

Internal review of decisions of local regulatory authorities

Introduction

1. This Guideline seeks to promote consistency in the exercise of statutory functions by designated local regulatory authorities (DLRA) in relation to internal review of decisions of those authorities under the *Legal Profession Uniform Law 2014* (Uniform Law).

Legislative framework

2. Section 313(1) of the Uniform Law provides that the DLRA may (at its absolute discretion) conduct an internal review of a decision made by the authority (or its delegate) if the authority considers it appropriate to do so.
3. On review, the authority must consider whether the decision was dealt with appropriately and whether the decision was based on reasonable grounds (section 313(2)). The authority may confirm the original decision, make a new decision or refer it back to the original decision maker (section 313(3)).
4. This Guideline sets out the types of considerations to which a DLRA may have regard in deciding the threshold question of whether to conduct an internal review under section 313(1) of the Uniform Law.

What is a decision?

5. The DLRA may conduct an internal review in relation to a decision (including a determination) made by the authority or its delegate under Chapter 5 of the Uniform Law:
 - i. **Closure of a complaint:** a closure of a complaint under section 277;
 - ii. **Consumer matters:** a determination of a consumer matter under section 290;
 - iii. **Costs disputes:** a determination about costs in a costs dispute under section 292.
6. An internal review does not apply when a determination of unsatisfactory professional conduct is made under section 299. Specifically, section 299(3) provides that no further action is to be taken under Chapter 5 with respect to the complaint that gave rise to the determination.

An internal review is also not available in respect of a decision to initiate proceedings under section 300 as the matter will be determined by the relevant disciplinary tribunal or court.

When might an internal review be conducted?

7. In deciding whether to exercise its discretion and to conduct an internal review under section 313(1) the DLRA may have regard to any matter it considers relevant, including, but not limited to:
 - i. the decision and the reasons for the decision;
 - ii. the basis provided for the request, and any grounds raised;
 - iii. whether any of the issues raised have already been dealt with;
 - iv. whether an internal review is precluded by the Uniform Law;
 - v. whether it will be in the public interest to conduct the review;
 - vi. whether any prejudice would arise as a result of the exercise of the discretion.

Request for internal review

8. A request for an internal review must be made within 30 days of notification of a decision.
9. The request should set out as much detail as possible, identify the part(s) of the decision the person disputes and include reasons why the decision should be reviewed.

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