

Update of Register of Delegations – May 2020

The table below lists the most recent delegations made by the Council of the Law Society of New South Wales. Click on the name of the delegation to see the corresponding instrument of delegation.

The table includes delegations by the Council of functions under Chapter 5 of the *Legal Profession Uniform Law (NSW)* that were delegated to the Council by the Legal Services Commissioner by Instrument of Delegation dated 9 October 2019.

Date of delegation	Instrument / resolution
28 October 2019	1. Instrument of Delegation – Professional Standards – Director, Legal Regulation
16 January 2020	2. Instrument of Delegation – Investigations and Litigation Solicitors
16 January 2020	3. Instrument of Delegation – Deputy Director, Investigations
16 January 2020	4. Instrument of Delegation – Litigation Manager
16 January 2020	5. Instrument of Delegation – Director, Legal Regulation
16 January 2020	6. Instrument of Delegation – Professional Conduct Committee
16 January 2020	7. Delegation to the Management Committee of the Legal Practitioners Fidelity Fund (by Council Resolution)
27 February 2020	8. Instrument of Delegation – Licensing Committee
27 February 2020	9. Instrument of Delegation – Head of Licensing & Scheme
27 February 2020	10. Delegation to Company Secretary and Head of Licensing & Scheme (by Council Resolution) – Forms and Notices
27 April 2020	11. Instrument of Delegation – Director, Legal Regulation and Chief Trust Account Investigator – External examiners



THE LAW SOCIETY
OF NEW SOUTH WALES

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 Law Society Council (**the Council**) delegates to the **DIRECTOR, LEGAL REGULATION 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* (**Uniform General Rules**);
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 Uniform General Rules;

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 issue a notice in relation to a designated show cause event pursuant to section 90 of the Uniform Law.
15. To receive a written statement of a show cause event pursuant to section 91 of the Uniform Law;
16. To determine to take no action pursuant to section 93 of the Uniform Law;

Giving Notices

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

Trust money and trust accounts

21. The power to receive written notices of irregularity referred to in section 154(2) of the Uniform Law;
22. 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;

23. 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

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

Evidentiary and other matters

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

NOTES:

Change of title

1. The position title "Director, Professional Standards" has been changed to "Director, Legal Regulation".

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 Director, 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 Legal Regulation.

Attachment A

INSTRUMENT OF DELEGATION 16 JANUARY 2020 INVESTIGATIONS & LITIGATION SOLICITOR

In this instrument:

- (i) Terms used in the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) or in the *Legal Profession Uniform Law Application Act 2014 (NSW)* (**Application Act**) have the same meanings in this instrument as they have in those laws.

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Council of the Law Society (**Law Society Council**) hereby delegates to the person for the time being holding, acting in, or performing the duties of the position of:

- (1) **Investigations Solicitor;**
- (2) **Litigation Solicitor;**

being employees of the Law Society of New South Wales, the following Chapter 5 functions of the *Legal Profession Uniform Law (NSW)* contained in the sections set out below as delegated by the NSW Legal Services Commissioner to the Law Society Council by Instrument of Delegation and Direction dated 9 October 2019.

For the avoidance of doubt, and unless otherwise stated, the functions delegated are all of the functions identified in each section set out below.

CHAPTER 5 - DISPUTE RESOLUTION AND PROFESSIONAL DISCIPLINE

DIVISION 2 - PRELIMINARY ASSESSMENT OF COMPLAINTS

- Section 276

DIVISION 3 - NOTIFICATION TO AND SUBMISSIONS BY RESPONDENTS

- Section 279

DIVISION 4 - INVESTIGATION OF COMPLAINTS

- Section 282(1)

PART 5.4 - DISCIPLINARY MATTERS

DIVISION 2 - DETERMINATION BY LOCAL REGULATORY AUTHORITY

- Section 299(2)(a) – other than extending the specified period within which the respondent or associate and the complainant are invited to make written submissions

DIVISION 3 - ROLE OF DESIGNATED TRIBUNAL

- Section 300(2)

PART 5.7 - GENERAL DUTIES OF LOCAL REGULATORY AUTHORITY

- Section 318

FUNCTIONS UNDER ANOTHER PROVISION OF THE LEGAL PROFESSION UNIFORM LAW (NSW) LAW RELATING TO CHAPTER 5

All sections contained within:

- Part 7.2 Requirements relating to documents, information and other assistance
- Part 7.3 Entry and search of premises
- Part 7.4 Additional powers in relation to incorporated legal practices

.....
President, Law Society of New South Wales

Signed with the authority of the Law Society Council

Attachment B

INSTRUMENT OF DELEGATION 16 JANUARY 2020 DEPUTY DIRECTOR, INVESTIGATIONS

In this instrument:

- (i) Terms used in the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) or in the *Legal Profession Uniform Law Application Act 2014 (NSW)* (**Application Act**) have the same meanings in this instrument as they have in those laws.

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Council of the Law Society (**Law Society Council**) hereby delegates to the person for the time being holding, acting in, or performing the duties of the position of **Deputy Director, Investigations** being an employee of the Law Society of New South Wales, the following Chapter 5 functions of the *Legal Profession Uniform Law (NSW)* contained in the sections set out below as delegated by the NSW Legal Services Commissioner to the Law Society Council by Instrument of Delegation and Direction dated 9 October 2019.

For the avoidance of doubt, and unless otherwise stated, the functions delegated are all of the functions identified in each section set out below.

CHAPTER 5 - DISPUTE RESOLUTION AND PROFESSIONAL DISCIPLINE

PART 5.2 – COMPLAINTS

DIVISION 2 – PRELIMINARY ASSESSMENT OF COMPLAINTS

- Section 276

DIVISION 3 - NOTIFICATION TO AND SUBMISSIONS BY RESPONDENTS

- Section 279
- Section 280(2)

DIVISION 4 - INVESTIGATION OF COMPLAINTS

- Section 282(1)
- Section 284

PART 5.4 - DISCIPLINARY MATTERS

DIVISION 2 - DETERMINATION BY LOCAL REGULATORY AUTHORITY

- Section 299(2)(a)

DIVISION 3 - ROLE OF DESIGNATED TRIBUNAL

- Section 300(2)

PART 5.7 - GENERAL DUTIES OF LOCAL REGULATORY AUTHORITY

- Section 318

**FUNCTIONS UNDER ANOTHER PROVISION OF THE LEGAL PROFESSION UNIFORM
LAW (NSW) LAW RELATING TO CHAPTER 5**

All sections contained within:

- Part 7.2 Requirements relating to documents, information and other assistance
- Part 7.3 Entry and search of premises
- Part 7.4 Additional powers in relation to incorporated legal practices

.....
President, Law Society of New South Wales

Signed with the authority of the Law Society Council

Attachment C**INSTRUMENT OF DELEGATION 16 JANUARY 2020
LITIGATION MANAGER**

In this instrument:

- (i) Terms used in the *Legal Profession Uniform Law* (NSW) (**Uniform Law**) or in the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**) have the same meanings in this instrument as they have in those laws.

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Council of the Law Society (**Law Society Council**) hereby delegates to the person for the time being holding, acting in, or performing the duties of the position of **Litigation Manager** being an employee of the Law Society of New South Wales, the following Chapter 5 functions of the *Legal Profession Uniform Law* (NSW) contained in the sections set out below as delegated by the NSW Legal Services Commissioner to the Law Society Council by Instrument of Delegation and Direction dated 9 October 2019.

For the avoidance of doubt, and unless otherwise stated, the functions delegated are all of the functions identified in each section set out below.

CHAPTER 5 - DISPUTE RESOLUTION AND PROFESSIONAL DISCIPLINE**PART 5.2 – COMPLAINTS****DIVISION 2 – PRELIMINARY ASSESSMENT OF COMPLAINTS**

- Section 276

DIVISION 3 - NOTIFICATION TO AND SUBMISSIONS BY RESPONDENTS

- Section 279
- Section 280(2)

DIVISION 4 - INVESTIGATION OF COMPLAINTS

- Section 282(1)

PART 5.4 - DISCIPLINARY MATTERS**DIVISION 2 - DETERMINATION BY LOCAL REGULATORY AUTHORITY**

- Section 299(2)(a)

DIVISION 3 - ROLE OF DESIGNATED TRIBUNAL

- Section 300(2)

PART 5.7 - GENERAL DUTIES OF LOCAL REGULATORY AUTHORITY

- Section 318

**FUNCTIONS UNDER ANOTHER PROVISION OF THE LEGAL PROFESSION UNIFORM
LAW (NSW) LAW RELATING TO CHAPTER 5**

All sections contained within:

- Part 7.2 Requirements relating to documents, information and other assistance
- Part 7.3 Entry and search of premises
- Part 7.4 Additional powers in relation to incorporated legal practices

.....
President, Law Society of New South Wales

Signed with the authority of the Law Society Council

Attachment D**INSTRUMENT OF DELEGATION 16 JANUARY 2020
DIRECTOR, LEGAL REGULATION**

In this instrument:

- (i) Terms used in the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) or in the *Legal Profession Uniform Law Application Act 2014 (NSW)* (**Application Act**) have the same meanings in this instrument as they have in those laws.

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Council of the Law Society (**Law Society Council**) hereby delegates to the person for the time being holding, acting in, or performing the duties of the position of **Director, Legal Regulation** being an employee of the Law Society of New South Wales, the following Chapter 5 functions of the *Legal Profession Uniform Law (NSW)* contained in the sections set out below as delegated by the NSW Legal Services Commissioner to the Law Society Council by Instrument of Delegation and Direction dated 9 October 2019.

For the avoidance of doubt, and unless otherwise stated, the functions delegated are all of the functions identified in each section set out below.

CHAPTER 5 - DISPUTE RESOLUTION AND PROFESSIONAL DISCIPLINE**PART 5.2 – COMPLAINTS****DIVISION 1 - MAKING COMPLAINTS AND OTHER MATTERS ABOUT COMPLAINTS**

- Section 273(2)(a)

DIVISION 2 – PRELIMINARY ASSESSMENT OF COMPLAINTS

- Section 276
- Section 277 – to close a complaint where the Professional Conduct Committee has endorsed the closure

DIVISION 3 - NOTIFICATION TO AND SUBMISSIONS BY RESPONDENTS

- Section 279
- Section 280(2)
- Section 281

DIVISION 4 - INVESTIGATION OF COMPLAINTS

- Section 282(1)
- Section 283
- Section 284

PART 5.4 - DISCIPLINARY MATTERS**DIVISION 2 - DETERMINATION BY LOCAL REGULATORY AUTHORITY**

- Section 299(2)(a)

DIVISION 3 - ROLE OF DESIGNATED TRIBUNAL

- Section 300(2)

PART 5.7 - GENERAL DUTIES OF LOCAL REGULATORY AUTHORITY

- Section 318

FUNCTIONS UNDER ANOTHER PROVISION OF THE LEGAL PROFESSION UNIFORM LAW (NSW) LAW RELATING TO CHAPTER 5

All sections contained within:

- Part 7.2 Requirements relating to documents, information and other assistance
- Part 7.3 Entry and search of premises
- Part 7.4 Additional powers in relation to incorporated legal practices

.....
President, Law Society of New South Wales
Signed with the authority of the Law Society Council

ATTACHMENT E

INSTRUMENT OF DELEGATION 16 JANUARY 2020
PROFESSIONAL CONDUCT COMMITTEE

In this instrument:

- (i) Terms used in the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) or in the *Legal Profession Uniform Law Application Act 2014 (NSW)* (**Application Act**) have the same meanings in this instrument as they have in those laws.

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Council of the Law Society (**Law Society Council**) hereby delegates the Chapter 5 functions of the *Legal Profession Uniform Law (NSW)* delegated by the NSW Legal Services Commissioner to the Law Society Council by Instrument of Delegation and Direction dated 9 October 2019, as specified below, to the following committees as constituted by the Law Society Council by resolution of 16 January 2020:

1. Professional Conduct Committee 1 or Joint Professional Conduct Committee – all functions;
2. Professional Conduct Committee 2 – all functions except functions under section 278 and 300; and
3. Professional Conduct Committee 3 – all functions except functions under section 278 and 300.

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President, Law Society of New South Wales
Signed with the authority of the Law Society Council

EXTRACT**E.3 Fidelity Fund Management Committee – Membership and Delegation of Powers by Council**

Following consideration –

RESOLVED

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 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.

EXTRACT

J.2 Fidelity Fund

J.2.1 2015 Fidelity Fund Management Committee – Membership and Delegation
of Powers by Council

Following consideration -

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*.

EXTRACT

F.2.1 *Fidelity Fund Management Committee - Membership and Delegation of Powers by Council*

Ms Siddons' memorandum dated 18 July was tabled and received. Councillor Eades outlined the reasons for seeking amendment of Council's delegation to the Fidelity Fund Management Committee. Following discussion -

RESOLVED that Council varies its resolution made on 20 January 2005 by removing paragraphs 3 and 4 and inserting the following instead:

- "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*."

Legal profession legislation (as defined in s. 3A of the *Legal Profession Uniform Law Application Act 2014*)

INSTRUMENT OF DELEGATION LICENSING COMMITTEE

Terms used in the *Legal Profession Uniform Law* (NSW) (**Uniform Law**) or in the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**) have the same meanings in this Instrument as they have in those laws.

Pursuant to section 32 of the Application Act, the Council of The Law Society of New South Wales (**Law Society Council**) being the relevant designated local regulatory authority, hereby delegates to the **Licensing Committee** of The Law Society of New South Wales the following Chapter 3 functions of the Uniform Law set out below (including those powers, authorities and duties that are necessary or convenient for carrying out or giving effect to those functions).

LEGAL PROFESSION UNIFORM LAW (NSW)

Chapter 3 – Legal Practice

Part 3.3 – Australian legal practitioners

All functions except functions under:

- Section 53 – imposing discretionary conditions, in relation to conditions of the kind specified in Rules 16(e) to (g) of the *Legal Profession Uniform General Rules 2015*.

Part 3.4 – Foreign lawyers

All functions except functions under:

- Section 62(4) – refusing to grant or renew an Australian registration certificate on any ground specified in the Uniform Rules for the purposes of this section.
- Section 67 – imposing discretionary conditions, in relation to conditions of the kind specified in Rules 16(e) to (g) of the *Legal Profession Uniform General Rules 2015*.

Part 3.5 – Variation, suspension or cancellation of certificates

Division 2 – Variation, suspension or cancellation of certificates

All functions except functions under:

- Section 77 – immediate variation or suspension before or during consideration of proposed action
- Section 78 – lifting of suspension and renewal during suspension

Division 3 – Variation, suspension or cancellation on specific grounds

DIRECTION

The Law Society Council issues a direction under section 408 of the Uniform Law as follows in respect of the exercise of functions delegated to the Licensing Committee:

If the Licensing Committee determines that, in its opinion, a practising certificate or registration certificate should be refused, suspended or cancelled, it shall refer the matter to the Law Society Council with its recommendation.

Note Section 49(3) of the *Interpretation Act 1987* (NSW) provides that a delegated function may be exercised only in accordance with any conditions to which the delegation is subject.

Note Section 49(4) of the *Interpretation Act 1987* (NSW) provides that a delegate may, in the exercise of a delegated function, exercise any other function that is incidental to the delegated function.

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Richard Harvey

President

Signed with the authority of the Law Society Council

Legal Profession Legislation (as defined in s. 3A of the *Legal Profession Uniform Law Application Act 2014*)

INSTRUMENT OF DELEGATION HEAD OF LICENSING & SCHEME

Terms used in the *Legal Profession Uniform Law* (NSW) (**Uniform Law**) or in the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**) have the same meanings in this Instrument as they have in those laws.

Pursuant to section 32 of the Application Act, the Council of The Law Society of New South Wales (**Law Society Council**), being the relevant designated local regulatory authority, hereby delegates to the person for the time being holding the position of, acting in, or performing the duties of, the **Head of Licensing & Scheme**, being an employee, member of staff or officer of The Law Society of New South Wales (**Law Society**), the following Part 4 and Part 12 functions of the Application Act and those Chapter 3, Chapter 4 and Chapter 9 functions of the Uniform Law set out below (including those powers, authorities and duties that are necessary or convenient for carrying out or giving effect to those functions of the Application Act or of the Uniform Law).

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014

Part 4 – Practising certificates and registration certificates

Division 1 – Australian practising certificates

- Section 37(3)
- Section 38(3)
- Section 39(2)
- Section 40

Division 2 – Australian registration certificates

- Section 42(4)

Part 12 – Registers and publicising disciplinary action

- Section 149(1)
- Section 149(2)
- Section 149(6)
- Section 149(7)
- Section 150(1)
- Section 150(2)
- Section 150(5)

LEGAL PROFESSION UNIFORM LAW (NSW)

Chapter 3 – Legal Practice

Part 3.3 – Australian legal practitioners

All functions except functions under:

- Section 53 – imposing discretionary conditions, in relation to conditions of the kind specified in Rules 16(e) to (g) of the *Legal Profession Uniform General Rules 2015*.

Part 3.4 – Foreign lawyers

All functions except functions under:

- Section 62(4) – refusing to grant or renew an Australian registration certificate on any ground specified in the Uniform Rules for the purposes of this section.
- Section 67 – imposing discretionary conditions, in relation to conditions of the kind specified in Rules 16(e) to (g) of the *Legal Profession Uniform General Rules 2015*.

Part 3.5 – Variation, suspension or cancellation of certificates

Division 2 – Variation, suspension or cancellation of certificates

All functions except functions under:

- Section 76 – variation, suspension or cancellation under Division 3 or 4
- Section 77 – immediate variation or suspension before or during consideration of proposed action
- Section 78 – lifting of suspension and renewal during suspension

Chapter 4 – Business practice and professional conduct

Part 4.4 – Professional indemnity insurance

- Section 215(2)
- Section 215(4)
- Section 215(6)

Chapter 9 – Miscellaneous

Part 9.4 – Cooperative and other arrangements

Part 9.5 – Notices and evidentiary matters

Note Section 49(3) of the *Interpretation Act 1987* (NSW) provides that a delegated function may be exercised only in accordance with any conditions to which the delegation is subject.

Note Section 49(4) of the *Interpretation Act 1987* (NSW) provides that a delegate may, in the exercise of a delegated function, exercise any other function that is incidental to the delegated function.

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Richard Harvey
President

Signed with the authority of the Law Society Council

EXTRACT**E.5 Delegations of functions of Council to Company Secretary and Head of Licensing & Scheme under the Legal Profession Uniform Law Application Act 2014**

The memorandum from Ms Terrie Gibson, Head of Licensing & Scheme, dated 21 February 2020, as circulated, was noted.

Following consideration –

RESOLVED –

That, pursuant to section 32 of the Legal Profession Uniform Law Application Act 2014 (the **Application Act**), Council delegates to the Company Secretary of The Law Society of New South Wales and the Head of Licensing & Scheme its authority to approve forms under section 162 of the Application Act and under section 473 of the Legal Profession Uniform Law (NSW) (the **Uniform Law**) and its authority to approve and issue notices that may be, or are required to be, issued for use in connection with its functions under the legal profession legislation (as defined in section 3A of the Application Act).

Attachment A

INSTRUMENT OF DELEGATION
DIRECTOR, LEGAL REGULATION, AND
CHIEF TRUST ACCOUNT INVESTIGATOR

In this instrument:

- (i) Terms used in the *Legal Profession Uniform Law* (NSW) (**Uniform Law**), the *Legal Profession Uniform General Rules 2015* or in the *Legal Profession Uniform Law Application Act 2014* (NSW) (**Application Act**) have the same meanings in this instrument as they have in those laws.

Pursuant to section 32 of the *Legal Profession Uniform Law Application Act 2014*, the Council of the Law Society (**Law Society Council**) hereby delegates to the persons for the time being holding, acting in, or performing the duties of the positions of:

- (1) **Director, Legal Regulation;**
- (2) **Chief Trust Account Investigator,**

being employees of the Law Society of New South Wales, the following functions of the *Legal Profession Uniform Law* (NSW) contained in the provision set out below

For the avoidance of doubt, and unless otherwise stated, the functions delegated are all of the functions contained in the provision set out below, as amended from time to time.

LEGAL PROFESSION UNIFORM GENERAL RULES 2015

- Rule 65A Revocation of eligibility for appointment as external examiner

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President, Law Society of New South Wales

Signed with the authority of the Law Society Council