

# Legal Profession Complaints Committee Rapid Resolution of Complaints

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Law Complaints Officer

Legal Profession Complaints Committee

**T**he Legal Profession Complaints Committee has for some time been concerned to try and reduce the length of time it takes to deal with complaints and make the system simpler and less time consuming for practitioners and complainants alike. In an endeavour to achieve this it has recently established a Rapid Resolution Team (the RRT). The aim of the RRT is to provide a faster and more effective determination of the more straightforward service type complaints and those of a lower level of possible concern. The role of the team is to seek to assist the parties to achieve a resolution of these complaints in the first instance.

## How will it work?

The RRT is seeking to improve the Committee's service to practitioners and complainants. Where possible, matters will

be dealt with primarily by telephone contact and conciliation. As soon as a complaint is received by the RRT a legal officer will attempt to call the complainant and practitioner to introduce themselves and explain what the RRT does. If a complaint appears capable of resolution in any respect the legal officer will start that process immediately. If the legal officer is of the view that resolution of the matter may be assisted by the practitioner clarifying an issue, this might be approached in a number of ways, for example, by discussing the matter with the practitioner, by looking at the practitioner's file (possibly with the practitioner being available to answer any queries the legal officer may have) or by the practitioner providing a brief letter of explanation.

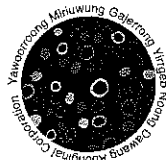
A practitioner will always be given a copy of the complaint as soon as possible after receipt. However, the RRT will try to keep its written correspondence to a minimum as this inevitably extends the time it takes to deal with a complaint. Where appropriate, the RRT will use email and facsimile in order to save time. The object of this new process is to reduce, as much as possible, the volume of correspondence between all parties (eg lengthy letters of explanation from practitioners).

The RRT will be attempting to resolve more matters by conciliation. Where appropriate, conciliation will be conducted over the telephone. If a face to face meeting is more likely to assist in the resolution of the complaint then the RRT will try to accommodate this.

Formal mediations may also be helpful in some matters (as opposed to conciliation). The Committee employs a number of highly skilled, qualified mediators who may be called upon, if needed, to conduct a mediation in order to achieve a satisfactory outcome.

There will also be situations where the RRT is not able to resolve a complaint satisfactorily, for example, where the matter is not within the jurisdiction of the Committee, is without substance or is misconceived. In these situations the RRT will give the complainant a written or oral explanation which may lead to the complainant accepting that their complaint cannot be dealt with by the Committee. The legal officer may also ask the complainant whether they are prepared to withdraw their complaint to avoid the need for a formal dismissal of the complaint.

If the complaint is ultimately incapable of being resolved by the RRT by conciliation, mediation or withdrawal the complainant



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Applications marked "Confidential" are to be addressed to the General Manager via mail or email [g.tampalini@mgcorp.com.au](mailto:g.tampalini@mgcorp.com.au) and received **by Close of Business on Monday 29 November 2010**.

General Manager  
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PO Box 2110(10 Coolibah Drive)  
Kununurra WA 6743

will be advised of their right to have the matter formally determined. These determinations will be made pursuant to a delegated power from the Committee to the Law Complaints Officer and other senior staff rather than by way of formal referral to the Committee (unless there are special reasons which warrant that course).

It is anticipated that many, if not most, matters referred to the RRT, will be dealt with by agreement, summary dismissal or other dismissal under sections 415(1), (2)(b) and (c) and 424(1)(a) and 425(a) of the Act. However, it is possible during the RRT process that a more serious conduct issue may be identified in which case that conduct issue will be referred to the Investigation Team for a full investigation. Also, if the initial complaint contains some matters which are appropriate to be dealt with by the RRT as well as other conduct issues, at the end of the RRT process those other conduct issues will be referred to the Investigation Team.

The success of the Rapid Resolution process will require the goodwill of the profession. The Committee is implementing the Rapid Resolution process immediately and asks the profession for its co-operation and patience while it does so.

When contacted by a team member, practitioners are encouraged, where possible, to be open and amenable to the process with a view to resolving the complaint or concern at an early stage.

The RRT consists of the following people:

#### **Gail McCahon – Team Leader**

Admitted to legal practice in December 1988. After articles, practised privately in general litigation, personal injuries and Family Law for 8 years. Joined the Committee as a Legal Officer in 1997, now a Senior Legal Officer since January 2004. Completed the LEADR course in 1995 and has a particular interest in mediation and Alternate Dispute Resolution.

#### **Bhavani Chandran**

Admitted to legal practice in April 2001. From 2000 until 2003 employed as a solicitor in private practice in Perth. In 2004 worked as a Litigation Assistant for one of the largest insurance companies in the United Kingdom. Joined the Committee as a Legal Officer in December 2004.

#### **Rebecca Rorrison**

Admitted to legal practice in February 1997. Worked in private practice for 5 years, then spent 3 years with the Public Trustee. Joined the Committee as a Legal Officer in June 2008.

#### **Susan Norton**

Admitted to legal practice in Western Australia in April 2004, having previously practised in the Australian Capital Territory since her admission in October 1995.

Worked predominantly in private practice in personal injury litigation, medical negligence and medical disciplinary proceedings; and one year with the Australian Prudential Regulation Authority. Also worked as lecturer and tutor in health

law for nurses at the University of Canberra and ran workshops in law for community care workers and nurses in the ACT, between 1997 and 2003. Joined the Committee as a Legal Officer in June 2009. A former nurse and midwife and also a nationally accredited mediator.

#### **Catherine Doran**

Admitted to legal practice in December 1987. Previously worked as a Solicitor in Family Law and Youth Law sections of Legal Aid Commission until 1992. Academic Lawyer teaching at Edith Cowan University and Murdoch University Law School for a total of 14 years until 2006. Practised in private practice from 2007 until joining the Committee as a Legal Officer in June 2010. Nationally accredited mediator.

#### **Jackie Musk**

Admitted to legal practice in December 1971. Returned from overseas in 1980 and employed in private practice until 1984. Employed as Secretary of the Barristers Board for six years until 1990. Was appointed as a Magistrate in the Children's Court and then the General Magistracy for a total of 20 years until August 2010. Recently joined the Committee as a Legal Officer in September 2010. Has an interest in mediation and has many years experience in the Magistrate's Court civil jurisdiction.

Any queries or concerns regarding the Rapid Resolution process can be directed to the RRT Leader Ms Gail McCahon, Senior Legal Officer or Ms Rebecca Rorrison, Legal Officer, on 9461 2299.



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- The legal causes of action which give rise to construction claims and the legal issues relative to making or responding to claims; and
- The issues relevant to the avoidance of disputes and the dispute resolution procedures in the building and construction industry.

For further information on the course please contact the Program Chair, Dr Phil Evans, Professor of Law, Murdoch University School of Law at [p.evans@murdoch.edu.au](mailto:p.evans@murdoch.edu.au)