



The information herein was last updated on Wednesday 8 March 2023.

Thank you for contacting the Legal Profession Conduct Commissioner.

Before you complete the enclosed complaint form, please carefully read the enclosed Fact Sheet that explains important information about what the Legal Profession Conduct Commissioner does and doesn't do.

In order to make a complaint, the complainant will need to pay a fee of \$110 (including GST), or to have successfully applied to have the fee reduced or waived.

It is particularly important that you note the following:

- You may be able to resolve your concerns directly with your lawyer. You should talk to your lawyer, or the firm's managing partner, about your concerns before making a complaint.
- The Commissioner cannot award you compensation. If you believe that your lawyer has been negligent
  and you wish to receive compensation, you should obtain independent legal advice. The Legal Services
  Commission has a free legal help line that can be contacted on 1300 366 424.
- The Commissioner cannot provide legal advice or representation.
- The Commissioner cannot intervene in court proceedings, or change an order that has already been made by a Court.
- The Commissioner cannot prevent your lawyer from suing you for their fees or from taking other court action against you.
- The Commissioner cannot refer you to a lawyer or make any recommendations as to who
  you should instruct.
- If you want to make a complaint to the Commissioner, you must do so in writing. A standard complaint form is attached.
- A complaint about a lawyer's conduct must be made to the Commissioner within 3 years of the conduct
  occurring. A complaint about overcharging must be made to the Commissioner within 2 years of the final
  bill to which the complaint relates. In either case, the Commissioner has a discretion to allow a longer
  period within which a complaint can be made.

Our Enquiry Line is only open during the following times:

Monday - 10am to 2pm Wednesday - 10am to 2pm Friday - 10am to 2pm





# **Complaint form**

A Complaint details			Please	orint and cross boxes clearly.
1. Complainant(s) (person making	the complair	nt)		
Title	Mr	Ms Mrs Dr	Other	
First name(s)				
Surname				
Residential address	Street			
	Suburb	Sta	ate	Postcode
Postal address	PO Box			
	Suburb	Sta	ate	Postcode
Telephone number (daytime)				
Telephone number (after hours)				
Mobile phone number				
Fax number				
Email address				
2. Are you making this compla	int on beha	alf of another person?		
No, I am the person making	the compla	aint		
Yes, I am complaining on be	half of a chi	ild under 18 years		
Yes, I am exercising a Powe	r of Attorne	у		
Yes, I am complaining as a guardian and/or administrator				
Yes, I am a lawyer acting on behalf of my client				
Othor				

Please print and cross boxes clearly.

3. About the lawyer(s)—the person(s) you are making the complaint about							
Who is your complaint about?							
First name(s)							
Surname							
Firm name							
Firm address	Street						
	Suburb				State	Postcode	
Postal address	PO Box						
	Suburb				State	Postcode	
Telephone number (daytime)							
Mobile phone number							
Fax number							
Email address							
Who was the lawyer acting for?	Me		Another p	person (ple	ase name)		

Use this section if you are complaining about more than one lawyer

Who is your complaint about?						
First name(s)						
Surname						
Firm name						
Firm address	Street					
	Suburb		S	State	Postcode	
Postal address	PO Box					
	Suburb		S	State	Postcode	
Telephone number (daytime)						
Mobile telephone number						
Fax number						
Email address						
Who was the lawyer acting for?	Me	Another p	person (pleas	e name)		



Please print and cross boxes clearly.

4. About the complain	int				
Area of law					
What type of matter was the lawyer involved in?	Worker's compensation	Company law	Family law		
	Wills and probate	Migration law	De facto law		
	Criminal	Industrial	Real property		
	Conveyancing	Medical negligence	Commercial law		
	Building dispute	Personal injury	Criminal injuries compensation		
	Other				
5. Why are you maki	ng this complaint				
To resolve my disp	oute with the lawyer				
To improve communication with the lawyer					
To have my documents/files transferred to another lawyer					
To improve the service provided by the lawyer					
To receive an apology					
To get the work re	-done properly				
To have the lawyer disciplined					
To resolve a costs dispute with the lawyer's firm					
Other					
Have you tried to resolv	ve the No				
complaint with the lawy					



## B Overcharging

Please print and cross boxes clearly.





If you believe that you have been overcharged by your lawyer, you can complain to the Commissioner by completing this section (Section B).

There are time limits in relation to a complaint of overcharging that you should be aware of. The Commissioner need only consider a complaint of overcharging if it is made within 2 years of you receiving the last bill that you are complaining about.

Normally, the Commissioner will first try to see if, through a conciliation process, the bill (tax invoice) can be agreed between the parties. If it can't then the Commissioner may recommend what he thinks is a fair and reasonable amount for the legal fees to have been. If that recommendation is not accepted by both you and your lawyer, and if the amount in dispute is \$50,000 or less, then the Commissioner may make a binding determination in relation to the amount in dispute. However, he can only do so if he first obtains a costs assessment. You may be asked to pay the reasonable costs of the Commissioner obtaining that costs assessment.

1. Overcharging details	
On what date (if uncertain, please approximate) did you first engage your lawyer?	
Is your matter with your lawyer finished?	Yes No Unsure
Do you have an agreement with your lawyer about costs?	Yes No
What was the date of the bill you are complaining about (or the last bill if there is more than one)?	
How much have you already paid to the lawyer for legal services? If you do not know the precise amount, please provide an estimate	\$
What is the amount in dispute between you and your lawyer?	\$
Have you requested an itemised account from your lawyer? If your lawyer has provided one to you please attach a copy	Yes No
You say the account is too high because:	A lesser amount was estimated or quoted for legal fees
	The account includes work that was not done
	The account includes work that was not necessary
	The legal work was done poorly
	The account includes work you did not ask to be done
	The charges for the work are not as agreed with your lawyer
Have you talked about the account with your lawyer or someone else at the firm and tried to resolve your concerns?	Yes No
Has the lawyer issued a summons against you for payment of the account?	Yes No
Are you willing to attend a conciliation conference (if the lawyer agrees) to try to resolve the cost dispute?	Yes No





Please print and cross boxes clearly.





PLEASE ATTACH A SUMMARY OF YOUR COMPLAINT, AND ATTACH COPIES OF ANY RELEVANT DOCUMENTS THAT SUPPORT YOUR COMPLAINT.

#### In the summary of your complaint:

- 1. please say when the conduct you are complaining about occurred;
- if the conduct you are complaining about occurred more than three years ago, please explain the reasons for the delay in making the complainit;
- please tell us about the events that led to your complaint;
- 4. please say what the lawyer did or did not do; and
- 5. if there are witnesses who can provide independent information that will help us deal with your complaint, please provide their names and full contact details and say why you think they could help.

If your complaint is about overcharging, then please provide:

- a copy of your costs agreement (if there is one);
- II. a copy of the bill(s) you are complaining about;
- III. details of any discussions you have had with your lawyer about the bill(s); and
- IV. if the lawyer has issued a summons against you for payment of the account, a copy of the summons.

summary of complaint is continued on the next page



If more space needed, arreach additional pages



### **Declaration**

D	Declaration
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This section must be completed.



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Please read through this form to check all questions have been answered. Please attach all necessary documents and sign the declaration below.

Declaration by the	complainant			
I have read through this completed complaint form and believe, to the best of my knowledge, that all of the information provided is true, correct and not misleading.				
I authorise the Lega this complaint.	I Profession Conduct Commissioner to forward a copy of this co	mplaint to the lawyer named in		
Signature		Date / / /		
I agree to the terr	ns of this declaration.			

### D

#### **PRIVACY STATEMENT**

Personal information you provide on this form is used by the Commissioner for the purposes of carrying out his functions under the *Legal Practitioners Act 1981*. Those functions include assessing, conciliating, investigating and prosecuting complaints about lawyers. To do that, the Commissioner will usually disclose your personal information to the lawyer you are complaining about and to his or her lawyer (if represented).

If a complaint proceeds to a disciplinary hearing, your personal informaton may be disclosed to the Legal Practitioners Disciplinary Tribunal or the Supreme Court. Disciplinary hearings are open to the public. The Commissioner will not use or disclose your personal information for any purpose not connected with his role under the Legal Practitioners Act 1981 without your consent, unless such use or disclosure is required or authorised by law.

If printed, please send this form and photocopied attachments to:

**Legal Profession Conduct Commissioner** 

GPO Box 230 Adelaide SA 5001



Level 10, 30 Currie Street Adelaide SA 5000

GPO Box 230 Adelaide SA 5001

**T** (08) 8212 7924 or 1800 337 570 **F** (08) 8231 0794

**E** lpcc@lpcc.sa.gov.au

www.lpcc.sa.gov.au



## Fee to Lodge a Complaint

In most cases, you will need to pay a fee when you make a complaint to the Commissioner.

Section 72(2) of the Act provides as follows:

The Commissioner may-

- (a) with the approval of the Attorney-General, fix, and require the payment of, fees in connection with the performance of functions of the Commissioner under this Act; and
- (b) waive the payment of, or refund, the whole or part of a fee fixed under paragraph (a).

The Attorney-General has approved the Commissioner fixing a fee of up to \$110 (including GST) for the making of a complaint, and requiring the payment of any fee before he considers that complaint.

If a complainant complains about more than one practitioner, then the fee will be payable in relation to each practitioner unless the Commissioner decides otherwise.

In some circumstances, the Commissioner may decide to reduce or waive the payment of any such fee.

#### REDUCED FEE

The Commissioner has a discretion to reduce the fee payable in a particular case.

On application, the Commissioner may reduce the fee to be paid to \$55 (including GST) if the complainant provides:

- one of the following valid concession cards:
  - Pensioner Concession Card;
  - Health Care Card;
  - Commonwealth Seniors Health Card;
  - Department of Veterans Affairs Gold Card;
  - Student identification card (full-time students only);
- evidence that they:

have been granted legal aid within the last 3 months and were not required to make more than the minimum contribution of \$30.

The Commissioner may also consider other applications by a complainant to reduce or waive the fee payable due to financial hardship or special circumstances. To consider an application as to financial hardship, the complainant will need to provide at least one (and ideally more) of the following supporting information and documentation as relevant:

- information and evidence of assets and liabilities:
- the last four weeks of bank statements, either hard copy or electronic, relating to all of the complainant's bank accounts in sole or joint names;

- for individuals receiving Centrelink benefits Centrelink income and assets statement;
- payslips for the last four weeks (if the complainant is employed);
- tax return for the previous financial year;
- any other financial information that the complainant considers relevant, such as outstanding bills.

To consider an application as to special circumstances, the complainant will need to explain briefly what those circumstances are and if necessary provide evidence in support. Particular examples of special circumstances may include that the complainant is under 18 years of age or is in prison or detention.

If the Commissioner does not approve a reduction in or waiver of the fee, the complainant must pay the fee in full before the Commissioner will consider the complaint.

#### **FEE REFUND**

The Commissioner will refund any fee that a complainant has paid if:

- in the case of a complaint about a practitioner's conduct, he ultimately finds that the practitioner complained about has engaged in misconduct; and
- in the case of a complaint of overcharging, he ultimately finds that there has been overcharging, or if there is a recommendation, order or agreement that the practitioner reduces a charge or refunds an amount.

The Commissioner also has a complete discretion to refund any fee that has been paid in any other circumstances.



# Fee Reduction or Waiver Application

Personal Details					
Full name:					
Email address:	dress:				
Phone Number:					
Application					
Reduction	□ Waiver				
On what basis are you applying	to reduce or waive the fee to lodge a complaint?				
☐ Pensioner Concessio	n Card				
☐ Health Care Card					
☐ Commonwealth Senio	or Health Card				
☐ Department of Vetera	Department of Veteran Affairs Gold Card				
☐ Student Identification	Card (Full-time students only)				
*Note: in relation to the above, we ask that you provide a photocopy of the valid concession card.					
☐ Under 18 years of age					
☐ In prison or detention	In prison or detention				
☐ Have been granted legal aid within the last 3 months and was not required to make more than the minimum contribution					
☐ Special circumstances					
*Note: in relation to the above,	we ask that you provide evidence to support your application.				
	circumstances, please provide a brief explanation as to what those a separate document), and provide evidence to support your application.				
☐ Financial hardship					
<ul> <li>*Note: In relation to financial hardship, we ask that you provide at least two (and ideally more) of the following supporting information and documentation:</li> <li>information and evidence of assets and liabilities;</li> <li>the last four weeks of bank statements, either hard copy or electronic, relating to all of the complainant's bank accounts in sole or joint names;</li> <li>for individuals receiving Centrelink benefits – Centrelink income and assets statement;</li> <li>payslips for the last four weeks (if the complainant is employed);</li> <li>tax return for the previous financial year;</li> <li>any other financial information that the complainant considers relevant, such as outstanding bills.</li> </ul>					
Signature:	Date:/				