Procedural Chart on Summary Disposal

A person allegedly commits a scheduled item in the Rules

Council considers whether the matter is suitable for disposal by Tribunal Convenor under the Rules.   Matters to take into account include:
(a)   whether breach is deliberate
(b)   whether breach committed with dishonest intent
(c)   gravity of breach
(d)   other relevant factor   [s 9A(1A) and (1B) LPO]

No, not suitable

Yes, suitable

Matter to be disposed of in accordance with Solicitors Disciplinary Tribunal Proceedings Rules

Council representative sends the following to the relevant person:
(a)   complaint sheet (stating particulars of complaint)
(b)   summary of facts
(c)   notice
-   explaining consequence of admission/non-admission; requiring him to notify within 21 days whether he wants to discuss with Council representative;
-   amount of fixed penalty and investigation cost   [rule 4]

within 21 days

Council may revoke its decision to submit the matter to the Tribunal Convenor   [rule 5]

if revoke

Relevant person agrees to discuss and notifies the Council   [rule 6]

Relevant person does not agree to discuss

21 days to discuss

Notify relevant person in writing [rule 5]

After discussion, Council may amend:
•   complaint sheet
•   prepare and sign a statement of agreed facts and send them to relevant person   [rule 7]

Matter disposed of in accordance with Solicitors Disciplinary Tribunal Proceedings Rules

within 14 days

Matter to be disposed of in accordance with Solicitors Disciplinary Tribunal Proceedings Rules

•   Relevant person signs and returns the statement of agreed facts
•   admits liability
•   agrees to have matter disposed of by Tribunal Convenor   [rule 8]

Submission by Council to Tribunal Convenor stating conditions [relevant person admits liability and agrees to disposal under the Rules] have been satisfied and submitting an affidavit exhibiting the statement of agreed facts   [s 9AB LPO and rule 10]

As soon as practicable

Tribunal Convenor makes an order

within 7 days

Tribunal Convenor sends the order to the relevant person

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