

General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care supports and services	Consumer and Business disputes	Phone and Internet services
Banking, Insurance and Superannuation	Energy and Water services	Housing and Real Estate
Health Care services	Employment issues	Education and Training providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

[The online triage tool on this website can help you to identify the different complaint bodies that may be able to assist you.]

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a

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discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to anti-discrimination NSW, it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Victorian Legal Services Board & Commissioner

In this fact sheet, we introduce the Victorian Legal Services Board and Commissioner ('**VLSB+C**'). We outline how complaints can be made by consumers to the VLSB+C.

The VLSB+C is an independent organisation comprised of two entities – the Victorian Legal Services Board (the **Board**) and the Legal Services Commissioner (the **Commissioner**) – that regulates lawyers in Victoria. The staff of the Commissioner receive complaints about lawyers and work to try to resolve them where possible.

The VLSB+C is created under the *Legal Profession Uniform Law Application Act 2014 (Vic)*. This Act sets out the key professional rules for lawyers in Victoria. The VLSB+C works to ensure these rules are complied with by lawyers in Victoria.

Legislation and Key Terms

Relevant legislation:

- [Legal Profession Uniform Law Application Act 2014 \(Vic\) \(LPUL\)](#)
- [Legal Profession Uniform Law](#)

Key terms: Below are key terms that appear throughout this factsheet and their meaning.

Complaint: An expression of dissatisfaction where a response or resolution is wanted, expected or required.

Complainant: A person who has made a complaint.

Consumer Matter: A complaint about the conduct of a lawyer or a law practice relating to the provision of legal services, including about the costs charged for those legal services.

Costs dispute: A type of Consumer Matter, that involves a dispute about legal costs payable to a solicitor.

Disciplinary Matter: A complaint about the conduct of a lawyer or law practice that alleges professional misconduct or unsatisfactory professional conduct.

Instructions: The information and directions that a client provides to their lawyer to guide them in handling the client's case. These instructions outline the client's goals, the facts of the case, and how they want the lawyer to proceed.

Law practice: Law practices are commonly referred to as law firms. They are business that provide legal services and can include, sole practitioners, community legal services, and incorporated and unincorporated legal practices.

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Lawyer: A solicitor or barrister.

Mediation: Trying to resolve a conflict or disagreement between two parties by involving a neutral third party.

Professional misconduct: Conduct by a lawyer in connection to the practice of law, that involves a substantial or consistent failure to meet or maintain a reasonable standard of competence and diligence. Or, conduct, whether or not occurring in connection with the practice of law that, if established, would justify a finding that the lawyer is not a fit and proper person to engage in legal practice.

Unsatisfactory professional conduct: Conduct by a lawyer in connection with the practice of law that falls short of a reasonable standard of competence and diligence. The conduct can be a one-off event.

VCAT: Victorian Civil and Administrative Tribunal.

Step 1: What type of Complaints can be made to this body?

You can make a complaint about the service, advice or treatment you have received from a lawyer or law practice in Victoria. Complaints are categorised as ‘Consumer Matters’, ‘Disciplinary’ Matters, or both.

Consumer Matters

Consumer Matters involve issues such as costs disputes, service problems, or conduct concerns that are not serious enough to result in misconduct charges.¹ You can make a complaint to the VLSB+C if you are experiencing issues related to:

Sub-category:	Example:
Cost disputes	<p>You can make a complaint if you believe the legal fees charged are too high, unclear, or not agreed upon.</p> <p><i>Example: Therese was quoted \$20,000 by ABC Legal Pty Ltd for assistance with her divorce. However, when she received a bill, it was almost double what was quoted. Therese was unhappy with the high costs she was charged and thought that it was far in excess of the fee estimate.</i></p>
Poor quality service	<p>You can make a complaint if you experience poor quality service from your lawyer. This may include delays, poor communication, or mistakes that cause you loss or negatively impact your case.</p> <p><i>Example: Maria hires John to represent her in a personal injury lawsuit. After the initial meeting, she is promised regular updates on the progress of her case. However, as the weeks pass, she hears very little from John. When she attempts to email and call his office, all her attempts are ignored, and she is told he is busy in meetings. Maria is getting increasingly worried as the hearing date is in two weeks, and she hasn't received any communication in over three months.</i></p>
Refusal to provide your documents or legal file	<p>You can make a complaint if your lawyer refuses to return your documents or legal file when asked. Lawyers must promptly hand over your documents when the professional relationship ends, unless they have a valid legal reason not to.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Arzu asked her lawyer for copies of her will and power of attorney documents, but he kept delaying and eventually refused to provide them.</i> • <i>Darren's lawyer would not give him his legal file after he changed firms, making it hard to continue his case.</i>

¹ LPUL ss 268; 269(1).

Disciplinary Matters

Disciplinary Matters refer to complaints about a lawyer or law practice alleging professional misconduct or unsatisfactory professional conduct (see definitions above). These are serious breaches of professional standards that may result in disciplinary action. You can make a complaint to the VLSB+C if you experience any of the following:

Sub-category:	Example:
Gross overcharging	<p>You can make a complaint if you are charged excessive fees far beyond what is fair or reasonable.</p> <p><i>Example: Sarah, a lawyer, represents Mark in a business dispute. After the case concludes, Mark receives an invoice that is grossly inflated, with charges for tasks that were never performed. These included consultations that never took place and hours that were never worked. Sarah also charges for services that were already included in a fixed fee agreement, providing no explanation or documentation for the excessive charges.</i></p>
Conflicts of interest	<p>You can make a complaint if your lawyer prioritises their own interests or those of another client or former client over yours.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Singh, a business owner, hires Laura, a corporate lawyer, to help sell his company. Singh does not initially know that Laura's brother owns a business that is in talks with the buyer of Singh's company about merging with the buyer after the sale. Laura advises Singh to accept terms more favourable to the buyer, knowing they'll be less financially beneficial for him because it would benefit her brother. Singh finds out about Laura's personal stake in the deal and wants to act on it. • Mo's former lawyer began representing his ex-employer in a new case against him, even though she had worked on Mo's employment contract years earlier.
Acting against your instructions	<p>You can make a complaint if your lawyer fails to follow your lawful and reasonable instructions or acts without your instructions.</p> <p><i>Example: Anna tells her lawyer, David, to accept a settlement offer because she wants a quick, low-stress resolution. Without asking her, David rejects the offer and files for a lengthy court trial instead. Anna finds out that the settlement offer is no longer available. By going against her instructions and acting without her consent, David leaves Anna worse off, as she loses the chance to resolve the matter in the way she wanted.</i></p>
Misleading or dishonest conduct	<p>You can make a complaint if your lawyer provides false information or misrepresents facts during a case.</p> <p><i>Example: Fabian, a lawyer, represents Poppy in a property dispute. During negotiations with the opposing party, he falsely claims that Poppy has agreed to a settlement figure and fabricates details about</i></p>

	<i>the strength of her case to pressure the opposing party. He also alters documents to mislead both Poppy and the opposing party into thinking an agreement is imminent. Poppy later uncovers the deception, which harms her case, and she faces financial and reputational damage.</i>
Misappropriation of client trust money	<p>You can make a complaint if your lawyer uses money held in trust for you improperly or without your permission.</p> <p><i>Example: Maria's lawyer holds \$5,000 in trust for a property settlement. Without asking her, the lawyer uses some of the funds to pay an unrelated bill and later withdraws more money for personal use. Maria is left short when the settlement is due, and the lawyer gives misleading explanations about where the money has gone.</i></p>
Sexual harassment or discrimination	<p>You can make a complaint if you experience or witness inappropriate behaviour such as sexual harassment, workplace bullying, discrimination or other forms of harassment by your lawyer.</p> <p><i>Example: During meetings, Tom's lawyer made repeated inappropriate comments about his appearance, making him uncomfortable.</i></p>
Threatening, abusive, or intimidating behaviour	<p>You can make a complaint if your lawyer uses language or behaviour that is threatening, abusive, or coercive. This includes attempts to intimidate you into a legal decision or to stop you from making a complaint.</p> <p><i>Example: Tom was charged with a criminal offence. He did not commit the offence. However, he is currently being pressured by his defence lawyer to plead guilty, who tells him "listen, if you don't follow my advice to plead guilty and take the plea deal, I can't guarantee you a lighter sentence. If we go to trial, I'll make sure the prosecution has everything to make your sentence as long as possible."</i></p>
Practising without a valid practising certificate	<p>You should make a complaint if your lawyer is working without a current or valid practising certificate. It is illegal to practise law in Victoria without a current and valid practising certificate under the <i>Legal Profession Uniform Law</i> (Victoria).</p> <p>This includes ignoring a condition or limitation on their ability to practise under the <i>Legal Profession Uniform Law</i> (Victoria).</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Raj hired someone claiming to be a lawyer, only to later find out they were not licensed to practise.</i> • <i>A complaint revealed that a firm's managing partner was practising despite a court-ordered suspension</i>
Failure to supervise employees or legal staff	<p>You can make a complaint if a lawyer allows poorly supervised staff to perform legal work, causing mistakes or poor service or which adversely impacts your legal matter. Law practices must ensure their staff are adequately trained and supervised under <i>Australian Solicitor's Conduct Rules</i> ('ASCR')².</p>

² [*Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015* r 37 \('ASCR'\)](#).

	<i>Example: Ben's legal documents were incorrectly filed due to mistakes made by the lawyer's assistant, who was not properly supervised.</i>
Misleading or false advertising	<p>You can make a complaint if a lawyer or law firm publishes advertising that is false, deceptive, offensive or likely to mislead. Advertising must comply with ASCR³ and Legal Profession Uniform Conduct (Barristers) Rules 2015 ('BCR').⁴</p> <p><i>Example: A firm's website claimed a 100% success rate in personal injury cases, which was not accurate.</i></p>
Failure to disclose costs	<p>You can make a complaint if your lawyer doesn't explain how they will charge you before work starts or doesn't update you when costs change significantly. This is a breach of obligations under the <i>Legal Profession Uniform Law (Victoria)</i> and <i>Uniform Law General Rules</i> about cost disclosure.</p> <p><i>Example: Elena engaged a lawyer who began work without providing any information about fees, leading to unexpected charges.</i></p>
Breach of confidentiality	<p>You should make a complaint if your lawyer shares your private information with others without permission or a valid reason. Lawyers have a duty of confidentiality.⁵</p> <p><i>Example: Samantha discovered that her lawyer discussed identifying details of her case with another client, violating her privacy.</i></p>

Step 2: What is the jurisdiction of the complaints body?

Jurisdiction:	Description:
State	The VLSB+C has powers to hear complaints under the law of Victoria, namely, the <i>Legal Profession Uniform Law (Uniform Law)</i> . ⁶
Geographical scope	Victorian-registered lawyers and Victorian law practices.
Time limitations ⁷	<p>For complaints not involving costs, you have three (3) years from the date the problem arose to lodge a complaint with the VLSB+C (unless there are special circumstances).</p> <p>This time limit may be extended under limited circumstances (see section 272(1), Uniform Law, for more details and 'Exercise of Discretion' section below).</p> <p>For complaints involving a costs dispute, the complaint must be made:</p> <ul style="list-style-type: none"> • 60 days after legal costs are payable, or • 30 days if the bill is itemised

³ [ASCR r 36](#).

⁴ [Legal Profession Uniform Conduct \(Barristers\) Rules 2015 r 8\(a \(General conduct\) \('BCR'\)](#).

⁵ [ASCR r 9](#); [BCR r 114](#).

⁶ *LPUL* ss 31; 49.

⁷ *LPUL* ss 272(1); 272(3).

	<ul style="list-style-type: none"> • (the 'required period'). <p>This time limit may be extended under limited circumstances to a maximum of 4 months after the 'required period' (see section 272(2), <i>Uniform Law</i>, for more details [insert hyperlink], and 'Exercise of Discretion' section below).</p>
Exercise of discretion	<p>Time limitation: The VLSB+C may waive the time limitation of 3 years if they are satisfied that:</p> <ul style="list-style-type: none"> • it is just and fair to deal with the complaint having regard to the delay and the reasons for the delay; or • the complaint involves an allegation of professional misconduct, and it is in the public interest to deal with the complaint.⁸ <p>Costs disputes: The VLSB+C may waive the time requirement for costs disputes if they are satisfied of the following:</p> <ul style="list-style-type: none"> • the complaint is made within 4 months after the required period (this being defined as either 60 days for a non-itemised bill or 30 days for an itemised bill); and • it is just and fair to deal with the complaint having regard to the delay and reasons for the delay; and • the lawyer or law practice has not commenced legal proceedings in respect of the legal costs.⁹ <p>Any decision to waive or refuse to waive a time requirement is final and cannot be challenged in any proceedings by either the complainant consumer or respondent lawyer.¹⁰</p>
Exclusions ¹¹	<p>The types of complaints which VLSB+C cannot assist with include the following:</p> <ul style="list-style-type: none"> • Where you are disputing legal costs of more than \$314,330 (including barrister's costs) – note however that if the total bill is \$314,330 or more, if the amount in dispute is less than \$31,440, the VLSB+C can deal with the complaint. • Complaints against non-legal professionals or services: The VLSB+C only regulates individuals and entities authorised to practise law in Victoria. Complaints about professionals such as accountants, conveyancers, or financial advisors fall outside their jurisdiction. This does not include where non-lawyers are practising as lawyers – this is unqualified legal practice, and the VLSB+C does want to receive notice of this. • Complaints about lawyers not registered in Victoria: The VLSB+C's authority is limited to legal practitioners registered in Victoria. Complaints about lawyers registered in other states or territories should be directed to the regulator in that jurisdiction.

⁸ LPUL s 272.

⁹ LPUL s 272 (2) and (3).

¹⁰ LPUL s 272(4).

¹¹ <https://www.lsb.vic.gov.au/consumers/how-we-can-help/what-we-do-and-dont-do>;
<https://lsbc.vic.gov.au/sites/default/files/2023-06/Fact%20Sheet%20-%20Consumer%20rights%20under%20the%20new%20Uniform%20Law.pdf>

	<ul style="list-style-type: none"> • Complaints currently before a Court or Tribunal: complaints where the matter is before the courts, including where a lawyer has sued you for a debt. • Complaints already decided by a Court or Tribunal: The VLSB+C cannot re-examine matters that have been conclusively decided by a court or tribunal. • Employment-related disputes involving lawyers: Workplace disputes involving lawyers as employees, such as unfair dismissal claims, are handled by employment tribunals and not the VLSB+C. • Complaints about fees set by law: The VLSB+C cannot change legal fees that are prescribed by law or regulation. • Complaints regarding judicial officers: The VLSB+C cannot investigate complaints about judges, magistrates, or tribunal members. Such concerns should be directed to the appropriate judicial commission or oversight body. • Complaints solely about legal aid funding decisions: Disputes about the granting or refusal of legal aid funding are handled by Victoria Legal Aid, not the VLSB+C. • Complaints about government policy or legislation: The VLSB+C cannot address complaints about government policies, laws, or legislative changes. • Debt recovery: the VLSB+C does not help lawyers recover debts owed by clients or other businesses.
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Step 3: Who can you make a complaint against?

Respondent:	Description:
Legal practitioners	All Victorian-registered lawyers. You can check if a person is licenced to practice law in Victoria on the Register of Lawyers (Register of Lawyers Search VLSBC).
Law Practices	This covers sole practitioners, partnerships, incorporated legal practices, and multidisciplinary practices.
Unqualified Persons Providing Legal Services	Individuals or businesses offering legal services without appropriate qualifications or authorisation – that is without a current and valid legal practising certificate.
Exclusions	<p>The VLSB+C cannot deal with complaints about:</p> <ol style="list-style-type: none"> 1. Non-lawyer conveyancers <ul style="list-style-type: none"> • The VLSB+C does not regulate non-lawyer conveyancers. Complaints about these professionals should be directed to Consumer Affairs Victoria. • If someone is falsely claiming to be a lawyer, the VLSB+C can address this issue.

	<p>2. Judges, Magistrates or Tribunal members</p> <ul style="list-style-type: none"> Complaints about judicial officers (judges or magistrates) should be directed to the Judicial Commission of Victoria. This includes solicitors or barristers who are acting as judges, magistrates, or judicial members of tribunals. <p>3. Non-lawyer government officials, departments, or agencies</p> <ul style="list-style-type: none"> The VLSB+C cannot consider complaints about the actions or decisions of state government agencies, councils, or other government bodies. <p>4. Non-legal professionals or services</p> <ul style="list-style-type: none"> Complaints about professionals like accountants, consultants, mediators, or arbitrators who are not acting as legal practitioners fall outside VLSB+C's jurisdiction. <p>5. Matters outside VLSB+C's jurisdiction</p> <p>This includes:</p> <ul style="list-style-type: none"> Disputes between private individuals not involving legal services. Complaints about interstate or non-Victorian lawyers who are not practising in Victoria. <p>6. Private individuals not providing legal services</p> <ul style="list-style-type: none"> People acting in a personal capacity and not providing legal services. <p>7. Corporations or businesses not offering legal services:</p> <ul style="list-style-type: none"> Companies offering goods or services unrelated to legal practice. Unless the company is a registered law practice, the VLSB+C cannot investigate. Complaints may belong with Consumer Affairs Victoria or other relevant regulators.
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Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	<p>Anyone can make a complaint about a lawyer's conduct or behaviour.</p> <p>However, only a person that has used the services of a Victorian lawyer or a law practice as a consumer/client (or their authorised representative) can make a complaint about the quality of that legal service.</p> <p>Only the person legally required to pay the lawyer's costs (usually the client, or their authorised representative) can make a complaint about the costs charged by a lawyer.</p>
Pre-requisite steps	<p>Before the VLSB+C can consider a 'consumer matter' complaint, you must show you have made unsuccessful reasonable efforts to resolve your concerns directly with the lawyer. The VLSB+C will look into the</p>

	<p>information you provide on the consumer enquiry form and then contact you to talk about your options.</p> <p>This is not a pre-requisite in 'disciplinary matter' complaints.</p>
Can complaints be made on behalf of someone?	Complaints can be made on behalf of someone, but you first need their permission. The VLSB+C will provide you with an authority form. You will need to complete that form, sign it and return it to the VLSB+C.
Exclusions ¹²	<p>Factors which may prevent you from lodging a complaint include:</p> <ul style="list-style-type: none"> • if the matter is before the courts, including where a lawyer has sued you (for unpaid bills for example) • the matter you are seeking to complain about happened more than 3 years ago. <p>See a full list of exclusions set out in Steps 2 and 3 above, and full statement on time limitations on complaints at Step 2.</p>

Step 5: What remedies/outcomes are available at this body?

Resolution ¹³	Description
Information or referral	<p>When you contact the VLSB+C with an enquiry or complaint, in most cases, it will listen to your issue, answer your questions, and provide you with some initial information and/or a referral. It will also keep a record of any information received for possible further compliance or enforcement action.</p> <p>Only in a small number of consumer matters will the VLSB+C offer assistance through its dispute resolution services.</p>
Informal resolution	<p>Where assessed appropriate, the VLSB+C can offer to assist in the resolution of a complaint via an informal dispute resolution process.</p> <p>The VLSB+C will listen to both parties' views, needs and outcomes sought. Both parties will consider the other party's offer. The VLSB+C will assess the merits of both cases and may suggest appropriate terms of settlement.</p> <p>Possible outcomes of informal resolution include:</p> <ul style="list-style-type: none"> • Explanation: The lawyer provides a detailed account or clarification regarding the issue raised. • Apology: A formal expression of regret from the lawyer to the complainant. • Return of documents: Ensuring the client receives all pertinent documents related to their case. • Correction of legal work: The lawyer rectifies any errors or omissions in the legal services provided.

¹² <https://lsbc.vic.gov.au/consumers/how-we-can-help/what-we-do-and-dont-do>

¹³ <https://lsbc.vic.gov.au/consumers/complaints/complaint-outcomes>

	<ul style="list-style-type: none"> • Adjustment of payment terms: Modifying the terms under which legal fees are paid to accommodate the client's circumstances. • Refunds or compensation: Partial or full reimbursement of fees or compensation for any inconvenience caused. <p>Other outcomes that may be addressed directly with the practitioner through the complaints handling process include:</p> <ul style="list-style-type: none"> • Warning, advice, or undertakings: Issuing a formal caution to the lawyer, providing guidance, or obtaining commitments to prevent future issues. • Further training: Requiring the lawyer to undertake additional education to improve their professional conduct.
Mediation	<p>In a small number of costs cases, the VLSB+C may offer to resolve your complaint through mediation, or order you and the lawyer to participate in the mediation if it is deemed necessary.</p> <p>A formal mediation will take place on a set date and time. It usually takes around 2-3 hours. An accredited mediator will work with both parties to try to come to a solution.</p> <p>Common outcomes of mediation are similar to those of an informal resolution listed above.</p>
Costs review	<p>In a small number of disputes concerning legal fees, where appropriate, the VLSB+C can initiate a costs review. A specialist assesses the work performed and the fees charged to determine their fairness and reasonableness. Possible outcomes are:</p> <ul style="list-style-type: none"> • Refund: The lawyer reimburses part or all of the fees to the client. • Reduction of Bill: The total amount payable by the client is decreased. • Payment of Bill: The client is required to pay the assessed fees if deemed appropriate. <p>A costs review is legally binding on both parties.</p> <p>For complaints about legal costs, the VLSB+C can only hand down a written order if the amount in dispute is less than \$18,555.</p>
Investigations	<p>For more serious complaints, involving serious conduct issues by a lawyer, the VLSB+C will undertake an investigation. The types of conduct which may result in investigations include:</p> <ul style="list-style-type: none"> • dishonest or misleading behaviour • falsely witnessing documents • acting where there is a conflict of interest • misuse of trust money or property (dishonesty or fraud) • failing to maintain client confidentiality • acting without instructions

	<ul style="list-style-type: none"> engaging in discrimination, sexual harassment or workplace bullying failing to comply with court orders or undertakings charging legal costs that are not fair or reasonable and/or gross overcharging significant, multiple or repeated instances of poor service or incompetence. <p>This investigation will seek to determine whether there is enough evidence to prove the complaint.</p> <p>Before the investigation can be completed, the VLSB+C may need to wait for related events such as court actions or police investigations.</p> <p>These investigations are often complex and time consuming, however, following the investigation, the VLSB+C can:</p> <ul style="list-style-type: none"> order a re-do of legal work at no cost or at a reduced cost or that the lawyer waives the costs for that work from a bill order an apology from the lawyer issue a caution or reprimand to the lawyer order that the lawyer undertakes further training, education, counselling or supervision issue a fine up to \$25,000 recommend a condition is applied to the lawyer's practising certificate bring charges against the lawyer before the Victorian Civil and Administrative Tribunal (VCAT). The lawyer's name may be struck off from the roll.
Compensation orders (for financial loss)	<p>The VLSB+C may order a lawyer to pay you compensation if:</p> <ul style="list-style-type: none"> you are the client; you are able to provide the VLSB+C with proof of your actual financial loss and link this directly to your lawyer's actions; your total loss is less than \$25,000; and it is in the interest of justice to do so. <p><i>Example: Raija engaged a lawyer to represent her in a family law matter. Three days before her first hearing her lawyer told her she could no longer take the case and did not provide good reasons for this. Raija had to find a new lawyer to help her. Her new lawyer read her file and provided her with legal advice that took a different approach to her case. Though Raija was not entitled to compensation for the legal fees of the new lawyer, she was entitled to compensation for the costs of the new lawyer obtaining and reviewing her file in the amount of \$400. Raija still had to pay for her new lawyer's legal fees of \$12,600.</i></p>

Compensation orders (for loss of trust money or trust property)

You may be eligible to be compensated from the VLSB+C's Fidelity Fund if you have lost trust money/property due to dishonesty or fraud by a lawyer.

Your loss will need to have been caused by either:

- a lawyer; or
- an employee/agent/officer/director of a law practice; or
- an approved barrister's clerk.

You must notify the VLSB+C of your alleged loss of trust money or property within 6 months of becoming aware of it. If you make a claim after 6 months, the VLSB+C will still investigate your claim but will request an explanation for the delay.

Example: Lisa hires a lawyer in a family law matter that involves commencing proceedings in the Federal Circuit Court. As part of that retainer, she deposits \$10,000 into her lawyer's trust account for anticipated legal costs, court filing fees for court, and barrister's fees. Lisa isn't aware that her lawyer has a gambling problem and is in heavy debt. Without Lisa's permission her lawyer transfers the \$10,000 into a personal bank account so it can be used for gambling. Her lawyer was hoping to recoup previous losses and hoped this would allow him to return the \$10,000 to the trust account at a later stage. Meanwhile Lisa's lawyer tells her that her matter is progressing even though no work has been done, and even worse, all her money has been gambled away. In this scenario, Lisa's claim on the Fidelity Fund would be wholly allowed because her loss was as a direct result of her lawyer's dishonest and fraudulent behaviour.

Step 6: Preparing your complaint. What should it include?

Requirement	Description
Format	<p>Complaints must be made or recorded in writing.¹⁴</p> <p>Complaints can be lodged free of charge using the 'Consumer enquiry form' found on the VLSB+C website.¹⁵ Please use this form to tell the VLSB+C what happened, how this affected you, and the outcome you are seeking. This is the quickest way to raise your concerns.</p> <p>If you are unable to use the online form, you can lodge a complaint verbally by calling the VLSB+C at (03) 9679 8001 or 1300 796 344 (toll free) to arrange a time for someone to talk to you about your issue.</p> <p>If you would like the assistance of an interpreter, the VLSB+C has a free interpreting service available for consumers to assist in communicating with their office. To access this service, call the Translating and Interpreting Service on 131 450.</p>

¹⁴ LPUL s 267(2).

¹⁵ <https://www.lsb.vic.gov.au/consumers/consumer-enquiry-form>

Personal Details	<p>To lodge a complaint, you are required to provide the following information:</p> <ul style="list-style-type: none"> • first and last name • phone number • email • preferred method of contact • your relationship with the lawyer (i.e. are you the client, former client, or someone else?) • area of law the legal matter relates to • whether the matter is currently before a court or tribunal • what happened and what outcome you are seeking (the 'enquiry details') <p>The VLSB+C's consumer enquiry form will not progress unless you complete the above details. However, if you wish to remain anonymous you can make a complaint by phone and discuss the implications of remaining anonymous with VLSB+C staff.</p> <p>Reporting anonymously is an option for sexual harassment complaints. If you have experienced or witnessed sexual harassment but do not want to make a formal complaint, you can contact the VLSB+C informally and anonymously via phone, email or log a report using the VLSB+C's reporting tool.¹⁶ The VLSB+C will not investigate your specific incident but will listen, give options to progress the matter or refer you to support. If you wish, you then can decide to lodge a formal complaint.¹⁷</p>
Respondent's Details	<p>You should provide the name of the lawyer and the lawyer's business name you are complaining about. If you are unsure, you can enter the law practice concerned or enter 'unknown'.¹⁸</p>
Relevant Facts	<p>You should provide details of the alleged conduct or concerns that are the subject of the complaint including the following:¹⁹</p> <ul style="list-style-type: none"> • What you think has gone wrong and why? Include the impact the problem has caused. • When did this happen? Include the date, place, time and any witnesses. • Steps already taken to try resolve the problem. Did you try and speak with your lawyer or someone else about your concerns? • What outcomes are you seeking? <p>You should provide as much detail as possible to help the VLSB+C understand your complaint.</p>

¹⁶ <https://elker.com/portal/vlsbc>

¹⁷ <https://lsbc.vic.gov.au/lawyers/practising-law/sexual-harassment/making-complaint-vlsbc-about-sexual-harassment>

¹⁸ LPUL s 267(2)(a)-(b).

¹⁹ LPUL s 267(2)(c).

What NOT to include	<p>Your complaint should not include:</p> <ul style="list-style-type: none"> • Abusive or inflammatory language. • Opinions and irrelevant facts. • Complaints that are frivolous, trivial, or vexatious.
Additional information you need to know	<p>Before completing the consumer enquiry form make sure you find all the documents you have about your legal case and any contact with your lawyer so that you are ready to hear from the VLSB+C.</p> <p>After receiving a complaint, the VLSB+C may notify the respondent lawyer of the complaint or give them a summary or details of the complaint.²⁰</p>

Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your complaint	<p>The easiest way to lodge a complaint is via the online 'consumer enquiry form': https://www.lsb.vic.gov.au/consumers/consumer-enquiry-form</p> <p>If you are unable to use the webform you can also make a complaint by:</p> <ul style="list-style-type: none"> • Email: consumerenquiry@lsb.vic.gov.au • Phone: 03 9679 8001 or on 1300 796 344 (local call cost) <p>To make a complaint about sexual harassment by a lawyer you should:</p> <ul style="list-style-type: none"> • call us on (03) 9679 8001 and let us know you'd like to talk to a member of the Sexual Harassment Complaints Team, and we will have someone from the team call you back, or • email harassmentcomplaints@lsb.vic.gov.au, or • log a report using the 'Speak Safely' online reporting tool.
Receipt/ acknowledgement of complaint	<p>Once you complete the consumer enquiry form, you will receive an acknowledgement email from the VLSB+C to confirm receipt of your complaint.</p> <p>The VLSB+C will then review your matter and contact you to explain how complaints are handled and what documents are needed from you. During busy periods this may take a few weeks. However, urgent or high-risk matters that may cause significant or immediate consumer harm will be prioritised.</p>
Initial steps	<p>For most matters, the VLSB+C will listen to your complaint, answer your questions, and provide you with information and/or a referral.</p>

²⁰ LPUL s 279.

	<p>The VLSB+C will also record the information received for further enforcement and compliance purposes and assess whether, and if so how, it may be able to assist further.</p> <p>The VLSB+C may ask you, or the lawyer, to provide information to assist them with their assessment. This may take some time.</p>
Decision	The VLSB+C will share their decision with you, and their reasoning in writing.
Additional information you need to know	<ul style="list-style-type: none"> • It is a good idea to keep a copy of the complaint made, and when and how you made it. • You should update the VLSB+C about any changes that impact on your complaint. • You should try to provide all relevant information at the outset. If you drip feed information over time, that can slow your complaint down. • The VLSB+C can organise an interpreter for you, if needed.

Step 8: Post-complaint – what if you are not happy with the outcome of your complaint?

Avenue	Description
Internal review opportunities	<p>If you are the complainant and unhappy with a decision the VLSB+C made on your complaint, you can ask for an internal review by:</p> <ul style="list-style-type: none"> • letting the file handler know you want an internal review • emailing internalreview@lsbc.vic.gov.au • calling 03 9679 8001 or 1300 796 344 and ask to speak to the VLSB+C Quality Assurance and Review team <p><u>When Internal Review might be available</u></p> <p>Internal Review is only available to the following:</p> <ul style="list-style-type: none"> • a decision to close a complaint • formal Determinations on a complaint about legal services or a costs dispute. <p>Important: whether the VLSB+C decides to review a decision is entirely at its discretion.</p> <p>The types of decisions which the VLSB+C will not review include:</p> <ul style="list-style-type: none"> • decisions not to waive the time limit for complaints made outside their specific time frames – these decisions are final unless the time limit is in dispute • decisions made by the Commissioner personally • decisions already internally reviewed • decisions not to conduct an internal review

	<ul style="list-style-type: none"> • decisions from an internal review (including any new decisions by the original decision maker following an internal review) • decisions made on investigations initiated by the Commissioner • decisions that are the subject of, or about to be the subject of, proceedings in a court or tribunal • decisions on costs above certain dollar limits • decisions to register lawyers. <p><u>The Review process</u></p> <p>Important: you must request an Internal Review within 30 days of the date we told you about the decision.</p> <p>The team managing Review requests is not involved in dealing with complaints.</p> <p>Your legal representative or family member or friend authorised to speak on your behalf can make the request for internal review for you.</p> <p>When requesting a review, you need to tell the VLSB+C what you believe it has done wrong and what outcome you want from the review. Without this, your request is unlikely to be accepted.</p> <p>Before the VLSB+C proceeds with an internal review, they will conduct an initial assessment to decide whether an internal review will be conducted. If the VLSB+C decides not to conduct an internal review, they will inform you of its decision in writing.</p> <p>If the VLSB+C decides to do an internal review, the VLSB+C will consider if the decision under review was dealt with appropriately and was reasonable.</p> <p>The only internal review outcomes available are:</p> <ul style="list-style-type: none"> • the original decision remains in place • a new decision is made, replacing the old decision under review • the matter is referred back to the original decision maker for reconsideration <p>In some cases, no decision is made due to the review request being withdrawn, court proceedings being initiated, required information not being provided or if the VLSB+C cannot engage effectively with the relevant parties.</p>
External review/ remedies	<p>You may also have external review rights, such as review by a court. If you want to consider an external review you may wish to obtain your own, independent legal advice.</p> <p>For lawyers, if the VLSB+C makes a decision about you, you can apply to VCAT for a review of their decision. Before you apply, make sure you have a copy of the VLSB+C's decision. It will tell you about your right to apply for a review and information about the time limits.</p>
Additional information you need to know	<p>A court or tribunal cannot order the VLSB+C to conduct an internal review. It is up to the VLSB+C's discretion.</p>

VCAT cannot review a decision of the VLSB+C to disallow a claim (in whole or in part) against the Fidelity Fund or reduce the amount of the claim.

Step 9: Other bodies that handle lawyer-related complaints

Complaint body	Description
Australian Human Rights Commission	<p>The Australian Human Rights Commission (AHRC) can handle complaints about discrimination that occurs in employment, education, the provision of goods and services, accommodation, sport or the administration of Commonwealth laws and services. If you have experienced discrimination, bullying or harassment on the basis of your sex, disability, race, age or sexual preference, the AHRC may be able to help.</p> <p>There are also State Government discrimination complaint bodies who may also be able to assist.</p>
Office of the Australian Information Commissioner	<p>The Office of the Australian Information Commissioner (OAIC) can handle complaints about the way personal information has been handled by Australian Government agencies and some private organisations. The OAIC can also review freedom of information decisions that are made by Australian Government agencies and ministers.</p> <p>There are also State Government privacy and information complaint bodies who may also be able to assist.</p>
National Anti-Corruption Commission	<p>The National Anti-Corruption Commission (NACC) handles complaints about serious or systemic corruption in the Australian Government public sector.</p> <p>There are also a State Government corruption complaint bodies who may also be able to assist.</p>
Judicial Commission of Victoria	<p>The VLSB+C can only consider the conduct or actions of judicial officers before their appointment to the judiciary. Contact the Judicial Commission of Victoria to submit your complaint about a judicial officer or VCAT member.</p>
Office of Migration Agents Registration Authority	<p>Office of Migration Agents Registration Authority can provide you with information and handle complaints about a registered migration agent.</p>
Victorian Ombudsman	<p>The VLSB+C can't consider actions of government officials, departments or agencies as this is outside of their jurisdiction. Instead, contact the Victorian Ombudsman for complaints about an action or decision made by a Victorian public organisation.</p>
Consumer Affairs Victoria	<p>Consumer Affairs Victoria can receive complaints about licensed conveyancers.</p>

Need help to preparing or pursuing your complaint?

Below are organisations that may be able to help you to make your complaint, provide support or advocacy during the complaint process or give you more information.

Organisation	Contact Details	How they can help
Victorian Legal Aid	Website: https://www.legalaid.vic.gov.au/ Telephone: 1300 792 387	Find free information on their website about common legal issues, and in some circumstances can provide legal advice. There is also a Legal Help Chat on their website.
Consumer Action Law Centre	Website: https://consumeraction.org.au/ Telephone: 1800 466 477 (Tuesday, Wednesday, Thursday, 10am-1pm)	For free, independent and confidential information, referrals and advice on a range of consumer issues, including complaints against lawyers.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provide support to people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.

Self-help tools and additional resources

Resource	How this helps
Complaints VLSBC	A list of resources on the complaints process.
How to make a complaint	Guidance on how to make a complaint with the VLSB+C.
VLSB+C Service Charter	Guidance on the VLSB+C's role and function, how you can expect the VLSB+C to treat you, and what it needs from complainants.