

Non-legal services provided by lawyers

This fact sheet provides information about some of the non-legal services lawyers may provide and details of other agencies which may be able to assist you.

FACT SHEET FOR CONSUMERS

The Commissioner cannot deal with all services provided by lawyers

The Victorian Legal Services Commissioner deals with complaints about lawyers. The Commissioner, however, does not have the power to deal with all services which a lawyer may offer you.

This fact sheet explains some of the non-legal services your lawyer may provide which the Commissioner does not have the power to deal with, and how we may be able to assist you with complaints made about those services.

Protections against licensed lawyers providing legal work

You have unique protections against licensed lawyers providing you with *legal* services. For example, victims of fraud or dishonesty may be able to make a claim against the Fidelity Fund, and compensation or disciplinary orders may be made against lawyers for breaches of legislation or the regulations.

You may however not be entitled to these unique protections if your lawyer is providing you with *non-legal* services, such as financial advice or real estate work.

You should always ask your lawyer for information about the protections surrounding non-legal services.

The Commissioner does not have the power to deal with all work lawyers do

When you ask a lawyer for assistance, your lawyer will assess what your needs are and provide you with the appropriate legal services. If you are not happy with your lawyer's work or the fees you are charged for that work, you have the right to make a complaint to us about it.

There are certain specialist services sometimes provided by lawyers which we are not able to assist you with. These include:

- public notarial work
- patent and trademark attorney work
- migration work
- financial planning
- investment services
- mortgage investment services
- share trading
- some duties carried out by lawyers as the executor of a deceased estate, and
- work done by a guardian or administrator of a person who lacks capacity.

Lawyers may operate a non-legal business separately to their legal practice, providing they are appropriately licensed to do so. For example, a lawyer may work as an estate agent or a financial adviser.

As these types of services are not legal work (that is, a legal practising certificate is not required to perform these tasks), we are unable to deal with complaints about these services, except in the circumstances set out below.

What does the Commissioner do with complaints about these services?

Although we do not have the power to deal with the above services, we may still be able to help you if you have a problem with what your lawyer has done or how the work was carried out.

We are still able to consider if there are any improper dealings involved, including if there has been any improper mixing of legal and non-legal work, or if there is

any unacceptable conflict that arises from the lawyer providing you with legal and non-legal services.

If we determine that there is an issue that we can deal with, we will take appropriate action to either resolve the complaint with your involvement, or investigate the complaint with a view to taking disciplinary action against the lawyer, if necessary.

If we determine that we cannot deal with your complaint further under our powers, we may refer you to a different agency which does have the power to deal with it.

Other agencies which may be able to assist you with your complaint

If we cannot help you with your complaint, we will let you know if there are other organisations that may be able to. The contact details for some of these organisations are listed below.

You can contact the relevant organisations directly to discuss your concerns. If you are unsure of where to go for help with your complaint, you can contact us and we may be able to direct you to the appropriate body to seek further assistance.

Executorial work:

- **Supreme Court of Victoria Probate List**
Tel 9603 6111 www.supremecourt.vic.gov.au

Financial and investment services:

- **Financial Ombudsman Service**
Tel 1300 780 808 www.fos.org.au
- **Credit Ombudsman Service Limited**
Tel 1800 138 422 www.cosl.com.au
- **Australian Securities and Investments Commission (ASIC)**
Tel 1300 300 630 www.asic.gov.au

Guardianship:

- **Victorian Civil and Administrative Tribunal Guardianship List**
Tel 9628 9911 www.vcat.vic.gov.au

Patent Attorneys:

- **Professional Standards Board for Patent and Trade Mark Attorneys**
Tel: (02) 6283 2275 www.psb.gov.au

Public Notaries:

- **Council of the Society of Notaries Victoria Inc.**
Tel 0400 940 995 www.notaries.org.au

Real Estate Agents:

- **Estate Agents Resolution Service** (within Consumer Affairs Victoria)
Tel 1300 737 030 www.consumer.vic.gov.au

Further information:

Contact the Victorian Legal Services Commissioner:

Tel: 1300 796 344 (cost of a local call)

Email: admin@lsbc.vic.gov.au

We offer a free telephone interpreter service should you need assistance.