



# THE OFFICE OF THE LEGAL SERVICES COMMISSIONER

## OLSC STAFF DELEGATIONS

### INSTRUMENT OF DELEGATION

Pursuant to section 28(1) *Legal Profession Uniform Law Application Act 2014*, I, John McKenzie, NSW Legal Services Commissioner (NSW Commissioner), hereby delegate to complaint handling members of staff of the NSW Commissioner the functions of the *Legal Profession Uniform Law (NSW)* listed in Table 1, Column 1.

#### Notes:

1. Terms used in the *Legal Profession Uniform Law (NSW)* or in the *Legal Profession Uniform Law Application Act 2014* have the same meaning in this instrument as they have in those laws.
2. The term “*complaint handling members of staff*” includes the Practice Compliance Manager, Senior Legal and Investigation Officer, Senior Mediation and Investigation Officer, Legal and Investigation Officers, Mediation and Investigation Officers, and staff on temporary assignment or secondment to those roles.
3. For the avoidance of doubt, and unless otherwise stated, the functions delegated are all of the functions identified in each section set out in Table 1, Column 1.
4. The descriptions listed in Column 2 of Table 1 are for reference only and do not limit the operation of the delegation.

John McKenzie  
NSW Legal Services Commissioner

Dated: 18 March 2020

**TABLE 1**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Legal Profession Uniform Law (NSW) provision</b>	<b>Description of function</b>
<b>Chapter 4</b>	
Section 256	Conducting compliance audits
<b>Chapter 5</b>	
Section 269(1)	To determine to resolve complaint or part of a complaint by the exercise of functions relating to consumer matters
Section 271	To give priority, in mixed complaints, to resolving the consumer matter as soon as possible
Section 276	To conduct a preliminary assessment of a complaint
Section 279	To notify a respondent about a complaint
Section 280(2)	Extending period in which lawyer can make submissions
Section 281(2)	Exercising discretion as to when to inform lawyer of complaint details
Section 282 (1)	To investigate complaints
Section 283	Extending scope of investigation
Section 284(1)	To refer a matter for costs assessment
Section 286	Forming opinion it is appropriate to take action towards resolving a consumer matter
Section 287	To informally resolve a consumer matter
Section 288	To conduct mediation and to order parties to a complaint to attend mediation
Section 291	To deal with a costs dispute
Section 289	Preparing a written record of the agreement where parties reach agreement with respect to a consumer matter
Section 299(2)(a)	Extending the period for making written submissions with respect to a proposed determination
<b>Chapter 7</b>	
Section 371	To issue a notice requiring the lawyer to produce documents, provide written information or otherwise assist in, or cooperate with, an investigation
Section 372	To inspect and copy documents
Section 373	To retain and return documents
Section 374	To enter premises
Section 375	To search premises, operate equipment on premises, take possession of relevant material and retain it, make copies of relevant material, seize and take away relevant material, inspect, access, download, copy or seize and take away any computer or equipment, require a person to state full name, date of birth and address, answer questions and give other assistance to the investigator
Section 377	To apply for a search warrant
Section 384	To inspect books
Section 385	To hold hearings