



The information herein was last updated on
Tuesday 27 October 2020.

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 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:

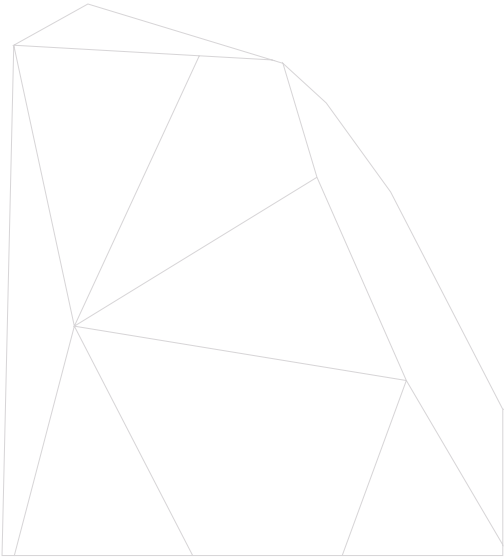
Monday: 10am – 1pm

Tuesday 1pm – 4pm

Wednesday – not available

Thursday 10am – 1pm

Friday 1pm – 4pm



Complaint form



Complaint details

Please print and cross boxes clearly.



1. Complainant(s) (person making the complaint)

Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Mrs	<input type="checkbox"/> Dr
First name(s)				
Surname				
Residential address	Street			
	Suburb	State	Postcode	
Postal address	PO Box			
	Suburb	State	Postcode	
Telephone number (daytime)				
Telephone number (after hours)				
Mobile phone number				
Fax number				
Email address				

2. Are you making this complaint on behalf of another person?

<input type="checkbox"/> No, I am the person making the complaint
<input type="checkbox"/> Yes, I am complaining on behalf of a child under 18 years
<input type="checkbox"/> Yes, I am exercising a Power of Attorney
<input type="checkbox"/> Yes, I am complaining as a guardian and/or administrator
<input type="checkbox"/> Yes, I am a lawyer acting on behalf of my client
<input type="checkbox"/> Other

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?	<input type="checkbox"/> Me		<input type="checkbox"/> Another person (please 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			State			Postcode			
Postal address	PO Box									
	Suburb			State			Postcode			
Telephone number (daytime)										
Mobile telephone number										
Fax number										
Email address										
Who was the lawyer acting for?	<input type="checkbox"/> Me		<input type="checkbox"/> Another person (please name)							



Please print and cross boxes clearly.

4. About the complaint

Area of law

What type of matter was the lawyer involved in?	<input type="checkbox"/> Worker's compensation	<input type="checkbox"/> Company law	<input type="checkbox"/> Family law
	<input type="checkbox"/> Wills and probate	<input type="checkbox"/> Migration law	<input type="checkbox"/> De facto law
	<input type="checkbox"/> Criminal	<input type="checkbox"/> Industrial	<input type="checkbox"/> Real property
	<input type="checkbox"/> Conveyancing	<input type="checkbox"/> Medical negligence	<input type="checkbox"/> Commercial law
	<input type="checkbox"/> Building dispute	<input type="checkbox"/> Personal injury	<input type="checkbox"/> Criminal injuries compensation
	<input type="checkbox"/> Other		

5. Why are you making this complaint

<input type="checkbox"/> To resolve my dispute with the lawyer	
<input type="checkbox"/> To improve communication with the lawyer	
<input type="checkbox"/> To have my documents/files transferred to another lawyer	
<input type="checkbox"/> To improve the service provided by the lawyer	
<input type="checkbox"/> To receive an apology	
<input type="checkbox"/> To get the work re-done properly	
<input type="checkbox"/> To have the lawyer disciplined	
<input type="checkbox"/> To resolve a costs dispute with the lawyer's firm	
<input type="checkbox"/> Other	
Have you tried to resolve the complaint with the lawyer?	<input type="checkbox"/> No
	<input type="checkbox"/> Yes





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?	<input type="text"/> / <input type="text"/> / <input type="text"/>
Is your matter with your lawyer finished?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure
Do you have an agreement with your lawyer about costs?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What was the date of the bill you are complaining about (or the last bill if there is more than one)?	<input type="text"/> / <input type="text"/> / <input type="text"/>
How much have you already paid to the lawyer for legal services? If you do not know the precise amount, please provide an estimate	\$ <input type="text"/> , <input type="text"/>
What is the amount in dispute between you and your lawyer?	\$ <input type="text"/> , <input type="text"/>
Have you requested an itemised account from your lawyer? If your lawyer has provided one to you please attach a copy	<input type="checkbox"/> Yes <input type="checkbox"/> No
You say the account is too high because:	<input type="checkbox"/> A lesser amount was estimated or quoted for legal fees
	<input type="checkbox"/> The account includes work that was not done
	<input type="checkbox"/> The account includes work that was not necessary
	<input type="checkbox"/> The legal work was done poorly
	<input type="checkbox"/> The account includes work you did not ask to be done
	<input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the lawyer issued a summons against you for payment of the account?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you willing to attend a conciliation conference (if the lawyer agrees) to try to resolve the cost dispute?	<input type="checkbox"/> Yes <input type="checkbox"/> No





Declaration

This section must be completed.



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 Legal Profession Conduct Commissioner to forward a copy of this complaint to the lawyer named in this complaint.

Signature

Date / /

I agree to the terms of this declaration.



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 information 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





The information herein was last updated on
Tuesday 15 December 2020

Fee to Lodge a Complaint

In most cases, you will need to pay a fee when you lodge a complaint with 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 \$110 (including GST) for the lodging of a written complaint, and requiring the payment of that 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 waive the payment of any such fee.

Fee waiver

The Commissioner has a discretion to waive fees in a particular case.

On application, the Commissioner will waive the payment of a fee 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 he or she:
 - is under 18 years of age;
 - is in prison or detention;
 - has been granted legal aid within the last 3 months and was not required to make more than the minimum contribution of \$30.

The Commissioner may also consider other applications by a complainant for a fee waiver due to financial hardship or special circumstances. 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. 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:

- 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.

If the Commissioner does not approve an application for fee waiver, 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.



legal profession
**conduct
commissioner**

Fee Waiver Application

Personal Details

Full name:

Email address:

Phone Number:

Application

On what basis are you applying to waive the fee to lodge a complaint?

- Pensioner Concession Card
- Health Care Card
- Commonwealth Senior Health Card
- 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
- Have been granted legal aid within the last 3 months and was not required to make more than the minimum contribution of \$30.00
- Special circumstances

***Note:** in relation to the above, we ask that you provide evidence to support your application.

***Note:** in relation to special circumstances, please provide a brief explanation as to what those circumstances are (by attaching a separate document), and if necessary provide evidence to support your application.

- Financial hardship

***Note:** In relation to financial hardship, we ask that you provide at least one (and ideally more) of the following supporting information and documentation:

- 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.

Signature:

Date: ____ / ____ / ____