OFFICE OF THE
LEGAL SERVICES
COMMISSIONER

WHAT HAPPENS WHEN YOU COMPLAIN TO THE OLSC

The Office of the Legal Services Commissioner (OLSC) receives all complaints about solicitors and barristers licensed in NSW. We co-regulate the profession with the Law Society of NSW and the NSW Bar Association with whom we share responsibility for dealing with complaints and providing education. Formal complaints to the OLSC must be made or recorded in writing. We receive 2,500 – 3,000 complaints each year.

What happens once I make my complaint?

A file is created and a reference number allocated when your correspondence is received at the OLSC. Your complaint is usually assessed within two days of being received by senior staff and they will determine how your complaint is to be handled.

If your complaint is retained by the OLSC your file is allocated to an officer and an acknowledgement letter is dispatched within two days. Generally, first steps will be taken in relation to your complaint within two-three weeks.

Types of complaints

Complaints are treated as falling broadly into two categories:

- Consumer matters, including costs disputes, relating to the provision of legal services to you.
- Disciplinary matters involving issues of professional misconduct or unsatisfactory professional conduct, and which may result in disciplinary action against a practitioner.

Who deals with my complaint?

We determine whether or not to deal with a complaint at the OLSC or refer it to the Law Society (for complaints about solicitors) or the Bar Association (for complaints about barristers).

Complaints regarding the conduct of solicitors, such as allegations of fraud or serious breaches of the trust account provisions, may be referred to the Law Society. The OLSC is more likely to deal with complaints that are in the public interest, arise out of referrals from courts or tribunals or involve a conflict of interest for the professional associations.

Consumer matters, including disputes about costs, delay and failure to transfer documents, are usually handled at the OLSC where we try to negotiate solutions.

Complaints can also be referred to the Law Society if they are outside the jurisdiction of the Legal Services Commissioner. Such complaints include those about people holding themselves out as solicitors when they are not qualified or complaints about law clerks and paralegals.

How long does it take to deal with my complaint?

The OLSC completes about 75 per cent of complaints within six months. Most consumer matters are finalised within 4 months and often sooner. Disciplinary matters can take longer, particularly if they are complex or we have difficulty obtaining information from either party or from third parties. Investigations by the Law Society or Bar Association are targeted to be finished within six months but can also take much longer.

How do I know what happens to complaints referred to the Law Society or the NSW Bar Association?

You will be notified if your complaint is referred to the Law Society or Bar Association. The Law Society or Bar Association will communicate directly with you in the course of dealing with your complaint.

We monitor the progress of complaints with the Law Society and the Bar Association. The Law Society and the Bar Association provide the OLSC with six monthly progress reports for disciplinary matters and more frequent updates for consumer matters. Written reports on the progress of your complaint can be requested if concerns arise.

We can also take over Law Society or Bar Association investigations where the investigation has not progressed, where relationships with the investigator have broken down or where a conflict of interest arises.

What can I do if I am not happy with the Law Society's or Bar Association's decision about my complaint?

In exceptional circumstances, the Legal Services Commissioner can review a decision made by the Law Society or Bar Association if it considers it appropriate to do so to correct defects in the decision. Application must be made within 30 days of notice of the decision.

When complaints are closed, no further action is taken

We close complaints for a number of reasons, including:

- the complaint is misconceived or based on inaccurate information;
- insufficient information is provided;
- the complaint is based on a right the complainant thinks they have, which they do not have;
- the complaint is not within the Legal Services Commissioner's jurisdiction (such as those made about Judges or Magistrates which should be referred to the Judicial Commission) or people holding themselves out as lawyers when they are not qualified (which should be referred to the Law Society or Bar Association);
- the complaint is vexatious or mischievous; or
- it is in the public interest.

For further information about complaints to the Office of the Legal Services Commissioner go to our website www.olsc.nsw.gov.au or contact us toll free on 1800 242 958 or on (02) 9377 1800.