

Complaints about lawyers

Factsheet

The NSW Attorney General has a range of responsibilities in relation to the administration of justice in New South Wales. However, complaints about lawyers cannot be considered by the NSW Attorney General or by the NSW Department of Justice.

The law gives responsibility for handling such complaints to the Office of the Legal Services Commissioner (OLSC).

About the OLSC

The OLSC is an independent statutory authority established by the *Legal Profession Act 2004*. The OLSC receives all complaints about solicitors and barristers in New South Wales.

The OLSC also oversees the investigation of complaints about the conduct of practitioners and plays a major role in resolving consumer disputes. The OLSC handles complaints in four ways:

- by answering telephone inquiries
- by resolving consumer disputes (including cost disputes)
- by investigating alleged misconduct, and
- by reviewing investigations conducted by the Law Society of NSW or the NSW Bar Association.

Consumer disputes

Consumer disputes are disputes between legal practitioners and users of legal services. Examples of 'consumer disputes' are complaints about poor communication, costs, delays, handling of documents and poor service.

Complaints of misconduct

If a complaint raises a question of misconduct on the part of the practitioner, the complaint will be investigated. The OLSC may refer such complaints to the Law Society of NSW or the NSW Bar Association for investigation. The OLSC monitors investigations by these bodies and occasionally intervenes to re-examine matters. Other complaints are investigated by OLSC staff.

The independence of the OLSC

The OLSC is an independent statutory authority. The decisions of the Legal Services Commissioner about complaints cannot be reviewed by the NSW Parliament, the NSW Attorney General, or the NSW Department of Justice.

It may be possible to seek review by the Supreme Court of decisions of the Legal Services Commissioner. It is advisable to seek independent legal advice before taking such action.

For further information

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Email: olsc@agd.nsw.gov.au
Post: Office of the Legal Services
Commissioner
GPO Box 4460
SYDNEY NSW 2001

Further information about the role of the OLSC and the complaints process is available on the OLSC website at www.olsc.nsw.gov.au.

Legal profession reform

NSW and Victoria have committed to implementing the uniform legislation for regulation of the legal profession, developed by the Council of Australian Governments (COAG). Once this legislation is enacted, a common legal services market will be established in NSW and Victoria, with lawyers able to practise seamlessly across those States under uniform legislation and regulatory standards. Shorter, less complex and uniform legislation will provide economic benefits to the legal profession, and enhance the protection of clients of law practices.

The scheme will become fully operational only after the new regulatory bodies established under the Uniform Law have had time to make the Uniform Rules and the profession and local regulators have had time to implement the systemic changes required. Community awareness-raising activities will also take place during this transitional period.

The Office of the Legal Services Commissioner (OLSC) will continue to be the primary complaints handling body in NSW. The Uniform Law makes some important changes to the way complaints against lawyers are handled, which will enable consumers to resolve service complaints and costs disputes with law practices more quickly and informally.