

Diarmuid Hannigan
236 Smith Street
Collingwood. Victoria 3066
03 94195044
charada@mira.net
Sunday 16th May 2010

Working Families, Denied Natural Justice

Dear Good Person.

I am writing to you to express my concerns in regards to three letters I have received.

One is from The Victorian Legal Services Commissioner (Letter 1) in which Mr McGarvie states:

“The Victorian Charter of Human Rights only applies to Public Authorities. A legal practitioner in private practice does not have to comply.”

This letter is in response to a complaint that I raised with the commissioner regarding the decision by Russell Kennedy/Ian Bult to withhold a letter from my late mother written six years prior to her death, which is being used by the lawyer to justify his decisions regarding my family's inheritance. My mother's children and grandchildren do not agree with the lawyer's interpretation of her will and have on many occasions requested a copy of this letter. The non disclosure of this letter allows the law firm Russell Kennedy and the lawyer Ian Bult to remain unaccountable to my family and my mother's family. The exercise has split my mother's family and has cost the estate at least \$100,000, the majority of which has been appropriated by Russell Kennedy in fees and charges. Through their actions they have been able to exploit our families and have eroded the value of our inheritance, whilst simultaneously destroying a well balanced family.

The second is from the Victorian Ombudsman (Letter2) in response to a request for a copy of his report on the office of the Victorian Legal Services Commissioner which he mentions in his 2009 annual report.

“I confirm that as the Ombudsman conducts his investigations in private, pursuant to section 17(2) of the Ombudsman Act 1973, this office is unable to confirm or deny the existence of Ombudsman's reports that are not publicly available.”

I have requested this report as it contains 28 recommendations on ways to improve the operations of The Legal Services Commissioner in satisfying consumer needs. The reason I have requested this report is so I can analyse the process used to investigate my complaint and ensure that the complaint was handled in a proper manner. Thus ensuring that the work done by The Legal Services Commissioner on my complaint was carried out in a professional manner. The act of denying me access to this report effectively sends a message that The Office of The Victorian Legal Services Commissioner and the office of the Victorian Attorney General choose to be unaccountable to a consumer such as myself.

The third is from The Victorian Legal Services Commissioner (Letter 3) in response to a freedom of information request in which the Office of The Legal Services Commissioner chooses to withhold 16 of eighteen documents that I have requested. The concealment of these documents illustrates how unaccountable the office of the Victorian Legal Services Commissioner is to the Victorian public.

The actions by the law firm, coupled with their unaccountability, have damaged the destiny of my family and have abused our family rights and our human rights.

This would not be such an issue if it were only a one off case, but systemic abuse by lawyers, combined with an antiquated, unaccountable and costly legal processes is damaging many families on a daily basis within Australia. This damage is particularly severe in Family Law proceedings and with regards to deceased estates.

When one becomes aware of the damage that is being wreaked upon families who are entering our judicial process and the financial and social waste to our society, one would expect a responsible government operating in a contemporary liberal democratic state to create a legal process that by its very structure, aimed to assist and help people, who need to resolve their problems via the consumption of its services. One would expect a government would ensure this process and the professionals who work within it, are accountable to their customer base, who are predominately Australian families.

The financial waste caused by our current legal process of family law and deceased estates could well amount to \$50 billion per year. The greater part of this wealth is extracted from the capital base of families. The resulting loss of wealth to these families can have no positive outcomes for their future but the wealth does end up with the legal fraternity. This denies working families' natural justice.

Approximately 150,000 Australians die each year leaving an average estate worth \$500,000. Approximately 75 billion per year. Legal costs amount to about 7 billion and a further 12.5 billion is diverted into trusts by the legal profession.

One of Government's main functions is to work towards reducing the exploitation of a powerful and privileged group in this instance; (The legal profession), over a weaker poorly resourced group; (The people who make up our communities).

Our government has been given this power through democratic elections and represents all competing groups without having a bias or a vested interest. Its purpose is too evaluate and act upon situations that work in the best interests of the community. Unfortunately it appears as if our current government which is well endowed with members of the legal profession, appears to have a bias towards the profession.

This is all too apparent when one realises how law reform is carried out within Australia. A committee comprising mainly of lawyer interest groups is formed to investigate matters pertaining to law reform. The vested interests of the legal profession lobby to ensure its interests are protected. This has created an industry that does not use standards, is not accountable to consumers of its products and continues to maintain its reliance on self regulation.

When you ask

- Why has the Victorian Attorney General Mr Hulls suppressed the Report on The Victorian Legal Services Commissioner by The Victorian Ombudsman?
- Why won't the Legal Services Commissioner demand that Russell Kennedy produce the said letter?
- Why is it that lawyers in private practice who are court appointed and practice the laws proclaimed through acts of parliament in Victoria are not bound by The Victorian Charter of Human Rights?
- Why is The Victorian Legal Services Commissioner denying full access to his investigatory files in relation to consumer complaints?

Yes in deed, you may well ask, it does make one wonder why the legal profession seems to be above accountability: At present the Zeitgeist demands an end to hegemony as demonstrated by the current global legislative momentum to bring accountability to our financial profession, so as to prevent another Global Financial Crisis. The most influential office on the planet headed by President Barack Obama is demanding accountability from wayward Wall Street Bankers.

However now it's accepted that no group should be without proper governance and answerability for due diligence in the discharge of the duties they are paid to perform least society at large bear the brunt of the irresponsibility.

"All that is necessary for the triumph of evil is that good men do nothing."

Edmund Burke

Irish orator, philosopher, & politician (1729 - 1797)

Annually 50,000 families are processed by The Federal Family Courts at an estimated cost of \$30 Billion. (Legal fees of approximately \$15 billion and \$15 billion is lost through asset redistribution). There is a significant increase in the suicide rate amongst this group when compared with the general population: They are men women and children. A proportion of this rate increase must be attributed to the methodical process of asset stripping of families by the legal profession in its unaccountable pursuit of resolution.

The role of government in our contemporary state is to work towards a fair and just society. It stands above hegemony and works in the interests of our community as a whole. Through its evolution it has abolished slavery, evolved a society of universal suffrage and acknowledged the existence of human rights.

Australia was settled as a penal colony; the power imbalance between the convict and other members of the society was absolute. The jailer held the power and the prisoner had no option but to yield to it. The convict was a slave without a commercial value entombed in a prison created by the state. Through our isolation and our need to survive, we realised the importance of understanding our natural environment and the role of common sense. This realisation shaped the relationship between the convict and the jailer and incorporated common sense into our way of life and governance. This incorporation of common sense into the fabric of our society has made our nation the country it is today.

It would make common sense in my family's case for the lawyer Ian Bult to fax us a copy of our mother's letter to him so as he could be accountable to us for his actions.

The initial competing interests in Australian colonial society were between the convicts and those who ran the colony. This society had little room for the evolution of family rights and the roots of many modern day peoples' disdain for our legal system, lie here.

Fortunately as time passed and our nation invited migrants to these shores our values developed and the role of family as in any stable society became dominant. Being a Christian society our church bought these families together under the sphere of god and common sense. Our values of family, and our religion intertwined and were embedded in our constitution upon Federation. The connectedness with family has always been the mainstay of this wonderful nation that we live in and is what gives us our strength and our ability to be a tolerant and fair society.

The disregard for mindless authority devoid of common sense is embedded into Australian culture and showed itself during the two world wars in which Australians fought. This ability of the Australian Corps to utilise common sense in the face of mindless orders and rules gave them an edge which produced a superior fighting unit capable of responding appropriately to the real challenges of their travails.

In your position as a person of influence I urge you to ascertain through the Parliament

- (1) Is Mr McGarvie's statement re lawyers in private practice and The Victorian Charter of Human Rights true or is just an interpretation made by and on behalf of our legal elite?
- (2) Why is our Attorney General Mr Robert Hulls concealing the Victorian Ombudsman's Report from the people of Victoria particularly when the Victorian Legal Services Commissioner is fundamental in identifying and addressing systemic abuse by the legal profession?

I believe that our legal profession is obligated to observe our human rights above their own self interest of gathering fees at the expense of family equity. The role of common sense and our Christian values are entwined within our constitution so as to place that caveat on those who practice law within Australia. This is an unwritten and assumed component of our constitution, which should prevent lawyers from empowering themselves over families.

It is the responsibility of our elected parliament, who appoint this profession and whose Acts they abide by, to work with them to provide a system where:

- we all have affordable and timely access to justice.
- The relationship between the legal profession and the consumer has accountability.

The claim by Mr McGarvie that lawyers in private practice do not have to abide by The Victorian Charter of Human Rights is preposterous, especially when one considers, they are dealing in many instances, with peoples and families destinies. The way these matters are handled impacts upon the well being of our communities and our nation for time immemorial

The refusal by The Victorian Ombudsman to release his report on The Victorian Legal Services Commissioner to the public is a retrograde step which will retard our social development. It will prevent public comment on the performance of our legal profession from the consumer perspective which will raise the issue of the legal professions need to be accountable to all Australians. The attempts to keep this report secret smacks of legal nepotism.

Mr Hulls replaced The Victorian Legal Ombudsman Kate Hammond with the office of The Legal Services Commissioner because her office and the legal profession had irreconcilable differences of opinion. He promised us this move would improve our legal system. The office receives about 2500 complaints a year and only ever acts on about 150 of them. The other 2350 are dismissed. One wonders how many other complaints there were from people who could either not be bothered, were so gutted by the legal process that they had not the energy or fortitude to peruse it and people who through their lack of

education or circumstances where not even aware that they had grounds for a complaint. I gather 80% of customers of the legal profession are dissatisfied.

Australian 31/10/2008 Reported:

The Victorian Department of Public Prosecutions Jeremy Ranke QC says: "Something very serious is amiss with the manner in which criminal trials are conducted" and Rob Hulls the Victorian first law officer had said that: "lawyers need to abandon many of their adversarial traditions and join him in a cultural revolution based on an active, problem solving judiciary".

When you combine this information with the statement by The Victorian Legal Services Commissioner and the refusal by The Victorian Ombudsman to release his report, I trust you appreciate these serious inconsistencies and will act as a good person to restore the balance of power between the legal profession and working families so as to give all Australians access to natural justice.

I eagerly anticipate your response and am most willing to assist.

Yours Sincerely

Diarmuid Hannigan

Appendices

- 1) Letter from Legal Services Commissioner to Mr Diarmuid Hannigan 14 02 2010
Referred to as (Letter1)
- 2) Letter to the Victorian Ombudsman from Mr Diarmuid Hannigan 18 02 2010
requesting a copy of his report on the Victorian Legal Services Commissioner.
- 3) Copy of extract from The Victorian Ombudsman's annual report regarding his report
on the Legal Services Ombudsman..
- 4) Letter from The Victorian Government Ombudsman 23 02 2010 responding to my
letter requesting his report on the Victorian Legal Services Commissioner, Referred to
as (Letter 2).
- 5) Letter from the Victorian Legal Services Commissioner responding to my Freedom of
Information Request.

Appendix 1

Legal Services Commissioner

913 91 Dandenong Rd, Melbourne VIC 3000 DX 180 Melbourne
T 1300 760 244 (toll call within Victoria) 03 9595 9101 TOLL FREE 81 01
www.lsc.vic.gov.au A3 1 088 400 143 111

Our Ref:
LSC/CO/2004 - Shelley Hope

14 January 2010

Private & Confidential

Mr Diarmuid Hannigan
236 Smith Street
COLLINGWOOD VIC 3066

Dear Mr Hannigan

Complaint against Ian Bull of Russell Kennedy

I refer to your letter dated 14 September 2009 and the acknowledgement to you dated 22 September 2009. You have expressed dissatisfaction with the decisions made about your above complaint and have asked that the file be reviewed.

The *Legal Profession Act 2004* does not provide for any review of my decision whether by an independent person or internally. As a result, in most cases, once I have made a decision on a complaint, it is final. The exception is where I have acted beyond my powers or failed to meet a requirement. This has not occurred here so I cannot now re-open the matter. I am also satisfied, that the action taken on your file has been appropriate, and in accordance with complaint handling standards and with our policies and procedures.

You also seek a copy of the Legal Services Commissioner ("LSC") file relevant to your complaint. Due to the confidentiality and secrecy provisions of the *Legal Profession Act* ("the Act"), I am unable to provide you with the relevant LSC file. However, I can give you copies of any material provided by you to the LSC. Of course, you may also make a request for such information pursuant to the *Freedom of Information Act* (1982) upon payment of the relevant fee of \$23.40. The release of any such information will be dealt with having regard to the provisions of that legislation.

Further, you sought clarification as to which specific part of section 4.2.10(1)(b) of the Act applied to the decision to summarily dismiss your complaint. A number of the sub-sections in section 4.2.10(1) of the Act could have applied in your case as the basis for my earlier decision to dismiss your complaint summarily. These include not requiring further investigation (sub-section 4.2.10(1)(f)); may have been previously looked at (sub-section 4.2.10(1)(c)), or where I have no power (sub-section 4.2.10(1)(e)). Overall, your complaint was summarily dismissed as misconceived for the various reasons given in my letter to you dated 4 September 2009. You can see more details regarding my summary dismissal guidelines on my website at http://www.lsc.vic.gov.au/documents/LSC_SummaryDismissalGuidelines.pdf.

You complain that decisions were made in accordance with the relevant legislation rather than in accordance with your asserted human rights to inherit property and to be a family. With regard to any alleged breach of your human rights by the practitioner, the Victorian Charter of Human Rights only applies to public authorities. A legal practitioner in private practice is not required to comply with this Charter.

For further information about the Charter you might like to contact the Victorian Equal Opportunity and Human Rights Commission. The contact details are:

Legal Services COMMISSIONER

Victorian Equal Opportunity & Human Rights Commission
Level 3, 380 Lonsdale Street
Melbourne Victoria 3000

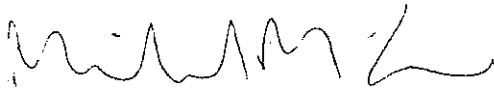
Telephone 1300 891 848
TTY 1300 289 621
Fax 1300 891 858
Email information@veohrc.vic.gov.au
Website www.humanrightscommission.vic.gov.au

If you are not satisfied with any aspect of our investigation into your complaint and the decision you are entitled to take the issue up further with the Victorian Ombudsman. The office of the Ombudsman can be contacted in the following way:

Ombudsman Victoria
Level 9, 459 Collins Street (North Tower)
Melbourne Victoria 3000

Telephone 03 9613 6222
Toll Free 1800 806 314 (regional only)
Fax 03 9614 0246
Email ombudvic@ombudsman.vic.gov.au
Website www.ombudsman.vic.gov.au

Yours sincerely



Michael McGarvie
Legal Services Commissioner

Appendix 2

Diarmuid Hannigan
236 Smith Street
Collingwood. Victoria 3066
03 94195044
charada@mira.net
Thursday 18th February 2010

The Victorian Ombudsman
Mr George Brouwer

Dear Mr Brouwer.

I am writing to request a copy of your report on the Victorian Legal Services Commissioner. I understand this report contains 28 recommendations pertaining to the operation of the Victorian Legal Services Commissioner.

This report will assist me in responding to The Victorian Legal Services Commissioner and a submission to The Council of Australian Governments involvement in the reform of regulation affecting the legal profession in relation to the management of deceased estates by legal professionals.

My own dilemma although appearing trivial, goes to the core of how we as a society treat each others within a legal framework and the obligations we have to in order to avoid the abuse of human rights, family rights and inheritance rights.

The reason I have been led into this legal maize has been caused by a lawyer who along with my sister were appointed executors of my late mother's estate. Prior to probate being granted a disagreement had occurred between the beneficiaries of the estate (My mother's children) and the lawyer. My sister, the co executor requested a copy of a letter written to him by my mother six years prior to her death that the lawyer said he had in his possession. He refused to show her the letter and has refused all other requests to show the letter claiming legal client privilege. His claim has no rational basis whatsoever apart from the power he holds in his position as executor and is clearly positioned to advantage his financial interests.

As a result of the lawyers treatment of my sister and her fragile state she did not take up her position as Executor which has left the family in a powerless

position. The fact that the family has not been allowed to interpret their mother's wishes (letter) has led to a prolonged and painful experience.

I have approached The Victorian Legal Services Commissioner regarding my concerns and as yet I have been unable to obtain a copy of this letter. I have no desire to begin litigation as it will further the abuse that has already been wrought upon my mother's estate by the lawyer and his firm. I believe that it is an inheritance right and therefore a family right to have access to information that determines ones destiny and that of ones family. It is a fundamental human right and is an integral component of a civilised society governed by the rule of law. Inheritance rights and their relationship to law are the reason law was founded.

I have enclosed a copy of a letter I have received from the Victorian Legal Services Commissioner and raise my concerns to you regarding Paragraph five. A legal practitioner in private practice is not required to comply with the charter. (The Victorian Charter of Human Rights).

There appears to be a major dislocation between public perception and reality in regards to this issue. I ask the question. How does the government ever hope to instil a philosophy of human rights respect throughout our community if the people (lawyers) who are working the legal system are exempt? Particularly when these people are highly paid professionals who are dealing with the destinies of families.

I look forward to your response and to the opportunity of reading your report. I am aware the report has not been tabled in parliament but since the role of the Victorian Legal Services Commissioner is a fundamental instrument in shaping our Legal services industry so as it becomes cost efficient affordable and of benefit to our community the public interest becomes a more important factor.

Yours Sincerely

Diarmuid Hannigan.

Appendix 3

Legal Services Commissioner

The *Legal Profession Act 2004* established the office of the Legal Services Commissioner and lists its objectives, one of which is: to ensure that complaints against Australian legal practitioners and disputes between law practices or Australian legal practitioners and clients are dealt with in a timely and effective manner.⁶

The role of the Legal Services Commissioner is to protect both consumers of legal services and the public interest in the proper administration of justice. The Legal Services Commissioner has the power to address complaints made against Victorian legal practitioners to ensure that they acted within the confines of the law, with appropriate ethical standards and with deference to their professional position.

The Legal Services Commissioner can receive complaints which relate to disputes about legal costs, claims of up to \$25,000, or disciplinary matters. The legal system can be financially costly and the law can be complex, with intricacies which many members of the public find difficult to navigate and understand. This can leave the public vulnerable to unscrupulous, negligent or unprofessional practices of legal practitioners.

Over the past year I received 95 complaints about the Legal Services Commissioner, which replaced the former Legal Ombudsman in December 2005. There were recurring themes in the complaints which pointed to a systemic failure by the Legal Services Commissioner to adequately undertake its statutory role.

For example, complainants alleged that:

- complaints were inadequately investigated or not investigated at all
- there were significant delays – sometimes in excess of three years – in finalising complaints
- documentation practices were poor and failed to provide complainants with information about the Legal Services Commissioner's internal review process and external review mechanisms
- investigations lacked procedural fairness.

The following case study highlights that the lack of appropriate review powers in place for the Legal Services Commissioner is still the case. It illustrates how this can result in injustice to complainants and allow practitioners to avoid detection and/or prosecution as a consequence of the current legislative

⁶ Section 6.3.2.

www.ombudsman.vic.gov.au

22 ombudsman victoria annual report 09

I recommended that the Attorney-General consider amending the Legal Profession Act 2004 to enable the Legal Services Commissioner to review its merits based Decisions where there have been deficiencies in its investigations or errors in its decisions.

framework. I recommended that the Attorney-General consider amending the *Legal Profession Act 2004* to enable the Legal Services Commissioner to review its merits-based decisions where there have been deficiencies in its investigations or errors in its decisions.

I understand that this is being considered as part of a national reform of the Australian legal profession announced by the Council of Australian Governments.

Appendix 4

23 February 2010

File No: C/10/101

Mr Diarmuid Harrigan
236 Smith St
COLLINGWOOD VIC 3066

Dear Mr Harrigan

Your correspondence to Ombudsman Victoria

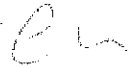
I refer to your correspondence dated 18 February 2010, in which you request a copy of an Ombudsman report regarding the Legal Services Commissioner of Victoria. I also refer to my telephone call to you on 25 February 2010.

I note you contacted this office on 5 January 2010 and you were advised that the only Ombudsman reports available to the public are those tabled in Parliament. All public Ombudsman reports are available on the Ombudsman's website at www.ombudsman.vic.gov.au.

I confirm that as the Ombudsman conducts his investigations in private, pursuant to section 17(2) of the *Ombudsman Act 1973*, this office is unable to confirm or deny the existence of Ombudsman reports that are not publicly available.

I trust this information is of assistance.

Yours sincerely



Linna He
Enquiries Officer

Legal Services COMMISSIONER

3000 Collins St, Melbourne VIC 3001 OA 185 Melbourne
T 03 9595 8444 Fax 03 9595 8444 T 03 9595 8444
www.lsc.vic.gov.au ACPN 06 489 544 310

Your Ref: FOI-2010-0001
Our Ref: Penny Antonov

16 April 2010

PRIVATE AND CONFIDENTIAL
Mr Diarmuid Hannigan
236 Smith Street
COLLINGWOOD VIC 3066

BY REGISTERED POST

Dear Mr Diarmuid Hannigan

Freedom of Information Request

NOTICE OF DECISION PURSUANT TO SECTION 27 OF THE FREEDOM OF INFORMATION ACT 1982

I refer to your request for access to the following documents, made under the *Freedom of Information Act 1982*:

"All documents pertaining to your Ref LSC/09/2054 apart from correspondence I have sent to your office. Including all correspondence to other entities including Ian Bull, Russell Kennedy. And all correspondence received from these entities."

I have reviewed file LSC/09/2054 and identified 27 documents. Of the 27 documents, 9 are documents to or from you. I understand that you do not seek access to these documents, please correct me if I am mistaken.

Documents Released:

I have decided to release and enclose for you two of the 27 documents relevant to file LSC/09/2054. One document is a letter from our office to the practitioner Ian Bull. The other document is a copy of an Ethics Committee Ruling - E4-179.

Documents Not Released

The remaining 16 documents are internal working documents, which I have decided to refuse to release. This is because they are exempt on one or more of the following grounds under the Act:


1. Some of the documents are exempt under section 30 of the Act, as they would disclose matter in the nature of opinion, advice or recommendation and/or in the nature of consultation or deliberation, which took place for the purpose of

the deliberative functions of the Legal Services Commissioner. In addition, the disclosure would on balance be contrary to the public interest considering:

- the public interest in favour of disclosure;
 - the inherently sensitive nature of the information in the documents;
 - the need to maintain the integrity of the investigation and enforcement functions of the Legal Services Commissioner under the *Legal Profession Act 2004*;
 - the need to preserve the frankness and candour with which officers of the office of the Legal Services Commissioner conduct their deliberations and the performance of their statutory regulatory functions;
 - the communications involved are of a high level within the office of the Legal Services Commissioner.
2. Many of the documents are exempt under section 32 of the Act, as they are of such a nature that they would be privileged from production in legal proceedings on the basis of legal professional privilege.
3. Some of the documents are exempt under section 33 of the Act as they contain information relating to the personal affairs of individuals other than you. In all the circumstances, it is unreasonable to disclose that information taking into account:
- the circumstances in which the information was obtained;
 - the nature of the information (including information identifying confidential informants);
 - the likelihood that the relevant individuals would not wish that information about them to be disclosed without consent;
 - that the information maintains current relevance, confidentiality and sensitivity despite the passage of time.
4. Many of the documents are exempt under section 38 of the Act as they contain information of a kind the disclosure of which is prohibited under section 6.4.5 of the *Legal Profession Act 2004*, a confidentiality provision recognised by and falling within section 38 of the FOI Act.

If you are not satisfied with my decision, you may within 28 days of receiving this letter seek internal review by writing to Mr Michael McGarvey, the Legal Services Commissioner at the address stated above.

Yours sincerely


CAROLINE MORGAN
FOI Officer

Law Institute of Victoria

COPY



You are here: Home > Regulation > Ethics & Findings

EA179 - November 2004

By Law Institute of Victoria Ethics Committee of Law Institute of Victoria Ltd

Published April 2005

Area of Law: Wills and estates [search similar areas of law]

Category: Conflict of Interest - Solicitor as executor [search similar categories]

Background

A partner was the nominated partner of a firm named as co-executor, along with one of the deceased's children. The residuary estate was left to three adult children absolutely in equal shares and to a fourth by way of testamentary trust, for the benefit of the fourth child's family at the executor's absolute discretion. The fourth child requested that a quarter share of the estate be distributed to him directly, failing which a Part IV application would be made. This would reduce the estate through legal costs, arguably to the benefit of the firm.

The Committee considered (amongst other things) r13 of the Professional Conduct and Practice Rules 2003 which allows a practitioner to act as executor and to charge professional fees for doing so.

Resolution

In all the circumstances the Ethics Committee finds that there is no conflict of interest in the firm acting in its capacity as both executor and solicitor in the administration of the estate of the deceased.

Law Institute of Victoria
Ethics Committee of Law Institute of Victoria Ltd
November 2004

Contact Details
Legal Ethics Manager
Phone: 03 9667 3838
Email: ethics@liv.asn.au

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ABN 52 010 403 231, 170 Bourke Street, Melbourne, Victoria 3000, Australia
Tel: (03) 9667 3838 Fax: (03) 9667 3838 Email: liv@liv.asn.au

COPY

Legal Services Commissioner

100 Collins St, Melbourne VIC 3000
T 1300 363444 (Landline) 1300 363444 (Toll-free)
F 03 9247 9000 FAX 03 9459 4430

Our Ref: **LSL000001**
Date: Pakaka

4 September 2009

PRIVATE AND CONFIDENTIAL

Mr Ian But
Russell Kennedy
498 La Trobe Street
MELBOURNE VIC 3000

Dear Mr But:

COMPLAINT BY MR DIARMUID HANNIGAN

Pursuant to section 4.2.6 of the *Legal Profession Act 2004* ("the Act") I am writing to notify you that I have received a complaint made about you from Mr Diarmuid Hannigan. A copy of the complaint is enclosed for your information.

However, I have determined, pursuant to section 4.2.10 of the Act, to summarily dismiss the complaint for the reasons set out in the attached copy of my letter to the complainant.

No further action will be taken in respect of this matter and you are not required to respond to this letter.

Should you have any queries please telephone Jennifer Pakaka on 1300 363444

Yours sincerely,

VICTORIA MARLES
Legal Services Commissioner

encl.
per:

