



THE LAW SOCIETY
OF NEW SOUTH WALES

REGISTER of DELEGATIONS

pursuant to section 413 of the *Legal Profession Uniform Law (NSW)*

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Delegation Register

Legal Profession Uniform Law Application Act 2014 (NSW)

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INTRODUCTION

The power of the Council of the Law Society of New South Wales (**Law Society Council**) to delegate any of its functions under the *Legal Profession Uniform Application Act 2014* (**Application Act**) or the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) is found in section 32 of the Application Act:

32 Delegation of functions of Law Society Council

- (1) The Law Society Council may delegate any of its functions under this Act (other than this power of delegation and the functions referred to in section 119 (Management Committee)) or the Legal Profession Uniform Law (NSW) to any of its committees, to an officer of the Law Society or to an employee of the Law Society.
- (2) For the purposes of this section, the functions of the Law Society Council under the Legal Profession Uniform Law (NSW) include any functions delegated to the Law Society Council under that Law.

Note. Section 406 of the *Legal Profession Uniform Law (NSW)* provides that a local regulatory authority may delegate its functions under that Law to an entity prescribed by jurisdictional legislation. The local regulations may also prescribe delegates or classes of delegates of local regulatory authorities (see section 166).

The Memorandum and Articles of Association of the Law Society also provide for the Law Society Council to delegate to committees.

Purpose

Section 413 of the Uniform Law provides:

413 Registers of delegations

- (1) The Council, the Commissioner and a local regulatory authority must each maintain a register of delegations under this Law in a form determined by it.
- (2) A register of delegations must contain a copy of all instruments of delegation issued by the delegator and currently in force.
- (3) A delegator must arrange for a review of the register of delegations to be carried out at least on an annual basis and for a report of the review to be submitted to the Council for its consideration.
- (4) The Council must ensure that a current version of each register of delegations is publicly available at all reasonable times on its website or another publicly accessible website.
- (5) The Council may make arrangements for a composite register containing two or more of the registers referred to in this section.

The purpose of this Register of Delegations (**Delegations Register**) is to detail:

- (i) the functions delegated to the Law Society or the Law Society Council, as the case may be; and
- (ii) the functions delegated by the Law Society Council (including functions delegated to the Law Society or the Council under the Uniform Law) to any of the committees, or to any officer or employee of the Law Society,

under the Application Act and the Uniform Law.

Scope

This Delegations Register applies to the Law Society.

Structure

This Delegations Register comprises the following sections:

Section A Instruments of Delegations currently in force

Details the Instruments of Delegations which have been made pursuant to the Application Act and Uniform Law and which are currently in force.

Section B Delegations Register - Tables 1 to 11

A series of "Tables" which capture, in summary form, the functions delegated to, and by, the Law Society.

Table 1 is a summary of the functions delegated by the NSW Legal Services Commissioner to the Law Society.

Tables 2 to 11 are a compilation of the functions delegated by the Law Society Council to each of the Law Society's committees, officers and employees, as the case may be.

Section C: Historical Notes

Version Control: Details of all approved versions of the Delegations Register.

Resolutions and Instruments History: Details of all current and historical Resolutions and Instruments of Delegations which have been made pursuant to the Application Act and Uniform Law. Requests for any historical Resolutions or Instruments of Delegations and/or which are not appended to this version of the Delegations Register should be made, in writing, to the Secretary of the Law Society.

Modifications History: Details of any substantive changes and/ or amendments of the delegations as made to each version of this Delegations Register.

Appendices: A copy of each Resolution and/or Instrument of Delegation currently in force.

General Principles of Delegation

- (i) Where a delegation is to a position (such as the Director, Professional Standards), the delegation applies to that position and not the individual in that position.
- (ii) Where a delegation is to a body (such as a Committee), it applies to the body, as constituted from time to time and acting in that capacity, not individual members of the body.
- (iii) A person appointed to temporarily act or occupy a position has the authority to exercise all functions delegated to the position in which that person is acting.
- (iv) A delegate must not exercise a delegation that would place the delegate in any direct or indirect conflict of interest.
- (v) Unless specified, the powers delegated in this Register cannot be further delegated.

Terms and Interpretation

Unless otherwise stated in this Delegations Register or specified in the relevant Instrument of Delegation, words and phrases have the same meaning and context as is given to them in the *Legal Profession Uniform Law Application Act 2014 (NSW)* or *Legal Profession Uniform Law (NSW)*, as the case may be.

Application Act means the *Legal Profession Uniform Law Application Act 2014 (NSW)*.

Uniform Law means the *Legal Profession Uniform Law (NSW)*.

Council or **Law Society Council** means the Council of the Law Society of New South Wales.

function includes power, authority and duty.

Law Society means the Law Society of New South Wales.

The delegations in this version of the Delegations Register revoke all previous corresponding delegations to the extent of any inconsistency with those previous delegations. Previously delegated authority is not revoked unless it is inconsistent with this version of the Delegations Register.

Acts performed under previous delegations are not invalidated by the revocation of such previously delegated authority, by change to the responsible delegate and/or by any change to a position description.

Delegations to the Committees of the Society [New Section]

For the purpose of this Delegations Register, the committees of the Law Society, to whom certain functions of the Law Society and/or Law Society Council have been delegated to, are:

1. THE DISCLOSURE COMMITTEE
 2. THE LICENSING COMMITTEE
 3. THE PROFESSIONAL CONDUCT COMMITTEE
 4. THE MANAGEMENT COMMITTEE OF THE LEGAL PRACTITIONERS FIDELITY FUND
- (collectively, the **Committees**)

The Committees are made up of members who are appointed annually by the Law Society President. Such appointments are made in accordance with the terms governing each Committee's constitution and membership.

The terms of each Committee's constitution, membership and functions (including, delegated functions) are reviewed annually by the Law Society Council.

In accordance with that review, the Law Society Council may, each year, make resolutions which:

- (i) formalise the constitution, membership and functions of that Committee; and
- (ii) delegate certain functions of the Law Society Council to that Committee.

Such resolutions and instruments of delegations shall apply to each particular Committee, as it is constituted on and from the date of that resolution (and as may be varied from time to time).

NOTE: Where the Law Society Council has, as part of its annual review of delegations, resolved to delegate the same and/or equivalent functions to a Committee as those previously delegated, this version of the Delegations Register will only reference and include copies of the latest Resolutions and Instruments of Delegations giving effect such delegations.

For details of all historical Resolutions and/or Instruments of Delegations, see **Part C**.

Review and Version Control

Section 413(3) of the Uniform Law requires the Law Society Council, as delegator, to arrange for a review of this Delegations Register at least on an annual basis and for a report of the review to be submitted to the Council for its consideration.

This Delegations Register is amended from time to time. This version is Version 2.0.

A. INSTRUMENTS OF DELEGATION CURRENTLY IN FORCE

Appendix	Description	Date
2015 DELEGATIONS		
1	Instrument of Delegation Signed by John McKenzie, NSW Legal Services Commissioner	18 June 2015
2	Law Society Council Resolution Made at the Special Meeting of the Council of the Law Society of New South Wales, Thursday 2 July 2015, 3:30pm	2 July 2015
3	Instrument of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 2 July 2015 (<i>Attachment "B"</i> to the Council Minutes, 2 July 2015)	2 July 2015
2016 DELEGATIONS		
4	Law Society Council Resolution Made at the Special Meeting of the Council of the Law Society of New South Wales, Thursday 17 March 2016, 4:00pm	17 March 2016
5	Instrument of Delegation (& supporting resolution) Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 15 September 2016, 4:00pm (<i>Attachment "1"</i> to the Council Minutes, 15 September 2016)	15 September 2016
6	Instrument of Delegation (& supporting resolution) Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 17 November 2016, 4:00pm (<i>Attachment</i> to the Council Minutes, 17 November 2016)	17 November 2016
2017 DELEGATIONS (as at 28 February 2017)		
7	Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 19 January 2017, 4:00pm	19 January 2017
8	Instrument of Delegation (1) Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 19 January 2017 (<i>Attachment "1"</i> to the Council Minutes, 19 January 2017)	19 January 2017
9	Instrument of Delegation (2) Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 19 January 2017 (<i>Attachment "2"</i> to the Council Minutes, 19 January 2017)	19 January 2017
10	Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 16 February 2017, 4:00pm	16 February 2017
11	Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 20 July 2017, 4:00pm	20 July 2017

B. DELEGATIONS REGISTER: TABLES

Table 1: Law Society

Delegations from the NSW Legal Services Commissioner to the Law Society

Section	Description of power/function/authority ¹	Reference
UNIFORM LAW		
Chapter 5 – Dispute Resolution and professional discipline		
Part 5.2 Complaints - Division 1 Making complaints and other matters about complaints		
Section 266(2) on the condition that a copy of a complaint made by the Law Society is forwarded as soon as possible to the NSW Commissioner by the Law Society	Initiating a complaint	Instrument of Delegation, 18 June 2015
Section 269	Determining that a complaint or part thereof is a consumer matter	Instrument of Delegation, 18 June 2015
Section 271	Determining priorities as to resolution between consumer matter and disciplinary matter	Instrument of Delegation, 18 June 2015
Section 272 (with respect to a complaint made by the Law Society or a referred complaint)	Waiving the time requirement specified in section 272(1)	Instrument of Delegation, 18 June 2015
Section 273	Determining to initiate or continue to investigate disciplinary matters, despite the withdrawal of a complaint in whole or in part by the complainant	Instrument of Delegation, 18 June 2015
Part 5.2 Complaints - Division 2 Preliminary assessment of complaints		
Section 276	Conducting a preliminary assessment of complaint	Instrument of Delegation, 18 June 2015
Section 277	Closing complaint after preliminary assessment	Instrument of Delegation, 18 June 2015
Section 278	Recommending immediate suspension of practising or registration certificate	Instrument of Delegation, 18 June 2015
Part 5.2 Complaints - Division 3 Notification to and submissions by respondent		
Section 279	Notifying respondent about complaint	Instrument of Delegation, 18 June 2015
Section 280	Submissions by respondent	Instrument of Delegation, 18 June 2015
Section 281(2)	Determining to postpone giving the respondent a summary or details of a complaint or a notice about making submissions as required by section 279(1)(b), or in its discretion giving the respondent the notice and a statement of the general nature of the complaint	Instrument of Delegation, 18 June 2015
Part 5.2 Complaints - Division 4 Investigation of complaints		
Section 282	Power to investigate complaints	Instrument of Delegation, 18 June 2015
Section 283	Extending scope of investigation	Instrument of Delegation, 18 June 2015

¹ The Instrument of Delegation dated 18 June 2015 expressly states that the “descriptions” are for reference only and do not limit the operation of the delegation.

Delegations from the NSW Legal Services Commissioner to the Law Society

Section	Description of power/function/authority ¹	Reference
Section 284	Referral of matters for costs assessment	Instrument of Delegation, 18 June 2015
<i>Part 5.3 Consumer matters - Division 2 Provisions applicable to all consumer matters</i>		
Section 286	Forming an opinion as to attempts to resolve a consumer matter as a prerequisite to resolution action	Instrument of Delegation, 18 June 2015
Section 287	Attempting informal resolution of consumer matters	Instrument of Delegation, 18 June 2015
Section 288	Mediation	Instrument of Delegation, 18 June 2015
Section 289	Recording consumer matters	Instrument of Delegation, 18 June 2015
Section 290	Determining consumer matters	Instrument of Delegation, 18 June 2015
<i>Part 5.3 Consumer matters - Division 3 Further provisions applicable to costs disputes</i>		
Section 292	Making binding determination in costs dispute	Instrument of Delegation, 18 June 2015
Section 293	Where binding determination not made in costs dispute	Instrument of Delegation, 18 June 2015
<i>Part 5.4 Disciplinary matters - Division 2 Determination by local regulatory authority</i>		
Section 299	Finding of unsatisfactory professional conduct and determination of disciplinary matter	Instrument of Delegation, 18 June 2015
Section 300	Initiation and prosecution of proceedings in designated tribunal	Instrument of Delegation, 18 June 2015
<i>Part 5.5 Compensation Orders</i>		
Section 306	Making a compensation order	Instrument of Delegation, 18 June 2015
Section 307	Receiving request by complainant for compensation order	Instrument of Delegation, 18 June 2015
Section 309	Satisfaction as to prerequisites for making of compensation order	Instrument of Delegation, 18 June 2015
<i>Chapter 7 Investigatory Powers</i>		
Chapter 7 (in relation to Chapter 5 functions otherwise delegated to the Law Society)	Investigatory functions regarding complaint investigations	Instrument of Delegation, 18 June 2015
<i>Chapter 9 Miscellaneous - Part 9.4 Cooperative and other arrangements</i>		
Section 436(1) (in relation to Chapter 5 functions otherwise delegated to the Law Society)	Negotiating and entering into arrangements with Australian or foreign authorities or courts for exchanging, obtaining or disclosing information relevant to any of their respective functions under the Uniform Law or the Uniform Rules	Instrument of Delegation, 18 June 2015

Table 2: Secretary of the Law Society**Delegations from the Law Society Council to the Secretary of the Law Society**

Section	Description of power/function/authority	Reference
Application Act		
Part 4 Practising Certificates and registration certificates - Division 1 Australian practising certificates -		
Section 37(3)	To reject an application for renewal of a practising certificate made during the late fee period or made outside the standard renewal period or late fee period pursuant to s.37(3) of the Application Act	Council Resolution, 2 July 2015
Part 13 Miscellaneous		
Section 162	To approve forms and notices for use in connection with its functions under legal profession legislation.	Council Resolution, 15 February 2018
Uniform Law		
Part 3.3 Australian Legal Practitioners – Division 2 Australian practising certificates -		
Sections 44 & 45	With regard to Australian practising certificates - To grant or renew an Australian practising certificate pursuant to sections 44 and 45	Council Resolution, 2 July 2015
Section 46(2)	With regard to Australian practising certificates - To reject a notification of principal place of practice pursuant to section 46	Council Resolution, 2 July 2015
Section 47	With regard to Australian practising certificates - To determine conditions on a practising certificate pursuant to section 47	Council Resolution, 2 July 2015
Section 53	With regard to Australian practising certificates - To impose discretionary conditions on a practising certificate pursuant to s.53 of the Uniform Law save and except for the power to impose discretionary conditions on a practising certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the <i>Legal Profession Uniform General Rules 2015</i>	Council Resolution, 2 July 2015
Section 55	With regard to Australian practising certificates - To alter a practising certificate or issue a substitute practising certificate to reflect a variation under the Uniform Law pursuant to section 55	Council Resolution, 2 July 2015
Part 3.4 Foreign Lawyers – Division 3 Registration		
Section 62	With regard to Australian registration certificates - To grant or renew an Australian registration certificate pursuant to section 62	Council Resolution, 2 July 2015
Section 63(2)	With regard to Australian registration certificates - To reject a notification of principal place of practice pursuant to section 63(2)	Council Resolution, 2 July 2015
Section 67	With regard to Australian registration certificates - To impose discretionary conditions on an Australian registration certificate pursuant to s.67 of the Uniform Law save and except for the power to impose discretionary conditions on a registration certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the <i>Legal Profession Uniform General Rules 2015</i>	Council Resolution, 2 July 2015

Delegations from the Law Society Council to the Secretary of the Law Society

Section	Description of power/function/authority	Reference
Part 3.5 Variation, suspension and cancellation of, and refusal to renew, certificates		
Part 3.5 - Division 2 Variation, suspension or cancellation of certificates		
Section 74(1)	With regard to Australian practising certificates and Australian registration certificates - To vary a certificate for a formal or clerical reason or in another way that does not adversely affect the holder's interests pursuant to section 74(1)	Council Resolution, 2 July 2015
Section 74(2)	With regard to Australian practising certificates and Australian registration certificates - To vary, suspend or cancel a certificate at the request of or with the concurrence of the holder pursuant to section 74(2)	Council Resolution, 2 July 2015
Section 75	With regard to Australian practising certificates and Australian registration certificates - To vary, suspend or cancel a certificate at the direction of the designated tribunal under section 302 pursuant to section 75	Council Resolution, 2 July 2015
Section 81	With regard to variation, suspension or cancellation of a certificate - To give notice with regard to variation, suspension or cancellation of a certificate pursuant to section 81	Council Resolution, 2 July 2015
Part 3.5 - Division 3 Variation, suspension or cancellation on specific grounds		
Section 83	With regard to variation, suspension or cancellation of a certificate - To give notice with regard to variation, suspension or cancellation of a certificate pursuant to section 83	Council Resolution, 2 July 2015
Part 3.5 - Division 4 Show cause procedure for variation, suspension or cancellation of, or refusal to renew, certificates		
Section 91	With regard to show cause events - To receive a written statement of a show cause event pursuant to section 91	Council Resolution, 2 July 2015
Part 3.5 - Division 5 Miscellaneous		
Section 94(3)	With regard to show cause events - To give notice pursuant to section 94(3)	Council Resolution, 2 July 2015
Section 95	With regard to show cause events - To give notice pursuant to section 95	Council Resolution, 2 July 2015
Chapter 4 Business practice and professional conduct Division 3 – External examination of Trust Records		
Part 4.2 - Division 3 – External examination of Trust Records		
Section 155(2)	To appoint, in writing, a suitably qualified person as an external examiner pursuant to section 155(2)	Council Resolution, 2 July 2015
Part 4.4 Professional Indemnity Insurance		
Section 215	The function under Chapter 4, section 215 of the Uniform Law of exempting Australian legal practitioners, incorporated legal practices and community legal services from the requirement to obtain an approved insurance policy for this jurisdiction or to hold or be covered by an approved policy for this jurisdiction in accordance with the earlier resolutions of Council of 16 March 2016.	Council Resolution, 16 February 2017
Part 9.4 Cooperative and other arrangements		
Section 437(2)	With regard to disclosure of information - To disclose information to a foreign authority or court pursuant to section 437(2)	Council Resolution, 2 July 2015

Delegations from the Law Society Council to the Secretary of the Law Society

Section	Description of power/function/authority	Reference
<i>Part 9.5 Evidentiary and other matters</i>		
Section 446	With regard to disclosure of information - To issue a certificate pursuant to section 446	Council Resolution, 2 July 2015
<i>Part 9.9 General</i>		
Section 473	To approve forms and notices for use in connection with its functions under legal profession legislation	Council Resolution, 16 February 2017

Table 3: Director, Professional Standards

Delegations from the Law Society Council to the Director, Professional Standards (previously, the Manager, Professional Standards Department)

Section	Description of power/function/authority	Reference
Application Act		
Part 4 Practising Certificates and registration certificates - Division 1 Australian practising certificates -		
Section 37(3)	To reject an application for renewal of a practising certificate made during the late fee period or made outside the standard renewal period or late fee period pursuant to section 37(3) of the Application Act	Instrument of Delegation, 15 September 2016
Part 13 Miscellaneous		
Section 162	To approve forms and notices for use in connection with its functions under legal profession legislation.	Council Resolution, 15 February 2018
Uniform Law		
Part 3.3 Australian Legal Practitioners – Division 2 Australian practising certificates -		
Sections 44 & 45	With regard to Australian practising certificates - To grant or renew an Australian practising certificate pursuant to sections 44 and 45	Instrument of Delegation, 15 September 2016
Section 46(2)	With regard to Australian practising certificates - To reject a notification of principal place of practice pursuant to section 46	Instrument of Delegation, 15 September 2016
Section 47	With regard to Australian practising certificates - To determine conditions on a practising certificate pursuant to section 47	Instrument of Delegation, 15 September 2016
Section 53	With regard to Australian practising certificates - To impose discretionary conditions on a practising certificate pursuant to section 53 of the Uniform Law save and except for the power to impose discretionary conditions on a practising certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the <i>Legal Profession Uniform General Rules 2015</i>	Instrument of Delegation, 15 September 2016
Section 55	With regard to Australian practising certificates - To alter a practising certificate or issue a substitute practising certificate to reflect a variation under the Uniform Law pursuant to section 55	Instrument of Delegation, 15 September 2016
Part 3.4 Foreign Lawyers – Division 3 Registration		
Section 62	With regard to Australian registration certificates - To grant or renew an Australian registration certificate pursuant to section 62	Instrument of Delegation, 15 September 2016
Section 63(2)	With regard to Australian registration certificates - To reject a notification of principal place of practice pursuant to section 63(2)	Instrument of Delegation, 15 September 2016
Section 67	With regard to Australian registration certificates - To impose discretionary conditions on an Australian registration certificate pursuant to s.67 of the Uniform Law save and except for the power to impose discretionary conditions on a registration certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the <i>Legal Profession Uniform General Rules 2015</i>	Instrument of Delegation, 15 September 2016

Delegations from the Law Society Council to the Director, Professional Standards (previously, the Manager, Professional Standards Department)

Section	Description of power/function/authority	Reference
Part 3.5 Variation, suspension and cancellation of, and refusal to renew, certificates		
Part 3.5 - Division 2 Variation, suspension or cancellation of certificates		
Section 74(1)	With regard to Australian practising certificates and Australian registration certificates - To vary a certificate for a formal or clerical reason or in another way that does not adversely affect the holder's interests pursuant to section 74(1)	Instrument of Delegation, 15 September 2016
Section 74(2)	With regard to Australian practising certificates and Australian registration certificates - To vary, suspend or cancel a certificate at the request of or with the concurrence of the holder pursuant to section 74(2)	Instrument of Delegation, 15 September 2016
Section 75	With regard to Australian practising certificates and Australian registration certificates - To vary, suspend or cancel a certificate at the direction of the designated tribunal under section 302 pursuant to section 75	Instrument of Delegation, 15 September 2016
Section 81	With regard to variation, suspension or cancellation of a certificate - To give notice with regard to variation, suspension or cancellation of a certificate pursuant to section 81	Instrument of Delegation, 15 September 2016
Part 3.5 - Division 3 Variation, suspension or cancellation on specific grounds		
Sections 82 & 83	The power to form the belief that a practising certificate should be varied (amended), suspended or cancelled by the Council on a ground specified in section 82 of the Uniform Law and give the holder of the certificate notice under section 83 of the proposed action	Instrument of Delegation, 15 September 2016
Section 83	To give notice pursuant to section 83	Instrument of Delegation, 15 September 2016
Part 3.5 - Division 4 Show cause procedure for variation, suspension or cancellation of, or refusal to renew, certificates		
Section 90	To give notice pursuant to section 90	Instrument of Delegation, 17 November 2016
Section 91	With regard to show cause events - To receive a written statement of a show cause event pursuant to section 91	Instrument of Delegation, 15 September 2016
Section 93	With regard to show cause events - To determine to take no action pursuant to section 93	Instrument of Delegation, 15 September 2016
Part 3.5 - Division 5 Miscellaneous		
Section 94(3)	To give notice pursuant to section 94(3)	Instrument of Delegation, 15 September 2016
Section 95	To give notice pursuant to section 95	Instrument of Delegation, 15 September 2016
Part 4.2 Trust money and trust accounts – Division 2 Trust money and trust accounts		
Section 154(2)	The power to receive written notices of irregularity referred to in section 154(2)	Instrument of Delegation, 15 September 2016

Delegations from the Law Society Council to the Director, Professional Standards (previously, the Manager, Professional Standards Department)

Section	Description of power/function/authority	Reference
Part 4.2 Trust money and trust accounts – Division 3 External examination of trust accounts		
Section 155	The function under section 155, if not satisfied that a law practice has had the law practice's trust records externally examined as required by section 155 or that an external examination of the law practice's trust records has been carried out in accordance with the Uniform Rules, to appoint a suitably qualified person as an external examiner to examine the law practice's trust records	Instrument of Delegation, 15 September 2016
Part 4.2 Trust money and trust accounts – Division 4 External investigations		
Section 165(1)	The power to receive from an investigator the written report of an investigation referred to in section 165	Instrument of Delegation, 15 September 2016
Chapter 5 – Dispute Resolution and professional discipline		
Section 266(2) on the condition that a copy of a complaint made by the Law Society is forwarded as soon as possible to the NSW Commissioner by the Law Society	The power to make a complaint under section 266(2). <i>Note: This is a power of the NSW Legal Services Commissioner delegated to the Law Society by Instrument of Delegation dated 18 June 2015. This "description" for section 266(2) is for reference only and does not limited the operation of the delegation.</i>	Instrument of Delegation, 15 September 2016
Part 5.3 Consumer matters - Division 2 Provisions applicable to all consumer matters		
Section 289	The functions pursuant to section 289 (Settlement Agreements) - Recording consumer matters <i>Note: This is a power of the NSW Legal Services Commissioner delegated to the Law Society by Instrument of Delegation dated 18 June 2015. This "description" for section 289) is for reference only and does not limited the operation of the delegation.</i>	Instrument of Delegation, 15 September 2016
Part 9.4 Cooperative and other arrangements		
Section 437	To carry out the functions of Council pursuant to section 437	Instrument of Delegation, 15 September 2016
Part 9.5 Evidentiary and other matters		
Section 446	To issue a certificate pursuant to section 446	Instrument of Delegation, 15 September 2016
Part 9.7 Criminal and civil penalties		
Part 9.7	All powers and functions under Part 9.7 to determine to commence and prosecute proceedings for contravention of a civil penalty provision	Instrument of Delegation, 19 January 2017
Part 9.9 General		
Section 473	To approve forms and notices for use in connection with its functions under legal profession legislation	Council Resolution, 16 February 2017

NOTES: (As set out in the Instrument of Delegation, 15 September 2016)

"Change of title

-
1. The position title "Manager, Professional Standards" has been changed to "Director Professional Standards".

Savings and transitional issues

2. If a position title (**the old position title**) is changed in name only to a different position title (**the new position title**), any function (including power, authority and/or duty) delegated and exercised by the holder of the old position title:
 - (a) is taken to be a function delegated and exercised by the holder of the new position title; and
 - (b) continues to be valid and apply as if it had been done by the holder of the new position title;for as long as that delegated function continues in effect or remains in force.
3. For the avoidance of doubt (and except where the contrary intention appears):
 - (a) Any action taken under the delegations made by the Council to the Manager, Professional Standards pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) are taken to have been delegated to the Director Professional Standards."

Table 4: Chief Trust Account Investigator & Supervisor of the Law Society**Delegations from the Law Society Council to the Chief Trust Account Investigator & Supervisor**

Section	Description of power/function/authority	Reference
RE: TRUST MONEY AND TRUST ACCOUNTS:		
Uniform Law		
Part 4.2 Trust Money and trust accounts – Division 2 Trust Money and trust accounts		
Section 151	To receive notifications pursuant to section 151	Council Resolution, 2 July 2015
Section 154	To receive notifications pursuant to section 154	Council Resolution, 2 July 2015
Section 155(2)	To appoint, in writing, suitably qualified external examiners	Council Resolution 2 July 2015
Legal Profession Uniform General Rules 2015		
Rule 50	To receive written notices pursuant to rule 50	Council Resolution, 2 July 2015
Rule 51	To receive written notices pursuant to rule 51	Council Resolution, 2 July 2015
Rule 54	To require law practices, by written notice, to give statements pursuant to rule 54 of the and to receive such statements	Council Resolution, 2 July 2015
Rule 57	To receive notifications pursuant to rule 57	Council Resolution, 2 July 2015
RE: STATUTORY DEPOSITS:		
Legal Profession Uniform Law Application Regulation 2015		
Clause 10(6)	To approve forms pursuant to clause 10(6)	Council Resolution, 2 July 2015
	To make determinations regarding statutory deposits pursuant to clause 10(6)	Council Resolution, 2 July 2015
RE: EXTERNAL EXAMINATIONS OF TRUST RECORDS:		
Uniform Law		
Section 159	To receive written reports pursuant to section 159	Council Resolution, 2 July 2015
Legal Profession Uniform General Rules 2015		
Rule 66(2)	To receive written notices pursuant to rule 66(2)	Council Resolution, 2 July 2015
Rules 66(3) & 66(5)	To provide approvals pursuant to rule 66(3) and to require law practices to supply evidence pursuant to rule 66(5) when considering such approvals.	
Rule 67(1)	To publish standard forms pursuant to rule 67(1)	Council Resolution, 2 July 2015
Rule 67(2)	To provide exemptions, in writing, pursuant to rule 67(2)	Council Resolution, 2 July 2015
Section 68	To receive reports pursuant to rule 68	Council Resolution, 2 July 2015
Section 69	To receive reports pursuant to rule 69	Council Resolution, 2 July 2015

Delegations from the Law Society Council to the Chief Trust Account Investigator & Supervisor

Section	Description of power/function/authority	Reference
RE: EXTERNAL INVESTIGATIONS:		
Uniform Law		
Section 163	To schedule external investigations pursuant to section 163	Council Resolution, 2 July 2015
Section 165	To receive written reports pursuant to section 165	Council Resolution, 2 July 2015
RE: SUPERVISION OF TRUST MONEY:		
Uniform Law		
Section 331(3)	To approve the form pursuant to Section 331(3)	Council Resolution, 2 July 2015
RE: RECEIVERSHIPS		
Uniform Law		
Section 343(6)	To approve the form pursuant to section 343(6)	Council Resolution, 2 July 2015

Table 5: Solicitor, External Interventions, Trust Accounts Department of the Law Society

Delegations from the Law Society Council to the Solicitor, External Interventions

Section	Description of power/function/authority	Reference
RE: EXTERNAL EXAMINATIONS OF TRUST RECORDS		
Legal Profession Uniform General Rules 2015		
Rule 66(2)	To receive written notices pursuant to rule 66(2)	Council Resolution, 2 July 2015
Rules 66(3) & 66(5)	To provide approvals pursuant to rule 66(3) and to require law practices to supply evidence pursuant to rule 66(5) when considering such approvals.	Council Resolution, 2 July 2015

Table 6: The Administration Manager, Trust Accounts Department of the Law Society

Delegations from the Law Society Council to Administration Manager, Trust Accounts Department

Section	Description of power/function/authority	Reference
RE: EXTERNAL EXAMINATIONS OF TRUST RECORDS		
Legal Profession Uniform General Rules 2015		
Rule 66(2)	To receive written notices pursuant to rule 66(2)	Council Resolution, 2 July 2015
Rules 66(3) & 66(5)	To provide approvals pursuant to rule 66(3) and to require law practices to supply evidence pursuant to rule 66(5) when considering such approvals.	Council Resolution, 2 July 2015

Table 7: The Disclosure Committee of the Law Society**Delegations from the Law Society Council to the Disclosure Committee**

The Council delegates to the Disclosure Committee, as constituted on and from 19 January 2017, and as such constitution may be varied from time to time by the President, the following functions:

Section	Description of power/function/authority	Reference
Uniform Law		
Chapter 3 Legal Practice - Part 3.5 Variation, suspension and cancellation of, and refusal to review, certificates		
Chapter 3 Part 3.5 Divisions 4 and 5	All of the Council's powers, as the designated local regulatory authority pursuant to section 11 of the Application Act, contained in Chapter 3 Part 3.5 Divisions 4 and 5 of the Uniform Law in relation to show cause events (as defined in section 85 of the Uniform Law) <u>save and except</u> the power to refuse, vary (amend), suspend or cancel a practising certificate or registration certificate	Council Resolution, 19 January 2017
Part 5.2 Complaints - Division 1 Making complaints and other matters about complaints		
Section 266(2) on the condition that a copy of a complaint made by the Law Society is forwarded as soon as possible to the NSW Commissioner by the Law Society	<p>The power to make a complaint under section 266(2) in relation to:</p> <ul style="list-style-type: none"> • a show cause event, • a disclosure, • failure to provide a disclosure as required by Part 3.5, Division 4, Subdivision 2 of the Uniform Law or • a failure to comply with a requirement under section 95(1) of the Uniform Law in connection with a show cause event <p><i>Note: This is a power of the NSW Legal Services Commissioner delegated to the Law Society by Instrument of Delegation dated 18 June 2015.</i></p>	Council Resolution, 19 January 2017
Chapter 9 Miscellaneous - Part 9.9 General		
Section 465 (Duty to report suspected offences)	All powers and functions under section 465 to report suspected offences, in connection with a show cause event	Council Resolution, 19 January 2017

Note: **Disclosure** means the written statement required to be provided to the Council in accordance with Part 3.5, Division 4, Subdivision 2 of the Uniform Law (sections 87(2) and 88(2)).

NOTE: Constitution, membership & functions of the Disclosure Committee

By **RESOLUTION** of the Council made on 19 January 2017:

RESOLVED, *inter alia*, that

1. The Disclosure Committee (**the Committee**) shall consist of such Councillors and other persons as the President may from time to time determine. The Committee membership shall comprise a minimum of three Councillors, one solicitor member and one lay member. All Committee members shall be deemed to be members of the Law Society in the exercise of their powers and functions as members of the Committee. The Chair of the Committee shall be a Councillor. The Committee may exercise all the powers and functions delegated to it by the Council of the Law Society of New South Wales (**the Council**).
2. A quorum of the Committee shall be three of which one shall be a Councillor.
3. Each member of the Committee in attendance at a meeting shall be entitled to vote. The Chair of the meeting has a casting vote where there is an equality of votes in addition to a deliberative vote.
4. Pursuant to section 32 of the Legal Profession Uniform Law Application Act 2014 (NSW) (Uniform Law) the Council delegates to the Committee as constituted on and from the date of this resolution, and as such constitution may be varied from time to time by the President: **[powers specified in the table above]**.

-
5. If the Committee determines that, in its opinion, a practising certificate or registration certificate should be refused, varied (amended), suspended or cancelled it shall report the same to the Council with its recommendation.
 6. The resolutions of the Committee are final.

Savings and transitional issues:

7. For the avoidance of doubt, the Committee's delegated powers granted on 16 January 2015 are confirmed as they relate to the *Legal Profession Act 2004*.

Table 8: Investigators, Professional Standards Department of the Law Society**(Persons appointed pursuant to section 182 of the Uniform Law to conduct complaint investigations)**

SCHEDULE 1	
No.	Name
1	Anne-Marie FOORD
2	Louis William PIEROTTI
3	Lesley Carol ANDERSON
4	Elizabeth Margaret BARNES
5	Calla CHAU
6	Emma Jeanne ESSEY
7	Michelle LAI
8	Natalie Anne O'HALLORAN
9	Richard Stephen SAVAGE
10	Knox McCahon SINCLAIR
11	Bridget THOMSON
12	Lek Keung Kris HUNG
13	Mary Fleur-Therese STAFF
14	Clifford Ryan FLAX

NOTE:

**By RESOLUTIONS of the Council made on
2 July 2015 & 20 July 2017:**

- Each of the persons listed in Schedule 1, being a suitably qualified person, is appointed pursuant to section 282 of the Uniform Law to conduct complaint investigations. Pursuant to section 282(3) of the Uniform Law, such appointment is made generally.
- Each of the persons listed in Schedule 1 is appointed to investigate matters under:
 - section 14, Part 2.1 of the Uniform Law (unqualified practice);
 - Part 3.5 Division 4 of the Uniform Law (show cause events); and
 - Part 3.9 of the Uniform Law (disqualifications).
- To each of the persons listed in Schedule 1, is given the power to issue notices which may be, or are required to be, issued under the Uniform Law and the Application Act.

Delegations from the Law Society Council to Investigators, Professional Standards Department

The Council delegates the following functions to each of the persons listed in Schedule 1:

Section	Description of power/function/authority	Reference
Uniform Law		
**FUNCTIONS OF THE NSW LEGAL SERVICES COMMISSIONER DELEGATED TO THE COUNCIL		
<p><i>Note: All of the following powers, functions and duties of the NSW Legal Services Commissioner, as the designated local regulatory authority for the purposes of Chapter 5, were delegated to the Law Society by Instrument of Delegation dated 18 June 2015. The Instrument of Delegation dated 18 June 2015 expressly states that the "descriptions" for the following Chapter 5 functions (and related functions) are for <u>reference only</u> and do not limit the operation of the delegation.</i></p>		
Chapter 5 – Dispute Resolution and professional discipline		
Part 5.2 Complaints - Division 2 Preliminary assessment of complaints		
Section 276	Conducting a preliminary assessment of complaint	Council Resolution, 20 August 2015 Instrument of Delegation, 19 January 2017
Part 5.2 Complaints - Division 3 Notification to and submissions by respondent		
Section 281(2)	Determining to postpone giving the respondent a summary or details of a complaint or a notice about making submissions as required by section 279(1)(b), or in its discretion giving the respondent the notice and a statement of the general nature of the complaint	Council Resolution, 20 August 201 Instrument of Delegation, 19 January 2017

Delegations from the Law Society Council to Investigators, Professional Standards Department

The Council delegates the following functions to each of the persons listed in Schedule 1:

Section	Description of power/function/authority	Reference
Part 5.2 Complaints – Division 4 – Investigation of complaints		
Section 282	The power to conduct complaints investigations pursuant to section 282; such appointments are made generally pursuant to section 282(3)	Instrument of Delegation, 2 July 2015 Instrument of Delegation, 19 January 2017
Part 5.3 Consumer matters - Division 2 Provisions applicable to all consumer matters		
Section 286	Forming an opinion as to attempts to resolve a consumer matter as a prerequisite to resolution action	Council Resolution, 20 August 2015 Instrument of Delegation, 19 January 2017
Section 287	Attempting informal resolution of consumer matters	Council Resolution, 20 August 2015 Instrument of Delegation, 19 January 2017
Section 288	Mediation	Council Resolution, 20 August 2015 Instrument of Delegation, 19 January 2017
Notices to be issued under Chapter 5		
	The power to issue notices which may be, or are required to be, issued under Chapter 5	Instrument of Delegation, 2 July 2015 Instrument of Delegation, 19 January 2017

Table 9: The Licensing Committee of the Law Society

Delegations from the Law Society Council to the Licensing Committee

The Council delegates to the Licensing Committee, as constituted on and from 2 July 2015, and as such constitution may be varied from time to time by the Council, the following functions.

Section	Description of power/function/authority	Reference
Uniform Law		
Chapter 3 Legal Practice - Part 3.3 Australian legal practitioners		
Chapter 3 Part 3.3	The functions of the Council contained in Chapter 3 Part 3.3 of the Uniform Law in relation to Australian legal practitioners, <u>save and except for</u> the power to impose discretionary conditions on an Australian practising certificate pursuant to section 53 of the Uniform Law in relation to conditions of the kind specified in Rule 16(c) to (g) of the <i>Legal Profession Uniform General Rules 2015</i> .	Council Resolution, 15 February 2018
Chapter 3 Legal Practice - Part 3.4 Foreign Lawyers		
Chapter 3 Part 3.4	The functions of the Council contained in Chapter 3 Part 3.4 of the Uniform Law in relation to foreign lawyers, <u>save and except for</u> the power to refuse to grant or renew an Australian registration certificate under Part 3.4 Section 62(4) of the Uniform Law and <u>save and except for</u> the power to impose discretionary conditions on Australian registration certificates pursuant to section 67 of the Uniform Law in relation to conditions of the kind specified in Rule 16(c) to (g) of the <i>Legal Profession Uniform General Rules 2015</i> .	Council Resolution, 15 February 2018
Chapter 3 Legal Practice - Part 3.5 Variation, suspension and cancellation of, and refusal to review, certificates		
Chapter 3 Part 3.5 – Divisions 1 to 3	The functions of the Council contained in Chapter 3 Part 3.5 Divisions 1 to 3 of the Uniform Law in relation to variation, suspension and cancellation of, and refusal to renew certificates <u>save and except for</u> the power to vary, suspend or cancel a certificate under Part 3.5 Division 2 section 77 of the Uniform Law and the power to lift suspension of a certificate or renew a certificate while it is suspended under Part 3.5 Division 2 section 78 of the Uniform Law.	Council Resolution, 15 February 2018

NOTE: Constitution, membership & functions of the Licensing Committee

By RESOLUTION of the Council made on 16 February 2017:

RESOLVED, *inter alia*:

1. That the Licensing Committee (the Committee) shall consist of such Councillors and other persons as the President may from time to time determine. All the Committee members shall be deemed to be members of the Law Society in the exercise of their powers and functions as members of the Committee. The Chair of the Committee shall be a Councillor. The Committee may exercise all the powers and functions delegated to it by the Council of the Law Society of New South Wales (the Council);
2. That a quorum of the Committee shall be three, of which one shall be a Councillor;
3. That each member of the Committee in attendance at a meeting shall be entitled to vote. The Chair of the meeting has a casting vote where there is an equality of votes in addition to a deliberative vote;
4. That pursuant to section 32 of the Legal Profession Uniform Law Application Act 2014 (NSW) (the Application Act) the Council delegates to the Committee, as constituted on and from the date of this resolution, and as such constitution may be varied from time to time by the President, the following functions: : **[powers specified in the table above]**
5. If the Committee determines that, in its opinion, a practising certificate or registration certificate should be refused, suspended or cancelled, it shall report the same to the Council with its recommendation.

Table 10: The Professional Conduct Committee of the Law Society**Delegations from the Law Society Council to the Professional Conduct Committee**

The Council makes the following delegations to the Professional Conduct Committee, as constituted from time to time:

Section	Description of power/function/authority	Reference
Uniform Law		
Part 2.1 – Unqualified legal practice		
Section 14	All powers and functions contained in section 14, Part 2.1 (unqualified practice)	Instrument of Delegation, 19 January 2017
Part 3.3 Australian Legal Practitioners - Division 2 Australian practising certificates		
Part 3.3, Division 2	All powers and functions contained in Part 3.3, Division 2	Instrument of Delegation, 19 January 2017
Part 3.5 Variation, suspension and cancellation of, and refusal to review, certificates		
Chapter 3 Part 3.5 – Divisions 1 to 3	All of its (the Council's) functions contained in Chapter 3 Part 3.5 Divisions 4 and 5 of the Uniform Law in relation to show cause events (as defined in section 85 of the Uniform Law) <u>save and except</u> the power to refuse to grant or renew, vary (amend), suspend, cancel or impose conditions on a local practising certificate	Instrument of Delegation, 19 January 2017
Part 3.5 Variation, suspension and cancellation of, and refusal to review, certificates - Division 5 Miscellaneous		
Section 95	The power to give a notice under section 95	Instrument of Delegation, 19 January 2017
Part 3.9 Disqualifications		
Part 3.9	All powers and functions contained in Part 3.9 (disqualifications)	Instrument of Delegation, 19 January 2017
Part 4.2 Trust money and trust records – Division 3 External investigations		
Section 166	All powers and functions under section 166 of the Uniform Law to determine an amount of the costs of an external investigation to be recovered as a debt payable to the Council from the law practice, being satisfied that the contravention or default identified by an investigator in his or her report of an external investigation is wilful or of a substantial nature	Instrument of Delegation, 19 January 2017
Part 4.6 Compliance management and control		
Sections 256 & 257	All powers and functions contained in sections 256 and 257	Instrument of Delegation, 19 January 2017
Chapter 5 functions & related functions of the NSW Legal Services Commissioner (** see below)		
Part 9.6 Injunctions		
Part 9.6	All powers and functions under Part 9.6 to determine to commence and prosecute proceedings for contravention of the breaches of the Uniform Law	Instrument of Delegation, 19 January 2017
Part 9.7 Criminal and civil penalties		
Part 9.7	All powers and functions under Part 9.7 to determine to commence and prosecute proceedings for contravention of a civil penalty provision	Instrument of Delegation, 19 January 2017
Chapter 9 Miscellaneous - Part 9.9 General		
Section 465 (Duty to report suspected offences)	All powers and functions under section 465 to report suspected offences	Instrument of Delegation, 19 January 2017

Delegations from the Law Society Council to the Professional Conduct Committee

The Council makes the following delegations to the Professional Conduct Committee, as constituted from time to time:

Section	Description of power/function/authority	Reference
**FUNCTIONS OF THE NSW LEGAL SERVICES COMMISSIONER DELEGATED TO THE COUNCIL		
<p><i>Note: All of the following powers, functions and duties of the NSW Legal Services Commissioner, as the designated local regulatory authority for the purposes of Chapter 5, were delegated to the Law Society by Instrument of Delegation dated 18 June 2015. The Instrument of Delegation dated 18 June 2015 expressly states that the "descriptions" for the following Chapter 5 functions (and related functions) are for <u>reference only</u> and do not limit the operation of the delegation.</i></p> <p><i>(Note: For the avoidance of doubt, the powers of the NSW Legal Services Commissioner contained in section 278 (immediate suspension of local practising certificate) which have been delegated to the Council are <u>not</u> delegated to the Professional Conduct Committee.)</i></p>		
Chapter 5 – Dispute Resolution and professional discipline		
Part 5.2 Complaints - Division 1 Making complaints and other matters about complaints		
Section 266(2) on the condition that a copy of a complaint made by the Law Society is forwarded as soon as possible to the NSW Commissioner by the Law Society	Initiating a complaint	Instrument of Delegation, 19 January 2017
Section 269	Determining that a complaint or part thereof is a consumer matter	Instrument of Delegation, 19 January 2017
Section 271	Determining priorities as to resolution between consumer matter and disciplinary matter	Instrument of Delegation, 19 January 2017
Section 272 (with respect to a complaint made by the Law Society or a referred complaint)	Waiving the time requirement specified in section 272(1)	Instrument of Delegation, 19 January 2017
Section 273	Determining to initiate or continue to investigate disciplinary matters, despite the withdrawal of a complaint in whole or in part by the complainant	Instrument of Delegation, 15 July 2015
Part 5.2 Complaints - Division 2 Preliminary assessment of complaints		
Section 276	Conducting a preliminary assessment of complaint	Instrument of Delegation, 19 January 2017
Section 277	Closing complaint after preliminary assessment	Instrument of Delegation, 19 January 2017
Part 5.2 Complaints - Division 3 Notification to and submissions by respondent		
Section 279	Notifying respondent about complaint	Instrument of Delegation, 19 January 2017
Section 280	Submissions by respondent	Instrument of Delegation, 19 January 2017
Section 281(2)	Determining to postpone giving the respondent a summary or details of a complaint or a notice about making submissions as required by section 279(1)(b), or in its discretion giving the respondent the notice and a statement of the general nature of the complaint	Instrument of Delegation, 19 January 2017
Part 5.2 Complaints - Division 4 Investigation of complaints		
Section 282	Power to investigate complaints	Instrument of Delegation, 19 January 2017

Delegations from the Law Society Council to the Professional Conduct Committee

The Council makes the following delegations to the Professional Conduct Committee, as constituted from time to time:

Section	Description of power/function/authority	Reference
Section 283	Extending scope of investigation	Instrument of Delegation, 19 January 2017
Section 284	Referral of matters for costs assessment	Instrument of Delegation, 19 January 2017
<i>Part 5.3 Consumer matters - Division 2 Provisions applicable to all consumer matters</i>		
Section 286	Forming an opinion as to attempts to resolve a consumer matter as a prerequisite to resolution action	Instrument of Delegation, 19 January 2017
Section 287	Attempting informal resolution of consumer matters	Instrument of Delegation, 19 January 2017
Section 288	Mediation	Instrument of Delegation, 19 January 2017
Section 289	Recording consumer matters	Instrument of Delegation, 19 January 2017
Section 290	Determining consumer matters	Instrument of Delegation, 19 January 2017
<i>Part 5.3 Consumer matters - Division 3 Further provisions applicable to costs disputes</i>		
Section 292	Making binding determination in costs dispute	Instrument of Delegation, 19 January 2017
Section 293	Where binding determination not made in costs dispute	Instrument of Delegation, 19 January 2017
<i>Part 5.4 Disciplinary matters - Division 2 Determination by local regulatory authority</i>		
Section 299	Finding of unsatisfactory professional conduct and determination of disciplinary matter	Instrument of Delegation, 19 January 2017
Section 300	Initiation and prosecution of proceedings in designated tribunal	Instrument of Delegation, 19 January 2017
<i>Part 5.5 Compensation Orders</i>		
Section 306	Making a compensation order	Instrument of Delegation, 19 January 2017
Section 307	Receiving request by complainant for compensation order	Instrument of Delegation, 19 January 2017
Section 309	Satisfaction as to prerequisites for making of compensation order	Instrument of Delegation, 19 January 2017
<i>Chapter 7 Investigatory Powers</i>		
Chapter 7 (in relation to Chapter 5 functions otherwise delegated to the Law Society)	Investigatory functions regarding complaint investigations	Instrument of Delegation, 19 January 2017
<i>Chapter 9 Miscellaneous - Part 9.4 Cooperative and other arrangements</i>		
Section 436(1) (in relation to Chapter 5 functions otherwise delegated to the Law Society)	Negotiating and entering into arrangements with Australian or foreign authorities or courts for exchanging, obtaining or disclosing information relevant to any of their respective functions under the Uniform Law or the Uniform Rules	Instrument of Delegation, 19 January 2017

NOTE: Constitution, membership & functions of the Professional Conduct Committee

By RESOLUTION of the Council made on 19 January 2017:

RESOLVED:

1. The Professional Conduct Committee shall consist of the Joint Committee and as many sub-Committees as the President may from time to time determine (collectively 'the Committees'). All members of each sub Committee shall be members of the Joint Committee. The Committees shall comprise Councillors, solicitor members and lay members. All members of the Committees shall have equal voting rights, and shall be deemed to be members of the Law Society in the exercise of their powers and functions as members of the Committees. The Chairpersons of the Joint Committee and of each of the sub-Committees shall be Councillors. Subject to Resolution 6 below, the Joint Committee and each of the sub Committees may exercise all the powers and functions delegated to the Professional Conduct Committee by the Council of the Law Society of New South Wales (the Council).
2. A quorum of the Joint Committee shall be three Councillors and one lay member. A quorum of a sub-Committee shall be three, of which one shall be a Councillor and one a lay member.
3. Each member of the Committees in attendance at a meeting shall be entitled to vote. The Chair of the meeting has a casting vote where there is an equality of votes in addition to a deliberative vote.
4. All members of the Council of the Law Society are able to receive agendas, agenda papers and minutes of all meetings of the Committees upon request.
5. The resolutions of the Committees are final.
6. A resolution referring a matter to a designated tribunal (as defined in the Legal Profession Uniform Law (NSW)) may be made only by the Joint Committee or Council.
7. Pursuant to section 32 of the Legal Profession Uniform Law Application Act 2014 (NSW) the Council delegates to Professional Conduct Committee powers, functions and duties in accordance with the attached Instrument of Delegation (that Instrument being "Attachment 1" to the Council Minutes, 19 January 2017)).

Savings and transitional issues

8. For the avoidance of doubt:
 - a. the Professional Conduct Committee's delegated powers granted on 15 January 2015 are hereby confirmed as they relate to the Legal Profession Act 2004.
 - b. The Professional Conduct Committee's delegated powers granted on 20 January 2005 are hereby confirmed as they relate to the Legal Profession Act 1987.

Table 11: The Management Committee of the Legal Practitioners Fidelity Fund of the Law Society

Delegations from the Law Society Council to the Management Committee of the Fidelity Fund

The Council, pursuant to section 119(1) of the Application Act, delegates to the Management Committee of the Legal Practitioners Fidelity Fund as constituted from time to time:

Section	Description of power/function/authority	Reference
Application Act		
Part 9 Fidelity Cover – Division 1 Legal Practitioners Fidelity Fund		
Section 118	The functions contained in section 118	Council Resolution, 18 January 2018
Part 9 Fidelity Cover – Division 2 Claims about defaults		
Sections 122(2), (3) & (4)	The functions contained in sections 122(2), 122(3) & 122(4)	Council Resolution, 18 January 2018
Uniform Law		
Part 4.5 Fidelity Cover		
Part 4.5, Divisions 4, 5, 6 and 7	The functions contained in Part 4.5, Divisions 4, 5, 6 and 7 of the Uniform Law, but excluding, in the case of claims made on or after 1 July 2015, section 240(1)	Council Resolution, 18 January 2018
Legal Profession Uniform General Rules 2015		
Part 4.5 Fidelity Cover		
Part 4.5	The functions contained in Part 4.5	Council Resolution, 18 January 2018
Incidental Powers		
	To take any action incidental to any of the above functions which might be required for the management of the Fidelity Fund in accordance with Part 9 Divisions 1 & 2 of the <i>Legal Profession Uniform Law Application Act 2014</i> , Part 4.5 of the <i>Legal Profession Uniform Law</i> and Part 4.5 of the <i>Legal Profession Uniform General Rules 2015</i> .	Council Resolution, 18 January 2018
<u>FOR CLAIMS MADE IN ACCORDANCE WITH THE LEGAL PROFESSION ACT 2004</u>		
	So much of the functions previously delegated by the Council to the Management Committee of the Legal Practitioners Fidelity Fund in paragraph numbered 3 of its resolution made on 15 January 2015 (set out in the “Notes” below) as are necessary to give effect to clauses 22(2) and 22(5) of Schedule 4 of the <i>Legal Profession Uniform Law</i> (NSW) to deal with claims in accordance with the Legal Profession Act 2004.	Council Resolution, 18 January 2018
<u>FOR CLAIMS WHERE THERE ARE ACCRUED RIGHTS PURSUANT TO THE LEGAL PROFESSION ACT 1987</u>		
	So much of the functions previously delegated by the Council to the Management Committee of the Fidelity Fund in paragraph numbered 3 of its resolution made on 21 July 2005 (set out in the “Notes” below) as are necessary to deal with claims where there are rights under the Legal Profession Act 1987 accrued by operation of the Interpretation Act.	Council Resolution, 18 January 2018

NOTES:**Functions previously delegated by the Council to the Management Committee of the Fidelity Fund in its Resolution made on 21 January 2015:****RESOLVED**

- "3. That pursuant to section 426(1) of the Legal Profession Act 2004 (as amended) Council delegates to the Fidelity Fund Management Committee as now constituted its following functions in relation to the Fidelity Fund:
- (a) pursuant to section 425 of Division 2 Part 3.4 of the Legal Profession Act 2004 (as amended);
 - (b) pursuant to Part 3.4, Divisions 5,6,7,8,9 and 10 of the Legal Profession Act 2004 (as amended) other than sections 456(1) and (4) and 457;
 - (c) subject to specific resolutions of Council in respect of any particular solicitor or law practice, to make payments from the Legal Practitioners Fidelity Fund pursuant to Part 3.4 s.456(1) of the Legal Profession Act 2004 (as amended);
 - (d) to take any action incidental to any of the above functions which might be required for the management of the Fidelity Fund in accordance with Part 3.4 of the Legal Profession Act.

Functions previously delegated by the Council to the Management Committee of the Fidelity Fund in its Resolution made on 21 July 2005:**RESOLVED**

- "3. That pursuant to section 74(1) of the Legal Profession Act 1987 (as amended) Council delegates to the Fidelity Fund Management Committee as now constituted its following functions in relation to the Fidelity Fund:
- (a) pursuant to section 73(1) of Part 7 of Division 1 of the Legal Profession Act 1987 (as amended);
 - (b) pursuant to Part 7, Division 3 of the Legal Profession Act 1987 (as amended) other than sections 89(2) and (3) and 90;
 - (c) subject to specific resolutions of Council in respect of any particular solicitor or firm, to make payments from the Solicitors' Fidelity Fund pursuant to Part 7 s.89(2) of the Legal Profession Act 1987 (as amended);
 - (d) to make payments from the Solicitors' Fidelity Fund pursuant to Part 7 s.90 of the Legal Profession Act 1987 (as amended);
 - (e) to take any action incidental to any of the above functions which might be required for the management of the Fidelity Fund in accordance with Part 7 of the Legal Profession Act.

Table 12: Head of Licensing**Delegations from the Law Society Council to the Head of Licensing**

Section	Description of power/function/authority	Reference
Application Act		
Part 4 Practising Certificates and registration certificates – Division 1 Australian practising certificates -		
Section 37(3)	With regard to Australian practising certificates – To reject an application for renewal of a practising certificate made during the late fee period or made outside the standard renewal period or late fee period pursuant to section 37(3) of the Application Act	Council Resolution, 17 March 2016
Part 13 Miscellaneous		
Section 162	To approve forms and notices for use in connection with its functions under legal profession legislation.	Council Resolution, 15 February 2018
Uniform Law		
Part 3.3 Australian Legal Practitioners – Division 2 Australian practising certificates -		
Sections 44 & 45	With regard to Australian practising certificates - To grant or renew an Australian practising certificate pursuant to sections 44 and 45	Council Resolution, 17 March 2016
Section 46(2)	With regard to Australian practising certificates - To reject a notification of principal place of practice pursuant to section 46	Council Resolution, 17 March 2016
Section 47	With regard to Australian practising certificates - To determine conditions on a practising certificate pursuant to section 47	Council Resolution, 17 March 2016
Section 53	With regard to Australian practising certificates - To impose discretionary conditions on a practising certificate pursuant to section 53 of the Uniform Law save and except for the power to impose discretionary conditions on a practising certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the <i>Legal Profession Uniform General Rules 2015</i>	Council Resolution, 17 March 2016
Section 55	With regard to Australian practising certificates - To alter a practising certificate or issue a substitute practising certificate to reflect a variation under the Uniform Law pursuant to section 55	Council Resolution, 17 March 2016
Part 3.4 Foreign Lawyers – Division 3 Registration		
Section 62	With regard to Australian registration certificates - To grant or renew an Australian registration certificate pursuant to section 62	Council Resolution, 17 March 2016
Section 63(2)	With regard to Australian registration certificates - To reject a notification of principal place of practice pursuant to section 63(2)	Council Resolution, 17 March 2016
Section 67	With regard to Australian registration certificates - To impose discretionary conditions on an Australian registration certificate pursuant to section 67 of the Uniform Law save and except for the power to impose discretionary conditions on a registration certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the <i>Legal Profession Uniform General Rules 2015</i>	Council Resolution, 17 March 2016

Delegations from the Law Society Council to the Head of Licensing

Section	Description of power/function/authority	Reference
Part 3.5 Variation, suspension and cancellation of, and refusal to renew, certificates		
Part 3.5 - Division 2 Variation, suspension or cancellation of certificates		
Section 74(1)	With regard to Australian practising certificates and Australian registration certificates - To vary a certificate for a formal or clerical reason or in another way that does not adversely affect the holder's interests pursuant to section 74(1)	Council Resolution, 17 March 2016
Section 74(2)	With regard to Australian practising certificates and Australian registration certificates - To vary, suspend or cancel a certificate at the request of or with the concurrence of the holder pursuant to section 74(2)	Council Resolution, 17 March 2016
Section 75	With regard to Australian practising certificates and Australian registration certificates - To vary, suspend or cancel a certificate at the direction of the designated tribunal under section 302 pursuant to section 75	Council Resolution, 17 March 2016
Chapter 4 Business practice and professional conduct		
Part 4.4 Professional Indemnity Insurance		
Section 215	The function under Chapter 4, section 215 of the Uniform Law of exempting Australian legal practitioners, incorporated legal practices and community legal services from the requirement to obtain an approved insurance policy for this jurisdiction or to hold or be covered by an approved policy for this jurisdiction in accordance with the earlier resolutions of Council of 16 March 2016.	Council Resolution, 16 February 2017
Part 9.4 Cooperative and other arrangements		
Section 437(2)	With regard to disclosure of information - To disclose information to a foreign authority or court pursuant to section 437(2)	Council Resolution, 17 March 2016
Part 9.5 Evidentiary and other matters		
Section 446	With regard to disclosure of information - To issue a certificate pursuant to section 446	Council Resolution, 17 March 2016
Part 9.9 General		
Section 473	To approve forms and notices for use in connection with its functions under legal profession legislation	Council Resolution, 16 February 2017

C. HISTORICAL NOTES

Version Control

Version	Effective Date
Version 1.0 (original)	15 October 2015
Version 2.0	As at 28 February 2017

Resolutions & Instruments History

Resolution/Instrument of Delegation	Date	Description	Status
2015 DELEGATIONS			
Instrument Of Delegation Signed by John Francis McKenzie, NSW Legal Services Commissioner	18 June 2015	Delegation of functions from the NSW Legal Services Commission to the Law Society	Current
Law Society Council Resolution Made at the Special Meeting of the Council of the Law Society of New South Wales, Thursday 2 July 2015, 3:30pm	2 July 2015	2015 Committee & Position Delegations Delegation of functions from the Law Society Council to: <ul style="list-style-type: none"> The Secretary of the Law Society The Manager, Professional Standards Department The Chief Trust Account Inspector & Supervisor of the Society Solicitor, External Interventions, Trust Account Department The Administration Manager, Trust Accounts Department Disclosure Committee Licensing Committee Professional Conduct Committee Investigators, Professional Standards Department 	Current (in part)
Instrument Of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 2 July 2015 (<i>Attachment "B"</i> to the Council Minutes, 2 July 2015)	2 July 2015	Delegation of functions from the Law Society Council to <ul style="list-style-type: none"> The Manager, Professional Standards Department Investigators, Professional Standards Department 	Current (in part)
Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Wednesday 15 July 2015, 4:00pm; <i>"Annexure A"</i> to the Council Minutes titled <i>"Minutes - In Camera Discussion"</i> , 5:15pm	15 July 2015	2015 Committee Delegations 2015 Delegation of functions from the Law Society Council to the Professional Conduct Committee	Historical
Instrument Of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 15 July 2015 (<i>Attachment "5"</i> to the Council Minutes, 15 July 2015)	15 July 2015	2015 Committee Delegations Delegation of functions from the Law Society Council to the Professional Conduct Committee	Historical

Resolution/Instrument of Delegation	Date	Description	Status
Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Wednesday 20 August 2015, 4:00pm; <i>Annexure "A"</i> to the Council Minutes titled " <i>Minutes - In Camera Discussion</i> ", 6:20pm	20 August 2015	2015 Committee Delegations Delegation of functions from the Law Society Council to the Fidelity Fund Management Committee	Historical
2016 DELEGATIONS			
Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 21 January 2016, 4:00pm; <i>Annexure "A"</i> to the Council Minutes titled " <i>Minutes - In Camera Discussion</i> ", 6:00pm	21 January 2016	2016 Committee Delegations Delegation of functions from the Law Society Council to: <ul style="list-style-type: none"> • Disclosure Committee • Professional Conduct Committee • Fidelity Fund Management Committee NOTE: This resolution, in substance, delegates the same functions as those previously delegated to the above stated Committees under the 2015 Delegations.	Historical
Instrument Of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on Thursday 21 January 2016 (<i>Attachment "5"</i> to the Council Minutes, 21 January 2016)	21 January 2016	2016 Committee Delegations Delegation of functions from the Law Society Council to the Professional Conduct Committee NOTE: This instrument, in substance, delegates the same functions as those previously delegated to the above stated Committees under the 2015 Delegations.	Historical
Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 18 February 2016, 4:00pm	18 February 2016	2016 Committee Delegations Delegation of functions from the Law Society Council to the Licensing Committee NOTE: This instrument, in substance, delegates the same functions as those previously delegated to the above stated Committees under the 2015 Delegations.	Historical
Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 17 March 2016, 4:00pm	17 March 2016	Delegation of functions from the Law Society Council to: <ul style="list-style-type: none"> • Licensing Committee • Head of Licensing • Secretary of the Law Society 	Current (in part)
Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 21 July 2016, 4:00pm	21 July 2016	2016 Committee Delegations – Update Membership & Updated Delegation of functions from the Law Society Council to the Fidelity Fund Management Committee	Historical
Instrument of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 15 September 2016 (<i>Attachment "1"</i> to the Council Minutes, 15 September 2016)	15 September 2016	Delegation of functions from the Law Society Council to the Director, Professional Standards NOTE: With a change in the position title from "Manager, Professional Standards Department" to "Director, Professional Standards", this instrument (and supporting resolution) delegates to the Director, Professional Standards all of the same functions previously delegated to the Manager, Professional Standards Department.	Current

Resolution/Instrument of Delegation	Date	Description	Status
Instrument of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 17 November 2016 (<i>Attachment</i> to the Council Minutes, 17 November 2016)	17 November 2016	Delegation of additional function from the Law Society Council to the Director, Professional Standards	Current
2017 DELEGATIONS			
Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 19 January 2017, 4:00pm	19 January 2017	2017 Committee Delegations Delegation of functions from the Law Society Council to: <ul style="list-style-type: none"> • Disclosure Committee • Professional Conduct Committee • Fidelity Fund Management Committee NOTE: This resolution, in substance, delegates the same functions as those previously delegated to the above stated Committees under the 2015 & 2016 Delegations.	Current
Instrument Of Delegation (1) Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on Thursday 21 January 2016 (<i>Attachment "1"</i> to the Council Minutes, 19 January 2017)	19 January 2017	2017 Committee Delegations Delegation of functions from the Law Society Council to the Professional Conduct Committee NOTE: This instrument, in substance, delegates the same functions as those delegated to the above stated Committees under the 2015 & 2016 Delegations.	Current
Instrument Of Delegation (2) Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on Thursday 21 January 2016 (<i>Attachment "2"</i> to the Council Minutes, 19 January 2017)	19 January 2017	Delegation of functions from the Law Society Council to <ul style="list-style-type: none"> • The Director, Professional Standards • Investigators, Professional Standards Department 	Current (in part)
Law Society Council Resolution Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 16 February 2017	16 February 2017	2017 Committee Delegations Delegation of functions from the Law Society Council to the Licensing Committee. Other delegations Delegation of functions re Forms and Notices from the Law Society Council to: <ul style="list-style-type: none"> • The Secretary of the Law Society • The Director, Professional Standards • Head of Licensing Delegation of functions from the Law Society Council to: <ul style="list-style-type: none"> • Head of Licensing • The Secretary of the Law Society re granting exemptions from the requirement to obtain an approved insurance policy. NOTE: With regards to the Committee Delegations this resolution in substance, delegates the same functions as those delegated to the above stated Committees under the 2015 & 2016 Delegations. With regards to the Other Delegations, this resolution, in substance, delegates the same functions as those delegated to the Head of Licensing and Secretary of the Law Society by Council Resolution of 17 March 2016.	Current

Resolution/Instrument of Delegation	Date	Description	Status
Instrument Of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on Thursday 20 July 2017 (<i>Attachment "1"</i> to the Council Minutes, 20 July 2017)	20 July 2017	Delegation of functions from the Law Society Council to Investigators, Professional Standards Department	Current

Modifications History

Delegations Table Reference	Amendment	Effected by:
VERSION 1 (original)		
NIL – DOCUMENT CREATED		
VERSION 2.0		
Table 2 (Secretary of the Law Society)	<p><i>Updated to reflect 2017 Delegations:</i> The function under Chapter 4, section 215 of the Uniform Law of exempting Australian legal practitioners, incorporated legal practices and community legal services from the requirement to obtain an approved insurance policy ... in accordance with the resolutions of Council of 17 March 2016 (repeat of delegation made by Council Resolution of 17 March 2016).</p> <p><i>Additional Delegation:</i> To approve forms and notices for use in connection with its functions under legal profession legislation.</p>	Law Society Council Resolution, 16 February 2017
Table 3 (Director, Professional Standards)	<p>Updated to reflect a change of position title from "The Manager, Professional Standards Department" to "Director, Professional Standards" & consequential delegation of functions to the Director, Professional Standards.</p> <p><i>Additional Delegation:</i> To give notice pursuant to section 90 of the Uniform Law.</p> <p><i>Additional Delegation:</i> All powers and functions under Part 9.7 of the Uniform Law to determine to commence and prosecute proceedings for contravention of a civil penalty.</p> <p><i>Additional Delegation:</i> To approve forms and notices for use in connection with its functions under legal profession legislation.</p>	<p>Law Society Council Resolution & Instrument of Delegation, 15 September 2016</p> <p>Law Society Council Resolution & Instrument of Delegation 17 November 2016</p> <p>Law Society Council Resolution & Instrument of Delegation, 19 January 2017</p> <p>Law Society Council Resolution, 16 February 2017</p>
Table 7 (Disclosure Committee)	No substantive changes, but updated to reflect 2017 Delegations.	Law Society Council Resolution, 19 January 2017
Table 8 (Investigators, Professional Standards)	<p>Update to reflect:</p> <ul style="list-style-type: none"> Formal termination of previously appointed investigators: <i>By resolution of 19 January 2017:</i> <ol style="list-style-type: none"> Roger Harvey GIMBLETT Monica THORMAN <i>By resolution of 20 July 2017:</i> <ol style="list-style-type: none"> Ainslee Joy MONK, Margaret Seung-Min HUR Appointment of, and delegation of functions to, new investigator: <i>By resolution & Instrument of Delegation of 20 July 2017:</i> Calla CHAU 	<p>Law Society Council Resolution & Instrument of Delegation, 19 January 2017</p> <p>Law Society Council Resolution & Instrument of Delegation, 20 July 2017</p>

Delegations Table Reference	Amendment	Effected by:
Table 9 (Licensing Committee)	No substantive changes, but updated to reflect 2017 Delegations.	Law Society Council Resolution, 16 February 2017
Table 10 (Professional Conduct Committee)	No substantive changes, but updated to reflect 2017 Delegations.	Law Society Council Resolution & Instrument of Delegation, 19 January 2017
Table 11 (Fidelity Fund Management Committee)	Updated to reflect 2017 Delegations.	Law Society Council Resolution, 19 January 2017
Table 12 (Head of Licensing)	<p>Insertion of new table to detail delegations from Law Society Council to the Head of Licensing.</p> <p><i>Updated to reflect 2017 Delegations:</i> The function under Chapter 4, section 215 of the Uniform Law of exempting Australian legal practitioners, incorporated legal practices and community legal services from the requirement to obtain an approved insurance policy ... in accordance with the resolutions of Council of 17 March 2016 (repeat of delegation made by Council Resolution of 17 March 2016).</p> <p><i>Additional Delegation:</i> To approve forms and notices for use in connection with its functions under legal profession legislation.</p>	<p>Law Society Council Resolution, 17 March 2016</p> <p>Law Society Council Resolution, 16 February 2017</p> <p>Law Society Council Resolution, 16 February 2017</p>

APPENDICES

Appendix	Description	Date
2015 DELEGATIONS		
1	Instrument of Delegation Signed by John Francis MacKenzie, NSW Legal Services Commissioner	18 June 2015
2	Law Society Council Resolution Made at the Special Meeting of the Council of the Law Society of New South Wales, Thursday 2 July 2015, 3:30pm	2 July 2015
3	Instrument of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 2 July 2015 (<i>Attachment "B"</i> to the Council Minutes, 2 July 2015)	2 July 2015
2016 DELEGATIONS		
4	Law Society Council Resolution Made at the Special Meeting of the Council of the Law Society of New South Wales, Thursday 2 July 2015, 3:30pm	2 July 2015
5	Instrument of Delegation (& supporting resolution) Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 15 September 2016, 4:00pm (<i>Attachment "1"</i> to the Council Minutes, 15 September 2016)	15 September 2016
6	Instrument of Delegation (& supporting resolution) Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 17 November 2016, 4:00pm (<i>Attachment</i> to the Council Minutes, 17 November 2016)	17 November 2016
2017 DELEGATIONS		
7	Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 19 January 2017, 4:00pm	19 January 2017
8	Instrument of Delegation Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 19 January 2017 (<i>Attachment "1"</i> to the Council Minutes, 19 January 2017)	19 January 2017
9	Law Society Council Resolution Made at the Meeting of the Council of the Law Society of New South Wales, Thursday 19 January 2017, 4:00pm	15 September 2016

Appendix 1: Instrument of Delegation, 18 June 2015

Signed by John Francis McKenzie, NSW Legal Services Commissioner

**LEGAL SERVICES COMMISSIONER OF NSW
LEGAL PROFESSION UNIFORM LAW (NSW)**

INSTRUMENT OF DELEGATION

Pursuant to section 406 of the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) I hereby delegate to each of the Bar Association and the Law Society (as defined in the *Legal Profession Uniform Law Application Act 2014* (NSW)) my functions as the designated local regulatory authority under the provisions of the *Uniform Law* stated in the Schedule to this delegation, in respect only of a complaint (as defined in section 265 of the *Uniform Law*) made to or by me which is:

- (a) a **disciplinary matter** (as defined in section 270 of the *Uniform Law*) which I have decided not to deal with or to continue to deal with, which I refer to the relevant Professional Association for assessment, investigation and determination under Chapter 5; or
- (b) a **consumer matter** (as defined in section 269 of the *Uniform Law*) which I have decided not to deal with or to continue to deal with, which I refer to the relevant Professional Association for resolution under Chapter 5, Part 5.3,

(together referred to as a **referred complaint** in this Instrument of Delegation). Part 5.7 of the *Uniform Law* applies to the relevant Professional Association in respect of referred complaints.

Nothing in this Instrument of Delegation derogates from:

- (c) my functions under Chapter 5 of the *Uniform Law* in respect of any complaint made to or by me which is not a referred complaint; or
- (d) my powers under section 411 of the *Uniform Law* to take over from a delegate the exercise of any function delegated under this Instrument of Delegation.

Dated: 18 June 2015


John Francis McKenzie

NSW Legal Services Commissioner (appointed by the Governor pursuant to section 22 of the *Legal Profession Uniform Law Application Act 2014* (NSW))

Instrument Delegation 2015_Sol.doc

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Schedule**Part 1**

1. The powers, functions, and duties of the NSW Legal Services Commissioner (**NSW Commissioner**) as the designated local regulatory authority under the provisions of the *Uniform Law* specified in Column 1 of the Schedule are delegated, subject to any condition or qualification specified in Column 1.
2. The descriptions in Column 2 of the Schedule are for reference only, and do not limit the operation of the delegation.

Part 2

3. In this Schedule:

Professional Association means the Bar Association or the Law Society.

relevant Professional Association means:

- (a) in relation to a complaint concerning a person who was a barrister when the conduct the subject of the complaint allegedly occurred – the Bar Association, or
- (b) in relation to a complaint concerning a person who was a solicitor when the conduct the subject of the complaint allegedly occurred – the Law Society, or
- (c) in relation to a complaint concerning a person who was neither a barrister nor a solicitor when the conduct the subject of the complaint allegedly occurred – the Bar Association or the Law Society, whichever I nominate for the purposes of the complaint.

Chapter 5 functions has the meaning given in section 6(1) of the *Uniform Law*.

consumer matter, **costs dispute** and **disciplinary matter** have the meanings given by sections 269 and 270 of the *Uniform Law* respectively.

designated tribunal has the meaning given in section 6(1) of the *Uniform Law*.

Column 1**Section****Column 2****Description**

Chapter 5 – Dispute resolution and professional discipline

Part 5.2 Complaints – Division 1 Making complaints and other matters about

- 3 -

Column 1	Column 2
Section	Description
	complaints
Section 266(2) – on condition that a copy of a complaint made by a Professional Association is forwarded as soon as possible to the NSW Commissioner by the Professional Association.	Initiating a complaint
Section 269	Determining that complaint or part thereof is a consumer matter
Section 271	Determining priorities as to resolution between consumer matter and disciplinary matter
Section 272 (with respect to a complaint made by that Professional Association and a referred complaint)	Waiving the time requirement specified in section 272(1)
Section 273	Determining to initiate or continue to investigate disciplinary matters, or proceed with disciplinary matters, despite the withdrawal of a complaint in whole or in part by the complainant
	Division 2 Preliminary assessment of complaints
Section 276	Conducting a preliminary assessment of complaint
Section 277	Closing complaint after preliminary assessment
Section 278	Recommending immediate suspension of practising or registration certificate
	Division 3 Notification to and submissions by respondents
Section 279	Notifying respondent about complaint
Section 280	Submissions by respondent
Section 281(2)	Determining to postpone giving the respondent a summary or details of a complaint or a notice about making submissions as required by section 279(1)(b), or in its discretion giving the respondent the notice and a statement of the general nature of the complaint
	Division 4 Investigation of complaints
Section 282	Power to investigate complaints
Section 283	Extending scope of investigation
Section 284	Referral of matters for costs assessment

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Column 1	Column 2
Section	Description
	Part 5.3 Consumer matters – Division 2 Provisions applicable to all consumer matters
Section 286	Forming an opinion as to attempts to resolve a consumer as a prerequisite to resolution action
Section 287	Attempting informal resolution of consumer matters
Section 288	Mediation
Section 289	Recording agreements reached as to consumer matters
Section 290	Determining consumer matters
	Division 3 Further provisions applicable to costs disputes
Section 292	Making binding determination in costs dispute
Section 293	Where binding determination not made in costs dispute
	Part 5.4 Disciplinary matters – Division 2 Determination by local regulatory authority
Section 299	Finding of unsatisfactory professional conduct and determination of disciplinary matter
Section 300	Initiation and prosecution of proceedings in designated tribunal
	Part 5.5 Compensation orders
Section 306	Making compensation order
Section 307	Receiving request by complainant for compensation order
Section 309	Satisfaction as to prerequisites for making of compensation order
	Chapter 7 – Investigatory powers
Chapter 7 (in relation to Chapter 5 functions otherwise delegated to the Professional Association)	Investigatory functions regarding complaint investigations
	Chapter 9 – Part 9.4 Cooperative and other arrangements
Section 436(1) (in relation to Chapter 5 functions otherwise delegated to the Professional Association)	Cooperative and other arrangements with authorities

Appendix 2: Law Society Council Resolution, 2 July 2015

**Relevant extract from the Special Meeting of the Council of the Law Society of New South Wales,
Thursday 2 July 2015, 3:30pm**

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES HELD ON THURSDAY 2 JULY 2015, COMMENCING AT 3:30 PM

...

1. Secretary and Manager, Professional Standards - Delegation of Council's Functions 2015

Mr Cawley's memorandum dated 30 June 2015 in relation to this matter had been circulated prior to this meeting. Amendment of clause e. and clause i. were proposed and adopted. Following discussion -

RESOLVED that pursuant to Section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Law Society Council, as the designated local regulatory authority pursuant to Section 11 of the Act, delegates to the Secretary and to the Manager, Professional Standards of the Law Society of New South Wales, the following functions (including powers, authorities and duties).

With regard to Australian practising certificates -

- a. To reject an application for renewal of a practising certificate made during the late fee period or made outside the standard renewal period or late fee period pursuant to s.37(3) *Legal Profession Uniform Law Application Act 2014*;
- b. To grant or renew an Australian practising certificate pursuant to ss.44 and 45 of the *Uniform Law*;
- c. To reject a notification of principal place of practice pursuant to s.46(2) of the *Uniform Law*;
- d. To determine conditions on a practising certificate pursuant to s.47 of the *Uniform Law*;
- e. To impose discretionary conditions on a practising certificate pursuant to s.53 of the *Uniform Law* save and except for the power to impose discretionary conditions on a practising certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the *Legal Profession Uniform General Rules 2015*;

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- f. To alter a practising certificate or issue a substitute practising certificate to reflect a variation under the Uniform Law pursuant to s.55 of the Uniform Law;

With regard to Australian registration certificates –

- g. To grant or renew an Australian registration certificate pursuant to s.62 of the Uniform Law;
- h. To reject a notification of principal place of practice pursuant to s.63(2) of the Uniform Law;
- i. To impose discretionary conditions on an Australian registration certificate pursuant to s.67 of the Uniform Law save and except for the power to impose discretionary conditions on a registration certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the Legal Profession Uniform General Rules 2015;

With regard to Australian practising certificates and Australian registration certificates -

- j. To vary a certificate for a formal or clerical reason or in another way that does not adversely affect the holder's interests pursuant to s.74(1) of the Uniform Law;
- k. To vary, suspend or cancel a certificate at the request of or with the concurrence of the holder pursuant to s.74(2) of the Uniform Law;
- l. To vary, suspend or cancel a certificate at the direction of the designated tribunal under s.302 pursuant to s.75 of the Uniform Law;

With regard to variation, suspension or cancellation of a certificate –

- m. To give notice pursuant to s.81 of the Uniform Law;
- n. To give notice pursuant to s.83 of the Uniform Law;

With regard to show cause events –

- o. To receive a written statement of a show cause event pursuant to s.91 of the Uniform Law;
- p. To give notice pursuant to s.94(3) of the Uniform Law;
- q. To give notice pursuant to s.95 of the Uniform Law;

With regard to disclosure of information –

- r. To disclose information to a foreign authority or court pursuant to s.437(2) of the Uniform Law.
- s. To issue a certificate pursuant to s.446 of the Uniform Law.

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2. Trust Account Functions - Delegation of Council's Functions 2015

Mr Mitchell's memorandum dated 29 June in relation to this matter had been circulated prior to this meeting. Following consideration -

RESOLVED that

1. pursuant to Section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Law Society Council, as the designated local regulatory authority pursuant to Section 11 of the Act, delegates to the Secretary and to the Chief Trust Account Investigator & Supervisor of the Law Society of New South Wales, the following functions (including powers, authorities and duties):
 - (i) to appoint, in writing, a suitably qualified person as an external examiner pursuant to Section 155(2) of the Uniform Law;
2. pursuant to Section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Law Society Council, as the designated local regulatory authority pursuant to Section 11 of the Act, delegates to the Chief Trust Account Investigator & Supervisor of the Law Society of New South Wales, the following functions (including powers, authorities and duties):

Re: Trust money and trust accounts -

- (i) to receive notifications pursuant to Section 151 of the Uniform Law;
- (ii) to receive written notifications pursuant to Section 154 of the Uniform Law;
- (iii) to receive written notices pursuant to Rule 50 of the Legal Profession Uniform General Rules 2015;
- (iv) to receive written notices pursuant to Rule 51 of the Legal Profession Uniform General Rules 2015;
- (v) to require law practices, by written notice, to give statements pursuant to Rule 54 of the Legal Profession Uniform General Rules 2015 and to receive such statements;
- (vi) to receive notifications pursuant to Rule 57 of the Legal Profession Uniform General Rules 2015;

Re: Statutory deposits -

- (vii) to approve forms pursuant to Clause 10(6) of the Legal Profession Uniform Law Application Regulation 2015;
- (viii) to make determinations regarding statutory deposits pursuant to Clause 10(6) of the Legal Profession Uniform Law Application Regulation 2015;

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Re: External examinations of trust records -

- (ix) to receive written reports pursuant to Section 159 of the Uniform Law;
- (x) to publish standard forms pursuant to Rule 67(1) of the Legal Profession Uniform General Rules 2015;
- (xi) to provide exemptions, in writing, pursuant to Rule 67(2) of the Legal Profession Uniform General Rules 2015;
- (xii) to receive reports pursuant to Rule 68 of the Legal Profession Uniform General Rules 2015;
- (xiii) to receive reports pursuant to Rule 69 of the Legal Profession Uniform General Rules 2015;

Re: External investigations -

- (xiv) to schedule external investigations pursuant to Section 163 of the Uniform Law;
- (xv) to receive written reports pursuant to Section 165 of the Uniform Law;

Re: Supervision of trust money -

- (xvi) to approve the form pursuant to Section 331(3) of the Uniform Law;

Re: Receiverships

- (xvii) to approve the form pursuant to Section 343(6) of the Uniform Law;

3. pursuant to Section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Law Society Council, as the designated local regulatory authority pursuant to Section 11 of the Act, delegates to the Chief Trust Account Investigator & Supervisor, to the Solicitor, External Interventions and to the Administration Manager, Trust Accounts Department of the Law Society of New South Wales, the following functions (including powers, authorities and duties):

Re: External examinations of trust records -

- (i) to receive written notices pursuant to Rule 66(2) of the Legal Profession Uniform General Rules 2015;
- (ii) to provide approvals pursuant to Rule 66(3) of the Legal Profession Uniform General Rules 2015 and to require law practices to supply evidence pursuant to Rule 66(5) of the Legal Profession Uniform General Rules 2015 when considering such approvals.

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3. Appointment of External Investigators to Conduct External Investigations

Ms Foord's memorandum dated 1 July in relation to this matter had been circulated prior to this meeting. Following consideration -

RESOLVED that the persons below each be appointed as an external investigator to investigate the affairs of law practices which appointment is made generally pursuant to Section 162(1) and 162(2) of the Legal Profession Uniform Law (NSW). The appointment authorises the person so appointed as an external investigator to conduct either or both of the following external investigations:

- (a) in relation to particular allegations or suspicions regarding trust money, trust property, trust accounts or any other aspect of the affairs of the law practice; or
- (b) where the Law Society Council, as the designated local regulatory authority pursuant to Section 11 of the *Legal Profession Uniform Law Application Act 2014*, otherwise considers it appropriate to do so.

The persons so appointed are as follows: Anne-Marie Foord, Louis Pierotti.

4. Disclosure Committee - Delegation of Council's Functions and Powers

Ms Foord's memorandum dated 30 June in relation to this matter had been circulated prior to this meeting. Following consideration -

RESOLVED that

1. The Disclosure Committee (the Committee) shall consist of such Councillors and other persons as the President may from time to time determine. The Committee membership shall comprise a minimum of three Councillors, one solicitor member and one lay member. All Committee members shall be deemed to be members of the Law Society in the exercise of their powers and functions as members of the Committee. The Chair of the Committee shall be a Councillor. The Committee may exercise all the powers and functions delegated to it by the Council of the Law Society of New South Wales (the Council).
2. A quorum of the Committee shall be three of which one shall be a Councillor.
3. Each member of the Committee in attendance at a meeting shall be entitled to vote. The Chair of the meeting has a casting vote where there is an equality of votes in addition to a deliberative vote.
4. Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (Uniform Law) the Council delegates to the Committee as constituted on and from the date of this resolution, and as such constitution may be varied from time to time by the President:
 - (i) all of its powers contained in Chapter 3 Part 3.5 Divisions 4 and 5 of the Uniform Law in relation to *show cause events* (as defined in section 85 of the Uniform Law)

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save and except the power to refuse, vary (amend), suspend or cancel a practising certificate or registration certificate;

- (ii) the power of the NSW Legal Services Commissioner as the designated local regulatory authority for the purposes of Chapter 5 (dispute resolution and professional discipline) of the Uniform Law delegated to the Law Society by Instrument of Delegation dated 18 June 2015 (*Annexure A*) to make a complaint under section 266(2) of the Uniform Law in relation to a show cause event, a disclosure, failure to provide a disclosure as required by Part 3.5, Division 4, Subdivision 2 of the Uniform Law or a failure to comply with a requirement under section 95(1) of the Uniform Law in connection with a show cause event;
- (iii) all powers and functions under section 465 of the Uniform Law to report suspected offences, in connection with a show cause event.

Note: *Disclosure* means the written statement required to be provided to the Council in accordance with Part 3.5, Division 4, Subdivision 2 of the Uniform Law (sections 87(2) and 88(2)).

- 5. If the Committee determines that, in its opinion, a practising certificate or registration certificate should be refused, varied (amended), suspended or cancelled it shall report the same to the Council with its recommendation.
- 6. The resolutions of the Committee are final.

Savings and transitional issues

- 7. For the avoidance of doubt the Committee's delegated powers granted on 16 January 2015 are hereby confirmed as they relate to the *Legal Profession Act 2004*.

5. Professional Conduct Committee - Delegation of Council's Disciplinary Functions and Powers

Ms Foord's memorandum dated 30 June in relation to this matter had been circulated prior to this meeting. Following discussion –

RESOLVED that consideration of this matter be deferred to the 16 July meeting of the Council.

6. Manager, Professional Standards and Professional Standards Department Staff Members - Delegation of Council's Powers

Ms Foord's memorandum dated 1 July in relation to this matter had been circulated prior to this meeting. Following consideration –

RESOLVED that the Manager, Professional Standards and the Professional Standards Department staff members listed below be delegated the powers set out in the attached instrument of delegation (*Annexure B*).

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FURTHER RESOLVED that:

1. each of the persons listed in Schedule 1, being a suitably qualified person, be appointed pursuant to section 282 of the Legal Profession Uniform Law (NSW) (Uniform Law) to conduct complaint investigations;
2. pursuant to section 282(3) of the Uniform Law, such appointment is made generally;
3. each of the persons listed in Schedule 1 be appointed to investigate matters under:
 - a. section 14, Part 2.1 of the Uniform Law (unqualified practice);
 - b. Part 3.5 Division 4 of the Uniform Law (show cause events); and
 - c. Part 3.9 of the Uniform Law (disqualifications);
4. to each of the persons listed in Schedule 1, the power to issue notices which may be, or are required to be, issued under the Uniform Law and the Application Act.

Schedule 1

No.	Name
1	Anne-Marie Foord
2	Louis William Pierotti
3	Lesley Carol Anderson
4	Elizabeth Margaret Barnes
5	Cora Groenewegen
6	Emma Jeanne Essey
7	Roger Harvey Gimblett
8	Michelle Lai
9	Natalie Anne O'Halloran
10	Richard Stephen Savage
11	Knox McCahon Sinclair
12	Bridget Thomson
13	Monica Thorman

7. *Licensing Committee - Delegation of Council's Powers and Confirmation of the Appointment of Members of the Licensing Committee*

Mr Cawley's memorandum dated 1 July 2015 in relation to this matter had been circulated prior to this meeting. In discussion, a motion to amend clause 4.2 was put and adopted and following consideration -

RESOLVED that

1. the Licensing Committee (the Committee) membership shall comprise a minimum of three persons. All Committee members shall be deemed to be members of the Law Society in the exercise of their powers and functions as members of the Committee. The Chair of the Committee shall be a Councillor. The Committee may exercise all the powers and functions delegated to it by the Council of the Law Society of New South Wales (the Council);
2. a quorum of the Committee shall be three of which one shall be a Councillor;

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3. each member of the Committee in attendance at a meeting shall be entitled to vote. The Chair of the meeting has a casting vote where there is an equality of votes in addition to a deliberative vote;
4. pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) the Council delegates to the Licensing Committee, as constituted on and from the date of this resolution, and as such constitution may be varied from time to time by the Council, the following functions:
 - 4.1 The functions of the Council contained in Chapter 3 Part 3.3 of the *Legal Profession Uniform Law (NSW)* (Uniform Law) in relation to Australian legal practitioners, save and except for the power to impose discretionary conditions on an Australian practising certificate pursuant to section 53 *Legal Profession Uniform Law (NSW)* in relation to conditions of the kind specified in Rule 16(c) to (g) of the *Legal Profession Uniform General Rules 2015*.
 - 4.2 The functions of the Council contained in Chapter 3 Part 3.4 of the Uniform Law in relation to foreign lawyers, save and except for the power to refuse to grant or renew an Australian registration certificate under Part 3.4 Section 62(4) of the Uniform Law and save and except for the power to impose discretionary conditions on Australian registration certificates pursuant to s.67 *Legal Profession Uniform Law (NSW)* in relation to conditions of the kind specified in Rule 16(c) to (g) of the *Legal Profession Uniform General Rules 2015*.
 - 4.3 The functions of the Council contained in Chapter 3 Part 3.5 Divisions 1 to 3 of the Uniform Law in relation to variation, suspension and cancellation of, and refusal to renew certificates save and except for the power to vary, suspend or cancel a certificate under Part 3.5 Division 2 section 77 of the Uniform Law and the power to lift suspension of a certificate or renew a certificate while it is suspended under Part 3.5 Division 2 section 78 of the Uniform Law.
5. If the Committee determines that, in its opinion, a practising certificate or registration certificate should be refused, suspended or cancelled, it shall report the same to the Council with its recommendation.

Savings and transitional issues

6. For the avoidance of doubt the Committee's delegated powers granted on 15 January 2015 are hereby confirmed as they relate to the *Legal Profession Act 2004*.

Appendix 3: Instrument of Delegation, 2 July 2015

Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 2 July 2015 (Attachment “B” to the Council Minutes, 2 July 2015)

ANNEXURE B

LEGAL PROFESSION UNIFORM LAW (NSW) – INSTRUMENT OF DELEGATION

PROFESSIONAL STANDARDS

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**) the Council of the Law Society of New South Wales (**the Council**) makes the following delegations:

1. To the Manager, Professional Standards:
 - (a) The power to form the belief that a practising certificate should be varied (amended), suspended or cancelled by the Council on a ground specified in section 82 of the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) and give the holder of the certificate notice under section 83 of the *Uniform Law* of the proposed action;
 - (b) The power to give a notice under section 95 of the *Uniform Law*;
 - (c) The power to receive written notices of irregularity referred to in section 154(2) of the *Uniform Law*;
 - (d) The function under section 155 of the *Uniform Law*, if not satisfied that a law practice has had the law practice's trust records externally examined as required by section 155 of the *Uniform Law* or that an external examination of the law practice's trust records has been carried out in accordance with the Uniform Rules, to appoint a suitably qualified person as an external examiner to examine the law practice's trust records;
 - (e) The power to receive from an investigator the written report of an investigation referred to in section 165 of the *Uniform Law*;
 - (f) The power to issue a certificate under section 446 of the *Uniform Law*.

2. As to the powers, functions and duties the NSW Legal Services Commissioner as the designated local regulatory authority for the purposes of Chapter 5 (dispute resolution and professional discipline) of the *Uniform Law* delegated to the Law Society by Instrument of Delegation dated 18 June 2015:
 - (a) to the Manager, Professional Standards, the power to make a complaint under section 266(2) of the *Uniform Law*;
 - (b) to each of the persons listed in Schedule 1 the power to conduct complaint investigations pursuant to section 282 of the *Uniform Law*; such appointments are made generally pursuant to section 282(3) of the *Uniform Law*;
 - (c) to each of the persons listed in Schedule 1, the power to issue notices which may be, or are required to be, issued under Chapter 5 of the *Uniform Law*.

Appendix 4: Law Society Council Resolution, 17 March 2016

**Relevant extract from Meeting of the Council of the Law Society of New South Wales,
Thursday 17 March 2016, 4:00pm**

MINUTES OF THE MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES HELD ON THURSDAY, 17 MARCH 2016, AT THE LAW SOCIETY COMMENCING AT 4.00 PM

...

E.6 Exemption from Professional Indemnity Insurance Requirements Under Chapter 4, Part 4.4, Legal Profession Uniform Law (NSW)

...

Delegation to Secretary and Head of Licensing

RESOLVED that pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Law Society Council, as the designated local regulatory authority pursuant to Section 11 of the Act, delegates to the Secretary and to the Head of Licensing of The Law Society of New South Wales its function under Chapter 4 section 215 *Legal Profession Uniform Law (NSW)* of exempting Australian legal practitioners, incorporated legal practices and community legal services from the requirement to obtain an approved insurance policy for this jurisdiction or to hold or be covered by an approved policy for this jurisdiction in accordance with the resolutions of Council of 17 March 2016.

...

J.4 Licensing

J.4.1 Delegation of Designated Local Regulatory Authority Functions to Head of Licensing

Following consideration -

RESOLVED that pursuant to Section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Law Society Council, as the designated local regulatory authority pursuant to Section 11 of the Act, delegates to the Head of Licensing of the Law Society of New South Wales, the following functions (including powers, authorities and duties):

With regard to Australian practising certificates -

- a. To reject an application for renewal of a practising certificate made during the late fee period or made outside the standard renewal period or late fee period pursuant to s.37(3) *Legal Profession Uniform Law Application Act 2014*;

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- b. To grant or renew an Australian practising certificate pursuant to ss.44 and 45 of the Uniform Law;
- c. To reject a notification of principal place of practice pursuant to s.46(2) of the Uniform Law;
- d. To determine conditions on a practising certificate pursuant to s.47 of the Uniform Law;
- e. To impose discretionary conditions on a practising certificate pursuant to s.53 of the Uniform Law, save and except for the power to impose discretionary conditions on a practising certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the Legal Profession Uniform General Rules 2015;
- f. To alter a practising certificate or issue a substitute practising certificate to reflect a variation under the Uniform Law pursuant to s.55 of the Uniform Law;

With regard to Australian registration certificates –

- g. To grant or renew an Australian registration certificate pursuant to s.62 of the Uniform Law;
- h. To reject a notification of principal place of practice pursuant to s.63(2) of the Uniform Law;
- i. To impose discretionary conditions on an Australian registration certificate pursuant to s.67 of the Uniform Law, save and except for the power to impose discretionary conditions on a registration certificate in relation to conditions of the kind specified in Rule 16(c) to (g) of the Legal Profession Uniform General Rules 2015;

With regard to Australian practising certificates and Australian registration certificates –

- j. To vary a certificate for a formal or clerical reason or in another way that does not adversely affect the holder's interests pursuant to s.74(1) of the Uniform Law;
- k. To vary, suspend or cancel a certificate at the request of or with the concurrence of the holder pursuant to s.74(2) of the Uniform Law;
- l. To vary, suspend or cancel a certificate at the direction of the designated tribunal under s.302 pursuant to s.75 of the Uniform Law;

With regard to disclosure of information –

- m. To disclose information to a foreign authority or court pursuant to s.437(2) of the Uniform Law;
- n. To issue a certificate pursuant to s.446 of the Uniform Law.

Appendix 5: Instrument of Delegation, 15 September 2016

Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 15 September 2016 (Attachment “1” to the Council Minutes, 15 September 2016)

(Relevant extract of Resolution from Council Minutes of 15 September 2016 included)

MINUTES OF THE MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH
WALES HELD ON THURSDAY, 15 SEPTEMBER 2016, AT THE LAW SOCIETY COMMENCING
AT 4.00 PM

...

*Council Meeting,
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E.3 Delegation of Certain of Council's Powers to the Director Professional Standards

The President congratulated Ms Foord on her promotion to the position of Director Professional Standards. Following consideration -

RESOLVED that the Director Professional Standards be delegated the powers set out in the attached Instrument of Delegation (*attachment 1*)

...

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*Attachment 1
Delegation of Certain of Council's
Powers to the Director Professional
Standards*

ATTACHMENT A

**LEGAL PROFESSION UNIFORM LAW (NSW)
INSTRUMENT OF DELEGATION
PROFESSIONAL STANDARDS**

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**), the Council of the Law Society of New South Wales (**the Council**) delegates to the **DIRECTOR PROFESSIONAL STANDARDS OF THE LAW SOCIETY OF NEW SOUTH WALES** the following functions (including powers, authorities and duties):

Practising Certificates

1. To reject an application for renewal of a practising certificate made during the late fee period or made outside the standard renewal period or late fee period pursuant to section 37(3) of the Application Act;
2. To grant or renew an Australian practising certificate pursuant to sections 44 and 45 of the Legal Profession Uniform Law (NSW) (**Uniform Law**);
3. To reject a notification of principal place of practice pursuant to section 46(2) of the Uniform Law;
4. To determine conditions on a practising certificate pursuant to section 47 of the Uniform Law;
5. To impose discretionary conditions on a practising certificate pursuant to section 53 of the Uniform Law save and except for the power to impose discretionary conditions on a practising certificate in relation to conditions of the kind specified in rule 16(c) to (g) of the *Legal Profession Uniform General Rules 2015*;
6. To alter a practising certificate or issue a substitute practising certificate to reflect a variation under the Uniform Law pursuant to section 55 of the Uniform Law;

Registration Certificates

7. To grant or renew an Australian registration certificate pursuant to section 62 of the Uniform Law;
8. To reject a notification of principal place of practice pursuant to section 63(2) of the Uniform Law;
9. To impose discretionary conditions on an Australian registration certificate pursuant to section 67 of the Uniform Law save and except for the power to impose discretionary conditions on a registration certificate in relation to conditions of the kind specified in rule 16(c) to (g) of the *Legal Profession Uniform General Rules 2015*;

Variation, suspension or cancellation of certificates

10. To vary a certificate for a formal or clerical reason or in another way that does not adversely affect the holder's interests pursuant to section 74(1) of the Uniform Law;
11. To vary, suspend or cancel a certificate at the request of or with the concurrence of the holder pursuant to section 74(2) of the Uniform Law;
12. To vary, suspend or cancel a certificate at the direction of the designated tribunal under s.302 pursuant to section 75 of the Uniform Law;
13. To form the belief that a practising certificate should be varied (amended), suspended or cancelled by the Council on a ground specified in section 82 of the Uniform Law and give the holder of the certificate notice under section 83 of the Uniform Law of the proposed action;

Show cause events

14. To receive a written statement of a show cause event pursuant to section 91 of the Uniform Law;
15. To determine to take no action pursuant to section 93 of the Uniform Law;

Giving Notices

16. To give notice pursuant to section 81 of the Uniform Law;
17. To give notice pursuant to section 83 of the Uniform Law;
18. To give notice pursuant to section 94(3) of the Uniform Law;
19. To give notice pursuant to section 95 of the Uniform Law;

Trust money and trust accounts

20. The power to receive written notices of irregularity referred to in section 154(2) of the Uniform Law;
21. The function under section 155 of the Uniform Law, if not satisfied that a law practice has had the law practice's trust records externally examined as required by section 155 of the Uniform Law or that an external examination of the law practice's trust records has been carried out in accordance with the Uniform Rules, to appoint a suitably qualified person as an external examiner to examine the law practice's trust records;
22. The power to receive from an investigator the written report of an investigation referred to in section 165 of the Uniform Law;

Co-operative and other matters

23. To carry out the functions of the Council pursuant to section 437 of the Uniform Law.

Evidentiary and other matters

24. To issue a certificate pursuant to section 446 of the Uniform Law;

Dispute resolution and professional discipline

25. As to the powers, functions and duties the NSW Legal Services Commissioner as the designated local regulatory authority for the purposes of Chapter 5 (dispute resolution and professional discipline) of the Uniform Law delegated to the Law Society by Instrument of Delegation dated 18 June 2015:
- a. To power to make a complaint under section 266(2) of the Uniform Law,
 - b. The functions under section 289 (settlement agreements involving consumer matters) of the Uniform Law.

Appendix 6: Instrument of Delegation, 17 November 2016

Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 2 July 2015 (Attachment “1” to the Council Minutes, 15 September 2016)

(Relevant extract of Resolution from Council Minutes of 17 November 2016 included)

MINUTES OF THE MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES HELD ON THURSDAY, 17 NOVEMBER 2016, AT THE LAW SOCIETY COMMENCING AT 4.00 PM

...

J.1.4 Delegation of Certain of Council's Powers to the Director Professional Standards

RESOLVED that the Director Professional Standards be delegated the powers set out in the attached Instrument of Delegation (*attachment 2*).

...

*Council Meeting,
17 November 2016 - Minutes*

Attachment 2

*Delegation of Certain of Council's
Powers to the Director Professional
Standards*

**LEGAL PROFESSION UNIFORM LAW (NSW)
INSTRUMENT OF DELEGATION**

PROFESSIONAL STANDARDS

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**), the Council of the Law Society of New South Wales (the **Council**) delegates to the **DIRECTOR PROFESSIONAL STANDARDS OF THE LAW SOCIETY OF NEW SOUTH WALES** the following functions (including powers, authorities and duties):

Giving Notices

1. To give notice pursuant to section 90 of the *Legal Profession Uniform Law* (NSW).

Appendix 7: Law Society Council Resolution, 19 January 2017

**Relevant extract from Meeting of the Council of the Law Society of New South Wales,
Thursday 19 January 2017, 4:00pm**

MINUTES OF THE MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES HELD ON THURSDAY, 19 JANUARY 2017, AT THE LAW SOCIETY COMMENCING AT 4.00 PM

...

J. STATUTORY RESPONSIBILITIES

J.1 Professional Standards

(Refer Annexure A for minutes of in-camera matters.)

J.1.1 *Delegation of Council's Disciplinary Functions and Powers to the Professional Conduct Committee*

Following consideration -

RESOLVED

1. The Professional Conduct Committee shall consist of the Joint Committee and as many sub-Committees as the President may from time to time determine (collectively 'the Committees'). All members of each sub-Committee shall be members of the Joint Committee. The Committees shall comprise Councillors, solicitor members and lay members. All members of the Committees shall have equal voting rights, and shall be deemed to be members of the Law Society in the exercise of their powers and functions as members of the Committees. The Chairpersons of the Joint Committee and of each of the sub-Committees shall be Councillors. Subject to Resolution 6 below, the Joint Committee and each of the sub-Committees may exercise all the powers and functions delegated to the Professional Conduct Committee by the Council of the Law Society of New South Wales (the Council).
2. A quorum of the Joint Committee shall be three Councillors and one lay member. A quorum of a sub-Committee shall be three, of which one shall be a Councillor and one a lay member.

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3. Each member of the Committees in attendance at a meeting shall be entitled to vote. The Chair of the meeting has a casting vote where there is an equality of votes in addition to a deliberative vote.
4. All members of the Council of the Law Society are able to receive agendas, agenda papers and minutes of all meetings of the Committees upon request.
5. The resolutions of the Committees are final.
6. A resolution referring a matter to a designated tribunal (as defined in the *Legal Profession Uniform Law (NSW)*) may be made only by the Joint Committee or Council.
7. Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014 (NSW)* the Council delegates to Professional Conduct Committee powers, functions and duties in accordance with the attached Instrument of Delegation (**Attachment 1**).

Savings and transitional issues

8. For the avoidance of doubt:
 - (a) the Professional Conduct Committee's delegated powers granted on 15 January 2015 are hereby confirmed as they relate to the *Legal Profession Act 2004*.
 - (b) The Professional Conduct Committee's delegated powers granted on 20 January 2005 are hereby confirmed as they relate to the *Legal Profession Act 1987*.

J.1.2 Delegation of Council's Functions and Powers to the Disclosure Committee and Confirm the Appointment of Members to the Disclosure Committee

Following consideration -

RESOLVED

1. The Disclosure Committee (the Committee) shall consist of such Councillors and other persons as the President may from time to time determine. The Committee membership shall comprise a minimum of three Councillors, one solicitor member and one lay member. All Committee members shall be deemed to be members of the Law Society in the exercise of their powers and functions as members of the Committee. The Chair of the Committee shall be a Councillor. The Committee may exercise all the powers and functions delegated to it by the Council of the Law Society of New South Wales (the Council).

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2. A quorum of the Committee shall be three of which one shall be a Councillor.
 3. Each member of the Committee in attendance at a meeting shall be entitled to vote. The Chair of the meeting has a casting vote where there is an equality of votes in addition to a deliberative vote.
 4. Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (Uniform Law) the Council delegates to the Committee as constituted on and from the date of this resolution, and as such constitution may be varied from time to time by the President:
 - (i) all of its powers contained in Chapter 3 Part 3.5 Divisions 4 and 5 of the Uniform Law in relation to *show cause events* (as defined in section 85 of the *Uniform Law*) save and except the power to refuse, vary (amend), suspend or cancel a practising certificate or registration certificate;
 - (ii) the power of the NSW Legal Services Commissioner as the designated local regulatory authority for the purposes of Chapter 5 (dispute resolution and professional discipline) of the *Uniform Law* delegated to the Law Society by Instrument of Delegation dated 18 June 2015 to make a complaint under section 266(2) of the *Uniform Law* in relation to a show cause event, a disclosure, failure to provide a disclosure as required by Part 3.5, Division 4, Subdivision 2 of the *Uniform Law* or a failure to comply with a requirement under section 95(1) of the *Uniform Law* in connection with a show cause event;
 - (iii) all powers and functions under section 465 of the *Uniform Law* to report suspected offences, in connection with a show cause event.
- NOTE: *Disclosure* means the written statement required to be provided to the Council in accordance with Part 3.5, Division 4, Subdivision 2 of the *Uniform Law* (sections 87(2) and 88(2)).
5. If the Committee determines that, in its opinion, a practising certificate or registration certificate should be refused, varied (amended), suspended or cancelled it shall report the same to the Council with its recommendation.
 6. The resolutions of the Committee are final.

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Savings and transitional issues

7. For the avoidance of doubt the Committee's delegated powers granted on 16 January 2015 are hereby confirmed as they relate to the Legal Profession Act 2004.

J.1.5 Delegation of Council's Powers to the Professional Standards Department Staff Members

Following consideration -

RESOLVED

1. The Director, Professional Standards, be delegated the powers and functions set out in the attached Instrument of Delegation (**Attachment 2**).
2. The Professional Standards Department staff members listed in Schedule 1 of the attached Instrument of Delegation (**Attachment 2**) be delegated each of the powers and functions set out in the attached Instrument of Delegation.

FURTHER RESOLVED that -

3. The appointments of each of the persons listed in Schedule 2, who have previously been appointed by Council as investigators pursuant to the *Legal Profession Act 2004* and the *Legal Profession Uniform Law (NSW)*, be formally terminated.

Schedule 2

No.	NAME
1	Roger Harvey GIMBLETT
2	Monica THORMAN

J.2 Fidelity Fund

J.2.1 Fidelity Fund Management Committee, 2017 – Membership and Delegation of Powers by Council

Following consideration -

RESOLVED

1. pursuant to section 119(1) of the Legal Profession Uniform Law Application Act 2014, the following persons (identified by their Member Number) be

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appointed as the Management Committee of the Legal Practitioners Fidelity Fund:

J M Glowrey	32737
A J Bentley	26025
A G Boog	9437
D I Browne	15008
P K Coster	422
V E Higinbotham	15387
P A Lewis	20041
N J McBride	38957
W M Readford	5451
P R Smith	6281

2. Ms J M Glowrey be appointed chairperson of the Management Committee pursuant to section 119(5)(a) of the Legal Profession Uniform Law Application Act 2014.
3. Pursuant to section 119(1) of the Legal Profession Uniform Law Application Act 2014, the Council delegates to the Management Committee of the Legal Practitioners Fidelity Fund as constituted from time to time the following functions of the Council in relation to the Fidelity Fund:-
 - (a) the functions contained in sections 118 and 122(2), (3) & (4) of the Legal Profession Uniform Law Application Act 2014;
 - (b) the functions contained in Part 4.5, Divisions 4,5,6 & 7 of the Legal Profession Uniform Law (NSW), but excluding, in the case of claims made on or after 1 July 2015, section 240(1);
 - (c) the functions contained in Part 4.5 of the Legal Profession Uniform General Rules 2015; and
 - (d) to take any action incidental to any of the above functions which might be required for the management of the Fidelity Fund in accordance with Part 9 Divisions 1 & 2 of the Legal Profession Uniform Law Application Act 2014, Part 4.5 of the Legal Profession Uniform Law (NSW) and Part 4.5 of the Legal Profession Uniform General Rules 2015.
4. Claims against the Legal Practitioners Fidelity Fund are to be determined by the Management Committee of the Legal Practitioners Fidelity Fund independently, at arm's length from the legal profession.
5. Pursuant to section 119(1) of the Legal Profession Uniform Law Application Act 2014 and s.426(1) of the Legal Profession Act 2004 as applicable, the Council delegates to the Management Committee of the Legal Practitioners

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Fidelity Fund as constituted from time to time so much of the functions previously delegated by the Council to the Management Committee of the Legal Practitioners Fidelity Fund in paragraph numbered 3 of its resolution made on 15 January 2015 (attached) as are necessary to give effect to clauses 22(2) and 2(5) of Schedule 4 of the Legal Profession Uniform Law (NSW) to deal with claims in accordance with the Legal Profession Act 2004.

6. Pursuant to section 119(1) of the Legal Profession Uniform Law Application Act 2014 and s.426(1) of the Legal Profession Act 2004 and s.74(1) of the Legal Profession Act 1987 as applicable, the Council delegates to the Management Committee of the Legal Practitioners Fidelity Fund as constituted from time to time so much of the functions previously delegated by the Council to the Management Committee of the Fidelity Fund in paragraph numbered 3 of its resolution made on 21 July 2005 (attached) as are necessary to deal with claims where there are rights under the Legal Profession Act 1987 accrued by operation of the Interpretation Act.

J.3 Trust Accounts
Nil

J.4 Licensing
Nil

Appendix 8: Instrument of Delegation (1), 19 January 2017

Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 19 January 2017 (Attachment “1” to the Council Minutes, 19 January 2017)

(Relevant extract of Resolution from Council Minutes of 19 January 2017 included)

MINUTES OF THE MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH
WALES HELD ON THURSDAY, 19 JANUARY 2017, AT THE LAW SOCIETY COMMENCING AT
4.00 PM

...

J. STATUTORY RESPONSIBILITIES

J.1 Professional Standards

(Refer Annexure A for minutes of in-camera matters.)

J.1.1 *Delegation of Council's Disciplinary Functions and Powers to the
Professional Conduct Committee*

Following consideration -

RESOLVED

...

7. Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) the Council delegates to Professional Conduct Committee powers, functions and duties in accordance with the attached Instrument of Delegation (**Attachment 1**).

...

*Council Meeting,
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*Attachment 1
- Council Minutes,
19 January 2017 Meeting*

ATTACHMENT A

LEGAL PROFESSION UNIFORM LAW (NSW) – INSTRUMENT OF DELEGATION

PROFESSIONAL CONDUCT COMMITTEE

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**) the Council of the Law Society of New South Wales (**the Council**) makes the following delegations to the Professional Conduct Committee as constituted from time to time:

1. All powers and functions contained in section 14, Part 2.1 of the *Legal Profession Uniform Law (NSW)* (Uniform Law) (unqualified practice);
2. All powers and functions contained in Part 3.3 Division 2 of the *Uniform Law* (admission)¹;
3. All of its powers contained in Chapter 3 Part 3.5 Divisions 4 and 5 of the *Uniform Law* in relation to **show cause events** (as defined in section 85 of the *Uniform Law* save and except the power to refuse to grant or renew, vary (amend), suspend, cancel or impose conditions on a local practising certificate);
4. The power to give a notice under section 95 of the *Uniform Law*;
5. All powers and functions contained in Part 3.9 of the *Uniform Law* (disqualifications);
6. All powers and functions under section 166 of the *Legal Profession Uniform Law (NSW)* to determine an amount of the costs of an external investigation to be recovered as a debt payable to the Council from the law practice, being satisfied that the contravention or default identified by an investigator in his or her report of an external investigation is wilful or of a substantial nature;
7. All powers and functions contained in sections 256 and 257 in Part 4.9 of the *Legal Profession Uniform Law (NSW)* (compliance audit);
8. All of the powers, functions and duties of the NSW Legal Services Commissioner as the designated local regulatory authority for the purposes of Chapter 5 (dispute resolution and professional discipline) of the *Uniform Law* delegated to the Law Society by Instrument of Delegation dated 18 June 2015 save and except for those contained in section 278 of the *Uniform Law* (immediate suspension of local practising certificate);

¹ Under s 21(2) of the *Application Act* notice to be given to the each Council by the LPAB of any admission application and any application for early suitability declaration (see s 21 LPUL re early suitability [cf s 26 LPA 2004]). Notice to be given by LPAB to relevant Council of readmission application under rule 14(2) of the *Admission Rules*. Drafting intends to cover all (admission, readmission and early suitability).

9. All powers and functions under Part 9.6 of the *Uniform Law* to determine to commence and prosecute proceedings for contravention of the breaches of the *Uniform Law*;
10. All powers and functions under Part 9.7 of the *Uniform Law* to determine to commence and prosecute proceedings for contravention of a civil penalty provision;
11. All powers and functions under section 465 of the *Uniform Law* to report suspected offences.

Appendix 9: Instrument of Delegation (2), 19 January 2017

Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 19 January 2017 (Attachment “2” to the Council Minutes, 19 January 2017)

(Relevant extract of Resolution from Council Minutes of 19 January 2017 included)

MINUTES OF THE MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH
WALES HELD ON THURSDAY, 19 JANUARY 2017, AT THE LAW SOCIETY COMMENCING AT
4.00 PM

...

J. STATUTORY RESPONSIBILITIES

J.1 Professional Standards

(Refer Annexure A for minutes of in-camera matters.)

...

**J.1.5 Delegation of Council's Powers to the Professional Standards Department
Staff Members**

Following consideration -

RESOLVED

1. The Director, Professional Standards, be delegated the powers and functions set out in the attached Instrument of Delegation (**Attachment 2**).
2. The Professional Standards Department staff members listed in Schedule 1 of the attached Instrument of Delegation (**Attachment 2**) be delegated each of the powers and functions set out in the attached Instrument of Delegation.

...

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*Attachment 2
- Council Minutes,
19 January 2017 Meeting*

ANNEXURE A

**LEGAL PROFESSION UNIFORM LAW (NSW)
INSTRUMENT OF DELEGATION
PROFESSIONAL STANDARDS**

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**) the Council of the Law Society of New South Wales (**Council**) makes the following delegations:

1. To the Director, Professional Standards, all powers and functions under Part 9.7 of the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) to determine to commence and prosecute proceedings for contravention of a civil penalty provision.
2. As to the powers, functions and duties the NSW Legal Services Commissioner as the designated local regulatory authority for the purposes of Chapter 5 (dispute resolution and professional discipline) of the Uniform Law delegated to the Law Society by Instrument of Delegation dated 18 June 2015:
 - (a) to appoint each of the persons listed in Schedule 1 to conduct complaint investigations pursuant to section 282 of the Uniform Law; such appointments made generally pursuant to section 282(3) of the Uniform Law;
 - (b) to each of the persons listed in Schedule 1, the power to issue notices which may be, or are required to be, issued under Chapter 5 of the Uniform Law.
 - (c) to each of the persons listed in Schedule 1, its functions pursuant to sections 276, 281, 286, 287, 288 of the Uniform Law.
3. To appoint each of the persons listed in Schedule 1, to investigate matters under:
 - (a) section 14, Part 2.1 of the Uniform Law (unqualified practice);
 - (b) Part 3.3 Division 2 of the Uniform Law (admission);
 - (c) Part 3.5 Division 4 of the Uniform Law (show cause events); and
 - (d) Part 3.9 of the Uniform Law (disqualifications)

Schedule 1

No.	NAME
1	Ainslee Joy MONK
2	Margaret Seung-Min HUR

Appendix 10: Law Society Council Resolution, 16 February 2017

**Relevant extract from Meeting of the Council of the Law Society of New South Wales,
Thursday 16 February 2017, 4:00pm**

MINUTES OF THE MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES HELD ON THURSDAY, 16 FEBRUARY 2017, AT THE LAW SOCIETY COMMENCING AT 4.00 PM

...

E. MATTERS FOR RESOLUTION

E.1 Delegation of Council's Functions re Forms and Notices

Following consideration –

RESOLVED that, pursuant to section 32 and section 162 of the *Legal Profession Uniform Law Application Act 2014* (the Act), Council delegates to the Secretary of The Law Society of New South Wales, the Director, Professional Standards and the Head of Licensing, its authority to approve forms and notices for use in connection with its functions under legal profession legislation.

E.2 Delegation of Council's Powers to the Licensing Committee

Following consideration –

RESOLVED that

1. That the Licensing Committee (the Committee) shall consist of such Councillors and other persons as the President may from time to time determine. All the Committee members shall be deemed to be members of the Law Society in the exercise of their powers and functions as members of the Committee. The Chair of the Committee shall be a Councillor. The Committee may exercise all the powers and functions delegated to it by the Council of the Law Society of New South Wales (the Council);
2. That a quorum of the Committee shall be three, of which one shall be a Councillor;
3. That each member of the Committee in attendance at a meeting shall be entitled to vote. The Chair of the meeting has a casting vote where there is an equality of votes in addition to a deliberative vote;
4. That pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (the Application Act) the Council delegates to the Committee, as constituted on and from the date of this resolution, and as such constitution may be varied from time to time by the President, the following functions:
 - 4.1 The functions of the Council contained in Chapter 3 Part 3.3 of the *Legal Profession Uniform Law (NSW)* (the Uniform Law) in relation to Australian legal practitioners, save and except for the power to

*Council Meeting,
16 February 2017 – Minutes*

impose discretionary conditions on an Australian practising certificate pursuant to section 53 *Legal Profession Uniform Law (NSW)* in relation to conditions of the kind specified in Rule 16(c) to (g) of the *Legal Profession Uniform General Rules 2015* (the General Rules).

- 4.2 The functions of the Council contained in Chapter 3 Part 3.4 of the Uniform Law in relation to foreign lawyers, save and except for the power to refuse to grant or renew an Australian registration certificate under Part 3.4 Section 62(4) of the Uniform Law and save and except for the power to impose discretionary conditions on Australian registration certificates pursuant to s.67 of the Uniform Law in relation to conditions of the kind specified in Rule 16(c) to (g) of the General Rules.

- 4.3 The functions of the Council contained in Chapter 3 Part 3.5 Divisions 1 to 3 of the Uniform Law in relation to variation, suspension and cancellation of, and refusal to renew certificates save and except for the power to vary, suspend or cancel a certificate under Part 3.5 Division 2 section 77 of the Uniform Law and the power to lift suspension of a certificate or renew a certificate while it is suspended under Part 3.5 Division 2 section 78 of the Uniform Law.

5. If the Committee determines that, in its opinion, a practising certificate or registration certificate should be refused, suspended or cancelled, it shall report the same to the Council with its recommendation.

...

Delegation To Head Of Licensing

RESOLVED that pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014*, (the Application Act) the Council, as the designated local regulatory authority pursuant to Section 11 of the Application Act, delegates to the Head of Licensing of The Law Society of New South Wales its function under Chapter 4 section 215 *Legal Profession Uniform Law (NSW)* of exempting Australian legal practitioners, incorporated legal practices and community legal services from the requirement to obtain an approved insurance policy for this jurisdiction or to hold or be covered by an approved policy for this jurisdiction in accordance with the earlier resolutions of Council of 16 March 2016.

Appendix 11: Instrument of Delegation, 20 July 2017

Made by Resolution of the Council of the Law Society of New South Wales at its Meeting on 20 July 2017 (Attachment “1” to the Council Minutes, 20 July 2017)

(Relevant extract of Resolution from Council Minutes of 20 July 2017 included)

MINUTES OF THE MEETING OF THE COUNCIL OF THE LAW SOCIETY OF NEW SOUTH WALES HELD ON THURSDAY, 20 JULY 2017, AT THE AANUKA BEACH RESORT, COFFS HARBOUR, COMMENCING AT 3.00PM

...

E.2 Delegation of Council's powers to PSD staff members

The memorandum from Ms A-M Foord, Director, Professional Standards Department, dated 5 July 2017, was noted.

Following consideration -

RESOLVED that:

1. The Professional Standards Department staff member listed in Schedule 1 of the attached Instrument of Delegation (**Attachment 1**) be delegated each of the powers and functions set out in the attached Instrument of Delegation.

FURTHER RESOLVED THAT:

2. The appointments of each of the persons listed in Schedule 2, who have previously been appointed by Council as investigators pursuant to the *Legal Profession Act 2004* and the *Legal Profession Uniform Law (NSW)*, be formally terminated.

*Council Meeting,
20 July 2017 – Minutes*

Schedule 2

No.	NAME
1	Ainslee MONK
2	Margaret HUR

*Council Meeting,
20 July 2017 – Minutes*

*Attachment 1
- Council Minutes,
20 July 2017 Meeting*

ANNEXURE A

**LEGAL PROFESSION UNIFORM LAW (NSW)
INSTRUMENT OF DELEGATION
PROFESSIONAL STANDARDS**

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**) the Council of the Law Society of New South Wales (**Council**) makes the following delegations:

1. As to the powers, functions and duties the NSW Legal Services Commissioner as the designated local regulatory authority for the purposes of Chapter 5 (dispute resolution and professional discipline) of the Uniform Law delegated to the Law Society by Instrument of Delegation dated 18 June 2015:
 - (a) to appoint each of the persons listed in Schedule 1 to conduct complaint investigations pursuant to section 282 of the Uniform Law; such appointments made generally pursuant to section 282(3) of the Uniform Law;
 - (b) to each of the persons listed in Schedule 1, the power to issue notices which may be, or are required to be, issued under Chapter 5 of the Uniform Law.
 - (c) to each of the persons listed in Schedule 1, its functions pursuant to sections 276, 281, 286, 287, 288 of the Uniform Law.
2. To appoint each of the persons listed in Schedule 1, to investigate matters under:
 - (a) section 14, Part 2.1 of the Uniform Law (unqualified practice);
 - (b) Part 3.3 Division 2 of the Uniform Law (admission);
 - (c) Part 3.5 Division 4 of the Uniform Law (show cause events); and
 - (d) Part 3.9 of the Uniform Law (disqualifications)

Schedule 1

No.	NAME
1	Cailla CHAU