Instrument of Delegation

Legal Profession Act 2004 (Victoria)
Legal Profession Uniform Law Application Act 2014
Legal Profession Uniform Law (Victoria)

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 Manager, Disciplinary Investigations, being an employee referred to in section 59(1) of the Legal Profession Uniform Law Application Act 2014 (Vic) (“the Act”), pursuant to section 56(1) of the Act.

2. Pursuant to section 56(1) of the Act, I, Fiona Ruth McLeay, Victorian Legal Services Commissioner, hereby delegate to the person for the time being holding, acting in, or performing the duties of the position of Manager, Discipline and Suitability, being an employee referred to in section 59(1) of the Act, my functions duties and powers hereinafter specified, subject to the conditions specified herein:

Part 3.3 of the Legal Profession Act 2004 (Vic) - Trust Money and Trust Accounts
- Section 3.3.44(2)

Part 4.1 of the Legal Profession Act 2004 (Vic) - Introduction and Application
- Section 4.1.4(3)
- Section 4.1.4(5)

Part 4.2 of the Legal Profession Act 2004 (Vic) - Making a Complaint
- Section 4.2.7
- Section 4.2.8
- Section 4.2.9
- Section 4.2.10

Part 4.3 of the Legal Profession Act 2004 (Vic) - Civil Complaints and Disputes

Division 2 - Dealing with civil complaints
- Section 4.3.3
- Section 4.3.4
- Section 4.3.5
- Section 4.3.5A(1)
- Section 4.3.6
- Section 4.3.7

Division 3 - Mediation
- Section 4.3.9
- Section 4.3.13
Division 4 - Resolution of civil disputes by the Tribunal

- Section 4.3.15

Part 4.4 of the Legal Profession Act 2004 (Vic) - Disciplinary Complaints and Discipline

Division 3 - Investigations

- Section 4.4.7
- Section 4.4.8
- Section 4.4.9
- Section 4.4.10(3)
- Section 4.4.11
- Section 4.4.12
- Section 4.4.13(1), (3)(b), (3)(c), (4), (5) and (6)
- Section 4.4.14

Division 7 - Inter-jurisdictional provisions

- Section 4.4.33
- Section 4.4.34
- Section 4.4.36

Part 7.2 of the Legal Profession Act 2004 (Vic) - General Provisions

- Section 7.2.14

Schedule 2 of the Legal Profession Act 2004 (Vic)

Part 6 - Disputes and Discipline

- Clause 6.1
- Clause 6.2
- Clause 6.3

Part 5.2 of the Legal Profession Uniform Law (Victoria) – Complaints

Division 1 – Making complaints and other matters about complaints

- Section 266(2)
- Section 267
- Section 269(1)
- Section 271
- Section 272
- Section 273(2)

Division 2 – Preliminary assessment of complaints

- Section 276
- Section 277
Section 278

Division 3 – Notifications to and submissions by respondents

Section 279
Section 280
Section 281

Division 4 – Investigation of complaints

Section 282
Section 283
Section 284

Part 5.3 of the Legal Profession Uniform Law (Victoria) – Consumer Matters

Division 2 – Provisions applicable to all consumer matters

Section 286
Section 287
Section 288
Section 289
Section 290

Division 3 – Further provisions applicable to costs disputes

Section 291
Section 292
Section 293

Part 5.4 of the Legal Profession Uniform Law (Victoria) – Disciplinary Matters

Division 1 - Preliminary

Section 297(2)

Division 2 – Determination by local regulatory authority

Section 299

Division 3 – Role of designated tribunal

Section 300

Part 5.5 of the Legal Profession Uniform Law (Victoria) – Compensation Orders

Section 306
Section 307(4)
Section 308
Section 309
Part 5.6 of the Legal Profession Uniform Law (Victoria) - Appeal or Review

- Section 313

Part 5.7 of the Legal Profession Uniform Law (Victoria) – General Duties of Local Regulatory Authorities

- Section 318
- Section 320

Part 9.9 of the Legal Profession Uniform Law (Victoria) – General

- Section 466(7)

Schedule 3 of the Legal Profession Uniform Law (Victoria) – Provisions Applying in Relation to Non-Participating Jurisdictions

Part 4 – Dispute Resolution and Professional Discipline

- Clause 14


Division 7 – Dispute resolution and professional discipline

- Clause 26
- Clause 27

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 Victorian Legal Services Commissioner (which expression in these conditions includes an acting Victorian Legal Services Commissioner) of the functions, duties and powers herein delegated.

2. In any particular case, where at any stage notice is given to the delegate by or on behalf of the Victorian Legal Services Commissioner, that the Victorian Legal Services Commissioner intends to discharge, exercise or perform the 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.

Fiona R McLeay
Victorian Legal Services Commissioner

Signature

20 May 2019
Dated