



Delegations of Authority Policy

This policy establishes a framework for delegating authority to Officers, Committees and Sub Committees of the Board to make decisions and perform functions on the Board's behalf. This will facilitate efficiency and increase the accountability of decisions made and functions performed under the Board's authority.

Essential Summary

- Delegations of authority are the mechanisms by which the Board enables Committees, Sub Committees and Officers of the Board to act on its behalf.
- This policy applies to Officers, Committees and Sub Committees of the Board as specified in the instruments of delegation and the delegations register.
- The instrument of delegation template is found in [Appendix A](#) to this policy document.
- The Register of Delegations is kept on an official file and published on the LPAB website.

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Ensure you have the latest version before using this document.

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1 Scope

This policy applies to Officers, Committees and Sub Committees of the Board as specified in the delegations register.

2 Authority

The Legal Profession Admission Board has made the delegations set out in this policy under the following authorities:

- Rule 118 of the NSW Admission Board Rules 2015
- Rule 25 of the NSW Admission Board Rules 2015
- Rule 27J of the NSW Admission Board Rules 2015
- Rule 30 of the Legal Profession Uniform Admission Rules 2015
- Section 20A of the *Legal Profession Uniform Law Application Act 2014*.

These delegations are also made in accordance with:

- Section 413 of *Legal Profession Uniform Law (NSW)*
- Sections 3 and 49 of the *Interpretation Act 1987 (NSW)*
- Sections 12 and 13 of the *Public Finance and Audit Act 1983 (NSW)*.

3 Purpose

The Legal Profession Uniform Law (NSW), the NSW Admission Board Rules 2015, the Legal Profession Uniform Admission Rules 2015 and other relevant laws authorise the Board to engage in a range of functions. The Board is unable to operate effectively without the ability to delegate authority to Officers, Committees and Sub Committees of the Board to perform functions and make decisions on the Board's behalf.

This policy establishes a framework for delegating authority to Officers, Committees and Sub Committees of the Board to facilitate efficiency and increase the accountability of staff for their performance.

The policy applies to formal delegations where the person to whom authority has been delegated can exercise functions on behalf of the Board.

4 Definitions

Board means the New South Wales Legal Profession Admission Board

Client means a client of the Office of the Legal Profession Admission Board

Committee means a Committee established under the NSW Admission Board Rules 2015

Council means the Legal Services Council established under the *Legal Profession Uniform Law (NSW)*

Delegated function means the exercise or performance of a duty or service that is taken to have been exercised by the delegate

Delegation of authority means a resolution passed by the Board which gives formal authority to a Committee, Sub Committee or Officer of the Board to act or make decisions on behalf of the Board

Delegator means the Presiding Member of the Board or a person authorised by the Board to act on its behalf

Executive Officer means the person appointed as Executive Officer to the Board under the NSW Admission Board Rules 2015

Instrument of Delegation means the written copy of the delegation signed by the delegator and kept in an official file of the Board

Office of the Board means the office which provides services and performs duties and functions that the Board requires

Officer of the Board means a person employed at the Office of the Board

Register of Delegations means the register which contains a copy of all instruments of delegation that are currently in force

Sub Committee means a Sub Committee established under the NSW Admission Board Rules 2015.

5 General Principles

Delegations of authority ('delegations') are the mechanisms by which the Board enables Committees, Sub Committees or Officers of the Board to act on its behalf.

Delegations must be exercised by the most appropriate and well-informed Officers, Committees and Sub Committees of the Board.

Delegations are attached to a position, Committee or Sub Committee of the Board.

All delegations must be read subject to and exercised in accordance with the relevant legislation, policies, codes, procedures and resolutions of the Board.

6 Conflict of interest

A delegation cannot be exercised if the Officer or members of the Committee or Sub Committee holding the delegated authority have a conflict of interest.

7 Variation or termination

The Board may at any time vary or terminate any delegation.

Amendments to delegations require an updated resolution of the Board.

8 Instrument of Delegation

An instrument of delegation is a written record of the delegated function, activity or duty that is to be performed by an Officer, Committee or Sub Committee of the Board and has been approved by the Board or one of its Committees.

Each instrument of delegation is signed by the delegator and a record is kept in an official Board file.

A template for an instrument of delegation is found at Appendix A to this policy.

9 Register of Delegations

The Register of Delegations contains a copy of all instruments of delegation that are currently in force.

The Register of Delegations will be maintained by the Office of the Board and will list all instruments by name and by date. The Register is publicly available on the Board's website.

10 Reporting requirements

A review of the Register of Delegations is to be carried out at least annually.

A report of the annual review will be submitted to the Board and the Legal Services Council for their consideration.

Appendix A

Template Instrument of Delegation

Instrument of Delegation

[enter a title for this instrument of delegation]

[enter name of legislation if relevant]

The Legal Profession Admission Board of New South Wales (the Board), authorise the delegation of the [enter the relevant powers, function, authorities, duties] conferred on the Board under the provisions of [enter the title of legislation] to [enter name and title of Officers, Committee or Sub Committee of the Board] and subject to the conditions set out in Schedule 1 to this Instrument of Delegation.

[This delegation is made pursuant to section 20A of the *Legal Professional Uniform Law Application Act 2014*.]

Schedule 1

Officers, Committee or Sub Committee of the Board	Powers, Function, Authorities, Duties	Conditions

The Authority given in this Instrument of Delegation is effective from [enter date] and continues until notice of cancellation is received from the Board at that time.

This Instrument of Delegation revokes any previous delegation referred to in Schedule 1 by any current Instrument of Delegation.

The Hon Justice A R Emmett
Presiding Member
Signed on behalf of the Legal Profession Admission Board

[enter date]

11 References

Interpretation Act 1987 (NSW)

Legal Profession Uniform Law Application Act 2014

Legal Profession Uniform Admission Rules 2015

Legal Profession Uniform Law 2015 (NSW)

NSW Admission Board Rules 2015

Public Finance and Audit Act 1983 (NSW)

(End)

12 Document information

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13 Document history

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