

## Instrument of Delegation

*Legal Profession Act 2004 (Victoria)*

*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 **Victorian Legal Services Commissioner**, by the Victorian Legal Services Board (ABN 82 518 945 610) pursuant to section 44(1)(c) of the *Legal Profession Uniform Law Application Act 2014 (Vic)* ("the Act").
2. Pursuant to section 44(1)(c) 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 **Victorian Legal Services Commissioner**, 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 3 – Claims about defaults

- Section 3.6.8(1)
- Section 3.6.9
- Section 3.6.10
- Section 3.6.12(1)
- Section 3.6.12(2)
- Section 3.6.12(3)

#### Division 4 – Determination of claims

- Section 3.6.14 but only in respect of claims up to \$250,000 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)

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

### Division 2 – Australian practising certificates

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

## **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)
- Section 154

## **Part 2.1 of the Legal Profession Uniform Law – Unqualified Legal Practice**

- Section 14(b)

## **Part 2.2 of the Legal Profession Uniform Law – Admission to the Australian Legal Profession**

### Division 2 - Admission

- Section 23

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

### Division 2 – Australian practising certificates

- Section 44
- Section 45
- Section 46(2)

### Division 3 – Conditions of Australian practising certificates

- Section 47
- Section 49(4) and (5)
- Section 50(2) – (5)
- Section 53

### Division 4 – Miscellaneous

- Section 55

## **Part 3.4 of the Legal Profession Uniform Law – Foreign Lawyers**

### Division 3 – Registration

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- Section 62
- Section 63(2)

## Division 4 – Conditions of Australian registration certificates

- Section 64
- 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
- Section 76
- Section 77
- Section 78

### Division 3 – Variation, suspension or cancellation on specific grounds

- Section 82
- Section 83
- Section 84

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

- Section 88(4)
- Section 89
- Section 90
- Section 91(3)
- Section 92

### Division 5 – Miscellaneous

- Section 93
- Section 94
- Section 95
- Section 96

## **Part 3.7 of the Legal Profession Uniform Law – Incorporated and Unincorporated Legal Practices**

- Section 106

## **Part 3.9 of the Legal Profession Uniform Law - Disqualifications**

### Division 1 – Making of disqualification orders

- Section 119
- Section 120

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

- Section 121(2)

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

### Division 1 – Preliminary

- Section 130(4)

### Division 2 – Trust money and trust accounts

- Section 146
- Section 151(3)
- Section 152

### Division 3 - External examinations of trust records

- Section 155
- Section 160(2) and (3)

### Division 4 – External investigations

- Section 162
- Section 163
- Section 166

## 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 235
- Section 236(1) and (2)
- Section 238

### Division 5 – Determination of claims

- Section 240 but only in respect of claims up to \$250,000 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 242
- Section 243
- Section 244
- Section 246

### Division 6 – Defaults involving interjurisdictional elements

- Section 250
- Section 251

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- Section 252(1) and (2)

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

- Section 256
- Section 257

## **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 7.4 of the Legal Profession Uniform Law**

- Section 383(2)(d), approved form for examination of persons
- Section 385(2)(c), approved form for hearings

## **Part 9.4 Cooperative and other arrangements**

- Section 441 – Cooperation with other government bodies

## **Part 9.6 of the Legal Profession Uniform Law – Injunctions**

- Section 447

## **Part 9.7 of the Legal Profession Uniform Law – Criminal and Civil Penalties**

### **Division 2 – Civil Penalties**

- Section 453(1) and (4)

## **Part 9.9 of the Legal Profession Uniform Law - General**

- Section 473(2)

## **Legal Profession Uniform General Rules 2015**

- 20(3) and (4)
- Rule 54
- Rule 65A
- Rule 66(4) and (5)
- Rule 67
- Rule 81
- Rule 82(1)(d)
- Rule 86(1)
- Rule 87
- Rule 90

# Victorian Legal Services **BOARD**

## 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.

Fiona Bennett

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Board Member Name



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Signature

Liz Harris

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Board Member Name



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Signature

**26 June 2023**

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Dated