

Instrument of Delegation

Delegation of Functions to the Licensing Committee

INSTRUMENT OF DELEGATION – LICENSING COMMITTEE

A. The ACT Law Society ("the Society") was established by the *Legal Profession Act 2006* (ACT) ("the Act").

B. The Act prescribes certain functions and powers of the Council of the Society ("the Council") under the Act. Section 577(2) of the Act allows the Council to delegate its functions under the Act to a committee or staff member of the Society.

C. Pursuant to s 577(2) of the Act, the Council hereby delegates to the Licensing Committee ("the Committee") its functions and powers as specified in this Instrument, subject to the conditions herein stated, in accordance with s 239 of the *Legislation Act 2001* (ACT).

Part 2.4 - Legal practice by Australian legal practitioners

Division 2.4.3 Local Practising Certificates generally

- Section 35
- Section 36

Division 2.4.4 Grant or renewal of local practising certificates

- Section 44

Division 2.4.5 Conditions on local practising certificates

- Section 47 – in relation to renewals of local practising certificates, the Committee will refer the matter to the Council for decision with a recommendation if considering imposing a condition (consistent with the current constitution of the Society).

Division 2.4.6 Amendment, suspension or cancellation of local practising certificates

- Section 56 – if the Committee considers there are grounds to amend, suspend or cancel a local practising certificate, the Committee will refer the matter to the Council for decision with a recommendation (consistent with the current Constitution of the Society).
- Section 58

Division 2.4.9 Interstate legal practitioners

- Section 74 - in relation to renewals of local practising certificates, the Committee will refer the matter to the Council for decision with a recommendation if considering imposing a condition (consistent with the current constitution of the Society).

Part 2.7 - Legal practice – foreign lawyers

Division 2.7.4 Applications for grant or renewal of local registration as foreign lawyer

- Section 170

Division 2.7.5 Grant or renewal of registration as foreign lawyer

- Section 173
- Section 174
- Section 175 – in relation to renewals of registration, the Committee will refer the matter to the Council for decision with a recommendation if considering to refuse the renewal
- Division 2.7.6
- Section 180

Division 2.7.7

- Section 184 - in relation to renewals of registration or amendment, suspension or cancellation, the Committee will refer the matter to the Council for decision with a recommendation under this section

Division 2.7.8

- Section 191

Division 2.7.9

- Section 193 - in relation to renewals of registration, the Committee will refer the matter to the Council for decision with a recommendation if considering imposing a condition.

Division 2.7.10

- Section 199 - in relation to renewals of registration, the Committee will refer the matter to the Council for decision with a recommendation if considering imposing a condition.

Division 2.7.11

- Section 204 - in relation to renewals of registration, the Committee will refer the matter to the Council for decision with a recommendation under this section.

Part 8.2

- Section 577(1)(a), (b) and (c) - in contemplating starting proceedings under (c) or action in the Supreme Court under (b), the Committee should notify the Council and keep the Council informed on progress of the proceedings.

Conditions

1. In delegating its functions, the Council may issue guidelines to its delegates about the exercise of those functions under the Act, in addition to these conditions and the specific conditions stated against particular sections in this instrument.
2. The Council has delegated to the Chief Executive Officer (CEO) and Director Regulatory Services (DRS) functions under Part 2.4 in relation to grant and renewal applications for local practising certificates, as well as non-practising certificate memberships. The CEO or DRS will refer applications that are

considered non-standard or complex in accordance with guidelines issued by the Council, or matters where both those delegates have a conflict of interest, to the Committee for its consideration in accordance with this Instrument.

3. In accordance with s 238 of the Legislation Act 2001 (ACT), this delegation does not relieve the Council of its obligation to ensure that the function is properly exercised.
4. In accordance with s 240 of the Legislation Act 2001 (ACT), this delegation does not prevent the discharge, exercise or performance by the Council of the functions, duties and powers herein delegated.
5. In any particular case, where at any stage the Council gives notice to the delegate that the Council 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.

Signed by:

A handwritten signature in black ink, appearing to read 'Vik Sundar'.

Dated: 9 September 2025

Vik Sundar, President for and on behalf of Council