

Instrument of Delegation

Legal Profession Act 2004

Legal Profession Uniform Law Application Act 2014

Legal Profession Uniform Law (Victoria)

Legal Profession Uniform General Rules 2015

1. This instrument revokes all previous delegations conferred on the person for the time being holding, acting in or performing the duties of the position of **Executive Director, Complaints and Intervention**, by the Legal Services Board (ABN 82 518 945 610) pursuant to section 44(1) of the *Legal Profession Uniform Law Application Act 2014* (Vic) ("the Act").
2. Pursuant to section 44(1) of the Act, the **Victorian Legal Services Board** hereby delegates to the person for the time being holding, acting in or performing the duties of the position of **Director, Investigations and Practitioner Services**, its functions, duties and powers hereinafter specified, subject to the conditions specified herein.

Part 3.6 of the Legal Profession Act 2004 (Vic) - Fidelity Cover

Division 4 – Determination of claims

- Section 3.6.14 but only in respect of claims up to \$10,000 and shortfall claims resulting from Supreme Court orders for pari passu distribution to clients of the balance of funds from the trust account of a defunct law practice.
- Section 3.6.15
- Section 3.6.16
- Section 3.6.17
- Section 3.6.18
- Section 3.6.19

Part 2 of the Act – Application of Uniform Law

Division 2 – Further application provisions

- Section 13(2)

Part 4 of the Act – Admission, Practising Certificates and Registration Certificates

Division 2 – Australian practising certificates

- Section 73(4)
- Section 75(2)

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Part 5 of the Act – Trust Accounts

Division 1 – Statutory deposits into Public Purpose Fund

- Section 80
- Section 85

Part 10 of the Act - General

- Section 153(1)

Part 3.3 of the Legal Profession Uniform Law – Australian Legal Practitioners

Division 3 – Conditions of Australian practising certificates

- Section 49(4) and (5)

Part 3.4 of the Legal Profession Uniform Law – Foreign Lawyers

Division 3 – Registration

- Section 62
- Section 63(2)

Division 4 – Conditions of Australian registration certificates

- Section 64
- Section 66
- Section 67

Part 3.5 of the Legal Profession Uniform Law – Variation, Suspension and Cancellation of, and Refusal to Renew, Certificates

Division 2 – Variation, suspension or cancellation of certificates

- Section 74

Division 4 – Show cause procedure for variation, suspension or cancellation of, or refusal to renew, certificates

- Section 89 only in circumstances where the Legal Services Commissioner has declared a conflict of interest
- Section 90 only in circumstances where the Legal Services Commissioner has declared a conflict of interest
- Section 92 only in circumstances where the Legal Services Commissioner has declared a conflict of interest

Division 5 – Miscellaneous

- Section 95

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Part 3.9 of the Legal Profession Uniform Law - Disqualifications

Division 2 – Prohibitions and other provisions regarding disqualified persons and disqualified entities

- Section 121(2)

Part 4.2 of the Legal Profession Uniform Law – Trust Money and Trust Accounts

Division 1 – Preliminary

- Section 130(4)

Division 4 – External investigations

- Section 162
- Section 163
- Section 165

Part 4.4 of the Legal Profession Uniform Law – Professional Indemnity Insurance

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

Part 4.5 of the Legal Profession Uniform Law – Fidelity Cover

Division 4 – Claims about defaults

- Section 236(1) and (2)

Division 5 – Determination of claims

- Section 240 but only in respect of claims up to \$10,000 and shortfall claims resulting from Supreme Court orders for pari passu distribution to clients of the balance of funds from the trust account of a defunct law practice.
- Section 241
- Section 242
- Section 243
- Section 244
- Section 246

Division 6 – Defaults involving interjurisdictional elements

- Section 252(1) and (2)

Part 4.6 of the Legal Profession Uniform Law – Business Management and Control

- Section 256
- Section 257

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Part 7.3 of the Legal Profession Uniform Law – Entry and Search of Premises

- Section 374(2)(c)(ii), in respect of trust records investigations and compliance audits

Part 9.4 of the Legal Profession Uniform Law – Cooperative and Other Arrangements

- Section 439

Legal Profession Uniform General Rules 2015

- Rule 66(4) and (5)
- Rule 67
- Rule 82(1)(d)

Conditions

1. In accordance with section 42A of the *Interpretation of Legislation Act 1984* (Vic), this delegation does not prevent the discharge, exercise or performance by the Board of the functions, duties and powers herein delegated.
2. In any particular case, where at any stage the Board gives notice to the delegate that the Board intends to discharge, exercise or perform its functions, duties and powers herein delegated, the delegate shall not commence to discharge, exercise or perform those functions duties and powers, or shall cease to do so, as the case may be.

THE COMMON SEAL of the)
VICTORIAN LEGAL SERVICES BOARD)
was hereunto affixed by the authority of the Board)
in the presence of:)



JENNIFER PATRICKNEY
Board Member Name

Signature

CHARLES GIFFREY BOWYER
Board Member Name

Signature

11 December 2018

Dated