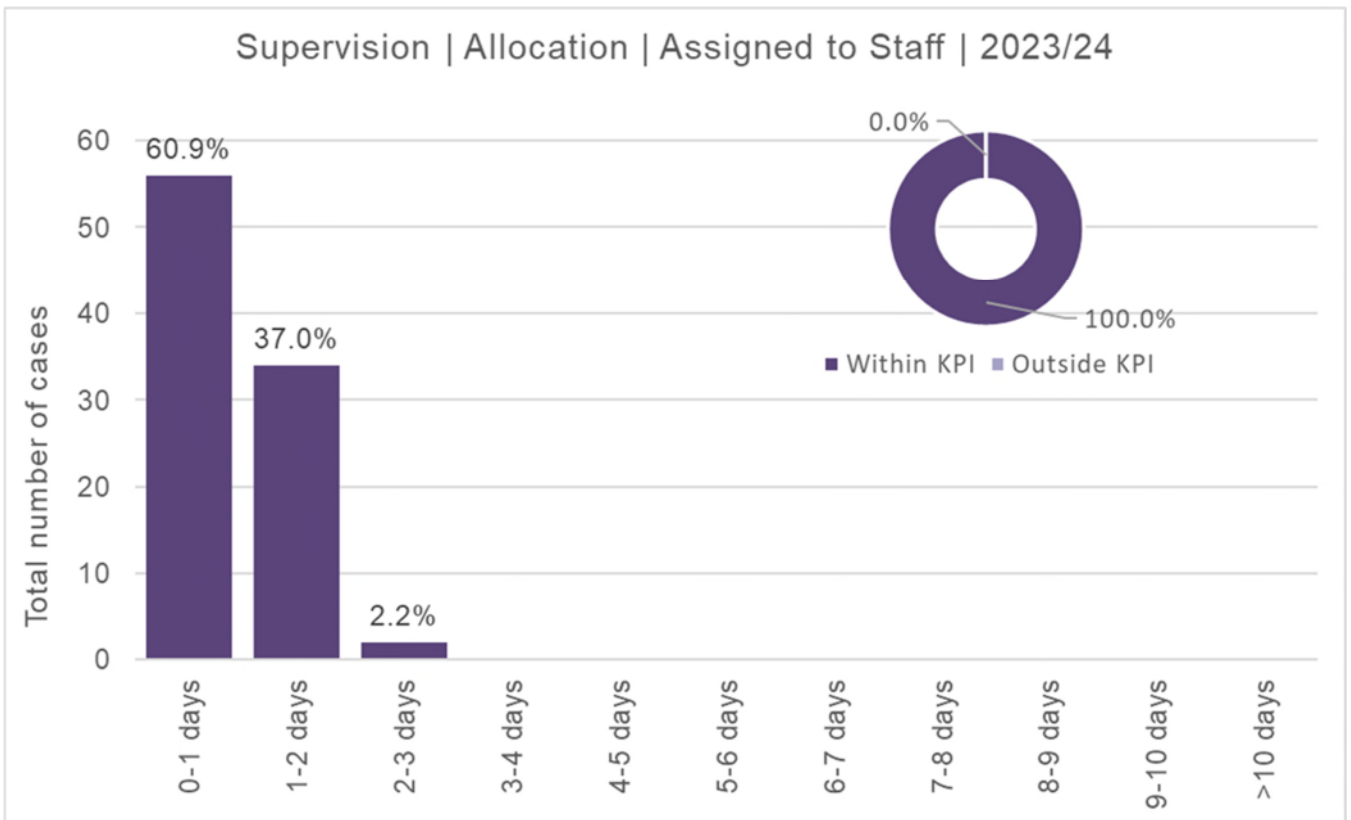


Figure 24

Age distribution of regulatory responses agreed in 2023/24

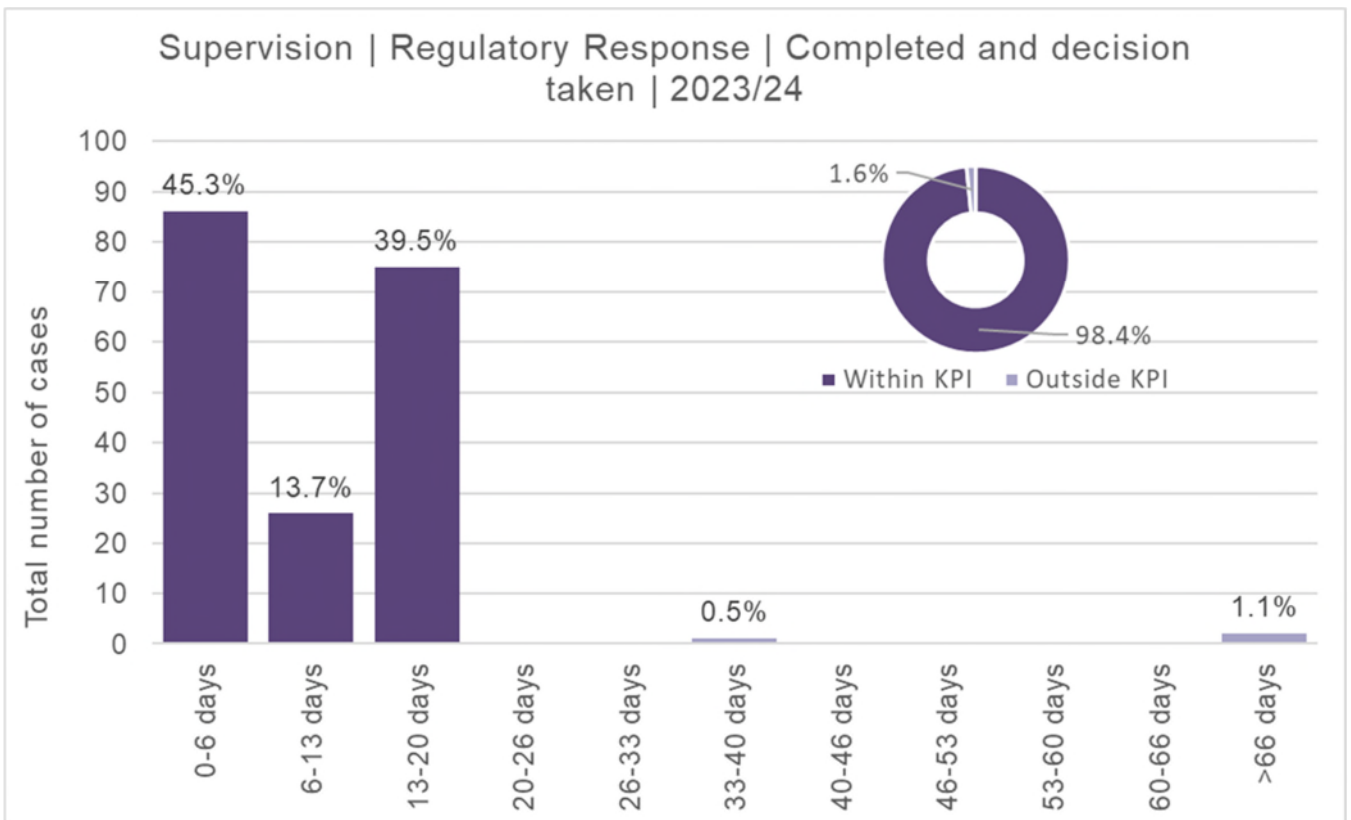
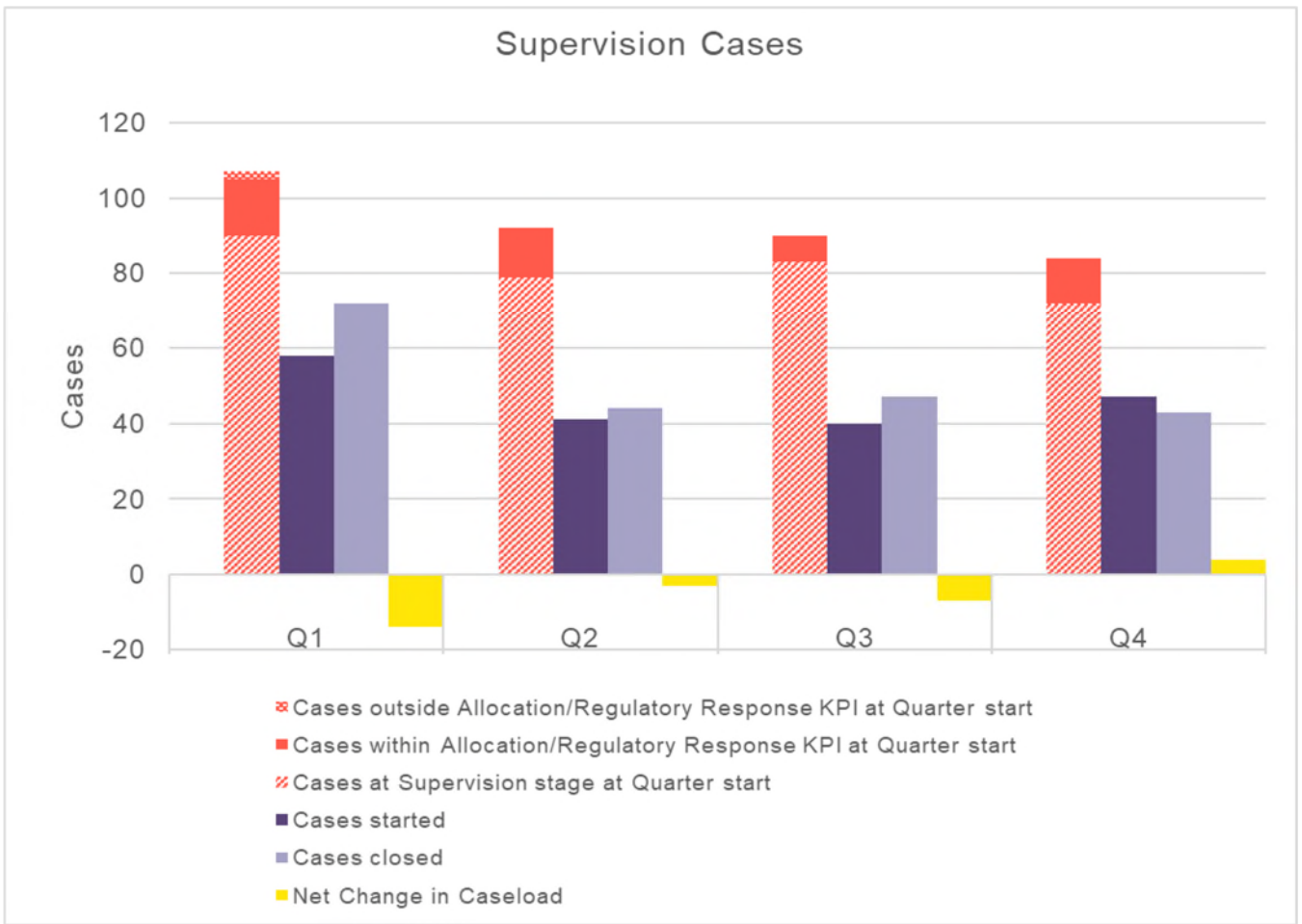


Figure 25

Throughput of supervision cases in 2023/24



Independent Reviewer

Table 26 Requests for reviews

Outcome	2022/23	2023/24
CAT	96	28
Decision Upheld	92	28
Decision Partially Upheld	2	0
Decision Not Upheld	1	0
Further Enquiries	1	0
I&E	5	4
Decision Upheld	3	3
Decision Partially Upheld	1	0
Decision Not Upheld	1	1

Table 27

Quality assurance audits

Outcome	2022/23	2023/24
Authorisations - Waiver Applications	28	36
Decision Appropriately Made	28	36
Decision Not Appropriately Made	0	0
Authorisations - Entity/ABS applications	5	8
Decision Appropriately Made	5	8
Decision Not Appropriately Made	0	0
CAT - Closures	31	113
Decision Appropriately Made	29	111
Decision Not Appropriately Made	2	2
CAT - Referrals to Supervision or Enforcement	9	19
Decision Appropriately Made	9	19
Decision Not Appropriately Made	0	0
I&E - Dismissals	16	5
Decision Appropriately Made	16	5
Decision Not Appropriately Made	0	0
I&E - Administrative Sanctions	9	7
Decision Appropriately Made	9	7
Decision Not Appropriately Made	0	0
I&E - Disciplinary Action referrals	4	3
Decision Appropriately Made	4	3
Decision Not Appropriately Made	0	0
Supervision - Regulatory Response	6	9
Decision Appropriately Made	6	9
Decision Not Appropriately Made	0	0