

# WHAT DO I DO WHEN THINGS GO WRONG?

## The Complaints Service

of the

## New Zealand Society of Conveyancers

Every client and every Conveyancing Practitioner wants their Conveyancing transaction to proceed smoothly and successfully. This is the experience of the vast majority of clients and Conveyancing Practitioners. Sometimes, however, something goes wrong.

If you have a complaint about something your Conveyancing Practitioner has done, you should talk to your Conveyancing Practitioner or someone else in his or her practice. Conveyancing Practitioners get much of their business by word of mouth so the Conveyancing Practitioner will have a strong interest in resolving your concerns. Most concerns should be resolved at this stage.

This brochure explains what you can do if you still have concerns or you are still unhappy with the way that your Conveyancing Practitioner has behaved or performed.

In particular, this brochure explains how to make a complaint to the New Zealand Society of Conveyancers Complaint Service.

You can complain to the Complaints Service about current and former Conveyancing Practitioners, incorporated Conveyancing firms and employees of both.

The New Zealand Society of Conveyancers has established a Complaints Service that is responsible for receiving complaints.

Complaints themselves are considered by the Society's Standards Committee. The members of this committee include both Conveyancing Practitioners & non-Conveyancing Practitioners.

Your complaint can be delivered personally, faxed, posted or emailed. The back panel of this brochure gives you details of the Society's registered office for your use.

When you contact the Complaints Service, your complaint will be taken seriously and you will be sent a form to complete so the full details of your complaint can be put before the Standards Committee.

You can complain about the following matters:

- Conduct
- Quality of Service
- Failure to comply with particular orders
- Fees

You must identify the person you are complaining about, outline your complaint and provide any relevant documents.

You must also provide a contact address.

Your complaint will be forwarded to the Standards Committee which will then meet to consider your complaint and any response submitted by the Conveyancing Practitioner.

One outcome may be that the Standards Committee asks you and the Conveyancing Practitioner to make use of an alternative dispute resolution process (for example: mediation or negotiation) if they think this method is likely to resolve the dispute;

Or that the Standards Committee may consider things and decide on an outcome which can include:

- Taking no action
- Requiring the Conveyancing Practitioner to apologise to you
- Ordering the Conveyancing Practitioner to reduce the fees charged
- Fining the Conveyancing Practitioner up to \$15,000
- Requiring the Conveyancing Practitioner to make good your losses subject to limits set by the law.

Another possible outcome is that the Standards Committee may decide that the matter should be referred to the New Zealand Lawyers and Conveyancers Disciplinary Tribunal.

This will only be done in very serious cases.

This Disciplinary Tribunal is administered by the Ministry of Justice independently of the Society. A hearing before the Disciplinary Tribunal can result in suspension of the Conveyancing Practitioner for up to three years, which means the Conveyancing Practitioner cannot provide regulated services.

If you are unhappy with the Standards Committee's decision in relation to your complaint, you can apply to the Legal Complaints Review Officer who is an independent officer appointed by the Minister of Justice.

The task of the legal Complaints Review Officer is to review decisions made by the Standards Committee. You will have to pay an application fee of \$30 if you apply for the review.

Information about the Legal Complaints Review Officer is found on:

[www.justice.govt.nz/lcro](http://www.justice.govt.nz/lcro)

or you can call on 0800 367 6838.



Contact details:

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