

# Types of complaints at the OLSC

The *Legal Profession Uniform Law 2014* (NSW) empowers the Office of the Legal Services Commissioner (OLSC) as an independent statutory body to assess complaints about solicitors or barristers into one of two categories: **consumer** or **disciplinary** matters.

## Consumer



A matter will be classified as a 'consumer' complaint where it does not involve 'unsatisfactory professional conduct' or 'professional misconduct.'

Consumer matters often involve issues around:

- delays
- costs
- poor communication
- liens

## Disciplinary



Disciplinary matters involve 'unsatisfactory professional conduct' or 'professional misconduct' on the part of the solicitor or barrister.

Unsatisfactory professional conduct and professional misconduct are defined under the *Legal Profession Uniform Law 2014* (NSW) (LPUL).

## Unsatisfactory professional conduct



As defined under s 296 of the LPUL, unsatisfactory professional conduct includes 'conduct of a lawyer occurring in connection with the practice of law that falls short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent lawyer.'

## Professional misconduct



Professional misconduct under s 279(1)(a)-(b) of the LPUL includes 'unsatisfactory professional conduct of a lawyer, where the conduct involves a substantial or consistent failure to reach or a maintain a reasonable standard of competence and diligence' and 'conduct that would 'justify a finding that the lawyer is not a fit and proper person to engage in legal practice.'

Examples include:

- violations of the Uniform Law or Uniform Rules
- charging more than a fair and reasonable amount for costs
- where there is a conviction for a tax offence or an offence involving dishonesty
- becoming an insolvent under administration