



Putting the customer first

Annual Report 2023

24 November 2023

Dear Attorney-General,

We are pleased to provide you with the 2022-23 Annual Report of the Victorian Legal Services Board and Commissioner.

This report provides an overview of the operations and financial status of the Board and Commissioner for the reporting year to 30 June 2023. It has been prepared in accordance with the requirements of the *Financial Management Act 1994* and the *Legal Profession Uniform Law Application Act 2014*.

Yours sincerely,



Fiona Bennett
Chairperson
Victorian Legal Services Board



Fiona McLeay
CEO, Victorian Legal Services Board
Victorian Legal Services Commissioner

Board ABN 82 518 945 610 Commissioner ABN 66 489 344 310

Published by order, or under the authority, of the Parliament of Victoria.

November 2023.

Victorian Legal Services Board + Commissioner
Level 5, 555 Bourke Street
Melbourne Victoria 3000

GPO Box 492
Melbourne Victoria 3001

Telephone 03 9679 8001

Local call cost 1300 796 344

Fax 03 9679 8101

Website www.lsbc.vic.gov.au

Board ABN 82 518 945 610

Commissioner ABN 66 489 344 310



We acknowledge the Wurundjeri Woi Wurrung People as the Traditional Custodians of Naarm (Melbourne), the land on which our office sits. We pay our respects to their Elders; past and present.

Contents

1. Introduction	2
2. Protecting and empowering consumers	12
3. Improving legal practice and ethics	25
4. Improving access to justice	35
5. Enabling our work	43
6. Managing our funds	47
7. Corporate governance	53
Appendices	65

Abbreviations and acronyms used in this report

Application Act	<i>Legal Profession Uniform Law Application Act 2014 (Vic)</i>
Bar	Victorian Bar Inc
CPD	continuing professional development
FTE	full-time equivalent
Legal Profession Uniform Law	Schedule 1 to the Application Act
LIV	Law Institute of Victoria Inc
PC	practising certificate
PPF	the Public Purpose Fund
SDA	statutory deposit account
Uniform Law	Legal Profession Uniform Law
VCAT	Victorian Civil and Administrative Tribunal
VLA	Victoria Legal Aid
VLF	Victoria Law Foundation
VLRC	Victorian Law Reform Commission
VLSB+C	Victorian Legal Services Board + Commissioner
VLSC	Victorian Legal Services Commissioner

1

Introduction

This is the annual report of the Victorian Legal Services Board and Commissioner. It provides an overview of our operations, achievements and financial status for the year ending 30 June 2023.



Our strategic objectives

We launched our three-year Corporate Plan in December 2021. It implements our corporate strategy, *A Clear Direction*, and sets out how we will work towards our goal of maintaining and enhancing public trust and confidence in the legal profession in Victoria.



Protect and empower
consumers



Improve
legal practice and ethics



Improve
access to justice

About us



Who we are

We are the regulator of the Victorian legal profession. We license lawyers and oversee service standards and conduct. This includes handling complaints about lawyers, investigating poor conduct and overseeing the management of trust accounts.

We are also the stewards of the Public Purpose Fund and the Fidelity Fund, and administer these to support legal regulation and access to justice in Victoria.



Why we exist

We exist to maintain and enhance public trust and confidence in the legal profession in Victoria.



How we do our work

Our three strategic objectives are connected and mutually reinforcing, and each aspect of our work is supported by a strong focus on our people, technology and governance.

Our functions

Board functions



Licence lawyers



Assist and intervene in law firms experiencing issues



Provide fraud and theft compensation via the Fidelity Fund



Vary, suspend or cancel practising certificates; apply for strike-off



Oversee and audit trust accounts



Improve access to justice via our Public Purpose Fund programs



Oversee professional indemnity insurance



Prosecute unqualified legal practice

Commissioner functions



Receive complaints about lawyers and law practices



Resolve disputes between lawyers and clients



Resolve costs disputes



Investigate and prosecute breaches of the Act and Rules

Governance structure

We were established on 1 July 2015 under the *Legal Profession Uniform Law Application Act 2014* (Vic) (the Application Act).

Although the Application Act established us as two independent statutory authorities (the Victorian Legal Services Board and the Victorian Legal Services Commissioner), we operate as one body under a unified name: the Victorian Legal Services Board and Commissioner. We present our annual report of operations and financial statements in a combined annual report.

Our Board is a body corporate with perpetual succession. It is a public entity, although it does not represent the Crown. Our Commissioner, Fiona McLeay, is also the CEO of our Board.

As statutory authorities, we are accountable to the Victorian Parliament. Our responsible minister is the Attorney-General, The Hon. Jaclyn Symes.

As the regulator of the legal profession in Victoria, we are responsible for implementing the Legal Profession Uniform Law (the Uniform Law). This forms Schedule 1 to the Application Act. A series of Rules and Regulations underneath the Uniform Law further support the regulatory regime. These serve to protect consumers of legal services and enhance the integrity of the legal profession.

Our regulatory approach

The legal profession and the broader Victorian community rightfully expect that we will be an efficient and effective regulator of the legal profession. As such, we seek to target regulatory resources and efforts towards activities that identify and address the areas of greatest potential harm to consumers of legal services. In doing so, we aim to strike a balance between responding to immediate issues and identifying emerging areas of concern.

Immediate issues: One of our core activities is responding to information we receive through complaints about lawyers, or from lawyers or the courts directly. We seek to identify and prioritise responding to issues of high risk, while looking for ways to streamline our response to lower risks of harm.

Emerging issues: We use data to identify future trends and design programs of regulatory work that proactively address emerging risks. Through our *Risk Outlook*, we provide strategic guidance to Victorian lawyers about the key risks we see, our planned response to them, and useful tips about how lawyers can avoid those risks.

A collaborative approach

We work collaboratively with our Uniform Law partners for the benefit of the legal profession and broader community. We look for opportunities to partner with the Legal Services Council, the Commissioner for Uniform Legal Services Regulation and our fellow Uniform Law regulators in other jurisdictions to help inform our priorities. This includes striking a balance between immediate and emerging priorities to maximise consistency. We place a high value on the expertise provided by the Law Institute of Victoria (LIV) and

the Victorian Bar (the Bar), with whom we work collaboratively on activities that benefit the legal profession and improve legal standards to protect consumers.

This report provides an overview of how we implement these approaches, and what we have done to meet our statutory responsibilities and corporate objectives during the 2022–23 reporting year.

Our values and commitments

The way we work is guided by the Victorian Public Sector values, and our own commitments and behaviours:

 We collaborate

 We adapt

 We lead and inspire

 We value relationships

 We are courageous

Principles that guide our approach to regulation

The following principles guide how we respond to immediate and emerging issues. These principles reflect the way we currently approach our work, as well as our aspirations for continuous improvement. They signal to our partners in regulation, the legal profession and the Victorian community what they should expect from us as a modern and future-focused regulator.

Risk-based



We target our resources to the areas of greatest potential harm.

- + We proactively identify areas of greatest risk to consumers of legal services or to the reputation of the profession and prioritise our resources accordingly.

Evidence-based



We make decisions based on the best available data and intelligence.

- + Our decisions are supported by evidence gained from a variety of sources, including data provided by lawyers, complaints, external examiners' reports, investigations, audits and stakeholder feedback.
- + We undertake monitoring to ensure our programs are effective.
- + We build the outcomes of evaluation into regulatory design.

Outcome-focused



We aim to achieve practical outcomes when we take regulatory action.

- + Although process guides our decisions, our focus is on delivering tangible improvements for consumers and the profession.
- + We will adapt our processes if necessary to deliver better outcomes.
- + We independently exercise our discretion and make objective decisions.

Collaborative



We collaborate with our Uniform Law partners and Victorian stakeholders to achieve positive outcomes.

- + We seek to foster good relationships with our Uniform Law partners to achieve the best outcomes for the legal profession and consumers of legal services.
- + We engage with our Victorian stakeholders as we respect their expertise and value their opinion.

Consistent



We provide the same quality and accuracy of advice and service.

- + Our business areas are connected and communicate effectively to ensure consumers and the profession receive consistent messages from us.
- + We rely on our policies, procedures and standards to ensure we act in the same way over time, so our advice and decisions are fair and accurate.
- + We work closely with the professional associations that exercise delegated regulatory functions for us, to ensure our approaches and advice are consistent.

Transparent



We publish information on our activities and are clear about the reasons for our decisions.

- + We present information in a way that is easily understood and clearly explains our reasoning.
- + We report on our activities to demonstrate our performance and make sure we can be held to account.

Consumer-focused



We seek to understand consumers and help them make informed choices about legal services.

- + We seek a deeper understanding of consumer interests and needs through our work with our Consumer Panel and in undertaking consumer research.
- + We seek to develop systemic responses to systemic harms. We work towards more accessible and streamlined assistance to consumers.
- + We provide guidance and targeted responses to lawyers to improve consumer service.

Snapshot of the year



The Victorian legal profession grew by

3.8% to

27,661
lawyers

We responded to



5,237

enquiries from the public



8,500

licensing renewal enquiries from lawyers, and



2,285

trust account enquiries from law practices and their external examiners



17 projects shared in

\$5 million

in Grants Program funding, and we provided funding to 10 legal and justice organisations



The number of women lawyers has continued to grow, increasing to

54.1%

of the Victorian profession



Only 3.6% of all solicitors and 2.6% of all barristers

received a complaint



We closed

467

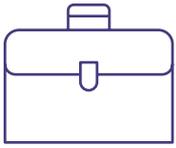
disciplinary matters during the year



We resolved

23 claims

against the Fidelity Fund

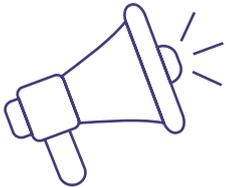


We appointed a manager to 10 law practices and a supervisor to 1 practice



We built a cyber-risk aware culture

among our staff to further enhance the security of our data



We ran our first major public education campaign

for consumers of legal services



We oversaw

2,412

trust accounts held by Victorian law practices



We worked with lawyers and consumers to understand

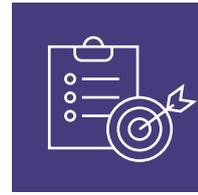
customer experiences and help us improve our customer service



In 2022–23 we finalised 7 disciplinary matters at VCAT, and

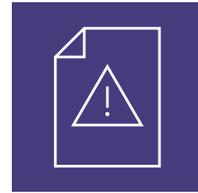


commenced 12 new matters



We launched our new policy statement

outlining our role in supporting access to justice



We launched our inaugural *Risk Outlook*

for lawyers



We commenced

8

new investigations into unqualified legal practice



Our website traffic increased by

24%

on last year

Chairperson and CEO/Commissioner message

For this year's annual report, we chose the theme of 'Putting the customer first' to recognise the work we have underway to continuously improve the quality of our services.

Our 'customers' are consumers of legal services and the lawyers who provide those services. Consumers come to us for information about their rights when using a lawyer, or to raise concerns about their experiences with the legal profession. As the regulator, lawyers deal with us for a range of matters, including renewing their annual licence, accessing information and guidance on their professional obligations, and – for some – responding to complaints about their conduct.



We have embraced a continuous improvement approach to the way we conduct our activities and are progressing a body of work to improve how we deliver our customer services.

Protecting and empowering consumers of legal services

We have done a lot of work to review our customer engagement processes this year, including establishing a new Customer Experience team and a Quality Assurance and Review function. Complementing this work, we have adopted a human-centred design approach that seeks to put the customer at the centre of our service development. This work ties in closely with other work underway, including expanding our digital presence and capabilities.

We aim to provide clear, accessible and helpful information to support and empower our customers. This year we launched our first major public education campaign for consumers of legal services. The *Your Right to Ask* campaign encouraged people to ask their lawyer questions to help them understand their rights and how they can work with their lawyer. The campaign did exceptionally well – both in terms of its visibility and its success in directing people to our website for more information.

We continue to rely on our expert Consumer Panel to help us regulate in a more consumer-centric way. Our Consumer Panel commenced its second term in January 2023 and we were pleased to welcome its new members: Nicole McCutcheon, Lucy Iddle, Gerard Brody and Assoc. Professor Genevieve Grant. They join existing members Lee Archer and Ben Martin Hobbs. We thank the retiring members Bronwyn Jennings, Karen Willis, Paula Giles and Sharon Barker for their contribution over the past three years.

During its first term, the Panel supervised research relating to the root causes of costs complaints and commissioned the Victoria Law Foundation to undertake research into lawyers' pricing, scoping and matter management practices. These

pieces of research are helping inform our policy, engagement and regulatory responses.

In its second term, the Panel is overseeing the development of a Consumer Experience Tracker Survey. It will help us understand, in greater depth, the way consumers choose, use and experience legal services.

Improving legal practice and ethics

This year, we launched our inaugural *Risk Outlook* for the profession. We borrowed the idea from the Solicitors Regulation Authority in England and Wales to look at the issues that pose the greatest risk to Victorian lawyers and have the potential to cause serious consumer harm. In this first issue, we highlighted five significant issues for the profession and explained the conduct associated with each risk as well as our planned response. By raising lawyers' awareness of these issues, we can help them to adopt best practices, avoid mistakes, mitigate risks and ultimately strengthen protections for consumers.

This year we also supported the profession in the area of lawyer wellbeing. We appointed a dedicated lead to coordinate our work and established a new community of practice to address the systemic drivers of poor wellbeing among lawyers. The community of practice brings together health and wellbeing specialists working within, or alongside, professional associations, law practices, government bodies and the courts. It is a unique forum that enables participants to share knowledge and expertise, and explore how we can work together to drive positive systemic change to improve lawyer wellbeing.

We've also placed a greater focus on early intervention and dealing with disputes through alternative resolution processes. Through our early intervention strategy, we try to anticipate areas where lawyers may need support and help them get back on track when they are heading down a wrong path. We recognise that education and access to personal or professional support services can be appropriate and effective ways to reset a lawyer's trajectory. To that end, we are increasingly using alternative regulatory tools ranging from mediations through to compliance audits that are designed to identify and address problems at their source.

Improving access to justice

We are a significant contributor to access to justice in Victoria through the work we do and the work we support others to do. Our new Access to Justice Policy Statement clearly defines how we support improving access to justice through our roles as a regulator, a funder and an investor.

Our regulatory work is fundamental to access to justice outcomes. It enables us to ensure, through our many activities, a well-regulated, ethical and competent legal profession that provides a high standard of legal services.

As trustee of the Public Purpose Fund, our Board works closely with top tier financial advisors to ensure it ethically and responsibly manages the Fund. We are now starting to think more strategically about the way we invest this money and how these investments can also influence access to justice.

Lastly, but far from least, we boost access to justice as a funder through the Public Purpose Fund. This includes providing funding for entities and initiatives such as:

- the pro bono work of Justice Connect
- Victoria Law Foundation, including its Public Understanding of Law Survey
- Victoria Legal Aid's work to help people experiencing disadvantage with legal problems, and
- the Victorian Civil and Administrative Tribunal's capacity to hear cases on lawyers' conduct and disputes about costs.

A prime example of our funding impact is our Grants Program, which has now been running for 16 years. To date, we have invested more than \$51 million in hundreds of different projects across the state that improve the community's ability to access services and support for legal issues. This year we provided \$5 million to fund 17 projects across Victoria.

During the year, we completed an extensive independent review of the program. It explored the program's benefits and sought to identify improvements in how it was operating. Based on that review, we developed a new funding strategy that will see us invest more money and support more projects than ever before. This new strategy focuses on key areas where our funding can make the biggest difference in the coming years.

This year we began developing our first Reconciliation Action Plan (RAP) with the support of a First Nations consultancy. We've taken this step because we recognise that Aboriginal and Torres Strait Islander peoples are disproportionately affected by both a lack of access and unequal treatment in the justice and legal system. The RAP will help us ensure our organisation and the services we provide are culturally safe and accessible for Aboriginal and Torres Strait Islander peoples.

People, governance and technology

Our goal of improving customer service can only be realised if our organisation has the systems and resources in place for us to be successful. That is why we've focussed our efforts in 2022–23 on building our organisational capacity through our technology and people.

We've made great progress in implementing our Digital Transformation Strategy, which we launched last year. We have completed the first phase of our strategy and we are now laying the foundations for some major work which will involve significant digital system changes to our operational environment. To achieve this we have established a new Digital Transformation Office within our corporate structure.

We have also identified the new skills we need to do our job well, and to ultimately improve our capacity to meet our customer's needs.

We've begun the work to monitor and evaluate our current three-year Corporate Plan. We recruited an impact measurement and evaluation specialist to help us track the effectiveness of our existing regulatory programs, and to strengthen our planning for future ones. Building our capability in this way will help us realise our corporate goals and improve our strategic planning as we prepare to develop our next three-year strategy.

Strong leadership

Our Board exercises careful oversight of our operations, and in May 2023 its membership underwent a refresh. We farewelled Jennifer Batrouney AM KC and Geoff Bowyer, whose terms had expired, and welcomed Sam Hay KC and Jacinta Lewin. We thank Jennifer and Geoff for their valued contributions over the past five years, and we look forward to Sam and Jacinta's contributions to legal regulation in the years ahead. Sam is the current President of the Victorian Bar Council, and Jacinta is a principal of Maurice Blackburn's Social Justice Practice. Both have a wealth of experience and their unique perspectives on the profession will greatly benefit the work that we do. Experienced Board members Lynne Williams AM, Liz Harris and Catherine Wolthuizen have remained on the Board, as well as our Chair, Fiona Bennett.

We continued to work closely with our partners in legal regulation – the Legal Services Council and our equivalent interstate regulators in both New South Wales and Western Australia – in promoting, implementing and refining the Uniform Law regulatory scheme. As always, we have also greatly valued the collaborative and productive relationship we have with the LIV, the Bar and the Legal Practitioners' Liability Committee. We are grateful for these ongoing, positive and enduring relationships.

We also express our gratitude to our dedicated staff for their efforts this year. We recognise that we need to have the support of our staff to achieve our ambitious goals under our three-year Corporate Plan. It's through their hard work that we have been able to make such great strides towards meeting the needs of our customers and achieving our Corporate Plan objectives.

Fiona Bennett

Chairperson

Fiona McLeay

Chief Executive Officer and Commissioner

Board members



Ms Fiona Bennett

Chairperson, non-lawyer member (first appointed January 2008, appointed Chairperson January 2013)

Fiona is an experienced non-executive director and has held directorships at listed companies and not-for-profit entities. She has previously held senior executive positions at BHP Limited and Coles Group Limited and has extensive experience in commercial and financial management, governance, risk management and audit. Fiona is a Fellow of Chartered Accountants Australia and New Zealand and the Australian Institute of Company Directors.



Mr Sam Hay KC

Lawyer (advocate) member (appointed May 2023)

Sam is a barrister with more than 20 years' experience in a broad range of commercial, administrative and common law matters. He was appointed Senior Counsel in 2019. He currently serves as the President of the Victorian Bar Council and has previously served as a member of the Victorian Legal Admissions Committee.



Ms Jacinta Lewin

Lawyer (non-advocate) member (appointed May 2023)

Jacinta is a Principal Lawyer at Maurice Blackburn Lawyers in the Social Justice Practice. She worked in federal worker's compensation law managing a national law firm practice, before working at the Victorian Equal Opportunity and Human Rights Commission. Jacinta currently works in complex litigation and collaborates with stakeholders to improve access to justice outcomes for her clients. Jacinta is also Co-Chair of the LIV Human Rights Committee.



Ms Liz Harris

Lawyer (non-advocate) member (first elected June 2018, appointed May 2023)

Liz has specialised in consumer complaints relating to lawyers, acting for both lawyers and consumers. She is a recognised expert in costs law and has run her own legal practice. She has been a sessional member of the VCAT Legal Practice list, a member of the Victorian Supreme Court Costs Committee, Chair of the LIV Advisory Board on costs law specialisation and Chair of LIV Cost Lawyers section.



Dr Lynne Williams AM

Non-lawyer member (appointed October 2013)

Lynne is an economist with over 30 years' experience in the public sector. She is also the Acting Chair of the Essential Services Commission of South Australia, a Commissioner with the Commonwealth Grants Commission and Chair of the Victorian Judicial Entitlements Panel. Lynne is Principal Fellow and Board member at St Hilda's College, a member of the Australian Institute of Company Directors and Fellow of the Institute of Public Administration Australia.



Ms Catherine Wolthuizen

Non-lawyer member (appointed December 2017)

Catherine is the Energy and Water Ombudsman (Victoria) and has a track record of leadership in Australia and the UK, with a particular focus on dispute resolution and fair outcomes in regulated markets. Catherine has previously held positions as the Customer Advocate at NAB, Board Director of the Australian Telecommunications Industry Ombudsman, panel member at the Australian Financial Services Ombudsman, Ombudsman with the UK Financial Ombudsman Service, Chair of the Economic Abuse Reference Group, and member of the UK Legal Services Consumer Panel.

Executive Leadership team



Fiona McLeay

Fiona was appointed CEO and Commissioner in January 2018. Fiona was previously the CEO of Justice Connect, General Counsel at World Vision Australia and Special Counsel at Clayton Utz. Fiona is on the Board of Health Justice Australia and is Deputy Chair of Equality Australia. She was the Deputy Chair of the Australian Non-for-Profit and Charities Commission Advisory Board, and on the board of the Human Rights Law Centre. Fiona has degrees from the universities of Melbourne, NSW and New York, and has attended both Harvard and Stanford Business Schools.



Matt Anstee

Matt was appointed Director, Investigations in April 2020. He was formerly Head of Operational Legal Team at the UK Foreign and Commonwealth Office where he focused on national security, counter terrorism and international relations. Matt has also worked with the National Crime Agency in the UK, the Anti-torture NGO Redress, the International Criminal Court in the Hague, the Commonwealth Director of Public Prosecutions and the Victorian Office of Public Prosecutions.



Simon Dally

Simon is the Executive Lead, People and Culture, and is an HR professional with over 20 years' experience. His roles in both government and professional services organisations have taken him across the UK and Australia. He joined the VLSC+ in May 2022 from his previous role as the HR Director at the Victorian Auditor General's Office. He holds a Professional Certified Membership with the Australian HR Institute and a Master's of Science in Business Management with Human Resources.



Nicholas Diss

Nicholas commenced as Executive Director, Shared Services & Digital Transformation in August 2022. He brings over 25 years' experience in education, government, not-for-profit, and food and beverage industries across Australia and the UK. Nicholas has a strong background in strategic and operational planning, large complex IT systems implementation, integrated reporting, and leadership of customer-focused multinational shared services functions. He is also a Fellow of CPA Australia and holds a Master of Business Administration.



Kerri-anne Millard

Kerri-anne has 25 years' experience in the public service. As a lawyer specialising in public policy, Kerri-anne's passion for engagement and collaboration has driven policy and legislative reform for a diverse range of Victorian regulators, including EPA Victoria, Earth Resources, Consumer Affairs Victoria and Biosecurity Victoria. Kerri-anne was appointed as Director, Policy and Outreach in 2018 to manage teams delivering policy and regulatory strategy, communications and engagement, funding programs and partnerships, lawyer wellbeing, quality assurance, and monitoring and evaluation.



Kelly Spiteri

Kelly was appointed as Senior Advisor to the CEO and Commissioner in 2019. With a background spanning multiple strategic roles across the Victorian Government, Kelly plays a pivotal role in providing advice and executive support to the CEO/Commissioner, Board and leadership team. She has a background in dispute resolution and specialist expertise in stakeholder management. Kelly is passionate about cultivating positive connections and establishing intuitive, efficient and collaborative processes that benefit both the consumer and the organisation.



Danny Whelan

Danny was appointed as Director, Licensing and Complaints in May 2022. He has over 20 years' experience in regulatory environments, most recently at WorkSafe Victoria. He holds a BA majoring in Psychology and his expertise lies in contact centre and operations management. He is experienced in leading teams through significant change, and in implementing and improving operational efficiency. Danny oversees our Licensing function and the division that manages enquiries and initial complaints.

2

Protecting and empowering consumers

One of our three strategic objectives is promoting consumer protection by empowering people to make informed choices about legal services and the costs involved. To do this, we are working to better understand the experience consumers have with their lawyers.

We also have a strong focus on addressing poor lawyer behaviour through our disciplinary processes. By proactively identifying risky conduct early we can take timely action against lawyers, which helps prevent harm to consumers.



Year highlights



Our *Your Right to Ask* public education campaign had

31.5 million

impressions in 10 weeks



There were over

170,000

visits to our website's consumer information section



12 investigations

started into potential fraud or theft within law practices



30%

of enquiries to our office involved concerns about legal costs

Understanding consumer needs

Consumer research

This year we commissioned the Victoria Law Foundation (VLF) to undertake qualitative research into the factors that influence how lawyers price their services, and how they communicate those costs and services to their clients. Professor Genevieve Grant from the Monash Business School is also collaborating with this research.

Research participants were accredited specialist lawyers in the areas of Family Law and Wills and Estates – two of the areas that feature prominently in complaints. The research will help us develop resources for lawyers and consumers that will promote better communication about costs and expectations. It will also give us a better understanding of the benefits and challenges facing lawyers in communicating the costs of their services to clients.

Consumer Panel

Our Consumer Panel completed its first term in December 2022, with two members re-appointed for a second term and four new members appointed. The Panel continues to guide the development of research that seeks to understand the experiences and interests of consumers who purchase legal services.

The Panel also advises and assists us with implementing our Vulnerability Framework, and provides ongoing advice as we move into our new customer-first processes for both consumers and lawyers.

The Panel is also bringing its expertise to our work in developing our first Consumer Experience Tracker Survey. The survey is being developed by eminent legal needs researcher Professor Pascoe Pleasence from University College, London. Professor Nigel Balmer from the VLF also assisted with developing the research brief and approach.

The survey will help us understand people's experiences of seeking legal help and dealing with legal problems, including through the use of technology and online resources. We will release the survey report next financial year.

Improving our customer experience

In 2022, we undertook a project to enhance our ability to deliver efficient and effective services to the community and to lawyers. Using human-centred design, we looked at how our complaints processes could be improved to provide a better, more consistent experience.

In April 2023, we appointed a Head of Customer Experience to lead this work. Several key projects are underway to improve the timeliness and efficiency of our processes. These have been developed with input from our customers, the lawyers and consumers who interact with us. This work will be delivered over the next few years in line with our digital transformation strategy.

Your Right to Ask public education campaign

In April 2023, we launched a public education campaign to help consumers of legal services understand their lawyer's ethical obligations. This campaign was developed in response to recommendation 76 of the Royal Commission into the Management of Police Informants. The *Your Right to Ask* campaign encouraged people to ask their lawyer questions, specifically focusing on conflict of interest, confidentiality and costs.

We collaborated with several Victorian legal and justice organisations to develop the campaign, including the LIV, the Bar, Victoria Legal Aid (VLA), the Federation of Community Legal Centres, the Legal Practitioners' Liability Committee and the VLF. It was the first time we delivered a communications campaign of this scale and type.

We also created a simple checklist of questions people can ask their lawyer to ensure they understand their lawyer's obligations to them as a client. The checklist covered how to prepare for a first appointment, what to do if conflicts of interest arise, how a lawyer might bill them, and how a lawyer might manage their case.

The campaign ran for ten weeks and provided information in multiple languages to reach the diverse range of Victorians who access legal services. We saw a significant increase in website traffic over that period, with a 23% increase in overall website traffic compared to the previous 10-week period, and a 215% increase in people visiting the consumer section of the website compared to the previous period. We also saw a 7% increase in people contacting our office to make an enquiry while the campaign ran.



The campaign performed strongly across all media, far exceeding our expectations for the digital platforms. It achieved over 31.5 million impressions, 42,000 clicks through to our website, and more than 500,000 video views, demonstrating an excellent level of consumer engagement with the campaign information.



Improving legal information for consumers

Explaining ‘No win – No fee’

Confusion around the meaning of ‘No win – No fee’ legal costs agreements often leads to complaints about lawyers who offer this type of service. Recognising this, we developed two new video resources to help improve the public’s understanding of what ‘No win – No fee’ actually involves. One video was an animated overview of what the agreements mean, while the other focussed on potential pitfalls for consumers. We launched both videos during Victorian Law Week in May 2023.

Community legal education network

Throughout the year we participated in a multi-agency Consumer Legal Education Working Group involving representatives of the VLF, VLA, the Victorian Ombudsman, the LIV, the Victorian Equal Opportunity and Human Rights Commission, the Federation of Community Legal Centres and several community legal services.

This forum allows member organisations to explore the types of legal issues consumers experience, discuss their legal information needs, and share resources to help improve consumer legal education. We also used this group to help us broaden the distribution of several consumer resources, including our videos *Six Questions to Ask Your Lawyer*, *No win – No fee costs agreements*, and the *Your Right to Ask* campaign.

Refining our website content

Our website provides valuable information for consumers of legal services, and in 2022-23, our consumer information section received more than 170,000 visits. To ensure users can find the information they need quickly, we continued to make improvements to our website content and site architecture. Our changes were informed by careful analysis of website traffic patterns, search results, direct visitor feedback and the recommendations from an earlier user-testing study.

Receiving disputes and complaints

Handling enquiries

During the 2022–23 year, we received 5,237 enquiries from the public – some of which involved potential complaints about a lawyer. Most enquiries (65%) raised issues relating to the quality of service a client received or concerns about the conduct of the lawyer. A further 30% involved concerns about legal costs.

We aim to deal with people’s enquiries in the most efficient way possible. We resolved 40% of enquiries after discussing the issues involved with the consumer, giving them information about managing a relationship with a lawyer, or helping them with other practical ways to address their concerns with the lawyer directly.

Another 15% of enquiries were resolved after providing other general information, for example, how to check our Register of Lawyers or how to provide relevant information to us via our online web form. In some instances, people no longer needed our assistance or withdrew their enquiry.

Close to 17% of enquiries were escalated into complaints. These included 442 enquiries about service and conduct issues, and 425 enquiries about legal costs.



5,237
enquiries from the public



17%
(approx) of enquiries were
escalated into complaints

Case study – Client left unrepresented days before court hearing

In the lead up to a scheduled court hearing, a client had a falling out with her lawyer. She was concerned her lawyer was not acting in her best interests, leading her to reject their legal advice. The relationship further degraded, and a few days out from the hearing her lawyer abruptly notified her they were ceasing to act. Distressed at the short notice and the potential of being unrepresented in court, she contacted us for help.

We contacted her former lawyer and helped to arrange a quick release of her file so she could transfer it to a new lawyer. We also encouraged her to come back to us after she had dealt with her court case, so she could talk to us about what happened and potentially lodge a complaint against the lawyer.

Complaints opened

We opened 969 complaints this year, of which 54% involved only consumer matters (usually disputes over legal costs or service quality issues) and 45% involved only potential disciplinary matters (for example, where the lawyer's conduct may have breached the professional conduct rules). The remaining 1% of complaints were immediately identified as involving both types of issues, which we refer to as mixed complaints. The number of mixed complaints can increase if we uncover new issues as we deal with a complaint.

The majority of complaints relate to solicitors (94%). In contrast, barristers received only a small proportion of complaints (6%). This is consistent with the results of previous years, and is due to the significantly higher number of solicitors registered in Victoria compared to barristers. It also reflects the greater level of direct contact solicitors have with clients.

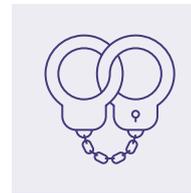


969

complaint files were opened

Overall, complaint numbers are very low compared to the total number of registered lawyers. This year, only 3.6% of all solicitors and 2.6% of all barristers had a complaint made against them.

Family law, probate, commercial, conveyancing and criminal law attracted the most complaints this year. The most common issues raised in complaints were about overcharging, poor case-handling and professional conduct.



The areas of family, probate, commercial, conveyancing and criminal law attracted the most complaints

Resolving disputes and complaints

Mediating disputes

A significant part of our role in protecting and empowering consumers is to help resolve disputes between lawyers and their clients. Each year we receive hundreds of complaints from clients who are dissatisfied with their lawyer's legal costs and/or the quality of their service. We are often able to help parties resolve their disputes quickly. However some parties need more support to reach a settlement, and we help them by using alternative dispute resolution tools like mediation.

Several of our staff are nationally accredited mediators. They use their skills and expertise to guide disputing parties towards a mutually acceptable settlement. We also use co-mediation, where two mediators work with the lawyer and their client to help them reach a common understanding. One of the strengths of co-mediation is the different perspectives the two mediators bring. This can help the parties feel there is an even power balance, which is vital in reaching a fair and mutually acceptable resolution. During the year, we successfully conducted 12 mediations or co-mediations.



Case study – Frustrated with delay in handing over client files

We heard from a law practice acting for the estate of a woman who had passed away. They had been trying to contact the woman's former lawyer to arrange for her client files to be handed over to them, but with no success. All outstanding fees had been paid, however the former lawyer still hadn't responded to their requests. After close to a year of trying, the estate's lawyers contacted our office to seek our assistance.

Our Early Resolution team reached out to the former lawyer to find out why they weren't handing over the files as requested. Within two days, we received confirmation all the files requested by the estate lawyers had finally been transferred, with an explanation of the reasons for the delay.

Resolving consumer matters

We closed 676 consumer matters in 2022–23, including those in mixed complaints. Around 28% (188) were successfully resolved through mediation and informal resolution processes. In 36% of matters, the complaint lacked substance and we were unable to assist the consumer further. We made five binding costs determinations during the year and two disciplinary determinations where there was a failure by the lawyer to provide legal costs disclosure.

In 82 consumer matters we were unable to resolve the issue or make a formal determination. In these instances we referred the client and the lawyer to the Victorian Civil and Administrative Tribunal (VCAT) or to the Supreme Court of Victoria Costs Courts, where they could seek a costs assessment or a judicial determination.



12

mediations or co-mediations were conducted this year



28%

of consumer matters were closed through mediations and other alternative resolution processes

Investigating disciplinary complaints

This year we identified 260 complaints as disciplinary matters. This included mixed complaints and 17 matters we opened as Commissioner-initiated complaints. A Commissioner-initiated complaint can be opened when we have not received a complaint from the public, but have identified or received information about a lawyer's conduct that we believe requires further attention.

We do not need to investigate all of the disciplinary complaints we open. We can resolve lower-level conduct matters during our preliminary discussions with both sides, and sometimes consumers will withdraw their complaint. We also close disciplinary complaints if it becomes evident the information provided does not justify or require an investigation, or where the evidence does not support the allegations made. Our complaints-handling processes are described in detail on our website.

Finalising disciplinary matters

We closed 467 disciplinary matters this year, including 38 involving consumer matters and 17 from Commissioner-initiated complaints. In 16 matters, we used our powers to make a formal determination that the lawyer had failed to meet reasonable expectations of competence, diligence, service quality and performance. In total, we made seven orders reprimanding lawyers and seven cautions for unsatisfactory professional conduct. We also issued one fine and ordered three lawyers to undertake further education and professional development. We decided to prosecute a further 16 matters, and by 30 June 2023, we had listed 12 matters with VCAT. See Appendix 1 for further details.



Case study – Costs dispute escalates to a disciplinary finding

We recently resolved a dispute between a lawyer and their client over legal costs, which escalated into a disciplinary matter. Over a seven-month period, the lawyer had issued eight invoices to their client totalling over \$69,000.

When the client approached us to challenge the legal costs, we were quickly able to help the two parties resolve their costs dispute and reach a settlement agreement. However, during our discussions it emerged the lawyer had not provided the client with written costs disclosure. Given the amount of the total bill and the length of time they were sending invoices to the client, we considered this to be a significant breach of the Uniform Law's cost disclosure rules. We made a formal determination of unsatisfactory professional conduct and cautioned the lawyer, ordering them to undertake further training and education about their costs disclosure obligations.



467

disciplinary matters were closed for the year



12

new matters were brought before VCAT

Alternatives to disciplinary findings

While some disciplinary complaints justify a VCAT prosecution, others benefit from alternative disciplinary approaches. We are using our extensive experience to develop new guidelines to determine which investigations can be handled differently to reach a faster and more effective result for all parties.

We also recognise that our investigative processes can be a distressing experience for lawyers. In particular, lengthy investigations can have an adverse effect on a lawyer's health and wellbeing, as well as a consumer's confidence in the legal process. A difficult and resource-intensive investigation sometimes doesn't achieve the best long-term outcome for changing a lawyer's behaviour. By applying new approaches to dealing with some lawyers' misconduct we can achieve a more efficient and effective regulatory approach to benefit both consumers and the profession.

In matters where we don't make a formal disciplinary finding, there may still be concerning behaviour that needs to be addressed but doesn't constitute a disciplinary breach. In some cases, we can have a greater impact on improving a lawyer's standard of legal services and ethics by issuing them with a warning, assisting them to rectify harm they caused, or making recommendations for better practices.

These actions provide the lawyer with information and assistance, which usually leads to positive changes and improvements in the quality of service they provide. They also serve to put the lawyer on notice if similar conduct comes before us again, in which case we may take more serious action against them. While tailored for disciplinary investigations, this approach is similar to the diversion process in the criminal justice system and our alternative dispute resolution techniques for consumer matter complaints.

Time taken to close complaints

The time we take to finalise a complaint varies depending on several factors, including the complexity of the issues involved, the lines of enquiry available, and how cooperative the parties are with our processes.

We closed 37% of consumer matters within six months of receiving the complaint. The others took longer to conclude as they involved more complex matters. This year we also closed 37% of disciplinary matters within six months. It took us longer than six months to finalise the remaining 63% of consumer and disciplinary matters.

Outstanding complaints

There were 704 complaints still open on 30 June 2023. These were split between consumer (349), disciplinary (288) and mixed complaints (67).

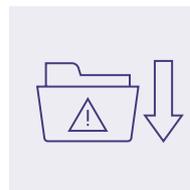
In mixed complaints, we handle the consumer and disciplinary issues separately. We often close the consumer aspect of the complaint during the year. However, if the disciplinary issue is more complex, it may not be resolved by the end of the reporting year. As a result, the complaint remains open, even if one part of it has been finalised.

The number of outstanding disciplinary complaints this year dropped to 273, around 40% fewer than last year. Our outstanding consumer matters also decreased by 25%.



37%

of both consumer and disciplinary matters closed within 6 months



40%

fewer outstanding disciplinary complaints compared to last year

Prosecuting disciplinary breaches

VCAT heard and determined seven of our disciplinary prosecutions this year. A further 21 matters were awaiting a hearing or final orders at 30 June 2023. We also had one appeal awaiting determination in the Supreme Court and two matters on judicial review at the Supreme Court. See Appendix 1 for detailed information on these matters.

Intervening in law practices

Each year we have to intervene in the operation of some law practices to protect the interests of their clients and the public. These are known as external interventions and their functions are explained in detail on our website.

This year, we appointed a supervisor to one law practice to oversee how its trust account was being managed. We also appointed managers to take control of 10 law practices, including:

- three practices where the principal solicitor had died
- two practices where the principal was not dealing adequately with trust money or was not properly managing the law practice, and
- five practices where a sole practitioner lost their practising certificate, either for conduct issues or other reasons.



We appointed a manager to
10
law practices and a supervisor
to 1 practice



15
active external interventions
at 30 June 2023

We ended two of these management appointments during the year, while the work of the other eight managers and the supervisor remained ongoing.

We also continued a further 12 manager appointments from the previous year into this year. Of these, six ended during the year and six remained ongoing at 30 June 2023. In total, there were 15 active external interventions at 30 June 2023.



Case study – Manager appointed following serious misconduct

In August 2022, we appointed a manager to an inner city law practice. We had received several complaints from consumers about its conduct and had heard allegations the owner of the law practice had been engaging in legal practice without legal qualifications.

The owner had been using the practice to protect their own commercial interests. There was a high rate of staff turnover, and the practice was not complying with important regulatory requirements. The owner was also using predatory litigation tactics to intimidate former clients of their other businesses.

The law practice staff refused to cooperate with our appointed manager. In September 2022, we successfully obtained Supreme Court orders requiring them to produce the records our appointed manager required, and to stop using the law practice branding in litigation and commercial disputes. The owner's behaviour also attracted media attention, and was the subject of television reporting. The law practice was eventually wound up in February 2023.

Dealing with unqualified legal practice

In 2022–23, we opened eight new investigations into potential cases of unqualified legal practice. Of those, six involved non-lawyers and two involved lawyers operating without a current practising certificate.



8
We opened 8 new investigations
into unqualified legal practice

Closed investigations

During the year, we concluded 26 investigations, some of which had carried over from the 2021–22 year.

When deciding what action to take, we consider various issues, especially the risk to the public. We directed seven people to cease providing services, to cease making representations about their ability to undertake legal work or to make other changes to the information they published online. We also referred three matters to another investigating authority. In 13 cases, we couldn't find sufficient evidence of unqualified practice to pursue charges or take other action. Another three matters were finalised in court.

Court prosecutions

We concluded one investigation of a non-lawyer with a successful Magistrates' Court prosecution for unqualified practice. We concluded two further investigations after we obtained injunctions in the Supreme Court – one against a non-lawyer and one against a lawyer who was practising without a current practising certificate.

We started a second injunction proceeding against another lawyer without a certificate, which remained ongoing at 30 June 2023.



3

We concluded **3 unqualified legal practice investigations** and started a fourth during the year

Contempt of court

We concluded two contempt proceedings in the Supreme Court to obtain orders against unqualified people who breached earlier injunction orders. One of those injunctions was initially obtained against a non-lawyer in 2018, and the other was obtained against a lawyer in the 2021–22 financial year.



Case study – Contempt of Court for breaching injunction order

In August 2018, we obtained an injunction in the Supreme Court against a non-lawyer and his businesses, restraining them from engaging in legal practice in Victoria.

In November 2021, we learned the non-lawyer had breached the injunction order by giving legal advice to a young person who had been charged with a serious criminal offence. Because of the unqualified legal advice, the young person breached a court order and was charged with a further criminal offence. We immediately commenced contempt proceedings against the non-lawyer in the Supreme Court.

The hearing took place in September 2022, and the non-lawyer was convicted of criminal contempt of court. He was sentenced to three months' imprisonment, wholly suspended for 12 months, and ordered to pay our legal costs.

Prosecuting indictable offences

We undertake investigations where trust account deficiencies and indictable fraud/theft offences occur within law practices. In some matters, we work in collaboration with Victoria Police.

We investigated 12 matters during 2022–23. Of these, 10 involved lawyers and two involved lay associates of a law practice. Most investigations involved alleged offences against multiple people.

We closed one investigation after the alleged offence was reported to Victoria Police, and one investigation in which we could not find sufficient evidence to bring charges.

We concluded two other investigations during the year that led to police prosecutions and guilty pleas by the offenders. Mr Kevin Roach pleaded guilty to obtaining property by deception and was sentenced to 28 months' prison (see the following case study for further details). Ms Athena Razos pleaded guilty to 16 indictable charges involving the theft of approximately \$1.5 million from a law practice, and will be sentenced in late 2023.

In two other investigations, we obtained evidence of offences having been committed and referred these to police to take over the investigation. Both of these cases are yet to be resolved. A further six of our investigations also remained ongoing at 30 June 2023.



Case study – Trust account fraud ends in prison

In 2021–22 we were notified that a well-known Geelong lawyer, Mr Kevin Roche, had been misappropriating money from his law practice's trust account. He was also alleged to have been falsifying his trust records to cover up his offences.

We sent a forensic accountant to the law practice to conduct a thorough review of the trust account records. Our investigation discovered Mr Roche had taken \$420,000 from two deceased estates without authorisation. We passed this information on to Victoria Police, who brought criminal charges against him.

Mr Roche pleaded guilty to seven charges of obtaining property by deception and was sentenced to 28 months' imprisonment. He was also ordered to compensate the two estates he stole money from.

Compensating clients for lost funds

We manage a compensation scheme called the Fidelity Fund. It protects people who have lost trust money or property due to the dishonest or fraudulent behaviour of a lawyer, an employee of a law practice or a barrister's clerk. Our website describes how the compensation scheme works.

In 2022–23, we received 21 new claims for compensation against our Fidelity Fund, totalling \$3,344,097.35. We carried over a further 32 claims from the previous reporting year (note: this was mistakenly reported as 33 in our previous annual report).

This year, we resolved 23 claims involving:

- 11 claims that were wholly allowed, partly allowed, or otherwise settled, with resulting approved claim payments (including interest) totalling \$1,697,049.96 (not all of which was paid by 30 June 2023)
- nine claims that were wholly disallowed, totalling \$2,848,678.60, and
- three claims that were withdrawn.

We had 30 unresolved claims at 30 June 2023.

Notably, one of the claims we allowed during the year related to a claim made on behalf of 222 separate clients. These clients paid money to their law practice for legal work, but their money was misappropriated by an employee of the practice.



21

new compensation claims against the Fidelity Fund were received



23

new compensation claims were resolved for the year

We allow claims when we find there has been a 'default' due to a failure to pay or deliver trust money involving fraud or dishonesty, and where the claimant has suffered a financial loss due to the default. We disallow claims when we are not satisfied such a default had occurred.

Some claims on the Fidelity Fund are not paid in full, even when we can establish the client has suffered a financial loss. If the client has been able to recoup some of their losses through another avenue, or could have done so, we may reduce the claim payable by that amount.

Case study – Claim allowed

We received a claim from a vulnerable client who had engaged a lawyer to help claim compensation after their late partner's death.

After the compensation was paid, the lawyer took advantage of the client's trust and siphoned a large sum from their insurance settlement payout. They also told the client they had lodged further legal proceedings on their behalf, and persuaded the client to make payments of several hundred thousand dollars in advance for legal costs and 'court security'.

The lawyer had not commenced any proceedings, nor had they performed any relevant legal work – despite the story told to the client and the invoices they had been sent.

We investigated the claim and found the lawyer had acted dishonestly. We approved the clients' claim for about \$500,000. We subsequently referred the lawyer for further disciplinary action.

Case study – Claim disallowed

When a claim for compensation is not supported by evidence, we won't approve the payment. That's what happened in the case of a business investment transaction, where it was unclear exactly what the circumstances were that led to the claim.

The claimant said they had engaged a law practice to act in the purchase of a business. Money was deposited into the law practice trust account, and later paid out, but the claimant said the money didn't go where it should have.

When we investigated, we found there were serious problems with the claim. It was made outside the time limit set down by the law, and there was no evidence the person making the claim had engaged the law practice to act for them. It also emerged the money didn't belong to the claimant in the first place, having been paid into the trust account by other sources.

Because we couldn't establish anyone from the law practice had acted dishonestly, and the claimant could not support their allegations with evidence, we disallowed the claim.

Early intervention

We take a proportionate, risk-based approach to the use of our regulatory tools, with the aim of deterring lawyers from engaging in risky conduct. Our Early Intervention Strategy plays a vital role in achieving this goal.

Through careful analysis of our data we can identify trends in lawyer behaviours and practices, and intervene early to provide information and guidance to correct poor practices. This ultimately helps to avoid or reduce harm to consumers and helps protect the profession's reputation.

In the last 12 months, we focused our attention on several key areas of risky behaviour, including detecting fraudulent behaviour in trust accounts and working with lawyers who are failing to properly maintain their trust account records. We also conducted significant work to understand the cybersecurity issues facing law practices.

We strengthened our relationships with the banks holding trust accounts to ensure our requirements for opening accounts are met, and to provide us with better reporting on potential fraud risks. We created clearer pathways for lawyers and external examiners to report issues with trust accounts, and developed new resources for external examiners to provide insights into the end of trust year examination process. Our new automated tool for collecting external examiner report data also helps us to better understand trends in non-compliance with the trust account rules.

We finalised 20 scoped and targeted compliance audits of law practices during the year. To better support the profession, we also created a clear referral pathway for lawyers to the LIV's wellbeing and practice management services. We included contingency planning recommendations in all compliance audits.



20

targeted compliance audits
of law practices were finalised



Case study – Compliance audit leads to external intervention

In December 2022, we were contacted by former junior employees of a law practice. They told us their concerns about how their former employer was managing their practice and charging clients. Based on the seriousness of the information given to us, we decided to conduct a compliance audit of the practice, and appointed an auditor within two days.

The compliance audit allowed us to rapidly build a clear picture of what was happening within the practice. It revealed there were serious problems in how the principal was managing the practice's trust account and dealing with clients' files.

Based on the evidence discovered in the audit, we decided it was necessary to appoint a manager to take control of the law practice. By taking this swift action, we protected the clients and prevented the principal from accessing the trust account. We have since taken further disciplinary action against the principal and are taking steps to recover the overcharged fees.

Continuing professional development compliance

Lawyers who don't comply with their continuing professional development (CPD) obligations, or who certify that they have met their obligations when they have not, are likely to have other issues with their approach to legal practice. For this reason, we consider lawyers' CPD compliance to be a key indicator of their commitment to their broader professional duties. Lawyers may be audited to ensure they have met their CPD obligations. We delegate this function to the LIV and the Bar to conduct these audits on our behalf.

This year we asked the LIV to focus its audits on principal solicitors with a trust account, where we have previously detected minor record keeping breaches. We randomly selected 450 solicitors in this category to be audited. The LIV's preliminary results show that 84.8% had met their CPD obligations, and 10.5% were completing rectification plans to make up for missed CPD. Of concern to us was the 4.7% who failed to respond to the audit (compared to 3.2% in the previous reporting year). Further steps were taken to address this non-compliance.

Overall, the LIV's data shows a 13.3% increase in solicitors who had not complied with their CPD obligations and were required to complete rectification plans. There were also 10.6% more applications from solicitors for exemptions from some CPD requirements, mostly from those who were on parental leave and/or working reduced hours during the year.

The Bar's data shows that of all Victorian barristers, only 34 declared that they had not met their CPD requirements. These barristers were directed to complete a rectification plan. An audit of 5% of barristers encouragingly showed that most had complied with their CPD obligations, with only three exemptions due to illness or disability. Of the 11 barristers who had not met their obligations, nine promptly rectified their error, while only two remained non-compliant at the end of the audit process.

Improving the CPD system

We also continued to work towards implementing the recommendations made in our *Getting the Point?* report, to improve the current CPD system in Victoria. A key focus this year has been addressing the recommendations about ethics CPD. Our focus over the next two years will shift to the recommendations around CPD auditing. We also intend to direct our focus on conduct and suitability issues of specific lawyers with repeated CPD compliance breaches.

Oversight of trust accounts

At 30 June 2023, there were 2,412 trust accounts held by Victorian law practices. We monitor these trust accounts to ensure the practices holding them maintain high record keeping standards and trust monies are held safely and securely according to the law.

We also receive telephone enquiries from law practices and external examiners requesting assistance or information about trust account record keeping obligations. Over the year we responded to more than 2,285 of these enquiries.

Trust irregularity reporting

In June 2023, we launched a new online reporting form to assist lawyers and law practices to notify us when they identify a deficiency in a trust account or trust ledger. The new form allows people to make a report in minutes. We are notified immediately, which allows us to take action as necessary. In 12 months we received around 900 irregularity reports, both through this new form and via the previous reporting process.

Trust account external examinations

In addition to the irregularity reporting, this year we received 2,169 reports from external examiners who review trust accounts annually. In 703 reports, breaches were found with some form of law practice record keeping.

The most common type of breach involved the law practices failing to accurately reconcile their accounts (282 instances). This was followed by 266 instances where lawyers failed to report deficiencies in the trust account to us, as required by law.

Figure 1 shows the top five areas of breaches recorded during the year. The increase in the number of breaches over time reflects our work with lawyers and external examiners to ensure they report all breaches to us, regardless of their significance. These numbers also show we are capturing more minor breaches, which weren't previously reported to us.

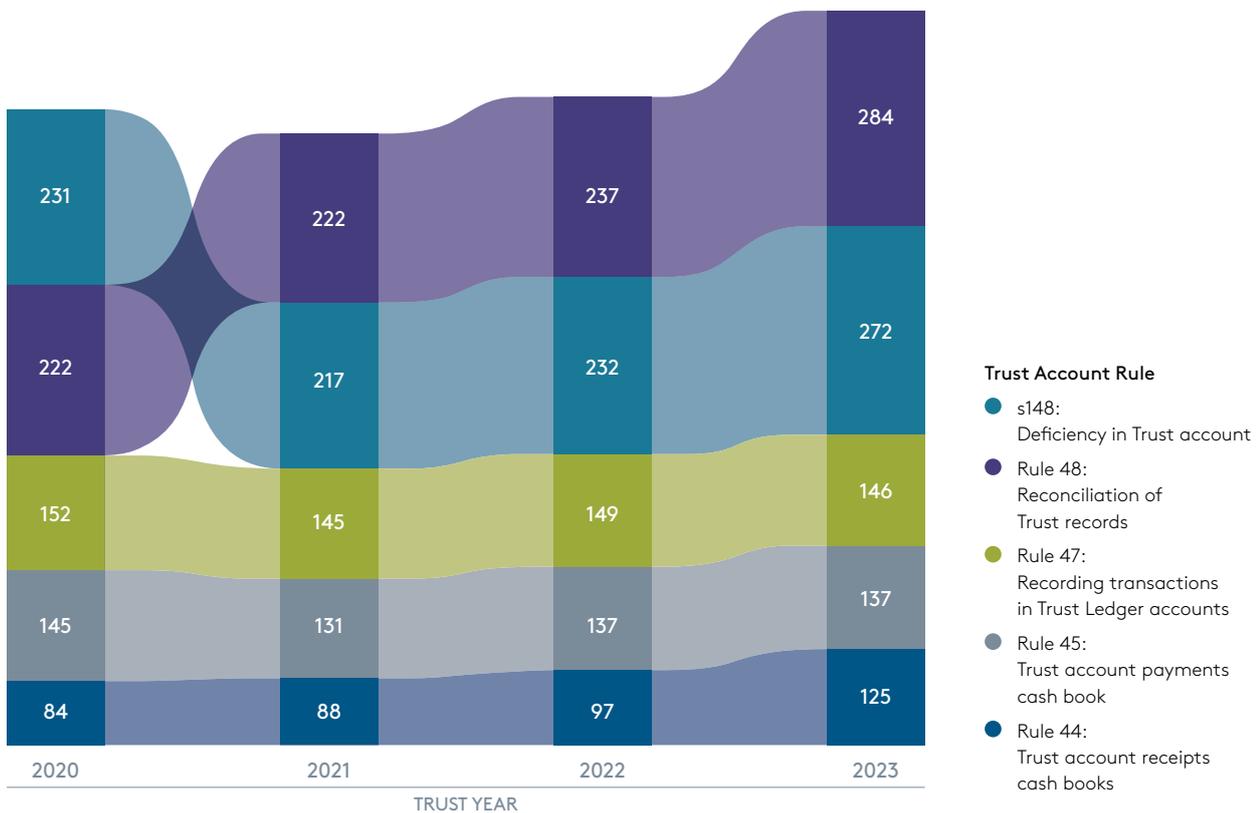


FIGURE 1: TOP FIVE RULES BREACHED IN TRUST ACCOUNTING 2020–23

Trust account investigations

In the last 12 months, we had a particular focus on preventing trust account breaches from occurring. When we receive a report from an external examiner or our trust account irregularity form, we conduct an investigation if certain key risk factors are evident. These include where there is an ongoing risk of harm to clients, a trust account deficiency has not been rectified, the law practice has a history of non-compliance with their professional obligations or has had previous Fidelity Fund claims made against it, or if the report is related to a cybercrime attack.

Using our risk framework, we have undertaken 161 investigations, 72 of which have resulted in a lawyer being directed to rectify the breaches and seek further education

to ensure the breaches do not continue to occur. We usually refer these law practices to the LIV to receive further training and support. A further 59 law practices required corrective steps to their record keeping practices and 20 resulted in follow-up investigations by our office.

We issued Management System Directions to six law practices, directing them to make changes to address systemic failures with their trust compliance processes. In five instances we found a lawyer had failed to adhere to their compliance obligations, including not complying with directions when issued. These instances warranted possible disciplinary action. One law practice’s record keeping was found to be so poor that we subsequently appointed a manager.

Policy submissions

In 2022–23 we provided formal policy submissions to various policy review and consultation processes, which have implications for legal profession regulation and consumer protection, including:

- the Legal Services Council’s review of costs disclosure thresholds in the Legal Profession Uniform Law
- the draft Legal Profession Uniform General Amendment (Managed Investment Schemes) Rule 2022, and
- the Commonwealth Attorney-General’s consultation on proposed reforms of Australia’s anti-money laundering and counter-terrorism financing regime, which includes a proposal to potentially extend the reporting and record keeping obligations in that scheme to include lawyers.

3

Improving legal practice and ethics

An important part of our regulatory role is to assist Victorian lawyers to achieve and maintain high ethical and professional standards in legal practice. In turn, this helps to protect consumers by ensuring lawyers are competent and diligent in their work.

We engage with the legal profession, consumers of legal services, courts, other public and government organisations, and our Uniform Law partners to identify the issues that affect lawyers in their work. We develop and provide clear information and guidance to the profession to help lawyers understand and meet their professional obligations.



Year highlights



Our new **mental health resources** were accessed

2,700 times



We launched our first annual **Risk Outlook** for lawyers



We established a **Wellbeing Community of Practice**



We surveyed **early career lawyers** about their experiences with supervised legal practice

The story of the legal profession 2022–23

Size of the profession



2,016
new lawyers
were admitted
this year



91.8%
of lawyers are solicitors and
8.2%
are barristers



Over 2022–23, the number
of solicitors increased by
4.1%
while the whole
profession
grew by **3.8%**



27,661
lawyers were
practising in Victoria
at 30 June 2023

Renewals process



The renewal response
rate was
6%
higher this year



We managed
8,500
telephone and web enquiries
during the practising
certificate renewal period



207
lawyers did not renew their
practising certificate —
62% fewer than
last year



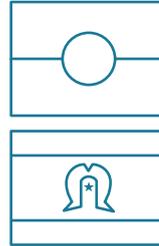
95%
of lawyers applied to renew
their practising certificate
by 30 June 2023

Diversity



77%

of Victorian lawyers were born in Australia



248

lawyers identified as having Aboriginal or Torres Strait Islander heritage



54.1%

of all practising lawyers were women



1,214

lawyers speak Mandarin

which is the most common language other than English



171

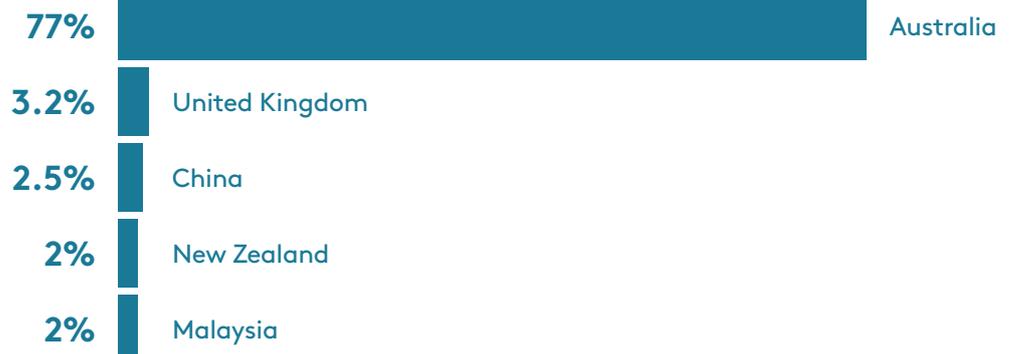
different languages were spoken among Victorian lawyers



175

different cultural backgrounds exist among Victorian lawyers

The top five countries of birth reported by lawyers



Demographics of the profession

In 2022–23, there were 27,661 lawyers with a practising certificate in Victoria. Solicitors made up 91.8% of the profession at 30 June 2023, with barristers making up the balance (8.2%).

The number of new lawyers entering the profession was slightly less than last year. Despite this, the total number of solicitors employed in Victoria continued to grow in line with previous years' trends – increasing by around 4.1%. The number of practising barristers remains relatively steady, with Victoria recording a net decline in barrister numbers of only 0.4% (28 barristers), compared to last year.

Each year we collect a range of demographic information that provides valuable insights into the make-up of the Victorian profession. In addition to the standard demographic information we request (such as age, gender and area of legal practice), we ask lawyers to tell us about their country of birth, their cultural heritage and languages they speak other than English. This information was provided voluntarily by about 92% of lawyers who applied to renew their certificate.

Cultural diversity

Victorian lawyers reported a total of 175 different cultural backgrounds. The top five countries of birth reported across all respondents were Australia, the United Kingdom, China, New Zealand and Malaysia. Other than English, the most common languages spoken across the profession were Mandarin, Italian, Greek, French and Cantonese.

A total of 248 lawyers also identified as having Aboriginal and/or Torres Strait Islander heritage.

The cultural profile of the profession as a whole is slightly different to the profile of lawyers who were admitted to practise during 2022–23.

Among first year lawyers, the top five countries of birth were Australia, China, New Zealand, India and the UK. The top languages spoken (other than English) were Mandarin, French, Hindi and Greek. They were followed by an equal number of Cantonese and Arabic speakers.



These profile differences, although slight, show the cultural diversity of the profession is gradually evolving with each new cohort of lawyers.

Gender balance

Women comprise 54.1% of the legal profession, which represents an increase of 1.5% over the past two years. Our data shows that there are more female lawyers in the profession who have 20 or fewer years of practice, compared to male lawyers. However, as years in practice extend beyond 25 years, the proportion of male lawyers increases substantially to the point where over 70% of practising lawyers are male. Figure 2 shows the change in gender representation by years in legal practice.

There were 23 lawyers who identified as non-binary, which is an increase of eight lawyers compared to last year's statistics.

Changes in types of law practice

Private practice remains the largest sector employing solicitors in Victoria. Sole practitioner law practices continue to be the most common employer type, followed by incorporated legal practices. Despite this, we saw significant growth in lawyers working for non-legal entities in the past year. The number of government lawyers increased by 6.8% and the corporate lawyer ranks grew by 6.6%. There was also a 14.5% decrease in volunteer practising certificates issued.

Most lawyers continue to be located in the CBD (52.4%), followed by metropolitan Melbourne (34.8%). A total of 3.2% of Victorian lawyers work in the regional cities of Geelong, Ballarat and Bendigo, while 8.2% work in other areas across the state.

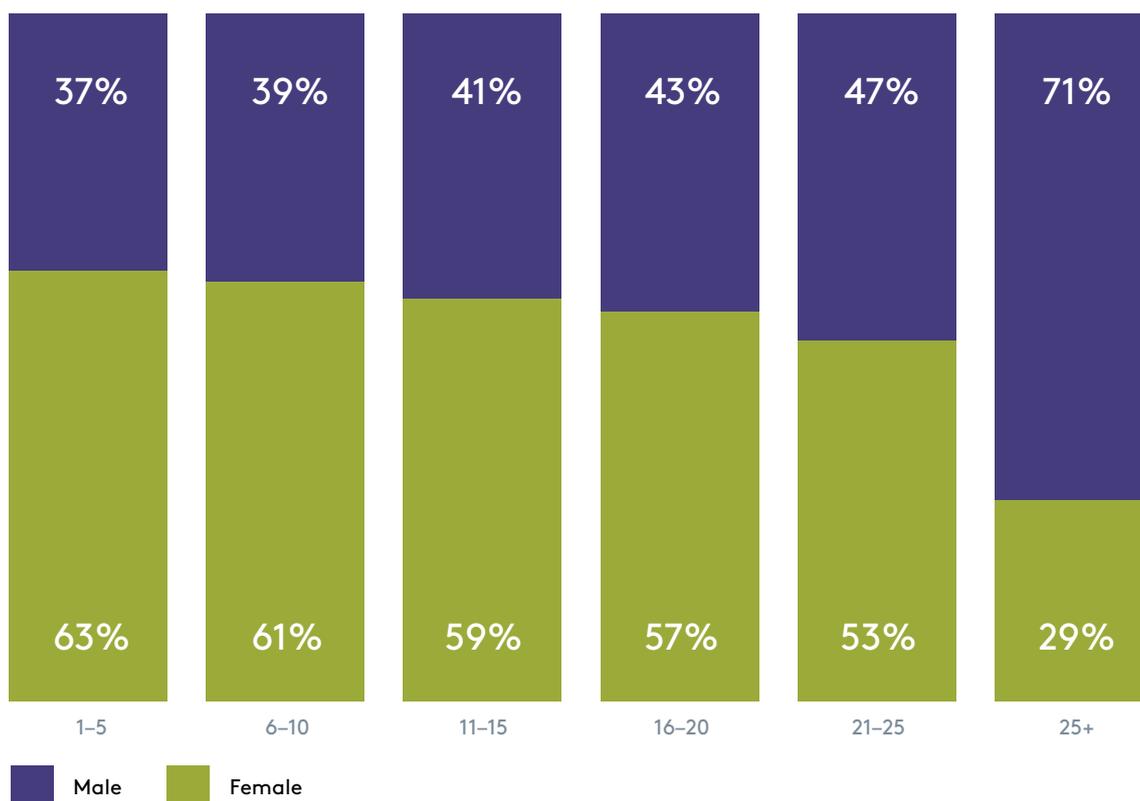


FIGURE 2: FEMALE VS MALE PRACTITIONERS AND YEARS SINCE ADMISSION TO PRACTISE

Managing practising certificate renewals

Lawyers must renew their practising certificate by 30 June each year to continue practising law in the new financial year. By 30 June 2023, almost all lawyers who held a current certificate had either applied to renew their certificate (95%) or advised us they were not intending to renew (3%). This 98% response rate represents an increase of 6% from the previous year, or approximately 1,400 lawyers.

The improved response rate is attributed, at least in part, to our strategy of increased and targeted communication leading-up to, and throughout, the renewal period. We used a variety of communication tools and media, including videos, web content, email, SMS and social media posts to support lawyers in applying to renew their certificates through our LSB Online portal.

Evaluating practising certificate fees

Lawyers are required to pay a fee when they apply for, or renew, their practising certificate. These fees are set through regulations and contribute to meeting the cost of our regulatory work.

The current regulations set fees from 2018–19 up to, and including, the 2027–28 financial year. This year we started a mid-term evaluation of the current fees structure – a process we committed to undertaking when the fees were set five years ago. The evaluation involves a detailed assessment of our regulatory work, including the activities involved in licensing, complaint-handling, trust account investigations, external interventions and compliance audits. The evaluation will help us understand how much time and money we spend regulating lawyers and whether there is a need to adjust the current fees to ensure they continue to be set at fair and appropriate levels.

Addressing sexual harassment in the profession

Sexual harassment within the profession remains an area of ongoing concern and focus for us. We continue to receive reports through our online reporting portal, which supports people to provide details of alleged instances of sexual harassment and sexual impropriety by lawyers. While these reports are sometimes anonymous, they give us valuable information that we can use to begin to investigate a lawyer's conduct.

The reports come from a range of people, including employees of law practices and associates of the lawyer being reported. We are also seeing a concerning trend of complaints from clients of law practices.



These clients are often extremely distressed and may be in vulnerable situations. They have sought assistance from a lawyer to help them with their legal problem but have been subjected to some form of harassment or sexual impropriety. We are working to educate the profession to deter this sort of abhorrent behaviour — including through prosecutions.

Prosecutions

We worked on several formal sexual harassment investigations during the year. One matter we took to VCAT in 2021–22 was finalised in April 2023. In this case, a lawyer had sexually harassed a client and was found guilty of professional misconduct. The lawyer was reprimanded, suspended from legal practice for two months, and ordered to pay \$20,000 in legal costs. Another matter we took to VCAT in 2021–22 was still pending a decision at 30 June 2023.

We filed three other sexual harassment matters with VCAT this year, all of which have progressed but are yet to be heard.

Evaluating our sexual harassment reporting portal

This year we started evaluating our online sexual harassment reporting portal, which was launched in September 2021. We analysed all sexual harassment reports made to us in the 12 months preceding, and immediately following, the launch of the portal. Our analysis included looking at the number of reports, the demographic features of those making a report and the alleged perpetrators, the nature of the harassment reported, and the actions we took in response.

We identified that the online tool has been useful in helping people make reports to us. Our analysis also highlighted the need to continue to increase awareness of the tool among Victoria's legal profession, and to improve its usability and functionality. We will make these improvements over the 2023–24 year and will continue to monitor and evaluate patterns of sexual harassment reporting within the Victorian legal sector.

Addressing poor mental health in the legal profession

We remain focused on wellbeing in the legal profession, as poor wellbeing impacts lawyers personally and professionally.

Research shows poor lawyer wellbeing continues to be an issue around the world. By addressing poor wellbeing in the profession, we can help lawyers provide quality legal services and have more satisfying careers. In turn, this will improve the public's confidence in the quality of legal help available and in the legal system itself.

To support the profession, we published a suite of new resources on our website on topics relating to wellbeing in the law. These resources explain why poor wellbeing is so common and provide strategies to help lawyers tackle the issue. The resources highlight the value of early intervention in recognising the signs of poor wellbeing and the critical role that leaders play in creating cultures of wellbeing. Lawyers and others in the profession have accessed these resources over 2,700 times.

Developing partnerships across the profession

Partnering with other entities within the legal profession is an important part of our wellbeing strategy. This partnering approach helps us address the systemic drivers of poor wellbeing in the legal profession and expand our focus beyond individual resilience. We continue to work with the LIV and the Bar to fund initiatives supporting lawyer wellbeing, including enabling:

- lawyers to access wellbeing support via the LIV Practice Management Consult Service and online wellbeing resources, and
- barristers and their families to access wellbeing support via the Bar's wellbeing portal.

We have also set up a Wellbeing in the Profession Community of Practice. It brings together organisational psychologists and health and wellbeing specialists working within the legal profession to share knowledge and expertise. The Community of Practice provides a space for these professionals to share and learn from each other. It also helps us identify ways that we can support positive systemic change. We provide the co-ordinating function for the group, which includes representatives from across the profession, including the LIV, the Bar, Victorian Government Solicitors Office, VLA, the Courts, the Office of Public Prosecutions and private law firms. The group has identified several shared high priority areas to work on together, including vicarious trauma, workload management and the potential impacts of new psychosocial regulations on the profession.

Explaining mental health disclosure requirements

In 2011, we established our policy on when lawyers should disclose a mental health condition to us as the legal regulator. Lawyers only need to disclose a mental health condition to us if it is adversely affecting their ability to engage in legal practice. There is no obligation to disclose any condition if they can meet their obligations as a lawyer.

The policy has not changed since it was established, however there remains some uncertainty among Victorian lawyers about their disclosure obligations. To provide clarity, we wrote an article that was published in the *Law Institute Journal* in June 2023 that explained the circumstances in which we require lawyers to disclose a mental health condition. The article highlighted some of the conduct we have seen where poor mental health has impacted a lawyer's ability to engage in legal practice. It also encouraged lawyers to seek appropriate treatment and support.

Review of delegations to the Bar

Our Board and Commissioner have the ability to delegate certain functions to an external individual or organisation. The delegation holder will then perform those functions on our behalf, consistent with our corporate policies. We review these delegations each year to ensure they are still required, and to monitor the delegates' performance.

In late 2022, we began reviewing the Board delegations made to the Bar. After a detailed process, we resolved to continue most of the current delegations, with the exception of those relating to disqualification orders and injunctions as they were not being exercised. We also reached an agreement with the Bar to further collaborate on communications and training, and to extend our oversight of its practising certificate licensing activities.

Undertaking research

Every year, we survey lawyers on matters of regulatory importance. As part of our practising certificate renewal process, we invite lawyers to complete an optional and confidential survey on a particular topic associated with legal practice.

2022 survey on lawyer-client relationships – findings

We usually hear about the lawyer-client relationship from a consumer's perspective, so in 2022 we surveyed lawyers about their lawyer-client relationships. More than 540 lawyers responded to the survey, sharing insights about their experiences with one of their recent clients. In doing so, they provided valuable information on the factors that can affect lawyers' working relationships with clients, either negatively or positively.



We identified several positive trends in the survey results. For example, nearly all lawyers discussed costs with their clients before they were retained – and most clients were engaged in these discussions. Very few of the respondents indicated their clients had expressed dissatisfaction with their final bills.

While most lawyers reported they did not have any challenges in communicating with their clients, others told us that factors such as their clients' mental health and level of literacy created some difficulties for them. Similarly, while most lawyers indicated their clients did not display any challenging behaviours, a minority reported some clients were rude, hostile or aggressive. Unsurprisingly, respondent lawyers told us their clients were often under high levels of stress, including emotional and financial stress.

The results of this survey offer a more nuanced view of factors that affect the lawyer-client relationship and will help us inform our future work to support lawyers and consumers. Further information about this work is available on our website.

2023 survey on supervised legal practice

In 2022, we undertook a systematic literature review that explored the experiences of early career lawyers. A key theme that emerged was supervision, with the literature suggesting some newer lawyers are poorly supervised at the start of their careers.

Poor supervision can lead to negative consequences, including that:

- lawyers feel that they don't have all the necessary skills required to practise with confidence
- there are poorer wellbeing outcomes for early career lawyers, and
- some early career lawyers leave the profession.

The literature review uncovered little contemporary research that investigated the experiences of lawyers during their period of supervised legal practice (i.e. the 18–24 month period of compulsory supervision when lawyers are first admitted to the profession). To address the gap, our survey this year focused on Victorian early career lawyers' experience of supervised legal practice — both positive and negative.

The survey was open during the practising certificate renewal period to Victorian lawyers undergoing supervision at the time or who had completed supervised practice within the last five years. In all, 325 lawyers shared their experiences, including their relationships with their supervisors and their assessment of the value of their supervision.



Once analysed, the survey findings will inform our work in supporting early career lawyers over the coming years. We will publish a full report towards the end of 2023.

We will also be publishing a new resource for early career lawyers, in line with the recommendations of our previous review of Victorian lawyers' experience with CPD. This new guidance is designed to assist early career lawyers to get value from the CPD they undertake in ethics and professional responsibility. It provides a framework to help early career lawyers understand the factors that are relevant to good ethical practice, supports them to reflect on their ethical development needs, and suggests some ethics CPD opportunities to consider. This resource was due to be published in July 2023, alongside similar guidance for mid-career and senior lawyers.

Supervised Legal Practice Policy

In May 2023, we updated our Supervised Legal Practice Policy. This policy explains supervision requirements for lawyers after their first practising certificate is granted, including when the supervision condition on their certificate can be removed. Updates included clarifying what remote supervision arrangements lawyers should put in place

when they start supervision in a different organisation to their supervisor, and highlighting the critical importance of applying for timely removal of the condition on their practising certificate after they meet their requirements.

Identifying risks for the profession

One of our organisational commitments is to assist lawyers at every stage of their career to conduct themselves ethically and to provide quality legal services. We will work towards achieving this goal by improving the way we communicate with lawyers, in particular about how the regulatory issues we focus on impact individual practitioners and the profession.

In April 2023 we published our first *Risk Outlook* for the Victorian legal profession, which highlighted the risks for lawyers that we will be targeting in the year ahead. This year we identified five key risks:

- cybercrime
- non-compliance with costs disclosures
- non-compliance with trust money obligations
- inadequate supervision of early career lawyers and oversight of law practices, and
- unethical conduct, including improperly lodging caveats, claiming liens and gross overcharging.

For each risk, we described the issues and conduct that have the potential to cause consumer harm, and explained our planned responses to those risks. We also included useful tips for lawyers to help them protect their practice and clients.

We send our bi-monthly *Commissioner Update* e-newsletter to all Victorian lawyers. We also used this communication channel to highlight several key issues of concern raised in the *Risk Outlook*. For example, we published articles about cybercrime attacks targeting lawyers' trust accounts, the need to improve cybersecurity, and improper dealings with trust money. Other articles discussed the improper use of confidential documents and access of court document portals.

We will publish an annual *Risk Outlook* in response to our ongoing analysis of the changing global and domestic risk landscape for the profession. This will help ensure lawyers are aware of, and alert to, the risks affecting their practice and consumers of legal services.

Understanding generative AI

The emergence of generative AI in late 2022 and its rapid uptake as a business tool has the potential to cause significant disruption to the legal industry. While Victorian lawyers are already investigating its capabilities for their work, the potential benefits and risks to both lawyers and consumers of legal services are still emerging.

We proactively engaged with experts and academics in the field to gain a better understanding of generative AI, its potential uses within the legal services market, and the associated impacts for the legal services market, access to justice, legal profession regulation and consumer protection.

In April 2023, our senior leaders met with Professor Edward Santow from University of Technology Sydney's Human Technology Institute to understand and begin exploring the range of issues generative AI presents for legal regulators. We actively engaged in discussions about this topic, including facilitating and participating in a Regulators' Round Table in June 2023 to discuss the topic as part of a series designed by the Centre for Legal Innovation. The same month we also participated in a panel discussion on AI and Access to Justice at the National Access to Justice and Pro Bono Conference in Brisbane.

First Nations cultural awareness training for lawyers

Veronica Nelson was a proud Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman who died in State custody in 2020. The Coroner's finding in response to Ms Nelson's death included a recommendation directed to us and the Bar that we consider including Aboriginal and Torres Strait Islander cultural awareness training as a mandatory requirement of CPD for lawyers.

We agree lawyers would benefit from having First Nations cultural awareness training throughout their careers.

We have a power, through the barrister CPD rules, to direct barristers in their first three years at the Bar to undertake additional CPD activities. In response to the Coroner's recommendation, we are collaborating with the Bar to expand the CPD requirements for new barristers to include appropriate First Nations cultural awareness and capability training. This will improve their ability to provide culturally safe and informed legal services to First Nations clients.

We do not have powers to mandate additional CPD for solicitors or more experienced barristers. However, we continue to urge all lawyers to ensure they meet the needs of First Nations clients and to reflect on and build their understanding of First Nations culture.

We are also committed to continuing to fund the development of a comprehensive work program that is designed to improve the capacity of lawyers to provide culturally safe legal services and to improve access to justice for First Nations clients. For example, we have provided funding to VLA and the LIV to develop a First Nations Cultural Capability Framework to support lawyers in Victoria meet their responsibilities to First Nations clients. It aims to ensure legal representation is culturally informed and safe, and supports better outcomes for First Nations clients.

Professional boundaries guidance

The Royal Commission into the Management of Police Informants handed down its final report and recommendations in November 2020. In the final report, Commissioner Margaret McMurdo AC commented there were "opportunities to provide more comprehensive guidance to lawyers about their ethical duties and obligations, particularly relating to the duty of confidentiality, exceptions to this duty, and maintaining appropriate professional boundaries."

We are confident most lawyers understand and comply with their ethical duties and obligations in these areas. Nonetheless, we agree with the Royal Commission's recommendation that comprehensive guidance can help lawyers navigate the more complex aspects of the duty of confidentiality (and its exceptions), the circumstances in which their ability to maintain professional boundaries may be tested, and ways to resist crossing those boundaries.

We published guidance on maintaining appropriate professional boundaries in June 2023 after consulting with the LIV, the Bar, the Legal Practitioners' Liability Committee and VLA.

The guidance identifies a range of situations that may increase the risk to a lawyer's professional boundaries, and covers:

- why professional boundaries matter
- the link between professional boundaries and the professional conduct rules
- how to avoid boundary-compromising situations (and examples of high-risk scenarios)
- how to know if professional boundaries have been compromised, and
- where to find further information and support.

This guidance is designed to encourage ethical behaviour by lawyers, better protect the public, and promote community confidence in the legal profession.

We will consult on, and publish, our guidance on confidentiality next year.

4

Improving access to justice

We play a vital role in funding organisations across the legal system to deliver legal services, improve and secure access to justice, and support legal education and legal regulation for Victorians.

Through the Public Purpose Fund, we provide essential funding to VLA and other organisations, including the Victorian Law Reform Commission, VLF and Justice Connect. In addition, our Grants Program supports both legal and non-legal community organisations to explore and address legal issues facing Victorians.



Year highlights



17

access to justice projects were funded through the Grants Program



\$5 million

in funding was awarded through the Grants Program



We started work on our first **Reconciliation Action Plan**



We released a new **Access to Justice Policy statement**

Our funding impact

We maintain and administer the Public Purpose Fund (PPF). As the legal regulators, our Board and Commissioner operational costs are met by the PPF. We also make further annual allocations supporting a range of legal and justice organisations that benefit the public, lawyers and consumers of legal services.

Overview of the organisations we fund

Justice Connect

Justice Connect is an innovative community legal organisation working to increase access to legal support and progress social justice across Australia. It delivers services that assist both public and not-for-profit organisations and leverages the pro bono capacity of lawyers in its work. Justice Connect offers specialised legal services and works with priority groups and projects to respond to rising legal needs and matters in the public interest.

We allocate funding to support Justice Connect's administration of the Victorian Bar's Pro Bono Scheme and the LIV's Legal Assistance Scheme, in collaboration with both professional associations. With this funding, Justice Connect can deliver critical legal services to people experiencing disadvantage who cannot otherwise access help.

Law Library of Victoria

The Law Library of Victoria is an integral resource for the courts, the legal profession and the community. The Library provides access to authoritative legal information for all Victorian lawyers and judicial officers to assist with the accurate, effective and fair administration of justice and the practice of law. Our funding supports the Library in continuing to provide lawyers with access to high-quality digital and hard-copy legal information.

Legal Services Council and Commissioner for Uniform Legal Services Regulation

The Legal Services Council and the Commissioner for Uniform Legal Services Regulation jointly oversee the operation of the Legal Profession Uniform Law regulatory scheme. The Council is responsible for monitoring the overall operation of the Uniform Law framework, as well as making Uniform Rules for the legal profession in the participating jurisdictions. The Commissioner ensures the Uniform Law's professional discipline arrangements are applied consistently. We provide funding to the Council and the Commissioner to support the ongoing operation of the Legal Profession Uniform framework.

Professional associations

Law Institute of Victoria

The LIV is a not-for-profit professional association dedicated to its members and the development and maintenance of the rule of law for the benefit of the Victorian community. The LIV represents more than 18,000 lawyers, legal professionals and law students in Victoria, interstate and overseas.

We provide funding to the LIV to deliver education and engagement initiatives, including legal policy, practice support, wellbeing, referrals and ethics services that benefit the legal profession and community. The LIV also undertakes CPD auditing on our behalf under delegation.

Victorian Bar

The Bar is a professional association representing more than 2,200 barristers in Victoria. It provides resources and opportunities to its members, such as professional development, best practice training, wellness programs, social justice initiatives and community engagement. We provide funding to the Bar for education and wellbeing initiatives.

Our funding supports the Bar to develop ethics and practice support resources for barristers who practise in the areas of civil, criminal and family law. We also fund the Bar to deliver mental health counseling services, and improvements to the Bar's pro bono portal, which assists the courts to request pro bono assistance for people in civil or criminal matters.

The Bar also issues practising certificates to barristers and considers some suitability matters concerning barristers on our behalf under delegation.

Victoria Law Foundation

The VLF is a statutory authority and not-for-profit organisation that works to improve the public's understanding of the Victorian justice system and supports better justice outcomes through research, education and grants. The VLF's research seeks to uncover how people understand and navigate the law, assess services that support better justice, and identify community legal needs.

It also runs projects that benefit the legal profession and wider society, including Victorian Law Week and a small grants program. The VLF receives funding through the PPF to develop and provide resources for community legal education, and to conduct legal research.

Victoria Legal Aid

VLA is an independent statutory authority that helps disadvantaged people with legal problems involving family breakdown, child protection, family violence, criminal matters, guardianship and administration, fines and tenancy. Working predominately with socially and economically disadvantaged clients, VLA provides free legal information and education to Victorians seeking to resolve legal issues.

We provide funding to the VLA to help run its regular operations, and to support its digital transformation work. This funding is the largest single annual allocation made from the PPF.

Victorian Civil and Administrative Tribunal

VCAT provides fair, efficient and affordable justice for the Victorian community by making decisions about a wide range of cases and by helping people to resolve disputes. As a tribunal, it is less formal than a court setting.

VCAT is the busiest tribunal in Australia across many different areas of law and lists. We fund VCAT's Legal Practice List to hear and decide on cases involving lawyers' conduct and disputes between lawyers and clients about legal services and costs.

Victorian Law Reform Commission

The Victorian Law Reform Commission (VLRC) is the central agency for law reform in Victoria. The VLRC contributes to developing a fair, just and inclusive legal system for all Victorians. Its major responsibility is to examine, report and make recommendations on law reform issues referred to it by the Attorney-General.

We provide funding towards VLRC's operational expenses and, importantly, support the VLRC's work in engaging with the community to request areas for potential law reform. We also provide information to Victorian Certificate of Education legal studies students and community groups through in-person presentations and online resources.

Victorian Legal Admissions Board

The Victorian Legal Admissions Board (VLAB) is a statutory body that governs the admission of Australian lawyers to the Supreme Court of Victoria. It also provides administrative support for admitting lawyers into legal practice. We provide funding to VLAB to assist it in performing its functions.

Grants funded

Over the past 16 years, we have distributed more than \$51 million through our Grants Program to projects aimed at improving access to justice for Victorians. In the 2022–23 financial year, we awarded \$5 million in funding to support 17 projects being delivered by legal and community organisations in Victoria.

TABLE 1: PROJECTS FUNDED IN THE 2022 GRANTS FUNDING ROUND

PROJECT TITLE & ORGANISATION	DESCRIPTION	AMOUNT
Bunjilwarra Justice Coordination Project Bunjilwarra/YSAS	This project provides coordinated legal support to Aboriginal young people aged 16 to 25 who are referred from the justice system to Bunjilwarra’s residential rehabilitation and healing program. Residents have access to a justice worker to help them resolve their legal issues, with a combined focus on improving health and justice outcomes.	\$400,000 over 3 years
Restorative Justice Hub Worawa Aboriginal College	This is a pilot program for restorative justice services in Melbourne’s eastern metropolitan region. Its focus is on addressing harm through conciliation and providing opportunities for Aboriginal children and young people to stay out of the justice system and connect with self, family, community and culture.	\$400,000 over 2 years
Justice at Home Northern Community Legal Centre	This project evaluates the benefits and constraints of using remote technology in Victoria’s courts to manage family violence intervention orders. To improve service delivery and enhance safety, it will compare the experiences of victim-survivors who attended hearings in person to those who attended virtually.	\$81,000 over 1 year
Rental Minimum Standards and Repair Hub Tenants Victoria	The Hub is an online help tool and single point of contact for enquiries about repairs to rental properties, as well as a compensation clinic for eligible renters. This will improve renters’ understanding of their rights under Victoria’s minimum rental standards.	\$328,000 over 2 years
First Step Legal and Launch Housing Health Justice Partnership First Step	This partnership provides onsite legal support to women in crisis accommodation who have experienced trauma and violence. A lawyer and a paralegal will work alongside a general practitioner and a mental health nurse to form an integrated health and justice partnership.	\$200,000 over 2 years
Understanding the experiences of women modern slavery survivors in the Victorian criminal justice system Deakin University	This project involves gathering case studies and interviews with survivors of modern slavery who have also had contact with the criminal justice system. The data will be used to inform recommendations for reducing barriers, such as fear of prosecution, which prevent survivors from seeking help.	\$68,000 over 14 months
Innovative early support service for young people using violence Youthlaw	We have continued funding for early support options for addressing the significant and complex issues faced by young people who are violent in the home. A family violence lawyer and a social worker will further refine, deliver and promote the multidisciplinary model across Melbourne’s western, northern and inner suburbs.	\$300,000 over 1.5 years
Whistleblowers’ Legal Project Human Rights Law Centre	This is Australia’s first dedicated whistleblowing legal project, which provides specialist support and help to protect the legal rights of people who expose misconduct in the public and private sectors. This will bring Australia in line with other comparable nations in making it safer to lawfully speak up about wrongdoing in the public interest.	\$320,000 over 3 years
Volunteer Program Co-ordinator Emma House Domestic & Family Violence Services Inc	We funded the employment of a Volunteer Program Coordinator to implement a new volunteer legal program serving south-west Victoria (Warrnambool, Portland and Hamilton).	\$195,000 over 3 years

PROJECT TITLE & ORGANISATION	DESCRIPTION	AMOUNT
Strengthening supports within supported residential services Mental Health Legal Centre	This project involves developing an effective and innovative model for integrating legal, non-legal and advocacy services to better meet the complex needs of people living with mental illness and psychiatric disability in supported residential services in Victoria.	\$200,000 over 1 year
Sex Work Legal Program Southside Justice	This is a specialist legal program for sex workers in Victoria, which helps participants understand their rights, protections and entitlements. The focus will be on providing accessible and accurate information about decriminalisation, timely legal advice, referrals and representation on a range of legal matters.	\$350,000 over 3 years
Meeting the civil law needs of at-risk young people Barwon Community Legal	This partnership with Barwon Child Youth and Family and The Geelong Project will design and pilot an early intervention program to address the civil law needs of young people at risk of leaving school or becoming homeless. It will also develop online resources and establish a state-wide working group for youth workers.	\$500,000 over 3 years
Leveraging DSPHelp to address Centrelink overpayments Social Security Rights Victoria	This project provides help for social security applicants and recipients in disputes over Centrelink overpayments to get access to fair and adequate income support. It will build on the experience, technology and tools gained from a previously funded website and chatbot called DSPHelp.	\$380,000 over 2 years
A home of your own: keeping women and children safely housed Justice Connect	This project involves the design and delivery of a digital self-help tool for women experiencing family violence, which will make it easier for them to understand their legal rights under Victoria's rental laws and newly legislated protections.	\$185,000 over 1.5 years
Police Complaints and Oversight Project Inner Melbourne Community Legal	This project aims to improve legal and wellbeing outcomes for people affected by police misconduct. It will co-design a state-wide service model for delivering fair and equal access to the proposed new Victoria Police complaints and oversight system, while working to ensure the system meets international benchmarks.	\$520,000 over 2 years
Improving legal and financial outcomes for 'lemon car' consumers in Victoria Consumer Action Law Centre	This project involves coordinating a campaign to make accessing redress easier for Victorians who are sold 'lemon cars'. An advocacy group will drive reform, including developing a fully costed alternative model for resolving disputes with sellers.	\$273,000 over 2 years
Integrated Legal Practice – Impact and Influence Eastern Community Legal Centre	This is a multidisciplinary approach to identify and amplify opportunities for reform in family violence, mental health and disability areas. The project will draw on the expertise of stakeholders and people with lived experience to build capacity among partner organisations.	\$300,000 over 3 years



Case study – Northern Community Legal Centre Safe Landing Project

In recent years, the north-western suburbs of Melbourne have experienced the largest arrival of migrants of Indian origin in the country. The Northern Community Legal Centre (NCLC) identified that some women within that community were extremely vulnerable as they experienced high rates of family violence, isolation and visa insecurity. In response, NCLC created the Safe Landing Project; a collaboration with family violence services, police and the courts to provide wrap-around and culturally appropriate assistance to these women and their children. Critically, the service provides women with both family law and migration law support to address their intersecting legal needs in a streamlined way.

In 2018, we provided a grant to the NCLC to develop its project and funded the pilot over a three-year period. In that time NCLC clearly demonstrated the effectiveness and value of this support model in providing assistance to vulnerable people. After such a successful pilot, the Commonwealth Government has now stepped in to continue the NCLC’s work by providing more than \$2 million in funding over the next four years. This will allow Safe Landing to expand its reach into new areas, with South-East Monash Legal Service joining the project to provide the same service to women living in the south-eastern suburbs of Melbourne.



Launch of the Safe Landing Project in October 2022: (L–R) Hon. Andrew Giles MP, Kirsten Wallwork (South-East Monash Legal Service), Ros Spence MP, Fiona Patten MP, Jenni Smith (NCLC), Samantha Ratnam, MLC.

The Safe Landing Project in action

Amara* met her husband in their country of birth. Her husband was an Australian resident, so after marrying, Amara arrived in Australia on a visitor visa to start her life with her husband.

Soon after, her husband’s behaviour towards her changed. He became extremely controlling, verbally abusive and was often physically violent. He also frequently threatened to have her visa cancelled so she would be deported. Amara felt isolated and unsafe, as she had newly arrived and had no community or family support around her.

After experiencing a miscarriage, her husband committed further serious acts of violence against her. Amara decided she had no choice but to leave. When the team at NCLC first spoke with her, Amara had only recently escaped her husband with help from a friend. She was living in fear, and was unaware of her rights or any legal protections or social support she could access.

NCLC gave Amara important initial legal advice, including how to contact and make a statement to police, and referred her to a family violence support service where she received mental health support and counselling, quick access to secure emergency accommodation, and other safety planning support.

NCLC provided wrap-around legal advice and support to Amara with migration and family violence lawyers who helped her through the family violence proceedings, communicated with police and the courts, as well as her other support workers, and supported her through court appearances where she was able to obtain a final family violence order. The migration lawyer also offered Amara further legal advice regarding the Family Violence Provisions and next steps to ensure her access to a pathway to legally remain in Australia.

*Not her real name.

Strategic review of our Grants Program

In 2022, we engaged consultants to undertake an extensive independent review of the Grants Program. At the time, the program had been in operation for 15 years. We decided to conduct an independent review to explore the benefits and shortcomings of the Grants Program to further advance our role in funding access to justice in Victoria.

The review was completed in August 2022 and found strong support for the program among stakeholders in the justice sector. It also articulated the strengths and key challenges in our existing funding methodology. The report's outcomes fed into the development of a new strategy for funding access to justice programs.

A new grants strategy

In February 2023, our Board approved a new strategy for the Grants Program for at least the next five years. The strategy supports a forward-thinking and adaptive program to deliver innovative and effective funding to maximise improvements in access to justice for all Victorians. The strategy builds on the strengths of the existing program, while allowing us to offer broader funding support in areas of need.

Our new strategy sets out three goals that aim to improve justice outcomes and advance systemic reforms for the benefit of all Victorians in the areas of:

1. accessible legal services
2. holistic and diversionary responses, and
3. fairer laws and processes.

A new funding model

We have also adopted a new funding model based on the recommendations of the strategic review. From 1 July 2024, we will award funding through two distinct streams:

1. Supporting Positive Change – individual project funding with the aim of supporting positive change in an area of need (this continues the work of the original grants funding model), and
2. Supporting Organisations at Scale – organisational funding, supporting well-led organisations with a track record of delivery and overall strategic objectives that align with our own. This new stream allows us to provide support to organisations as a whole, rather than just for individual projects.

Access to Justice Policy Statement

In June 2023, we released our Access to Justice Policy Statement. Access to justice is broader than just a person's ability to access the justice system – typically our courts, tribunals and dispute resolution services. Access to justice also involves the actual or perceived barriers that can affect a person's experience of the legal system, including cost, availability of services, racism, mental illness, low literacy, poverty, isolation and violence. These factors, and more, can impact a person's ability to seek legal help or remedy.

Our role in supporting Victorians' access to justice arises through our statutory responsibilities:

As a Regulator

We oversee the Victorian legal profession and the conduct and professionalism of Victorian lawyers.

As a Funder

We play a significant role in financially supporting access to justice activities in Victoria.

As an Investor

We manage our investments in the PPF to ensure long-term support of our ability to undertake legal regulation and fund access to justice in Victoria.

Our Corporate Plan identifies improving access to justice as one of our three strategic objectives. It sets out four goals for us to meet as part of achieving this objective:

1. raise awareness of our role in improving access to justice
2. conduct comprehensive evaluation and reporting on our access to justice activities
3. reduce regulatory barriers to more affordable, accessible legal services by supporting innovation in legal practice, and
4. develop strategic and longer-term planning for effective funding of access to justice initiatives in Victoria.

We recognise that we are in a unique position to contribute to improving access to justice and are committed to leveraging our roles as regulator, funder and investor to achieve the best outcomes for all Victorians.

Reconciliation Action Plan

This year we began developing our first Reconciliation Action Plan (RAP). Our RAP will help us reflect on how we engage with First Nations peoples and improve our organisation and services to ensure they are culturally aware and accessible. We are taking this step because we:

- believe it is essential for healing more broadly in our community
- acknowledge the ongoing and disproportionately adverse impacts of our justice system on First Nations peoples, and
- are an organisation that has improving access to justice at its core.

As a necessary first step we engaged an Aboriginal-led consultancy to provide our staff with training and education on First Nations history through a process of truth-telling. This helps our staff better understand the ongoing challenges that exist today for First Nations peoples, including with our legal system. This initiative also provided us with an appreciation of First Nations culture and the valuable contribution First Nations peoples make to our community. Our RAP will continue to be developed during 2023.

Innovation in the profession

We continue to work with lawyers to understand how the increasing use of technology is changing the legal services market. This work supports lawyers to improve their productivity, and helps to make legal services more affordable and accessible to consumers.



Through our Innovation In-box, lawyers can send us their questions about how they can advance new and innovative ways to practise law and comply with their professional obligations. Their common areas of interest include developing online legal information, self-help products and different pricing practices.

We will continue to provide information and guidance on how these ideas can be progressed in line with the regulatory regime.

We will also continue to look for opportunities to provide more general information to the profession to promote innovation. This year we published an article in the *Law Institute Journal* titled 'Advice or Information: Should it matter?', which explored the nuances of providing legal advice and information through online services. We also published a guidance piece on our website covering tips for developing digital legal self-help tools.

5

Enabling our work

Our people, technology and governance are fundamental to our ability to achieve our strategic objectives. We recognise the value our staff provide to our organisation and support them with learning and development opportunities and wellbeing initiatives, and by continuously improving our systems and processes to help them undertake their work.

We also have a strong focus on improving our technological capabilities across the organisation. This will provide our staff with the best resources and the real-time data they need to identify and respond to emerging issues within the legal profession. This focus will also help improve the experience that lawyers and the public have when they engage with us.



Year highlights



We delivered **Phase 1** of our **Digital Transformation Strategy**



We provided staff **access** to **LinkedIn Learning** portal



We recruited **78 new people** to improve our customer service delivery



We built **new digital dashboards** for data analysis

Supporting our people

Returning to the office

As part of re-adjusting to the post-pandemic working environment, our staff have returned to working from the office at least two days each week. This means our office is again open to provide our services to Victorian lawyers and to the public, with staff on site every weekday.

In progressively returning staff to the office, we continued our focus on staff health and wellbeing, as well as social connectivity. This approach had benefits for our employees, including greater levels of connectivity and collaboration across the organisation and improved productivity.

Refreshing our organisational commitments

In November 2022, all staff gathered to collaboratively refresh our organisational commitments. These guide the way we work as individuals, within teams and in our interactions with the community we serve. They also support positive engagement and behaviour.

Leadership development

Our leaders play a pivotal role in delivering on our strategic objectives. To further support their professional development, we continued to embed the frameworks and models previously explored in our Leadership Development Program, and integrated new leaders into the program. By having all leaders engage with the same tools, such as the Herrmann Brain Dominance Instrument and the Thomas Kilmann Conflict Indicator, shared reference points have been established, which support more effective collaboration, accountability and conflict management.

We conducted a review of the program, which has been running since 2018. We found it has contributed to enhanced trust and relationships among leaders, and has supported our leaders to take a whole-of-organisation view. We also identified the opportunity to further tailor leadership development to the different levels of leadership capability within the organisation, which will be incorporated into future program design.

Learning and professional development

During the year we broadened our leadership teams, grew our peer groups and enhanced our learning and development offerings. All staff now have access to LinkedIn Learning (providing over 16,000 online courses), the Institute of Public Administration Australia network and events, and other continual learning opportunities through a recommended training course catalogue.

Recruitment and on-boarding

In this reporting period, we've worked hard on recruitment and hired 78 people. We also enhanced our employee engagement experience.

Our new position descriptions and updated recruitment policies have enabled us to attract quality talent. We have created a new employee value proposition and engaged external communication channels, including LinkedIn, to attract candidates and promote why we are an employer of choice. We have also simplified and improved our on-boarding and induction process to ensure new employees are engaged with our culture from their first day.

Diversity, inclusion and belonging

We are progressively implementing our 2021-25 Gender Equality Action Plan and our 2020-23 Access and Inclusion Plan. We regularly review our progress towards implementing the actions and initiatives in these two plans, and report our progress to senior management and our Board annually. To support both plans, we developed online learning modules for staff covering the topics of Access and Inclusion, and Disability Awareness.

Our Gender Equality data shows that, as at 30 June 2023, our organisation continued to have a diverse workforce. We maintained strong levels of representation of women in leadership positions, as well as across our internal committees and working groups. Our workforce data and staffing trends are detailed in Chapter 7.

We have proactively informed and encouraged staff to join Victorian public sector network groups promoting diversity, inclusion and belonging, and provided regular updates to staff about upcoming events. As part of our Reconciliation Action Plan development process, our staff also took part in a half day truth-telling session to better understand the ongoing impacts of colonisation on First Nations people.

People Matter survey results

Each year we participate in the Victorian Government's People Matter survey. This is a valuable opportunity for us to gather anonymous data from staff on their views and experiences of different aspects of our workplace. The survey covers workplace culture, manager support, leadership, equal employment opportunity and wellbeing.



The results from our 2022 survey were again very positive. We scored an average of 5% higher than similar organisations in more than half of the questions, and an average of 9% higher than the broader Victorian public sector for around two-thirds of the survey.

Our Engagement index was 78%; 11 points higher than the public sector average. This indicates that our staff are highly engaged and committed to our goals and values, and motivated to contribute to our organisational success. This continues to build on a positive trend in our results across all areas since 2019.

We reviewed staff feedback about learning, career development and on-boarding, and revamped these processes to make them more streamlined and personal. Our inductions of new staff are now geared towards a tailored learning program that provides a blend of online and in-person training.

Harnessing our data

Cybersecurity posture and data governance

We protect and care about our consumer and lawyer data in line with the Victorian Protective Data Security Standards.

As part of this commitment, we have taken extra steps to boost our cybersecurity levels. During the year, we proactively invested in, and matured, our cybersecurity posture by implementing stronger data controls and multifactor authentication, and by building a cyber risk-aware culture among our staff. We also sought to educate lawyers and consumers on this topic through various communications activities.

Additionally, we started developing our new Data Governance Framework, which will provide stronger governance processes around the acquisition, storage, management, analysis, sharing and protection of the data that we hold. This is in line with our commitment to ensuring the security, privacy and effective management of all data under our Data Strategy.

Data Insights Program

In the past year, our Data Insights team has worked closely with other functional teams to improve efficiencies across the business. The team developed a digital dashboard to support our Licensing team in providing Certificates of Fitness to lawyers on request. We have also started developing dashboards for communications reporting and for our Contact Centre. These dashboards will improve data visibility, which in turn will support staff to more efficiently process requests, track activities and produce reports.

We developed a new visualisation guide to enhance overall data representation and understanding within our organisation. The guide explains our new, more intuitive and effective way of building reports and supports better decision-making processes.



We also made further improvements to our data analytics platform to enhance our analytics tools. These help our staff to extract more valuable insights from our data for use in areas like complaint investigations, trust account monitoring and practising certificate processing.

Digital transformation strategy

During the year we embarked on the first phase of our IT and Digital Transformation Strategy. The successful delivery of projects in Phase 1 has delivered significant improvements and advancements to our work and productivity. Collectively, these projects have improved staff satisfaction, collaboration and communication.

We modernised and upgraded our IT hardware assets and added new productivity tools with the Microsoft 365 suite.

These steps support our staff in working securely and collaboratively, both internally and with our funded partners.

As we progress this work, the continued successful delivery of the IT and Digital Transformation Strategy will further position us as a modern regulator and allow us to better respond to the future needs of the Victorian legal sector and consumers of legal services.

Public administration values and employment and conduct principles

Our staff uphold the Victorian public sector values and employment and conduct principles of managing and valuing diversity, managing underperformance, reviewing personal grievances and selecting on merit. Employees have been correctly classified in workforce data collections.

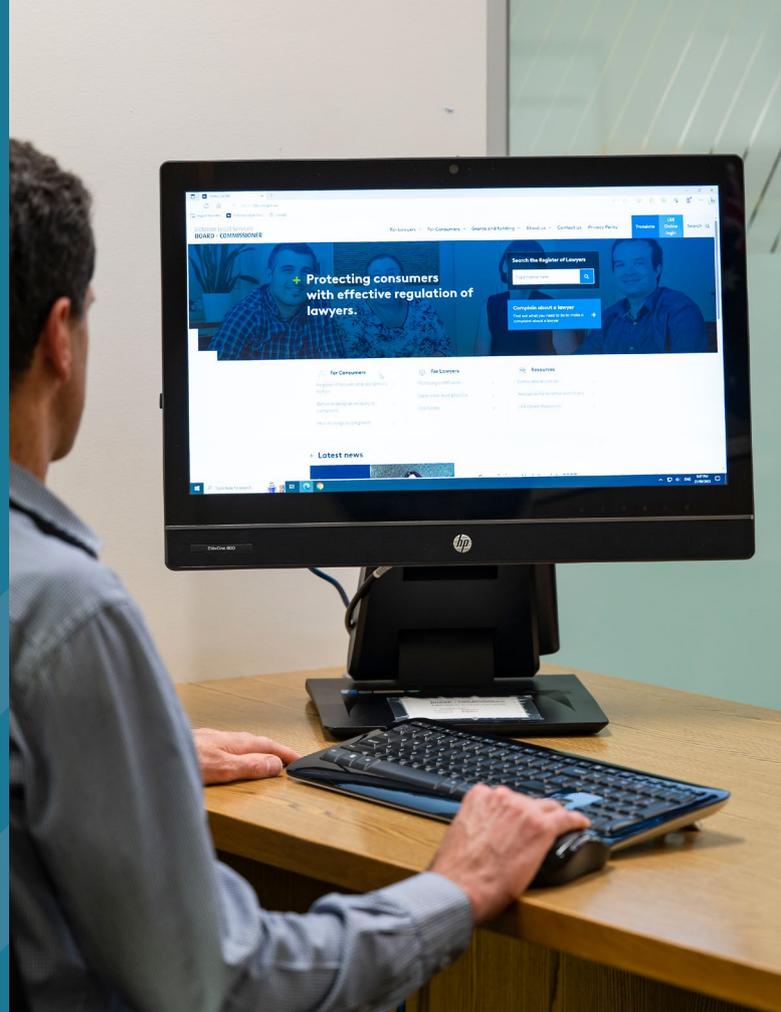
We apply merit and equity principles when appointing staff. The selection processes ensure that applicants are assessed and evaluated fairly and equitably based on the key selection criteria and other accountabilities without discrimination.

6

Managing our funds

The Public Purpose Fund is a vital source of funding for a range of public benefits, including legal regulation in Victoria. It is also a significant source of funding for VLA, legal research and law reform, as well as a range of access to justice programs for the community.

As the regulator of the legal profession, we are responsible for managing the Public Purpose Fund through sound financial management practices and a strong, transparent governance framework.



Year highlights



We paid

\$32.4 million
in funding and grants



Our investments grew by

\$28.6 million



We completed a tender process for **appointing a new investment advisor**

Our financial performance

The composite net result for 2022–23 was a surplus of \$195.6 million, which was \$288.1 million higher than last year's deficit of \$92.5 million. The net surplus combined a \$166.1 million net operating surplus and a \$29.5 million gain on other economic flows, including a \$30.7 million capital gain on investments. This is attributable to a significant increase in market interest rates, a positive return on our

non-cash investments and capital markets performing positively. Our total expenditure was \$75.3 million, which was higher than the expenditure of \$64.3 million in 2021–22. Table 2 provides an overview of our five-year financial performance and position.

TABLE 2: FINANCIAL PERFORMANCE AND POSITION OF THE BOARD AND COMMISSIONER

	2018–19	2019–20	2020–21	2021–22	2022–23
FINANCIAL PERFORMANCE (\$'000)					
Interest and distributions	83,815	53,878	68,224	51,333	226,586
Other revenue	12,132	12,942	13,069	14,797	14,894
Total revenue	95,947	66,820	81,292	66,130	241,480
Total expenditure	(78,354)	(72,804)	(63,788)	(64,310)	(75,339)
Net operating result	17,593	(5,984)	17,504	1,820	166,141
Total other economic flows included in net result	33,401	(32,240)	92,822	(94,322)	29,496
Net result from continuing operations	50,993	(38,224)	110,326	(92,502)	195,637
FINANCIAL POSITION (\$'000)					
Total assets	1,840,117	2,101,353	3,110,127	4,199,805	3,701,196
Total liabilities	(1,517,468)	(1,816,927)	(2,715,375)	(3,897,555)	(3,203,309)
Net assets	322,650	284,426	394,752	302,250	497,887

Revenue

Our total revenue for the year ending 30 June 2023 was \$241.5 million, which was \$175.3 million higher than the previous year. The increase is attributable to higher interest rates and distribution revenue from our investment portfolio during 2022–23, which was \$226.6 million compared with \$51.3 million in the previous year. Other revenue, comprised mainly of practising certificate fees and Fidelity Fund contributions, increased slightly to \$14.9 million, up from \$14.8 million in the previous year.

Expenditure

Total expenditure for the year ending 30 June 2023 was \$75.3 million, which was an increase of \$11.0 million compared with \$64.3 million in 2021–22. This increase was mainly due to higher expenditure on our investment in technology in line with our Corporate Plan, on staff recruitment to improve service delivery, and an increase in major grants paid out through the Grants Program.

Public Purpose Fund

The Public Purpose Fund (PPF) is made up of three separate accounts: the General Account, the Statutory Deposit Account (SDA) and the Distribution Account.

The General Account receives interest from law practices' general trust accounts, PPF investment earnings, lawyers' practising certificate fees and other ancillary funds. This account funds our contribution towards the Legal Profession Uniform Framework, the costs of running Victoria's legal profession regulatory regime, VCAT's Legal Practice List and the continuing legal education programs run by the Bar and the LIV.

A key component of the PPF is the SDA, which comprises a series of accounts linked to individual law practice trust accounts. Each quarter, law practices with a trust account transfer part of their trust account balance to the linked SDA. The collective balance of the SDA earns interest from deposits and returns from an investment portfolio in line with our Investment Policy Statement (explained in further detail on page 51 of this report). These earnings are paid into the General Account. All monies in the SDA are available at call to law practices.

The Distribution Account receives 50% of the surplus funds from the General Account at 30 June each year. This account provides funding to VLA, the VLF, the VLRC and other organisations that provide legal services and activities that benefit the public through our Grants Program.

Our investments

We may invest any money standing to the credit of the PPF that is not immediately required for the purposes of that Fund, in line with the requirements under the *Trustee Act 1958* (Vic). Consistent with our powers, we have established an offset account against the SDA account that is invested in non-cash investments. This allows income to be generated in a more diversified way.

In the same way, we may also invest any money standing to the credit of the Fidelity Fund that is not immediately required for the purposes of that Fund.

At 30 June 2023, the total value of the PPF was \$3.6 billion, of which \$835.2 million was invested in non-cash investments. This can be compared with last year's total of \$4.1 billion, of which \$806.5 million was invested in non-cash investments. This gain in the capital value of the non-cash investments for the year ending 30 June 2023 is attributable to a positive return on capital markets during the year.

The total value of Fidelity Fund investments at 30 June 2023, excluding cash holdings, was \$46.1 million, up from \$42.4 million last year. The Fidelity Fund portfolio also includes a cash management allocation of \$21.9 million at 30 June 2023, compared with \$21.3 million in the previous year. Table 3 shows the types of investments we managed.

In the second half of the financial year, we completed a tender process to appoint a new investment advisor with a transition plan to follow in 2023–24. Under this new arrangement, the investment advisor will manage our entire investment portfolio (both PPF and Fidelity Fund accounts) in line with the agreed Investment Policy Statement.

TABLE 3: INVESTMENT ASSET ALLOCATIONS FOR 2022-23

	PUBLIC PURPOSE FUND \$'000	FIDELITY FUND \$'000	TOTAL INVESTMENTS MANAGED \$'000
2023			
Australian equities	91,212	10,398	101,610
Australian small capitalisation equities	30,028	–	30,028
Australian fixed interest	72,414	8,414	80,828
Diversified growth funds	121,268	6,759	128,027
Global fixed interest	185,772	8,859	194,631
Overseas equities – hedged ⁽ⁱ⁾	32,118	3,817	35,935
Overseas equities – unhedged	128,948	7,842	136,790
Emerging market equities	26,849	–	26,849
Property and infrastructure managed funds	146,546	–	146,546
Cash	–	21,880	21,880
Total	835,155	67,969	903,124
2022			
Australian equities	83,184	9,045	92,229
Australian small capitalisation equities	29,780	–	29,780
Australian fixed interest	71,840	8,272	80,112
Diversified growth funds	119,757	6,526	126,283
Global fixed interest	186,612	8,675	195,287
Overseas equities – hedged ⁽ⁱ⁾	30,039	3,420	33,459
Overseas equities – unhedged	113,124	6,492	119,616
Emerging market equities	27,221	–	27,221
Property and infrastructure managed funds	144,967	–	144,967
Cash	–	21,305	21,305
Total	806,525	63,735	870,260

(i) The VLSB+C does not engage in active hedging. Hedging is performed by the managed investment.

Investment objectives

Our investment objectives for the PPF are to:

- restrict the frequency of a negative return to not exceed 3.5 in every 20 years when modelling the PPF long-term asset allocation and risk/return objectives, and
- outperform a range of CPI + 2.0% to CPI + 2.5% per annum return objective over a rolling three-year period.

Our investment objectives for the Fidelity Fund are to:

- restrict the frequency of a negative return to not exceed 3.5 in every 20 years when modelling the Fidelity Fund long-term asset allocation and risk/return objectives, and
- outperform a CPI + 1.0% per annum return objective over a rolling five-year period.

The strategic asset allocations designed to achieve the objectives are shown in Table 4.

TABLE 4: ASSET ALLOCATIONS FOR 2022–23

ASSET ALLOCATION	PUBLIC PURPOSE FUND		FIDELITY FUND	
	BENCHMARK RANGES	ACTUAL 30/06/23	BENCHMARK RANGES	ACTUAL 30/06/23
Australian equities	0–20%	10.92%	5–15%	15.30%
Australian small capitalisation equities	0–10%	3.60%	0%	0.00%
Overseas equities hedged	0–10%	3.85%	5–15%	5.62%
Overseas equities unhedged	0–20%	15.44%	5–15%	11.54%
Emerging market equities	0–10%	3.21%	0%	0.00%
Diversified growth funds	0–20%	14.52%	5–15%	9.94%
Property and infrastructure managed funds	0–20%	17.55%	0%	0.00%
Growth assets	50–75%	69.09%	0–45%	42.40%
Australian fixed interest	0–20%	8.67%	10–20%	12.38%
Global fixed interest	0–30%	22.24%	10–20%	13.03%
Cash	0%	0.00%	25–70%	32.19%
Defensive assets	30–50%	30.91%	55–100%	57.60%
Total	100%	100%	100%	100%

Our distributions

After a period of volatility resulting in a lower General Account balance, we experienced a significant increase in our operating surplus in 2022–23. This positive shift is reflected in the General Account and will transfer into the Distribution Account for 2023–24.

A capital gain on the investment portfolio contributed to a surplus in the General Account of \$254.9 million, compared with \$36.7 million at 30 June 2022. The distributions we made from the General Account and the Distribution Account during 2022–23 are listed in Table 5 and Appendix 2 of this report. We make all distributions with the Attorney-General's approval.

The distributions outlined in Table 5 include the funding we provide to the LIV and the Bar to perform regulatory functions on our behalf. These include the Bar's practising certificate licensing and continuing professional development auditing administration activities, and the LIV's continuing professional development auditing activities.

TABLE 5: PPF DISTRIBUTIONS — ACTUAL 2023, FORECAST 2024

	ACTUAL 2022-23 \$'000	FORECAST 2023-24 \$'000
PPF GENERAL ACCOUNT BALANCE		
General Account balance at 1 July 2022 and 1 July 2023	36,659	254,869
Adjustment for transition to accrual method	13,130	–
Adjusted General Account balance at 1 July 2022 and 1 July 2023	49,789	254,869
Funds allocated to the Distribution Account	(18,329)	(127,434)
Investment performance	28,611	–
Income	235,329	286,121
Funding allocated from the General Account	245,610	158,687
Operating expenditure (Board and Commissioner)	(32,489)	(45,870)
Law Institute of Victoria – payments to professional associations for programs	(3,379)	(4,045)
Victorian Civil and Administrative Tribunal – Legal Practice List	(1,204)	(1,290)
Victorian Legal Admissions Board	(1,847)	(1,810)
Delegated functions – Law Institute of Victoria	(252)	(308)
Delegated functions – Victorian Bar	(730)	(893)
Legal Services Council – Uniform Law Scheme	(629)	(635)
Total General Account payments	40,530	(54,850)
General Account balance at 30 June 2023 and 30 June 2024	254,869	358,705
DISTRIBUTION ACCOUNT BALANCE		
	ACTUAL 2022-23 \$'000	FORECAST 2023-24 \$'000
Distribution Account balance at 1 July 2022 and 1 July 2023	191,669	177,106
Transfer from General Account	18,329	127,434
Grants and funding paid from the Distribution Account	209,998	304,540
Major grants and projects	(2,183)	(6,246)
Victoria Legal Aid	(24,271)	(50,800)
Victorian Law Reform Commission	(2,040)	(2,338)
Victoria Law Foundation	(2,643)	(2,942)
Justice Connect	(1,242)	(1,622)
Law Library of Victoria	(513)	(812)
Federation of Community Legal Centres	–	(150)
Sentencing Advisory Council	–	(800)
Victorian Aboriginal Legal Service	–	(600)
Djirra	–	(400)
Total funding grants	(32,892)	(66,710)
Distribution Account balance at 30 June 2023 and 30 June 2024	177,106	237,830

7

Corporate governance

As statutory authorities, we are accountable to the Victorian Parliament. Our clear and robust internal governance processes enable us to comply with the Victorian Government's rules, regulations and reporting standards.

We aim to meet these standards in a transparent and efficient way, while fostering a culture of continuous improvement.



Year highlights



We on-boarded **two new Board members** and **four new Consumer Panel** members



We developed a new procurement plan, incorporating social procurement principles



We avoided emitting

137.3 tonnes

of greenhouse gas through green electricity purchases

Board and Committee meetings

Our Board consists of a Chairperson, three lawyer members (one barrister and two solicitors), and three non-lawyer members. The Governor in Council appoints all Board members on the Attorney-General's recommendation. The Bar and the LIV recommend barristers and lawyers respectively, and our three lawyer members are appointed from that pool.

Non-lawyer Board members are appointed for their extensive experience in fields relevant to the Board's responsibilities, such as financial management, investment management, accounting, public sector management, governance processes and consumer interests. Their expertise supplements the lawyer members' legal practice expertise. All appointments are made for a four-year term.

Change in Board membership

In October 2022, Ian Silk stepped down from the Board as a non-lawyer member. At 30 June 2023, this vacancy had not yet been filled.

In May 2023, the Governor in Council, acting on the Attorney-General's recommendations, appointed barrister Sam Hay KC and solicitor Jacinta Lewin as new Board members. They replaced Jennifer Batrouney AM KC and Geoff Bowyer, whose terms had expired. The Governor in Council also re-appointed solicitor Liz Harris for a further term.

Meeting attendance

Our Board met six times in the reporting year.

TABLE 6: BOARD MEMBERS AND MEETING ATTENDANCE IN 2022-23

Ms Fiona Bennett (Chairperson)	6
Ms Liz Harris	6
Dr Lynne Williams AM	6
Ms Catherine Wolthuizen	6
Mr Sam Hay KC ¹	1
Ms Jacinta Lewin ¹	1
Ms Jennifer Batrouney AM KC ²	4
Mr Geoff Bowyer ²	5
Mr Ian Silk ³	2

1. Term commenced May 2023.

2. Term ended in May 2023.

3. Resigned from the Board in October 2022.

Membership of Board committees

Our Board operates several committees, each with a Board member appointed as Chair.

In its June 2023 meeting, the Board approved the dissolution of the Finance and Investment Committee, Grants Committee and the Joint Audit Committee. The Board subsequently approved two new committees for:

- Investment and Funding, and
- Finance, Risk and Audit.

The first meetings of the Board committees under the new structure were scheduled for August 2023.

COMMITTEE MEMBERS BEFORE 20 JUNE 2023

Finance and Investment Committee (met five times in 2022–23)

Ian Silk – Chair (until October 2022)
Fiona Bennett – Acting Chair
Dr Lynne Williams AM
Geoff Bowyer (to May 2023)
Sue Dahn*

Audit Committee (met four times in 2022–23)

Dr Lynne Williams AM – Chair
Fiona Bennett
Liz Harris

Grants Committee (met two times in 2022–23)

Geoff Bowyer – Chair (until May 2023)
Fiona Bennett – Acting Chair (May–June 2023)
Catherine Wolthuizen

COMMITTEE MEMBERS FROM 20 JUNE 2023

Finance, Risk and Audit Committee

Dr Lynne Williams AM – Chair
Sam Hay KC
Fiona Bennett

Investment and Funding Committee

Liz Harris – Chair
Catherine Wolthuizen
Jacinta Lewin
Fiona Bennett – ex-officio member
Sue Dahn*

*External advisor.

We provide information about the role of each Board committee on our website.

Consumer Panel

Our Consumer Panel is comprised of members who bring knowledge about consumer research, advocacy, policy and regulation. The Panel met five times during 2022–23.

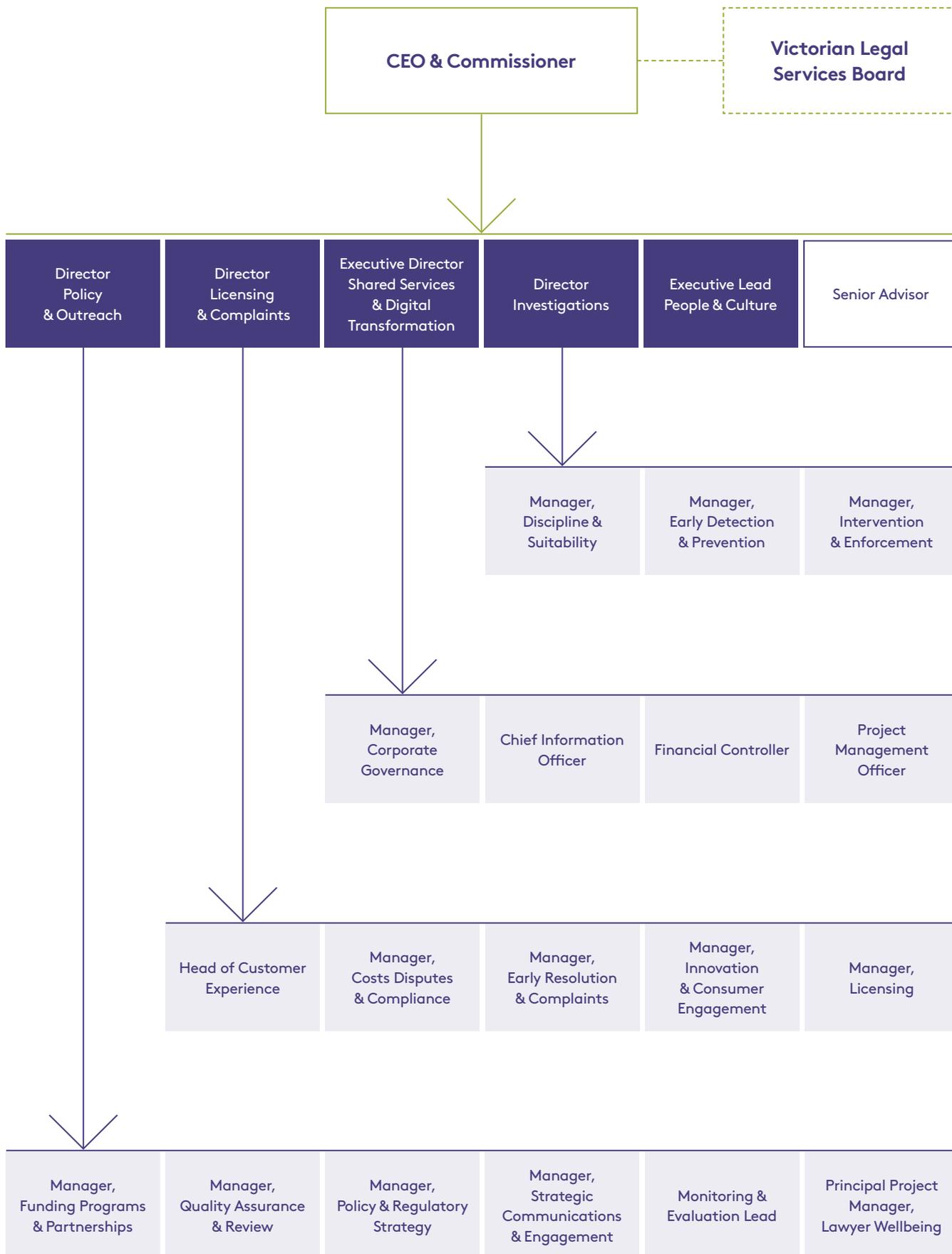
In December 2022, the Panel's first term expired resulting in two members being re-appointed for a second term and four new members being appointed. At 30 June 2023, the Panel members were:

- Catherine Wolthuizen – Chair
- Ben Martin Hobbs**
- Lee Archer**
- Nicole McCutcheon**
- Lucy Idle**
- Assoc. Prof. Genevieve Grant**
- Gerard Brody**.

We detail the functions of the Consumer Panel on our website.

**External members.

Our organisational structure as at 30 June 2023



Senior Executive Service Officer data

A member of the Senior Executive Service (SES) is defined as a person employed as an executive under Part 3 of the *Public Administration Act 2004* (Vic), or is a person to whom the Victorian Government's Policy on Executive Remuneration in Public Entities applies.

Statutory office holders and accountable officers are not counted as SES officers. Accordingly, our SES officer disclosures do not include our Board Chairperson, Board members or the Commissioner, who were all appointed by the Governor in Council.

Table 7 shows the number of people classified as SES. This reflects employment levels at the last full pay period in June 2023 and June 2022.

TABLE 7: NUMBER OF SES OFFICERS

CLASSIFICATION	2021-22		2021-23	
	MALE	FEMALE	MALE	FEMALE
SES-3	0	0	0	0
SES-2	0	0	1	0
SES-1	3	1	4	1
Total	3	1	5	1

Table 8 shows the number key management personnel in our Executive Leadership Team (this is different to the SES classifications). Further information on the Executive Leadership Team can be found in Note 9.5 in the Consolidated Financial Statements (see Appendix 2).

TABLE 8: RECONCILIATION OF EXECUTIVE LEADERSHIP TEAM (ELT) NUMBERS

CATEGORY	2021-22	2022-23
ELT members (see Financial Report Note 9.5)	6	6
Less separations	(2)	0
Total ELT numbers at 30 June	4	6

ELT data

Table 9 discloses total salaries in \$20,000 bands for our ELT members, including both SES and Senior Technical Specialist (STS) staff.

TABLE 9: ANNUALISED TOTAL SALARY FOR SENIOR STAFF

INCOME BAND (SALARY)	EXECUTIVES	STS
<\$160,000	1	0
\$200,000 – \$219,999	2	2
\$220,000 – \$239,999	2	0
\$300,000 – \$319,000	1	0
Total	6	2

Workforce data and staffing trends

TABLE 10: OUR STAFF

30 JUNE 2022							
All employees			Ongoing			Fixed-term & casual	
Number	FTE		Full-time	Part-time	FTE	Number	FTE
(h/count)	(rounded)		(h/count)	(h/count)	(rounded)	(h/count)	(rounded)
GENDER							
Male	40	39	28	2	29	10	10
Female	78	73	51	17	64	10	10
Self-described	0	0	0	0	0	0	0
Total	118	113	79	19	93	20	20
AGE							
Under 25	3	3	1	1	2	1	1
25–34	30	30	23	0	24	6	6
35–44	36	34	25	9	32	2	2
45–54	28	27	14	4	17	10	10
55–64	15	15	12	2	14	1	1
65+	6	5	4	2	5	0	0
Total	118	113	79	18	93	20	20
CLASSIFICATION							
VPS 1	0	0	0	0	0	0	0
VPS 2	2	2	2	0	2	0	0
VPS 3	17	16	12	4	15	1	1
VPS 4	30	29	20	2	22	7	7
VPS 5	43	40	27	11	35	5	5
VPS 6	20	20	17	1	17	2	2
STS	1	1	1	0	1	0	0
SES	4	4	0	0	0	4	4
Other*	1	1	0	0	0	1	1
Total	118	113	79	18	93	20	20

*This role is the Commissioner, Fiona McLeay, who is a statutory office holder.

30 JUNE 2023

All employees		Ongoing			Fixed-term & casual	
Number	FTE	Full-time	Part-time	FTE	Number	FTE
(h/count)	(rounded)	(h/count)	(h/count)	(rounded)	(h/count)	(rounded)
52	51	40	1	41	11	11
96	91	70	17	82	9	9
0	0	0	0	0	0	0
148	142	110	18	123	20	20
5	5	5	0	5	0	0
37	36	29	1	29	7	7
50	46	35	12	43	3	3
33	33	23	2	25	8	8
17	16	13	3	15	1	1
6	6	5	0	5	1	1
148	142	110	18	123	20	20
0	0	0	0	0	0	0
2	2	1	0	1	1	1
23	22	18	2	19	3	3
38	37	30	4	33	4	4
39	38	32	5	36	2	2
37	35	27	7	32	3	3
2	2	2	0	2	0	0
6	6	0	0	0	6	6
1	1	0	0	0	1	1
148	142	110	18	123	20	20

Governance and compliance statements

Building Act 1993 (Vic)

The Board and Commissioner do not own or control any government buildings. We are exempt from notifying our compliance with the building and maintenance provisions of the *Building Act 1993 (Vic)*.

Freedom of Information

We are subject to the *Freedom of Information Act 1982 (Vic)* (the FOI Act). This Act provides every person with a legally enforceable right to access documents in our possession, subject to certain exemptions.

Requests received and processed

During 2022–23, we received 33 new requests made under the FOI Act. During the year, 32 requests were finalised and one was yet to be determined at 30 June.

We granted access to information sought in six applications. We gave five full access and one partial access. Applicants withdrew another eight applications.

We refused six applications in full and 12 applications were not accepted as they weren't made validly. We deny access to an application when the information requested is exempted under the FOI Act. The applicant has the right to appeal our decision to the Office of the Victorian Information Commissioner or to VCAT. No appeals against our decisions were lodged with either body this year.

Making a request

A request for access to documents made under the FOI Act must:

- be in writing
- provide information that is reasonably necessary to enable us to identify the relevant documents, and
- be accompanied by the prescribed application fee.

You can send requests for documents in our possession to:

Freedom of Information Officer
Victorian Legal Services Board and Commissioner
Level 5, 555 Bourke Street
Melbourne VIC 3000

Or email your request to us at foi@lsbc.vic.gov.au.

We may charge access fees (e.g. photocopying and search and retrieval charges) once we have processed the documents and have made a decision on access. Our Freedom of Information Policy is available on our website, or from our office on request.

You can find further information about freedom of information at FOI Online at <https://ovic.vic.gov.au/freedom-of-information/>

Public interest disclosures

As a government entity, we are subject to the *Public Interest Disclosures Act 2012 (Vic)*. This important legislation provides protection from detrimental action against people who make disclosures of improper conduct by public officers and public bodies.

We cannot receive disclosures under this legislation. You can make disclosures of improper conduct or detrimental action by our Board members, the Commissioner, our officers or employees to the Independent Broad-based Anti-corruption Commission.

Independent Broad-based Anti-corruption Commission
Level 1, North Tower, 459 Collins Street
Melbourne VIC 3000

Tel: 1300 735 135

Fax: 03 8635 6444

Website: www.ibac.vic.gov.au

Competitive Neutrality Policy

The government's Competitive Neutrality Policy ensures government-run services don't have a competitive advantage because of their public ownership if they are in competition with similar services offered by the private sector. As an independent regulator, our services don't fall within the scope of the Competitive Neutrality Policy.

Local Jobs First

Under the *Local Jobs First Act 2003 (Vic)*, government departments and public sector bodies are required to apply the government's Local Jobs First Policy to projects valued at \$3 million or more in metropolitan Melbourne or for state-wide activities, and \$1 million or more in regional Victoria. The Major Projects Skills Guarantee Policy applies to all construction projects of \$20 million or more in value.

Minimum local content requirements are set for government projects worth \$50 million or more, or for other projects as agreed.

We apply the Local Jobs First Policy to applicable procurements.

Disclosure of major contracts

We did not engage in any major contracts with a value of greater than \$10 million during 2022–23.

Consultancies

Details of consultancies valued at \$10,000 or greater

In 2022–23, we engaged 10 consultancies where the total fees payable to the consultants were \$10,000 or greater. Our total expenditure incurred on these consultancies during the reporting year was \$1,380,180 (excluding GST). Details of individual consultancies are outlined in Table 11.

TABLE 11: CONSULTANCIES FOR 2022–23

CONSULTANT	PURPOSE OF CONSULTANCY	TOTAL APPROVED FEE (EXCL. GST) \$	EXPENDITURE 2022–23 (EXCL. GST) \$	FUTURE EXPENDITURE (EXCL. GST) \$
am actuaries	Actuarial services	81,700	80,000	1,700
Bevington Consulting	Development of new cloud-based system	519,856	515,665	4,191
CPR Communications & Public Relations Pty Ltd	Development of issues management plan	23,450	23,450	–
Fujitsu	Consultation on moving to cloud system	Not fixed	124,688	–
Rivers Economic Consulting	Review and evaluation of <i>Legal Profession Uniform Law Application (Practising Certificate Fees) Regulations 2018</i>	91,200	32,960	58,240
Meena Thuraisingham Pty Ltd	Board effectiveness review	38,250	22,950	15,300
Mercer Investments (Australia) Ltd	Provision of investment services	192,051	192,051	–
Untangld	Development and implementation of new complaints handling framework	259,600	253,300	6,300
Victoria Law Foundation	Qualitative research project	44,969	44,441	528
Worklogic	Undertake targeted discussions with six law practices about their understanding of sexual harassment in the Victorian Legal Sector	127,960	90,676	37,284
Total		1,379,036	1,380,180	123,543

Details of consultancies under \$10,000

In 2022–23, we engaged 10 consultancies where the total fees payable to the consultants were less than \$10,000 per consultancy. Our total expenditure incurred during the year on these consultancies was \$20,200 (excluding GST).

OHS Committee and OHS incidents

In the past year, the OHS Committee decreased the number of its meetings from seven to five due to the reduction in OHS business. The focus for the period was hazard assessments, which identified the need to declutter the office. These assessments, and their follow-up work, have now been completed. The other major items of business were linked to the return to office-based work and COVID-19.

The OHS Committee managed OHS activities, such as emergency procedures, first aid officer appointments and ergonomic assessments to support staff returning to the office in October 2022. The Committee was also actively involved in the consultation process for retiring the COVID–19 Vaccination Policy.

TABLE 12: OCCUPATIONAL HEALTH AND SAFETY INCIDENTS

OHS INDICATOR	2020–21	2021–22	2022–23
Number of reported hazards per 100 FTE	1	0	1
Number of 'lost time' claims per 100 FTE	1	0	0
Average cost per claim	\$0	\$0	\$0

Information and Communications Technology expenditure

TABLE 13: INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) EXPENDITURE FOR 2022–23

TOTAL OPERATIONAL EXPENDITURE \$000	TOTAL CAPITAL EXPENDITURE (NET BOOK VALUE) \$000	BUSINESS AS USUAL (BAU)		PROJECTS (NON-BAU)	
		OPEX \$000	CAPEX \$000	OPEX \$000	CAPEX \$000
5,372	158	3,884	158	1,487	0

Government advertising expenditure

In 2022–23 we completed one advertising campaign to fulfil a recommendation of the Royal Commission into the Management of Police Informants. This is described in detail on page 14.

We began work on the *Your Right to Ask* campaign in the 2021–22 year, and delivered the public campaign in April

2023. It ran for 10 weeks, with advertising placed across a range of platforms. Only the media costs (totalling \$119,199) were incurred during the 2022–23 year, as all other expenses (research, creative development, print collateral and other costs) were incurred in the 2021–22 financial year. Those costs were disclosed in the consultancies table of our 2021–22 annual report.

TABLE 14: ADVERTISING CAMPAIGN SPEND (EXCLUDING GST)

CAMPAIGN NAME AND PURPOSE	START/END DATE	MEDIA	CREATIVE AND CAMPAIGN DEVELOPMENT	RESEARCH AND EVALUATION	PRINT AND COLLATERAL	OTHER COSTS	TOTAL SPEND
<i>Your Right to Ask</i> : Helping consumers of legal services understand their rights when working with a lawyer.	18 April to June 2023	\$119,199	–	–	–	–	\$119,199
<i>Your Right to Ask</i> : Campaign research, design and preparation expenditure in 2021–22	N/A	–	\$185,370	\$59,500	\$45,150	\$89,980	\$380,000

Procurement

Social Procurement

In June 2023, we launched our new Procurement Policy which highlights how we can use our buying power to support social and environmental outcomes. We are currently finalising our 2023–26 Social Procurement Strategy, which is aimed at further increasing the social and sustainable benefit we can achieve through deliberate and planned social procurement.

Disclosure of Emergency Procurement

During 2022–23, we did not need to make any Emergency Procurements within the scope of the Victorian Government Purchasing Board procurement framework.

Office-based environmental impacts

Total electricity consumption

This year, the total energy usage for our office facilities was 125.4 megawatt hours (MWh), equating to 0.85 MWh per FTE. This represents a 5.7% increase on energy use from the previous financial year. The increase is attributable to an increase in staffing levels and more staff returning to work in the office for a minimum of two days each week.

We purchase 100% of our office electricity supply from renewable energy sources, resulting in no greenhouse gas emissions from our energy use. This allowed us to avoid emitting 137.3 tonnes of greenhouse gas based on our electricity use for the year.

Vehicle use

We do not operate a fleet of vehicles. If a car is required for staff transport, we use taxis for short trips and the State Government Shared Services vehicle pool for longer journeys outside the metropolitan area.

NABERS energy ratings

The National Australian Built Environment Rating System (NABERS) energy rating is a measurement that allows building owners and managers to determine the environmental performance of a building. We lease our office space from a commercial landlord. In January 2023, the building was assessed as achieving a 3.5–star NABERS Water rating and a 2.5–star base building NABERS Energy rating.

Additional information available on request

We hold other information that is available to the Attorney-General, Members of Parliament, and the public on request (subject to Freedom of Information requirements, if applicable). This information covers:

- a statement that declarations of pecuniary interests have been duly completed by all relevant officers
- details of shares held by a senior officer as nominee or held beneficially in a statutory authority or subsidiary
- details of our publications, and how these can be obtained
- details of changes in prices, fees, charges, rates or levies charged
- details of any major external reviews carried out on our operations
- details of major research and development activities we have undertaken

- details of any staff or Board member overseas visits undertaken, including a summary of the objectives and outcomes of each visit
- details of any major promotional and public relations activities we have undertaken to develop community awareness of our services
- details of assessments and measures undertaken to improve the occupational health and safety of our staff
- a general statement on industrial relations within our organisation, and details of any time lost through industrial accidents and disputes
- a list of major committees sponsored, the purposes of each committee and the extent to which the purposes have been achieved, and
- details of all consultancies and contractors.

To request any of this information, contact:

Victorian Legal Services Board and Commissioner
Tel: 03 9679 8001

Website: <https://www.lsb.vic.gov.au/contact-us>

OFFICIAL

Victorian Legal Services Board Financial Management Compliance Attestation Statement

I, Fiona Bennett, on behalf of the Responsible Body, certify that the Victorian Legal Services Board has no Material Compliance Deficiency with respect to the applicable Standing Directions under the Financial Management Act 1994 and Instructions.



Fiona Bennett
Chairperson, Victorian Legal Services Board
22 August 2023

Victorian Legal Services Commissioner Financial Management Compliance Attestation Statement

I, Fiona McLeay, certify that the Victorian Legal Services Commissioner has no Material Compliance Deficiency with respect to the applicable Standing Directions under the Financial Management Act 1994 and Instructions.



Fiona McLeay
Victorian Legal Services Commissioner
22 August 2023

OFFICIAL

Appendices

Appendix 1: Prosecutions in VCAT and the courts	66
Appendix 2: Board and Commissioner consolidated financial report	72
Appendix 3: Board delegations	126
Appendix 4: Commissioner delegations	148
Appendix 5: Disclosure index	179

Appendix 1: Prosecutions in VCAT and the courts

TABLE 15: DISCIPLINARY APPLICATIONS MADE BY THE COMMISSIONER WHICH WERE HEARD AND DETERMINED AT VCAT IN 2022-23 (BY DATE OF APPLICATION)

NO.	MATTER IDENTIFICATION	SUMMARY OF VCAT FINDINGS	DATE AND SUMMARY OF ORDERS MADE
1	<p>Name: Withheld.</p> <p>VCAT reference: Withheld.</p>	<p>Subject to appeal.</p>	<p>Subject to appeal.</p>
2	<p>Name: Jeremy WILLIAMS</p> <p>VCAT reference: J24/2019, J61/2020 and J4/2021</p> <p>Application date: 08/01/2019, 17/08/2020 and 21/01/2021</p> <p>Hearing date (on penalty): 20/06/2022</p>	<p>In relation to J24/2019:</p> <p>Misconduct at common law: Grossly neglected duties to client; placed inappropriate pressure on client; prevented client from ending her retainer with the law practice and transferring the file.</p> <p>Professional misconduct: Gross overcharging; failed to pay or deliver trust money to client; failed to account for trust money; failed to provide costs disclosure; charged uplift fee without a conditional fee agreement; failed to maintain client file; failed to communicate adequately with client or to give appropriate advice and delay; failed to communicate adequately with client; failed to provide competent or diligent legal services to client; inappropriately ceased to act; caused trust account deficiency; grossly neglected duties to client; made false and/or misleading statements to VLSC. Further and/or alternatively misconduct at common law.</p> <p>Unsatisfactory professional conduct: Charged legal costs which was greater than agreed fixed fee amount.</p> <p>In relation to J61/2020:</p> <p>Misconduct at common law: Knowingly made a false statement to VLSC; charging excessive costs; repeatedly disobeyed the lawful Direction of the Board appointed manager.</p> <p>Professional misconduct: Attempted to dishonestly and/or deceptively obtain a financial benefit by asking client to pay legal costs charged by the law practice into his personal bank account.</p> <p>In relation to J4/2021:</p> <p>Professional misconduct: Failed to ensure that a client's public liability file was conducted to a reasonable standard.</p>	<p>All 3 applications heard together. Penalty Orders made for all 3 applications:</p> <p>VCAT recommends to the Supreme Court that Respondent's name be removed from the Roll of legal practitioners.</p> <p>Reprimanded on all charges; unable to apply for a PC for 9 years; any PC thereafter restricted to an employee PC for 5 years, and supervised for 3 years with 6 monthly reports to VLSC; for any PC application made after 9 years, must have completed additional 10 CPD points in ethics & professional responsibility; each year during the first 3 years of any return to practice the Respondent must complete an additional 3 CPD points in the area of legal costs; during the first 4 years of any return to practice must complete practice management course approved by the VLSB+C; restricted to working in a nominated practice area for 5 years, and must complete 8 additional CPD in that area; fined \$11,250; pay VLSC's costs as agreed or assessed by Costs Court.</p>

NO.	MATTER IDENTIFICATION	SUMMARY OF VCAT FINDINGS	DATE AND SUMMARY OF ORDERS MADE
3	Name: Glenys DOLPHIN VCAT reference: J1/2021 Application date: 20/12/2020 Hearing date (on penalty): 1/12/2022	Professional misconduct: Unauthorised disclosure of confidential information; communicated views to third parties contrary to client's interests; continued to perform work without authority; failed to act in client's best interests.	1/12/2022 – Reprimanded; gave undertaking to VLSC not to apply for a PC; pay costs fixed at \$25,000.
4	Name: N/A VCAT reference: J53/2021 Application date: 30/06/2021 and amended on 09/11/2021 Hearing date: N/A	Application Withdrawn.	17/02/2023 – Application withdrawn and no costs order.
5	Name: Natasha STEWART VCAT reference: J85/2021 Application date: 23/11/2021 Hearing date (on penalty): 29/07/2022	Professional misconduct: Dealt with trust money without authority and without a trust account (x3). Unsatisfactory professional conduct: Failed to provide timely cost disclosure; backdated bills; failed to provide file; breached advertisements rules.	03/08/2022 – Reprimanded; fined \$5,000; complete 5 additional CPD units; gave VLSC an undertaking to consult with an accredited cost law specialist and to remove advertisements; pay VLSC costs of \$7,000.
6	Name: N/A VCAT reference: J17/2022 Application date: 15/03/2022 Hearing date: N/A	Application Withdrawn.	17/02/2023 – Application withdrawn and no costs order.
7	Name: VKI (a pseudonym) VCAT reference: J34/2022 Application date: 25/05/2022 Hearing date (on penalty): 21/04/2023	Professional misconduct: Sexual harassment of client. Unsatisfactory professional conduct: Failed to appear at a hearing; made inappropriate verbal comments in presence of client.	21/04/2023 – Reprimanded; not to reapply for PC until 3 June 2023 (comprising 13 months without a PC) and pay costs of \$20,000. 04/05/2023 – Pseudonym order for lawyer.
8	Name: Peter John FLYNN VCAT reference: J43/2022 Application date: 30/06/2022 Hearing date (on penalty): 19/12/2022	Professional misconduct: Conflict of interest between current and former clients; contacted a represented party directly; facilitated breach of court order; failed to respond to the Commissioner's notice.	21/03/2023 – Reprimanded; gave undertaking to VLSC he would not apply for another PC in any jurisdiction; reprimanded; fined \$3,500; pay VLSC costs fixed at \$3,000.
9	Name: Joseph ROSE VCAT reference: J46/2022 Application date: 18/07/2022 Hearing date (on penalty): 13/04/2023	Professional misconduct: Acted on unlawful client instructions; acted in knowing contravention of court orders; unauthorised payment of trust money; gave false or misleading information to the VLSC. Unsatisfactory professional conduct: Failed to issue an invoice for costs; failed to act competently, diligently and as promptly as reasonably possible in response to court orders.	13/04/2023 – Reprimanded; directed to surrender his PC and not apply for or hold, a PC anywhere in Australia; fined \$5,000; pay VLSC costs fixed at \$12,000.

TABLE 16: DISCIPLINARY APPLICATIONS TO VCAT MADE BY THE COMMISSIONER, WHERE APPLICATION IS AWAITING HEARING AND/OR DETERMINATION (AS AT 30 JUNE 2023)

NO.	DATE APPLICATION MADE	TYPE OF CHARGES	STATUS AS AT 30 JUNE 2023
1	29/06/2017	Professional Misconduct: Conferring with a witness under cross-examination; deliberately or recklessly providing false or misleading information to VLSC.	Findings of substantive hearing quashed by the Supreme Court on 02/03/2023. Matter referred back to VCAT for re-hearing. Respondent seeks summary dismissal, Applicant seeks leave to withdraw. Matter listed for directions hearing.
2	22/12/2021	Misconduct at common law: Causing and/or allowing the creation and execution of a false document and, in doing so, acting dishonestly; producing false document to the Supreme Court in answer to Subpoena and, in doing so, acting dishonestly. Unsatisfactory professional conduct: Relying on a personal power of attorney to sign and execute a contract on behalf of a company; failing to record file notes of oral instructions purportedly received from client.	Penalty hearing completed. Awaiting decision.
3	17/3/2022	Professional misconduct: Lodging caveats without a proper basis (x3).	Listed for hearing on liability.
4	25/03/2022	Professional misconduct: Drafting a will and codicil and witnessing the client sign them in circumstances where the client may have lacked testamentary capacity; engaging in conduct that was likely to bring the profession into disrepute; dishonesty and knowingly making false statements; incurring expenses on behalf of the estate and seeking reimbursement without authorisation; threatening to not distribute money from the estate; discourteous correspondence with VLSC; failure to be open and frank with VLSC; failure to comply with VLSC requests for information; making written statements which demonstrate a disrespect, lack of regard for and contempt towards the legal profession (alternatively misconduct at common law). Professional misconduct: Dishonesty and knowingly making false statements; conflict of interest; receiving trust money without instructions to do so. Unsatisfactory professional conduct: Failure to comply with a written undertaking; drafting and having the client sign a will in circumstances without certainty as to the will's legal effect and validity; commencing a guardianship application without client instructions; failure to inform client in writing about entitlements for executor's commission and charging legal costs for administration of estate before the signing the will; failure to advise client to seek independent legal advice before signing the will and codicil; failure to give the client an accurate report of what had transpired at a hearing; appearing on behalf of a client at a hearing without the client's instructions to do so; discourtesy; sending correspondence likely to bring the profession into disrepute.	Listed for compulsory conference and contested liability hearing.
5	06/04/2022	Professional misconduct: Failing to appear at a final family law hearing and/or failing to arrange alternative representation; providing misleading information to the court and VLSC; (alternatively misconduct at common law). Professional misconduct: Withdrawing trust money without waiting 7 days after sending a bill. Unsatisfactory professional conduct: Failing to keep appropriate records.	Listed for compulsory conference and contested liability hearing.

NO.	DATE APPLICATION MADE	TYPE OF CHARGES	STATUS AS AT 30 JUNE 2023
6	14/04/2022	Professional misconduct: Receipt of trust monies without authorisation (x 2); failing to respond to VLSC; failing to perform work and failure to return funds; acting as material witness in proceeding in breach of rules. Misconduct at common law: Supplying false invoice and attempting to mislead regulator; swearing false statutory declaration. Unsatisfactory professional conduct: Breach of mortgage financing rule.	Listed for hearing on liability.
7	25/05/2022	Misconduct at common law: Receiving trust money without authorisation; failing to pay trust money (alternatively professional misconduct). Professional misconduct: Receiving trust money without a trust account; intermixing trust money; failing to disburse trust money only in accordance with a direction by client; failing to properly account for trust funds; failing to keep trust records in permanent form; dealing with trust money otherwise than in accordance with Uniform Law; releasing confidential client information to a third party. Unsatisfactory professional conduct: Failing to retain client file.	Awaiting directions hearing.
8	26/05/2022	Professional misconduct: Substance use affecting practise; sexual harassment and/or workplace bullying; failing to adequately supervise employees (alternatively misconduct at common law).	Listed for compulsory conference and contested liability hearing.
9	27/05/2022	Misconduct at common law: Issuing a bill when a win had not been achieved under the conditional cost agreement (alternatively professional misconduct). Professional misconduct: Applying trust funds without authority; gross overcharging; false representations to the VLSC. Unsatisfactory professional conduct: Failing to provide written update about costs.	Procedural orders made to ready the matter for hearing.
10	30/06/2022	Misconduct at common law: Failing to pay an invoice to a third party after giving an undertaking to do so; knowingly or recklessly misleading VLSC about the undertaking (alternatively professional misconduct).	Awaiting penalty hearing.
11	5/10/2022	Professional misconduct: Publishing an advertisement for sexual services which contained a former employees contact details; dishonesty with the regulator (x3); intentionally making a false statutory declaration and engaging in a dishonest course of conduct.	Listed for compulsory conference and contested liability hearing.
12	4/05/2023	Professional misconduct: Appropriation of money to which she was not entitled. Professional misconduct: Compromising integrity and professional independence by involving client in a dispute that did not involve them; appropriation of money to which she was not entitled. Professional misconduct: Failing to act in best interest of client by exposing them to ongoing financial liability; and/or legal and financial consequences of failure to pay.	Listed for administrative mention.
13	15/05/2023	Professional misconduct: Sexual harassment of client (x2 with alternatives), intimidating/bullying/harassing client (with alternatives). Unsatisfactory professional conduct: Issuing non-compliant bill (with alternative).	Parties exchanging material in anticipation of administrative mention.
14	29/05/2023	Professional misconduct: Threatening witness (with alternatives); disreputable conduct.	Parties exchanging material in anticipation of administrative mention.

NO.	DATE APPLICATION MADE	TYPE OF CHARGES	STATUS AS AT 30 JUNE 2023
15	19/06/2023	Professional misconduct: Failure to perform work in accordance with client's instructions; deliberately making misrepresentations to client as to status of appeal.	Listed for directions hearing.
16	20/06/2023	Professional misconduct: Failure to properly advise or represent clients; making false or misleading statements to clients; making false or misleading statements to other party; failure to respond to the VLSC.	Application filed. Awaiting directions hearing.
17	27/06/2023	Professional misconduct: Sending emails to court which were inappropriate, discourteous, gratuitous, or offensive; failing to comply in a timely manner with court orders; failing to avoid any compromise to integrity and professional independence by sending emails to the court concerning scandalous and/or seriously inappropriate comments; failing to honour an undertaking made to the court in the course of legal practice; sending inappropriate emails to the VLSC. Unsatisfactory professional conduct: Using tactics that went beyond legitimate advocacy and which were primarily designed to embarrass or frustrate another person.	Application filed. Awaiting directions hearing.
18	27/06/2023	Professional misconduct: Failing to disclose to clients and VOCAT her association with 3rd party.	Application filed. Awaiting directions hearing.
19	29/06/2023	Professional Misconduct: Failing to act in the client's interests, or to demonstrate reasonable competence or professional judgement; acting while uninsured; continuing to act for client despite a potential or actual conflict; substantially and consistently failing to maintain client file to a reasonable competent and diligent standard; engaging in misleading or dishonest conduct; failing to comply with the VLSC's requests for information. Unsatisfactory Professional Conduct: Sought payment of trust money, despite the law practice having ceased to operate and closed its trust account.	Application filed. Awaiting directions hearing.
20	29/06/2023	Professional misconduct: Knowingly created, or directed another solicitor to create a false document and, in doing so, acting dishonestly; knowingly directed another solicitor to send an email to the SRO containing false and misleading information accompanied by a false document and, in doing so, acting dishonestly; intentionally provided false and misleading information to the VLSC and, in doing so, acting dishonestly (alternatively, recklessly provided false and misleading information to the VLSC). Unsatisfactory professional conduct: Failing to provide client with advice, or any adequate advice; acted for both vendor and purchaser in the sale of property and lender and borrower in respect of a loan agreement without disclosing the potential for a conflict or to obtain informed consent.	Application filed. Awaiting directions hearing.
21	30/06/2023	Professional misconduct: Withdrawing funds from trust without authorisation; withdrawing funds from trust within 7 days; withdrawing funds prior to issuing invoice; engaging in workplace bullying; engaging in sexual harassment and workplace bullying; engaging in sexual harassment; failure to respond to statutory request; failure of competence and diligence; withdrawing funds from trust contrary to purpose in which they could be used; making payments from trust where recorded reason was false. Unsatisfactory professional conduct: Making payment from trust account to pay for rent; failure to record trust payments in cash book.	Application filed. Awaiting directions hearing.

TABLE 17: APPEALS HEARD AND DETERMINED IN THE SUPREME COURT IN 2022–23

NO.	NAME OF LAWYER	APEALED GROUNDS	SUMMARY OF ORDERS MADE
1	Joel BELING (Plaintiff/Applicant)	S CI 2014 06088 – Various grounds.	In relation to S CI 2014 06088: 24/04/2023 – Appeal dismissed, summons dismissed and parties to file and serve submissions on costs. These orders now subject to appeal in the Supreme Court, Court of Appeal. 19/06/2023 – Plaintiff pay the VLSC’s costs on a standard basis up to and including 27/05/2020 and thereafter on an indemnity basis.

TABLE 18: CASES ON APPEAL AND JUDICIAL REVIEW TO THE SUPREME COURT

NO.	NAME OF LAWYER	DATE SC/VCAT ORDERS WERE MADE	DATE OF APPEAL APPLICATION TO SUPREME COURT	STATUS AS AT 30 JUNE 2023
1	James McCONVILL	N/A	5/08/2022	Application withdrawn.
2	Name withheld.			Subject to appeal.

Victorian Legal Services Board and Victorian Legal Services Commissioner Financial Statements for the year ended 30 June 2023

How this report is structured

The Victorian Legal Services Board and Victorian Legal Services Commissioner has presented its audited general purpose financial statements for the financial year ended 30 June 2023 in the following structure to provide users with information about the stewardship of resources entrusted to it.

Financial Statements Declaration	73
Independent Auditor's Report	74
Comprehensive operating statement	76
Balance sheet	77
Statement of changes in equity	78
Cash flow statement	79
Notes to the financial statements	80

Victorian Legal Services **BOARD + COMMISSIONER**

FINANCIAL STATEMENTS DECLARATION

The attached consolidated financial statements for the Victorian Legal Services Board and Victorian Legal Services Commissioner have been prepared in accordance with Standing Direction 5.2 of the Standing Directions of the Assistant Treasurer under the *Financial Management Act 1994* (FMA), applicable Financial Reporting Directions, Australian Accounting Standards including Interpretations, and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement and accompanying notes, presents fairly the financial transactions during the year ended 30 June 2023 and financial position of the Victorian Legal Services Board and Victorian Legal Services Commissioner at 30 June 2023.

At the time of signing, we are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.

We authorise the attached financial statements for issue on 23 November 2023.



F Bennett
Chairperson,
Victorian Legal Services Board
Melbourne
23 November 2023



F McLeay
CEO, Victorian Legal Services Board and Victorian Legal Services Commissioner
Melbourne
23 November 2023



N Diss
Chief Finance Officer,
Victorian Legal Services Board and Victorian Legal Services Commissioner
Melbourne
23 November 2023



Victorian Auditor-General's Office

Independent Auditor's Report

To the Board members of the Victorian Legal Services Board and the Victorian Legal Services Commissioner

Opinion I have audited the financial report of the Victorian Legal Services Board (the Board) and the Victorian Legal Services Commissioner (the Commissioner), which comprises the:

- balance sheet as at 30 June 2023
- comprehensive operating statement for the year then ended
- statement of changes in equity for the year then ended
- cash flow statement for the year then ended
- notes to the financial statements, including significant accounting policies
- financial statements declaration.

In my opinion the financial report presents fairly, in all material respects, the financial position of the Board and the Commissioner as at 30 June 2023 and their financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of Part 7 of the *Financial Management Act 1994* and applicable Australian Accounting Standards.

Basis for opinion I have conducted my audit in accordance with the *Audit Act 1994* which incorporates the Australian Auditing Standards. I further describe my responsibilities under that Act and those standards in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report.

My independence is established by the *Constitution Act 1975*. My staff and I are independent of the Board and the Commissioner in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to my audit of the financial report in Victoria. My staff and I have also fulfilled our other ethical responsibilities in accordance with the Code.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

The Board members' responsibilities for the financial report The Board members are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the *Financial Management Act 1994*, and for such internal control as the Board members determine is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Board members are responsible for assessing the Board's and Commissioner's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless it is inappropriate to do so.

**Auditor's
responsibilities
for the audit of
the financial
report**

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit. My objectives for the audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Board's and Commissioner's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Board.
- conclude on the appropriateness of the Board's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Board's and the Commissioner's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Board and the Commissioner to cease to continue as a going concern.
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Board members regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

MELBOURNE
24 November 2023


Timothy Maxfield
as delegate for the Auditor-General of Victoria

Comprehensive operating statement

For the financial year ended 30 June 2023

	NOTES	2023 \$'000	2022 \$'000
CONTINUING OPERATIONS			
REVENUE AND INCOME FROM TRANSACTIONS			
Interest and distributions	3.1	226,586	51,333
Practising Certificate fees and Fidelity Fund contributions	3.2	14,614	14,109
Other income	3.3	280	688
Revenue and income from transactions		241,480	66,130
EXPENSES FROM TRANSACTIONS			
Employee benefits expenses	4.1	(20,460)	(16,520)
Funding and grants expenses	4.2	(40,190)	(35,110)
Payments to service providers		(559)	(553)
Fidelity Fund claims and expenses		(1,616)	(744)
Depreciation and amortisation expense	5.1.2	(2,008)	(2,116)
Board and committee member fees		(328)	(333)
Legal expenses	4.3	(4,283)	(4,537)
Other operating expenses	4.4	(5,895)	(4,397)
Total expenses from transactions		(75,339)	(64,310)
Net result from transactions		166,141	1,820
OTHER ECONOMIC FLOWS INCLUDED IN NET RESULT			
Net gain/(loss) on financial instruments	9.1	30,679	(94,808)
Net gain/(loss) on non-financial assets		(30)	–
Other gain/(loss) from other economic flows	9.1	(1,153)	486
Total other economic flows included in net result		29,496	(94,322)
Net result		195,637	(92,502)
Other economic flows – other comprehensive income		–	–
Comprehensive result		195,637	(92,502)

The accompanying notes form part of these financial statements.

Balance sheet

As at 30 June 2023

	NOTES	2023 \$'000	2022 \$'000
ASSETS			
FINANCIAL ASSETS			
Cash and cash equivalents	7.1.1	2,716,167	3,316,018
Receivables	6.1	34,893	22,403
Investments and other financial assets	5.2	946,244	855,954
Total financial assets		3,697,304	4,194,375
NON-FINANCIAL ASSETS			
Property, plant and equipment	5.1	1,803	3,027
Intangible assets		1,089	1,696
Other non-financial assets		983	707
Non-financial assets classified as held for sale		17	–
Total non-financial assets		3,892	5,430
Total assets		3,701,196	4,199,805
LIABILITIES			
Payables	6.2	1,364	3,160
Lease liabilities	7.3	1,430	2,371
Provisions	6.4	16,350	15,190
Employee-related provisions	4.1.2	3,660	3,138
Income received in advance	6.3	15,121	14,050
Statutory deposit account	7.2	3,165,384	3,859,646
Total liabilities		3,203,309	3,897,555
Net assets		497,887	302,250
EQUITY			
Contributed capital		29	29
Accumulated surplus/(deficit)		497,858	302,221
Net worth		497,887	302,250

The accompanying notes form part of these financial statements.

Statement of changes in equity

For the financial year ended 30 June 2023

	CONTRIBUTED CAPITAL \$'000	ACCUMULATED SURPLUS/ (DEFICIT) \$'000	TOTAL \$'000
Balance at 1 July 2021	29	394,723	394,752
Net result for the year	–	(92,502)	(92,502)
Other comprehensive income for the year	–	–	–
Balance at 30 June 2022	29	302,221	302,250
Net result for the year	–	195,637	195,637
Other comprehensive income for the year	–	–	–
Balance at 30 June 2023	29	497,858	497,887

The accompanying notes form part of these financial statements.

Cash flow statement

For the financial year ended 30 June 2023

	NOTES	2023 \$'000	2022 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
RECEIPTS			
Interest and distributions received		209,035	47,955
Receipts from practising certificate fees and Fidelity Fund contributions	15,583	14,446	
Other receipts		5,295	25,794
Total receipts		229,913	88,195
PAYMENTS			
Payments to suppliers and employees		(32,426)	(26,177)
Goods and Services Tax paid to the ATO*		42	(192)
Payments of Fidelity Fund claims, costs and other expenses		(1,612)	(850)
Payments of grants		(40,697)	(36,893)
Total payments		(74,693)	(64,112)
Net cash flows provided by/(used in) operating activities	7.1.2	155,220	24,083
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchases of non-financial assets		(158)	48
Payments for intangible assets		(1)	(480)
Redemption/sale of financial assets		(59,611)	(12,399)
Net cash flows used in investing activities		(59,770)	(12,831)
CASH FLOWS FROM FINANCING ACTIVITIES			
Repayment of leasing liabilities		(1,042)	(1,074)
Deposits into statutory deposit accounts by solicitors		2,011,909	2,734,597
Withdrawals from statutory deposit accounts by solicitors		(2,706,168)	(1,549,687)
Net cash flows from financing activities		(695,301)	1,183,836
Net increase in cash and cash equivalents		(599,851)	1,195,087
Cash and cash equivalents at the beginning of the financial year		3,316,018	2,120,930
Cash and cash equivalents at the end of the financial year	7.1.1	2,716,167	3,316,018

*GST paid to the Australian Tax Office is presented on a net basis.
The accompanying notes form part of these financial statements.

Notes to the financial statements

1. About this report

These annual financial statements represent the audited general-purpose financial statements for the Victorian Legal Services Board (Board) and the Victorian Legal Services Commissioner (Commissioner) as consolidated entities (collectively VLSB+C) for the period ended 30 June 2023.

The Board and Commissioner are not-for-profit government agencies of the State of Victoria. The Board and Commissioner were originally established under the *Legal Profession Act 2004* (the former Act) on 12 December 2005. Both agencies' roles and functions now come under the *Legal Profession Uniform Law Application Act 2014* (the Act) which repeals the former Act, effective from 1 July 2015.

The principal address is:
Level 5, 555 Bourke Street Melbourne VIC 3000

A description of the nature of the operations of the Board and Commissioner and their principal activities is included in the Annual Report which does not form part of these financial statements. Further information on the roles of the Board and Commissioner and funds administered are provided in Note 2.

1.1 Basis of preparation

Reporting entity

These consolidated financial statements cover the Board and the Commissioner as consolidated entities following the Minister for Finance making a determination pursuant to section 53(1)(b) of the *Financial Management Act 1994* (FMA) on 25 May 2013. The Board is comprised of the Public Purpose Fund (Note 2.1) and Legal Practitioners' Fidelity Fund (Note 2.1).

The consolidated report presents an aggregation of the transactions and balances of the Board and Commissioner as a single reporting entity with all inter-group transactions eliminated. Additional disclosure has been included in the notes to the financial statements, where applicable, for the Public Purpose Fund, Legal Practitioners' Fidelity Fund and the Commissioner.

Currency and Rounding

These financial statements are in Australian dollars and have been rounded to the nearest \$1,000 unless otherwise stated. Figures in the financial statements may not equate due to rounding.

Measurement and accounting basis

The historical cost convention is used unless a different measurement basis is specifically disclosed in the note associated with the item measured on a different basis. Items not recorded at historical cost include:

- the Fidelity Fund claims provision that is calculated at fair value with regard to actuarial assessments and employee long-service leave provisions; and
- financial instruments including funds under management after initial recognition, which are measured at fair value with movements reflected in the 'other economic flows included in net result' (refer to Note 9.1 for further detail).

The **accrual basis** of accounting has been applied in the preparation of these financial statements whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Judgements, estimates and assumptions

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements are disclosed.

Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision.

Comparatives

Where applicable, comparative figures have been updated to reflect more current information, including for changes in accounting policy. The nature of the reclassification, the amount of the items or class of items reclassified and the reason for reclassification is shown in relevant notes.

Accounting for the Goods and Services Tax (GST)

Income, expenses and assets are recognised net of the amount of associated GST, except where GST incurred is not recoverable from the taxation authority. In this case, the GST payable is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the taxation authority is included with other receivables or payables in the balance sheet.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to the taxation authority, are presented as operating cash flow.

Commitments and contingent assets and liabilities are also stated inclusive of GST.

Changes in accounting policy

No new accounting standards have come into effect for the 2022–23 financial year that are applicable to the Board and the Commissioner.

Accounting standards changes not yet in effect but applicable to future years are presented at Note 9.9.

Compliance information

These general purpose financial statements have been prepared in accordance with the FMA and applicable Australian Accounting Standards (AAS) which include Interpretations, issued by the Australian Accounting Standards Board (AASB). In particular, they are presented in a manner consistent with the requirements of the AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Where appropriate, those paragraphs of the AAS applicable to not-for-profit entities have been applied. Accounting policies are selected and applied in a manner which ensures that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

2. Funds administered

The Board

The Board is an independent statutory authority; a public entity but it does not represent the Crown. Ms Fiona McLeay is the Chief Executive Officer of the Board. The Attorney-General, The Hon. Jaclyn Symes, MP is the responsible Minister.

The Board's statutory objectives as stated in section 30 of the Act are to:

- ensure the effective regulation of the legal profession and the maintenance of professional standards;
- address the concerns of clients of law practices and legal practitioners through the regulatory system and provide for the protection of consumers of legal services;
- ensure the adequate management of trust accounts; and
- contribute to the effective administration of a Legal Profession Uniform Law Framework through cooperation with other involved entities.

The Board is established as a body corporate with perpetual succession under section 28 of the Act. Under the provisions of the Act it is required to maintain two funds:

- the Public Purpose Fund (section 133); and
- the Legal Practitioners Fidelity Fund (section 121).

2.1 Public Purpose Fund

The Board must maintain a fund called the Public Purpose Fund under section 133 of the Act. The Public Purpose Fund is comprised of three separate accounts below:

General Account – section 136

The General Account derives income from the following:

- fines imposed by an order of VCAT;
- money transferred to the Public Purpose Fund from the Fidelity Fund under section 147;
- money derived from any investment of the Public Purpose Fund;
- any profits arising on the realisation or revaluation of any investment of the Public Purpose Fund; and
- any fees that are paid to the Board in relation to an application for, or the grant or renewal of, an Australian practising certificate; and any other money received by the Board that is not required to be credited to another account in the Public Purpose Fund or to the Fidelity Fund, including (but not limited to) interest amounts received in accordance with arrangements made with Approved Deposit Institutions (from Law Practices Residual Trust Accounts) and interest earned from cash held in the Statutory Deposit Account not invested.

Under section 87 the Board can make arrangements with banks for the keeping of trust accounts. Under the arrangements in place, interest earned on law practices' trust accounts is received by the Board and paid to the General Account of the Public Purpose Fund.

Funding for the Board, VCAT Legal Practice List, the Victorian Legal Admissions Board, the Commissioner, and payments to professional associations for continuing legal education programs and other programs are debited to this account.

The Board has two operating bank accounts for administration purposes:

- Practising certificate fees – for the receipt of practising certificate fees; and
- General Account – for the payment of expenses incurred in carrying out its functions other than grants made from the Distribution account and receipt of income.

Statutory Deposit Account – section 137

Each law practice or approved clerk with trust accounts has an individual Statutory Deposit Account (SDA) held in their name by the Board; the balance in this account is linked to their trust account. The SDA balance in the Board's financial statements is the sum of the individual SDAs.

Law practices or approved clerks with trust accounts must deposit the "required deposit amount" (if any) into the SDA on a quarterly basis. The required deposit amount is 70% of the sum of the lowest daily balance in their trust account at any time during the quarter plus the SDA balance on the last day of the previous quarter (section 79(1)) unless the calculated figure using that formula in respect of any quarter is less than \$10,000, in which case the required deposit amount in respect of that quarter is zero (section 79(2)).

Distribution Account – section 138

The Act requires that 50% of the amount standing to the credit of the General Account at 30 June is transferred to the Distribution Account during the following year.

Funding and grants made under sections 143 and 146 for Victoria Legal Aid and section 144 for law-related services and activities are paid from the Distribution Account. Grants are approved by the Board and amounts are decided with consideration given to available resources.

2.2 Legal Practitioners' Fidelity Fund

The Board must maintain a fund called the Fidelity Fund under section 121 of the Act. All monies held in the Fidelity Fund are kept separate from any other money held by the Board and are held in trust.

Receipts include Fidelity Fund contributions and levies, income from investments of the Fidelity Fund, monies transferred from the Public Purpose Fund (General Account), and monies received as a result of the exercise of any right or remedy arising from the claim.

Payments include any claim including interest, costs and disbursements allowed against the Fund, and legal and other expenses incurred by the Board in investigating or defending claims against the Fund.

The Commissioner

The Commissioner is an independent statutory office holder accountable to the Victorian Parliament. Ms Fiona McLeay is the Commissioner.

The Commissioner is responsible for the following objectives as specified in Chapter 5 of the Act:

- to provide a framework for the timely and effective resolution of disputes or issues between clients and lawyers or law practices;
- to provide a scheme for the discipline of the Australian legal profession, in the interests of the administration of justice and for the protection of clients of law practices and the public generally; and
- to monitor, promote and enforce the professional standards, competence and honesty of the Australian legal profession.

In addition to this, the Commissioner has an important educative role which involves:

- educating lawyers about issues of concern to the legal profession and consumers of legal services, and
- educating the community about legal issues and the rights and obligations that flow from the client-lawyer relationship.

3. Funding delivery of our services – income from transactions

The Board predominantly earns interest income from Law Practice Residual Trust Accounts and Statutory Deposit Accounts, as well as investment distribution income from the investment portfolios of the Public Purpose Fund and Fidelity Fund. In addition, the Board receives income from practising certificate fees and Fidelity Fund contributions as it is responsible for the registration of all lawyers in Victoria.

All income received by the Board is generally required to be paid into the Public Purpose Fund, with the exception of Fidelity Fund contributions which is paid into the Legal Practitioners Fidelity Fund.

Other income of the Board and Commissioner includes other interest, fines and cost recoveries.

3.1 Interest and distribution income

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
Distributions from Investments	21,367	24,563
Interest on Statutory Deposit Account	102,430	19,969
Interest on Law Practice Residual Trust accounts	96,903	5,809
Interest on Operating Accounts	3,953	216
Total Public Purpose Fund interest and distributions	224,653	50,557
FIDELITY FUND		
Distributions from Investments	1,504	708
Interest on Operating Account	429	68
Total Fidelity Fund interest and distributions	1,933	776
Total interest and distributions	226,586	51,333

Interest income includes interest received on bank accounts, bank term deposits and other investments. Interest income is recognised using the effective interest method which allocates interest over the relevant period.

Distribution income is recognised when the right to receive payment is established. Distributions represent the income arising from the entity's investments in financial assets, net of any applicable management fees.

Distribution income should be considered in conjunction with the 'net gains/ (losses) on financial instruments arising from changes in fair value' to assess total investment returns for the year (refer to Note 9.1).

3.2 Practising certificate fees and Fidelity Fund contributions

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
Practising certificate fees	11,043	10,531
FIDELITY FUND		
Fidelity Fund contributions	3,571	3,578
Total Practising certificate fees and Fidelity Fund contributions	14,614	14,109

Practising certificate fees are prescribed by regulation under section 73 of the Act in order to engage in legal practice in Australia. The fees for an application for the grant or renewal of an Australian practising certificate are payable by practitioners where their principal place of practice is Victoria. The practicing year runs from 1 July to 30 June, with fees payable annually in advance. Practising certificate fees attributable to the current financial year are recognised as revenue from contracts with customers recognised over time. Fees relating to future periods are accounted for as income received in advance (refer to Note 6.3).

Fidelity Fund contributions are determined by the Board pursuant to section 128 of the Act. Practising certificate fees are to be accompanied by a contribution to the Fidelity Fund pursuant to section 73 of the Act for certain classes of practitioners. Fidelity Fund contributions for the financial year 1 July 2023 to 30 June 2024 are payable prior to 30 June 2023. This income has been accounted for as income received in advance (refer to Note 6.3).

3.3 Other income

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
Income from fines	30	45
Income from Commissioner – asset usage	756	862
Sundry income	140	433
Total Public Purpose Fund other income	926	1,340
FIDELITY FUND		
Fidelity Fund recoveries	3	3
Total Fidelity Fund other income	3	3
VICTORIAN LEGAL SERVICES COMMISSIONER		
Board funding to the Commissioner	14,572	11,820
Employee benefits recharged	9,235	7,932
Income from the Board – asset usage	6	11
Costs recoveries	95	195
Sundry income	12	12
Total Commissioner other income	23,920	19,970
Elimination of inter-entity income	(24,569)	(20,625)
Total other income	280	688

The Board receives income from fines and the Commissioner receives income from cost order recoveries. Fines and cost orders granted are recognised when the amount of revenue from the fines or cost orders can be measured reliably and the settlement date is determined or agreed and it is probable that the economic benefits associated with the transaction will flow to the Board or the Commissioner.

Fidelity Fund recoveries are received by the Board as a result of the exercise of a right and remedy. The recoveries are recognised when received.

Income for asset usage relates to inter-entity charges between the Commissioner and the Board for use of assets i.e. recharge of depreciation. These charges are eliminated upon consolidation.

Board funding to the Commissioner and the employee benefit recharged are inter-entity recoveries from the Board and these are eliminated upon consolidation.

4. Cost of delivering services – expenses from transactions

This section provides an account of the expenses incurred by the Board and the Commissioner in carrying out their responsibilities. The Board is responsible for regulating the legal profession in Victoria while the Commissioner is responsible for handling complaints about lawyers and educating lawyers and the community about legal issues.

Recharges of services between the Board and the Commissioner

Where expenses for costs such as occupancy, depreciation and other relevant operating costs have been incurred in the normal course of operations by either the Board or the Commissioner, on behalf of the other, these costs have been apportioned and expenses recovered.

4.1 Employee benefits in the comprehensive operating statement

	2023 \$'000	2022 \$'000
VICTORIAN LEGAL SERVICES COMMISSIONER		
Salaries and wages, annual leave, long service leave	(17,471)	(14,328)
Superannuation contributions	(1,564)	(1,216)
Other employee on-costs and training	(1,281)	(976)
Termination benefits	(144)	–
Total employee benefits expense	(20,460)	(16,520)

Employee expenses include all costs related to employment including wages and salaries, leave entitlements, superannuation contributions, fringe benefits tax, payroll tax, WorkCover premiums, staff training and development and termination benefits.

Termination benefits are payable when employment is terminated before normal retirement date, or when an employee accepts an offer of benefits in exchange for the termination of employment. Termination benefits are recognised when the Commissioner is demonstrably committed to terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after the end of the reporting period are discounted to present value.

Under section 59 of the Act, staff supporting the activities of the Board are classified as employees of the Commissioner, who employs all staff under Part 3 of the *Public Administration Act 2004*. The Commissioner recharges staff costs to the Board for those staff undertaking Board functions.

4.1.2 Employee benefits in the balance sheet

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave (LSL) for services rendered to the reporting date and recorded as an expense during the period the services are delivered.

	2023 \$'000	2022 \$'000
CURRENT EMPLOYEE PROVISIONS		
ANNUAL LEAVE		
Unconditional and expected to settle within 12 months	1,283	1,160
LONG SERVICE LEAVE		
Unconditional and expected to settle within 12 months	1,285	1,195
PROVISIONS FOR ON-COSTS		
Unconditional and expected to settle within 12 months	519	438
Total current provisions for employee benefits	3,087	2,793
NON-CURRENT PROVISIONS		
Employee benefits	484	295
On-costs	89	50
Total non-current provisions	573	345
Total employee benefits and related on-costs	3,660	3,138

Reconciliation of movement in on-cost provision

	2023 \$'000	2022 \$'000
Opening balance	488	456
Additional provisions recognised	172	65
Unwind of discount and effect of changes in the discount rate	(52)	(33)
Closing balance	608	488

Wages and salaries, annual leave and sick leave

Liabilities for salaries and wages (including non-monetary benefits and annual leave) are recognised as part of the provision for employee benefits as current liabilities, because the Board and the Commissioner do not have an unconditional right to defer settlement of these liabilities.

The liability for salaries and wages is recognised in the balance sheet at remuneration rates which are current at the reporting date. As the Board and the Commissioner expect the liabilities to be wholly settled within 12 months of reporting date, they are measured at undiscounted amounts.

The annual leave liability is classified as a current liability and measured at the undiscounted amount expected to be paid, as the Board and Commissioner do not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

No provision has been made for sick leave as all sick leave is non-vesting and it is not considered probable that the average sick leave taken in the future will be greater than the benefits accrued in the future. As sick leave is non-vesting, an expense is recognised in the Comprehensive Operating Statement as it is taken.

Long service leave

Unconditional LSL is disclosed as a current liability; even where the Commissioner does not expect to settle the liability within 12 months because it will not have the unconditional right to defer the settlement of the entitlement should an employee take leave within 12 months.

The components of the current LSL liability are measured at either:

- undiscounted value – if the Board or Commissioner expects to settle within 12 months;
- present value – if the Board or Commissioner does not expect to settle within 12 months.

Conditional LSL is disclosed as a non-current liability. There is a conditional right to defer the settlement of the entitlement until the employee has completed the requisite years of service. This non-current LSL liability is measured at present value.

Any gain or loss following revaluation of the present value of non-current LSL liability is recognised as a transaction, except to the extent that a gain or loss arises due to changes in bond interest rates for which it is then recognised as an 'other economic flow' (refer to Note 9.1) in the net result.

Employee on-costs

Employee on-costs such as payroll tax, workers compensation and superannuation are not employee benefits. They are disclosed separately as a component of the provision for employee benefits when the employment to which they relate has occurred.

Superannuation

Employees of the VLSB+C are entitled to receive superannuation benefits and the VLSB+C contributes to defined contribution plans. Superannuation contributions paid or payable for the reporting period are included as part of employee benefits in the comprehensive operating statement.

The amount recognised in relation to superannuation is the employer contribution for members to defined contribution superannuation plans that are paid or payable during the reporting period.

4.2 Funding and grants expenses

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
FUNDING AND GRANTS ALLOCATED FROM THE DISTRIBUTION ACCOUNT		
Other funding		
Victoria Legal Aid	24,273	22,889
Victorian Law Reform Commission	2,040	1,893
Victoria Law Foundation	2,643	2,500
Justice Connect	1,242	915
Grants		
Major grants and projects	1,996	350
Total funding and grants allocated from the Distribution Account	32,194	28,547
FUNDING ALLOCATED FROM THE GENERAL ACCOUNT		
Funding to perform functions under the Act		
Victorian Civil and Administration Tribunal – Legal Practice List	1,204	993
Victorian Legal Admissions Board	1,847	1,414
Other funding		
Professional association programs to the Law Institute and Victorian Bar	3,803	2,970
Law Library of Victoria	513	500
Legal Profession Uniform Framework	629	686
Total funding allocated from the General Account	7,996	6,563
Total funding and grants	40,190	35,110

Funding and grants are paid from either the Distribution Account or General Account of the Board's Public Purpose Fund (refer to Note 2) as follows:

Funding represents payments made to law-related entities in performing functions under the Act or other funding allowed for under the Act. Other payments are recognised in the reporting period in which they are paid or payable.

Grant expenses are discretionary contributions of the Board's resources to another party for specific or general purposes where there is no expectation that the amount will be repaid in equal value (either by money, goods or services). Amounts granted from year to year vary depending on the level of discretionary resources available.

Grants can either be operating or capital in nature. Grants can be paid as general purpose grants, which refer to grants that are not subject to conditions regarding their use. Alternatively, they may be paid as specific purpose grants which are paid for a particular purpose and/or have conditions attached regarding their use.

Grant expenses are recognised in the reporting period in which they are paid or payable. All grants take the form of monetary payments.

4.3 Legal expenses

	2023 \$'000	2022 \$'000
LEGAL EXPENSES		
Investigations	670	775
Litigation and other legal expenses	1,876	1,311
External interventions	1,334	2,301
Compliance audits	403	150
Total legal expenses	4,283	4,537

Legal expenses are legal fees and associated costs incurred by the Board and the Commissioner in regulating the legal profession in Victoria and handling complaints about lawyers. Legal fees are recognised in the reporting period in which they are paid or payable.

4.4 Other operating expenses

	2023 \$'000	2022 \$'000
OTHER OPERATING EXPENSES		
Information technology	2,487	1,507
Occupancy	526	476
Administration	938	673
External audit fees	78	78
Internal audit fees	58	61
Investment advice	185	176
Consultants	1,536	1,313
Other staff costs	57	18
Community and education	30	95
Total other operating expenses	5,895	4,397

Other operating expenses generally represent the day to day running costs incurred in normal operations. Operating expenses are recognised as an expense in the reporting period in which they are incurred.

The following lease payments are recognised on a straight-line basis:

- Short-term leases – leases with a term 12 months or less; and
- Low value leases – leases where the underlying asset's fair value (when new, regardless of the age of the asset being leased) is no more than \$10,000.

Variable lease payments that are not included in the measurement of the lease liability (i.e. variable lease payments that do not depend on an index or a rate and which are not, in substance fixed), are recognised in the Comprehensive Operating Statement in the period in which the event or condition that triggers those payments.

5. Assets to support the delivery of services

The Board and Commissioner controls infrastructure and investments that are utilised in conducting its activities and fulfilling its objectives. These resources have been entrusted to the Board and Commissioner to be utilised for the delivery of those outputs.

Fair value measurement

Where the assets included in this section are carried at fair value, additional information is disclosed in Note 8.3 in connection with how those fair values were determined.

5.1 Plant and equipment

	GROSS CARRYING AMOUNT		ACCUMULATED DEPRECIATION		NET CARRYING AMOUNT	
	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000
PUBLIC ADMINISTRATION						
Computer equipment at fair value	1,810	1,956	(1,791)	(1,891)	19	65
Office equipment at fair value	135	44	(36)	(42)	99	2
Right-of-use assets at fair value	4,979	5,015	(3,732)	(2,865)	1,247	2,150
Leasehold improvements at fair value	3,106	3,097	(2,668)	(2,287)	438	810
Office furniture and fittings at fair value	31	31	(31)	(31)	–	–
Total plant and equipment	10,061	10,143	(8,258)	(7,116)	1,803	3,027

The following tables are subsets of buildings, plant, equipment and vehicles by right-of-use assets.

5.1.1 Total right-of-use assets: buildings, plant, equipment and vehicles

	GROSS CARRYING AMOUNT		ACCUMULATED DEPRECIATION		NET CARRYING AMOUNT	
	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000
PUBLIC ADMINISTRATION						
Buildings at fair value	4,882	4,882	(3,716)	(2,787)	1,166	2,095
Plant, equipment and vehicles at fair value	97	133	(16)	(77)	81	55
Net carrying amount	4,979	5,015	(3,732)	(2,865)	1,247	2,150

	BUILDINGS AT FAIR VALUE		PLANT, EQUIPMENT AND VEHICLES AT FV		
	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000	
PUBLIC ADMINISTRATION					
Opening balance		2,095	3,024	55	122
Additions		–	–	60	–
Disposals		–	–	–	(29)
Depreciation		(929)	(929)	(17)	(37)
Transfer to disposal group held for sale		–	–	(17)	–
Closing balance		1,166	2,095	82	55

Initial recognition

Items of plant and equipment are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is its fair value at the date of acquisition.

Where the assets included in this section are carried at fair value, additional information is disclosed in Note 8.3 in connection with how those fair values were determined.

The Board and the Commissioner have adopted a policy of only capitalising both physical and intangible assets with a cost exceeding \$5,000. All assets with a value of \$5,000 or less are expensed on acquisition.

The cost of a leasehold improvement is capitalised as an asset and depreciated over the shorter of the remaining term of the lease or the estimated useful life of the improvements.

Right-of-use asset acquired by lessees – initial measurement

A right-of-use asset and a lease liability are recognised at the lease commencement date. The right-of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- any lease payments made at or before the commencement date; plus
- any initial direct costs incurred; and
- an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located, less any lease incentive received.

Subsequent measurement

Property, plant and equipment as well as right-of-use assets under leases are subsequently measured at fair value less accumulated depreciation and impairment. Fair value is determined with regard to the asset's highest and best use (considering legal or physical restrictions imposed on the asset, public announcements or commitments made in relation to the intended use of the asset) and is summarised on the following pages by asset category. In addition, for right-of-use assets the net present value of the remaining lease payments is often the appropriate proxy for fair value of relevant right-of-use assets.

Right-of-use assets under leases are subsequently measured at fair value. The Board and the Commissioner depreciate right-of-use-assets on a straight line basis from the lease commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term. The estimated useful life of right-of-use assets are determined on the same basis as property, plant and equipment and also subject to revaluation. As at 30 June 2023, The Board and the Commissioner right-of-use-assets did not require an adjustment to their values.

In addition, the right-of-use asset is periodically reduced by impairment losses, if any and adjusted for certain re-measurements of the lease liability.

Vehicles are valued using the current replacement cost method.

Impairment of non-financial assets

Non-financial physical assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired.

The assets concerned are tested as to whether their carrying value exceeds their recoverable amount. Where an asset's carrying value exceeds its recoverable amount, the difference is written off as an 'other economic flow – included in net result', except to the extent that the write-down can be debited to an asset revaluation surplus amount applicable to that class of asset.

5.1.2 Depreciation and amortisation

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
Leasehold improvements	380	375
Right-of-use assets	929	945
Office equipment	9	3
Computer equipment	68	214
Intangible assets	605	558
Total Public Purpose Fund depreciation and amortisation	1,991	2,095
VICTORIAN LEGAL SERVICES COMMISSIONER		
Motor vehicles	17	21
Total Commissioner depreciation	17	21
Total depreciation and amortisation	2,008	2,116

All plant and equipment and other non-financial physical assets that have finite useful lives are depreciated and intangible produced assets with finite useful lives are amortised.

Depreciation and amortisation are generally calculated on a straight-line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Leasehold improvements and right-of-use assets are depreciated over the shorter of the remaining term of the lease or the estimated useful life of the improvements and the end of the lease term respectively.

Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

Useful life

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments made where appropriate.

	USEFUL LIFE 2023	USEFUL LIFE 2022
CLASS OF ASSET		
Leasehold asset and improvements	10 years	10 years
Right-of-use assets	5 to 10 years	5 to 10 years
Office equipment	5 to 10 years	5 to 10 years
Office furniture and fittings	5 to 10 years	5 to 10 years
Computer equipment	3 to 5 years	3 to 5 years
Motor vehicles	3 years	3 years
Intangible assets (capitalised software development costs)	5 years	5 years

5.2 Investments and other financial assets

Investments are categorised as financial assets at fair value through profit or loss and include investments in equities and funds under management that are managed externally by fund managers, as recommended by independent investment advisers. Investments are held in the Public Purpose Fund and the Fidelity Fund in line with the Board's investment policy and objectives.

	2023 \$'000	2022 \$'000
CURRENT		
PUBLIC PURPOSE FUND INVESTMENTS		
Australian fixed interest	72,414	71,840
Global fixed interest	185,772	186,612
Diversified growth funds	121,268	119,757
Australian equities	91,212	83,184
Australian small capitalisation equities	30,028	29,780
Overseas equities – unhedged	128,948	113,124
Overseas equities – hedged ⁽ⁱ⁾	32,118	30,039
Emerging market equities	26,849	27,221
Property and infrastructure managed funds	146,546	144,967
Total Public Purpose Fund investments	835,155	806,524
FIDELITY FUND INVESTMENTS		
Australian fixed interest	8,414	8,272
Global fixed interest	8,859	8,675
Diversified growth funds	6,759	6,526
Australian equities	10,398	9,045
Overseas equities – unhedged	7,842	6,492
Overseas equities – hedged ⁽ⁱ⁾	3,817	3,420
Total Fidelity Fund investments	46,089	42,430
Total investments	881,244	848,954
NON-CURRENT		
PUBLIC PURPOSE FUND OTHER FINANCIAL ASSETS		
Term deposits – Operating cash	55,000	–
FIDELITY FUND OTHER FINANCIAL ASSETS		
Term deposits – Operating cash	10,000	7,000
Total other financial assets	65,000	7,000
Total investments and other financial assets	946,244	855,954

(i) The VLSB+C does not engage in active hedging. Hedging is performed by the managed investment.

5.2.1 Ageing analysis of investments and other financial assets

Investments and other contractual financial assets are not past due and not impaired as at 30 June 2023 (and 30 June 2022).

The VLSB+C applies the AASB 9 simplified approach for all contractual receivables to measure expected credit losses using a lifetime expected loss allowance based on the assumptions about risk of default and expected loss rates. Refer to table at Note 8.1.3.

6. Other assets and liabilities

6.1 Receivables

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
CONTRACTUAL RECEIVABLES		
Trade receivables	52	111
Allowance for impairment losses of contractual receivables	(17)	(73)
Accrued investment distributions	11,387	16,328
Accrued interest – Residual Trust Accounts	11,256	1,646
Accrued interest – Statutory Deposit Accounts	9,937	3,307
Accrued other interest and income	1,189	29
Total contractual receivables	33,804	21,348
STATUTORY RECEIVABLES		
GST recoverable	258	300
Total statutory receivables	258	300
Total Public Purpose Fund receivables	34,062	21,648
FIDELITY FUND		
CONTRACTUAL RECEIVABLES		
Accrued investment distributions	282	303
Accrued interest	166	15
Total contractual receivables	448	318
Total Fidelity Fund receivables	448	318
VICTORIAN LEGAL SERVICES COMMISSIONER		
CONTRACTUAL RECEIVABLES		
Trade receivables	601	898
Provision for impairment of receivables	(218)	(461)
Total contractual receivables	383	437
Total Commissioner receivables	383	437
Total receivables	34,893	22,403

Receivables consist of:

- **Contractual receivables**, which are classified as financial instruments and categorised as 'financial assets at amortised cost', e.g. debtors in relation to goods and services. They are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial measurement, they are measured at amortised cost using the effective interest method, less any impairment.
- **Statutory receivables**, which do not arise from contracts and are recognised and measured similarly to contractual receivables (except for impairment) but are not classified as financial instruments for disclosure purposes. They are accounted for in accordance with AASB 9, as if they are financial assets when statutory requirements establish a right to receive cash or another financial asset as a result of a past event. Therefore, statutory receivables are initially recognised at fair value plus any directly attributable transaction costs.

Details about the Board and Commissioner's impairment policies, exposure to credit risk, and calculations of the provision for expected credit losses for contractual receivables are set out in Note 8.1.3.

6.2 Payables

	2023 \$'000	2022 \$'000
CURRENT PAYABLES		
PUBLIC PURPOSE FUND		
Contractual payables and accrued expenses	900	2,268
Major grants and projects	–	487
Total Public Purpose Fund current payables	900	2,755
FIDELITY FUND		
Contractual payables and accrued expenses	7	3
Total Fidelity Fund current payables	7	3
VICTORIAN LEGAL SERVICES COMMISSIONER		
Contractual payables and accrued expenses	457	382
Total Commissioner current payables	457	382
Total current payables	1,364	3,140
NON-CURRENT PAYABLES		
PUBLIC PURPOSE FUND		
Major grants and projects	–	20
Total non-current payables Public Purpose Fund	–	20
Total payables	1,364	3,160

Contractual payables are classified as financial instruments and measured at amortised cost. Accounts payable represent liabilities for goods and services provided to the Board and the Commissioner prior to the end of the financial year that are unpaid, and arise when the Board or the Commissioner become obliged to make future payments in respect of the purchase of those goods and services; and

Statutory payables are recognised and measured similarly to contractual payables, but are not classified as financial instruments and not included in the category of financial liabilities at amortised cost, because they do not arise from a contract.

6.2.1 Maturity analysis of contractual liabilities

Payables for supplies and services have an average credit period of 30 days. The terms and conditions of amounts payable for other liabilities vary according to the particular agreements.

Further information on the nature and extent of risks arising from contractual payables is disclosed in Note 8.1.3.

6.3 Contract liabilities

	CARRYING AMOUNT \$'000	NOMINAL AMOUNT \$'000	MATURITY DATES			
			LESS THAN 1 MONTH \$'000	1-3 MONTHS \$'000	3 MONTHS -1 YEAR \$'000	1-5 YEARS \$'000
2023						
CONTRACTUAL PAYABLES						
Contractual payables and accrued expenses	1,364	1,364	1,364	-	-	-
Major grants and projects	-	-	-	-	-	-
Statutory Deposit Account balances	3,165,384	3,165,384	3,165,384	-	-	-
Total	3,166,748	3,166,748	3,166,748	-	-	-
2022						
CONTRACTUAL PAYABLES						
Contractual payables and accrued expenses	2,653	2,653	2,653	-	-	-
Major grants and projects	507	507	-	-	487	20
Statutory Deposit Account balances	3,859,646	3,859,646	3,859,646	-	-	-
Total	3,862,806	3,862,806	3,862,299	-	487	20

Income received in advance

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
Practising certificate fees	11,625	10,920
FIDELITY FUND		
Fidelity Fund contributions	3,496	3,130
Total income received in advance	15,121	14,050

Income received in advance (contract liabilities under AASB 15) includes practising certificate fees and Fidelity Fund contributions for the financial year 1 July 2023 to 30 June 2024 that are payable prior to 30 June 2023.

6.4 Other provisions

	NOTE	2023 \$'000	2022 \$'000
CURRENT PROVISIONS			
FIDELITY FUND CLAIMS PROVISION			
Fidelity Fund current provision for claims lodged and anticipated	6.4.1	3,790	4,170
Total current Fidelity Fund claims provision		3,790	4,170
NON-CURRENT PROVISIONS			
Fidelity Fund non-current provision for claims lodged and anticipated	6.4.1	12,560	11,020
Total non-current provisions		12,560	11,020
Total provisions		16,350	15,190

Provisions are recognised when the Board or the Commissioner has a present obligation, the future sacrifice of economic benefits is probable, and the amount of the provision can be measured reliably. The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at the end of the reporting period, taking into account the risks and uncertainties surrounding the obligation.

Where a provision is measured using the cash flows estimated to settle the present obligation, its carrying amount is the present value of those cash flows, using the discount rate that reflects the time value of money and risks specific to the provision.

When some or all of the economic benefits required to settle a provision are expected to be received from a third party, the receivable is recognised as an asset if it is virtually certain that recovery will be received and the amount of the receivable can be measured reliably.

6.4.1 Fidelity Fund claims provision

The Board appoints actuaries to independently assess the liability of the Legal Practitioners Fidelity Fund. The Board has recognised a provision for Fidelity Fund liabilities based on the actuarial assessment.

The Fidelity Fund liability for outstanding claims is in respect of claims incurred but not yet paid, claims incurred but not yet lodged (IBNL), and the anticipated direct and indirect costs of settling those claims.

IBNL claims are incidents where a defalcation has occurred but the claim amount has not yet been lodged. IBNL claims arise from solicitors in respect of whom some claims amounts have already been lodged as well as solicitors whose defalcations have yet to be discovered.

The following discount rates were used in estimating the liability for outstanding claims. No explicit rate of defalcation is adopted. Defalcations are assumed to increase at the same rate as experienced in the past.

	2023	2022
CLAIMS EXPECTED TO BE PAID		
Later than one year discount rate ⁽ⁱ⁾	4.08%	3.09%

(i) The discount rate shown above for the discounting of the outstanding defalcations liability as at 30 June 2023 is a term structure of rates based on current yields for medium term dated Commonwealth Government bonds.

Estimated outstanding defalcation liability as at 30 June

	2023 \$'000	2022 \$'000
Undiscounted liability of lodged claims	4,730	5,350
Plus: Estimated liability for claims incurred but not lodged	8,140	5,770
Estimated undiscounted liability for incurred defalcations	12,870	11,120
PLUS/(MINUS) ADJUSTMENTS		
Less: Discounted to net present value	(1,930)	(960)
Plus: Internal management expenditure	1,640	1,520
Plus: Risk margin (30%) (2022: 30%)	3,770	3,510
Net provision per actuarial report	16,350	15,190
Net provision including allowance for costs	16,350	15,190

Reconciliation of movements in provision

	2023 \$'000	2022 \$'000
Opening balance	15,190	15,370
(Reductions)/additions in provisions recognised	1,160	(180)
Closing balance	16,350	15,190

7. How we finance our operations

This note provides information on the sources of finance utilised by The Board and the Commissioner during its operations, along with other information related to financing activities of The Board and Commissioner.

This note includes disclosures of balances that are financial instruments (such as cash balances). Note 8.1.3 provides additional, specific financial instrument disclosures.

7.1 Cash flow information and balances

7.1.1 Reconciliation of cash and cash equivalents

	2023 \$'000	2022 \$'000
CASH AND CASH EQUIVALENTS		
PUBLIC PURPOSE FUND		
General Account		
General operating account	120,661	23,819
Practising Certificate Fees account	1,219	2,266
Inter-entity balance – Fidelity Fund	–	(330)
Total General Account	121,880	25,755
Distribution Account	262	154
Statutory Deposit Account – cash trust accounts	2,566,480	3,260,741
Total Public Purpose Fund – cash and cash equivalents	2,688,622	3,286,650
FIDELITY FUND		
Fidelity Fund operating account	5,665	7,733
Managed cash	21,880	21,305
Total Fidelity Fund – cash and cash equivalents	27,545	29,038
VICTORIAN LEGAL SERVICES COMMISSIONER		
Inter-entity balance – Board	–	330
Total amounts eliminated	–	330
Balances per cash flow statement and balance sheet	2,716,167	3,316,018

Cash and deposits, including cash equivalents, comprise cash on hand and cash at bank, deposits at call and those highly liquid investments with an original maturity of three months or less, which are held for the purpose of meeting short-term cash commitments rather than for investment purposes, and are readily convertible to known amounts of cash and are subject to an insignificant risk of changes in value.

7.1.2 Reconciliation of net result for the period to cash flows from operating activities

	2023 \$'000	2022 \$'000
Net result for the year	195,637	(92,502)
NON-CASH MOVEMENTS		
Depreciation of non-current assets	2,008	2,116
Net (gain)/loss on financial instruments	(30,679)	94,808
Net (gain)/loss on non-financial instruments	30	–
Other non-cash movements	33	58
MOVEMENTS IN ASSETS AND LIABILITIES		
Decrease/(increase) in receivables	(12,490)	21,539
Increase in prepayments	(276)	(188)
Increase/(decrease) in payables	(1,796)	(2,050)
Increase/(decrease) in provisions	1,682	(136)
Increase in income received in advance	1,071	439
Net cash flows from/(used in) operating activities	155,220	24,083

7.1.3 Funds administered

	CASH AND CASH EQUIVALENTS (NOTE 7.1.1) \$'000	INVESTMENTS AND OTHER ASSETS AND LIABILITIES \$'000	TOTAL \$'000
2023			
PUBLIC PURPOSE FUND			
General Account*	121,879	138,136	260,015
Less: Inter-entity – due to Commissioner**	–	(5,147)	(5,147)
Net General Account	121,879	132,989	254,868
Distribution Account*	262	176,844	177,106
Statutory Deposit Account	2,566,480	598,904	3,165,384
Total Public Purpose Fund	2,688,621	908,737	3,597,358
FIDELITY FUND			
Total Fidelity Fund	27,546	56,090	83,636
Total Board and Commissioner funds administered	2,716,167	964,827	3,680,994
2022			
PUBLIC PURPOSE FUND			
General Account	25,755	16,106	41,861
Less: Inter-entity – due to Commissioner	(5,203)	–	(5,203)
Net General Account	20,552	16,106	36,658
Distribution Account	154	191,515	191,669
Statutory Deposit Account	3,260,741	598,904	3,859,646
Total Public Purpose Fund	3,281,447	806,525	4,087,973
FIDELITY FUND			
Total Fidelity Fund	29,038	49,431	78,468
Total Board funds	3,310,485	855,956	4,166,440
COMMISSIONER			
Total Commissioner funds	5,533	–	5,533
Total Board and Commissioner funds administered	3,316,018	855,956	4,171,973

*The General account and Distribution account fund balances are presented on an accrual basis effective 30 June 2023.

**The inter-entity balance is re-classed as a non-cash item effective 30 June 2023.

7.2 Statutory deposit account balances

Each law practice or approved clerk with Trust Accounts has an individual Statutory Deposit Account (SDA) held in their name by the Board; the balance in this account is linked to their Trust Account. The liability represents the total sum of their individual SDA balances. Refer to Note 2.1 for further detail on the SDA.

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
CURRENT		
Bank – Statutory Deposit Account	3,165,384	3,859,646
Total Statutory Deposit Account balances	3,165,384	3,859,646

Accounts held by the Board in individual law practices' names totalled and were represented by the following investments which are all categorised as funds under management:

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
Cash trust accounts	2,566,480	3,260,741
Australian fixed interest	57,632	57,632
Global fixed interest	149,800	151,300
Diversified growth funds	97,349	97,349
Australian equities	43,794	43,794
Australian small capitalisation equities	20,000	20,000
Overseas equities – unhedged	74,990	78,850
Overseas equities – hedged	24,622	19,262
Emerging market equities	20,000	20,000
Property and infrastructure managed funds	110,717	110,717
Total Statutory Deposit Account balances	3,165,384	3,859,646

7.3 Leases

The Board and Commissioner's leases comprise the office premises and motor vehicles.

The Board and Commissioner's property lease term includes the term stated in the contract adjusted for any options period (i.e. extension options) if the options are reasonably certain of being exercised.

Leases related to motor vehicles are leased through the VicFleet lease facility. The lease term is the period over which the vehicle is to be leased.

Right-of-use assets are presented in note 5.1.1.

7.3.1 Lease liabilities payable

	MINIMUM FUTURE LEASE PAYMENTS		PRESENT VALUE OF MINIMUM FUTURE LEASE PAYMENTS	
	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000
LEASE LIABILITIES PAYABLE				
Not longer than 1 year	1,012	978	1,005	945
Longer than 1 year but not longer than 5 years	426	1,432	425	1,425
Minimum future lease payments	1,438	2,409	1,430	2,371
Less future finance charges	(8)	(39)		
Present value of minimum lease payments	1,430	2,371	1,430	2,371
Included in the financial statements as:				
Current lease liabilities			1,005	945
Non-current lease liabilities			425	1,425
Total lease liabilities			1,430	2,371

Interest expense includes the interest component on lease repayments. The Board and Commissioner's interest expense at 30 June 2023 was \$33K (2022: \$57K). Interest expense is recognised as an expense in the period in which it is incurred.

Recognition and measurement of leases as a lessee

Lease liability – initial measurement:

The lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease if that rate is readily determinable.

Lease payments included in the measurement of the lease liability comprise the following:

- fixed payments (including in-substance fixed payments) less any lease incentive receivable;
- variable payments based on an index or rate, initially measured using the index or rate as at the commencement date;
- amounts expected to be payable under a residual value guarantee;
- payments arising from purchase and termination options reasonably certain to be exercised.

Lease liability – subsequent measurement:

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification, or if there are changes in-substance fixed payments.

When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset, or profit and loss if the right-of-use asset is already reduced to zero.

Short-term leases and leases of low-value assets:

The VLSB+C has elected to account for short-term leases and leases of low-value assets using the practical expedients. Instead of recognising a right-of-use asset and lease liability, the payments in relation to these are recognised as an expense in profit or loss on a straight-line basis over the lease term.

Presentation of right-of-use assets and lease liabilities:

The VLSB+C presents right-of-use assets as 'property plant and equipment' unless they meet the definition of investment property, in which case they are disclosed as 'investment property' in the balance sheet.

7.4 Commitments for expenditure

Commitments for future expenditure include operating and capital commitments arising from contracts. These commitments are disclosed by way of a note at their nominal value and inclusive of the goods and services tax (GST).

Where it is considered appropriate and provides additional relevant information to users, the net present values of significant individual projects are stated. These future expenditures cease to be disclosed as commitments once the related liabilities are recognised in the balance sheet.

	LESS THAN 1 YEAR \$'000	BETWEEN 1 AND 5 YEARS \$'000	OVER 5 YEARS \$'000	TOTAL \$'000
2023				
Operating commitments	315	11	–	326
Other commitments*	3,767	677	–	4,444
Total commitments (inclusive of GST)	4,082	688	–	4,770
Less GST recoverable	371	62	–	433
Total commitments (exclusive of GST)	3,711	626	–	4,337

*Other commitments represent major project, regulatory, non-regulatory, and distribution grants.

	LESS THAN 1 YEAR \$'000	BETWEEN 1 AND 5 YEARS \$'000	OVER 5 YEARS \$'000	TOTAL \$'000
2022				
Operating commitments	1,039	115	–	1,154
Other commitments**	692	–	–	692
Total commitments (inclusive of GST)	1,731	115	–	1,846
Less GST recoverable	157	10	–	168
Total commitments (exclusive of GST)	1,574	105	–	1,678

**Restated to align with the current year presentation.

Statutory commitments

The Act requires that 50% of the Public Purpose Fund General Account balance as at 30 June each year is to be transferred to the Distribution Account in the following year.

The amount transferred from the 2022 General Account balance to the Distribution Account in 2023 was \$18.3m (2022: \$75.7m).

Funding under sections 143, 144 and 146 are paid to recipients from the Distribution Account as per section 138 of the Act. Recipients include Victoria Legal Aid, Victorian Law Reform Commission, Victoria Law Foundation and successful project and major grants applicants. For further details, refer to the Annual Report.

8. Risks, contingencies and valuation judgements

The Board and Commissioner are exposed to risk from its activities and outside factors. In certain circumstances it is necessary to make reasonable judgements and estimates associated with recognition and measurement of items in the financial statements. This section sets out specific information on financial instruments (including exposure to financial risks), items that are contingent in nature and valuation judgements associated with fair valuation determination.

8.1 Financial instruments specific disclosures

Financial instruments arise out of contractual agreements that give rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Due to the nature of the Board and Commissioner's activities, certain financial assets and financial liabilities arise under statute rather than a contract (for example taxes, fines and penalties). Such financial assets and financial liabilities do not meet the definition of financial instruments in AASB 132 *Financial Instruments: Presentation*.

Movements in the fair value of financial instruments will continue to be accounted for through net result.

8.1.1 Categories of financial instruments

Financial assets at amortised cost

Financial assets are measured at amortised cost if both of the following criteria are met and the assets are not designated as fair value through net result:

- the assets are held by the organisation to collect the contractual cash flows; and
- the assets' contractual terms give rise to cash flows that are solely payments of principal and interest.

These assets are initially recognised at fair value plus any directly attributable transaction costs and subsequently measured at amortised cost using the effective interest method less any impairment.

The Board and Commissioner recognise the following assets in this category:

- cash and deposits;
- receivables (excluding statutory receivables);
- term deposits; and
- certain debt securities.

Financial assets and liabilities at fair value through net result are categorised as such at trade date, or if they are classified as held for trading or designated as such upon initial recognition. Financial instrument assets are designated at fair value through net result on the basis that the financial assets form part of a group of financial assets that are managed by the entity concerned based on their fair values, and have their performance evaluated in accordance with documented risk management and investment strategies. Financial instruments at fair value through net result are initially measured at fair value and attributable transaction costs are expensed

as incurred. Subsequently, any changes in fair value are recognised in the net result as other economic flows. Any distributions or interest on a financial asset is recognised in the net result from transactions. The Board recognises investments in equities and funds under management in this category.

Financial instrument liabilities at amortised cost are initially recognised on the date they are originated. They are initially measured at fair value plus any directly attributable transaction costs. Subsequent to initial recognition, these financial instruments are measured at amortised cost with any difference between the initial recognised amount and the redemption value being recognised in profit and loss over the period of the interest-bearing liability, using the effective interest rate method.

Financial instrument liabilities measured at amortised cost include all payables (excluding statutory payables), deposits held and advances received, and interest-bearing arrangements (including lease liabilities).

Derecognition of financial assets

A financial asset (or, where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when:

- the rights to receive cash flows from the assets have expired; or
- the Board and Commissioner retains the right to receive cash flows from the asset, but have assumed an obligation to pay them in full without material delay to a third party under a 'pass through' arrangement; or
- the Board and Commissioner have transferred their rights to receive cash flows from the asset and either:
 - have transferred substantially all the risks and rewards of the asset, or
 - have neither transferred nor retained substantially all the risks and rewards of the asset, but have transferred control of the asset.

Where the Board and Commissioner have neither transferred nor retained substantially all the risks and rewards or transferred control, the asset is recognised to the extent of the Board and Commissioner's continuing involvement in the asset.

Derecognition of financial liabilities

A financial liability is derecognised when the obligation under the liability is discharged, cancelled or expires.

When an existing financial liability is replaced by another from the same lender on substantially different terms, or the terms of an existing liability are substantially modified, such an exchange or modification is treated as a derecognition of the original liability and the recognition of a new liability. The difference in the respective carrying amounts is recognised as an 'other economic flow' in the consolidated comprehensive operating statement.

The carrying amounts of contractual financial assets and financial liabilities are disclosed below, with loans between the Board and the Commissioner eliminated:

8.1.2 Financial instruments categorisation

	CASH AND DEPOSITS \$'000	CONTRACTUAL FINANCIAL ASSETS/ LIABILITIES AT FAIR VALUE THROUGH PROFIT/LOSS \$'000	CONTRACTUAL FINANCIAL ASSETS AT AMORTISED COST \$'000	CONTRACTUAL FINANCIAL LIABILITIES AT AMORTISED COST \$'000	TOTAL \$'000
2023					
CONTRACTUAL FINANCIAL ASSETS					
Cash and deposits					
Cash and deposits	2,716,167	–	–	–	2,716,167
Receivables					
Receivables	–	–	34,635	–	34,635
Investments and other contractual financial assets					
Funds under management	–	881,246	–	–	881,246
Term deposits	–	–	65,000	–	65,000
Total contractual financial assets	2,716,167	881,246	99,635	–	3,697,048
CONTRACTUAL FINANCIAL LIABILITIES					
Payables					
Contractual payables and accrued expenses	–	–	–	1,364	1,364
Lease liabilities and deposits at call					
Lease liabilities	–	–	–	1,430	1,430
Statutory Deposit Account balances	–	–	–	3,165,384	3,165,384
Total contractual financial liabilities	–	–	–	3,168,178	3,168,178

8.1.2 Financial instruments categorisation (continued)

	CASH AND DEPOSITS \$'000	CONTRACTUAL FINANCIAL ASSETS/ LIABILITIES AT FAIR VALUE THROUGH PROFIT/LOSS \$'000	CONTRACTUAL FINANCIAL ASSETS AT AMORTISED COST \$'000	CONTRACTUAL FINANCIAL LIABILITIES AT AMORTISED COST \$'000	TOTAL \$'000
2022					
CONTRACTUAL FINANCIAL ASSETS					
Cash and deposits					
Cash and cash equivalents	3,316,019	–	–	–	3,316,019
Receivables					
Receivables	–	–	22,103	–	22,103
Investments and other contractual financial assets					
Funds under management	–	848,956	–	–	848,956
Term deposits held to maturity	–	–	7,000	–	7,000
Total contractual financial assets	3,316,019	848,956	29,103	–	4,194,078
CONTRACTUAL FINANCIAL LIABILITIES					
Payables					
Contractual payables and accrued expenses	–	–	–	2,653	2,653
Major grants and projects	–	–	–	507	507
Lease liabilities and deposits at call					
Lease liabilities	–	–	–	2,371	2,371
Statutory Deposit Account balances	–	–	–	3,859,646	3,859,646
Total contractual financial liabilities	–	–	–	3,865,176	3,865,176

Note: The prior year number has been restated due to an error in the presentation.

Net holding gain/(loss) on financial instruments by category

	NET HOLDING GAIN/(LOSS) \$'000	TOTAL DISTRIBUTION INCOME \$'000	TOTAL \$'000
2023			
Financial assets designated at fair value through net result	27,609	22,871	50,480
Total contractual financial assets	27,609	22,871	50,480
2022			
Financial assets designated at fair value through net result	(93,834)	25,270	(68,564)
Total contractual financial assets	(93,834)	25,270	(68,564)

Financial risk management objectives and policies

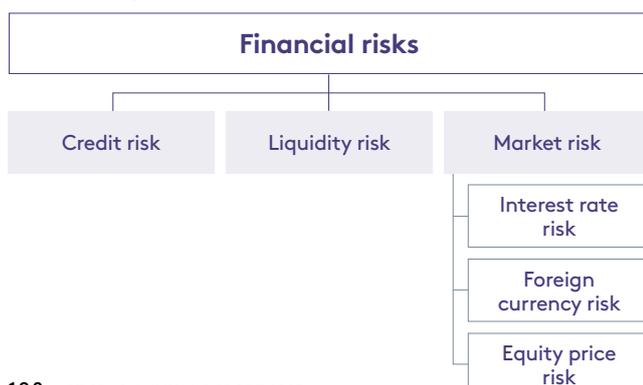
The net holding gains or losses disclosed above are determined as follows:

- for cash and cash equivalents and financial assets at amortised cost, the net gain or loss is calculated by taking the movement in the fair value of the asset, the interest income, minus any impairment recognised in the net result
- for financial liabilities measured at amortised cost, the net gain or loss is calculated by taking the interest expense, plus or minus foreign exchange gains or losses arising from the revaluation of financial liabilities measured at amortised cost
- for financial asset and liabilities that are measured at fair value through net result, the net gain or loss is calculated by taking the movement in the fair value of the financial asset or liability.

The Board and Commissioner's principal financial instruments comprise:

- cash assets;
- term deposits;
- receivables (excluding statutory receivables);
- investments in equities and funds under management;
- payables (excluding statutory payables);
- lease liability; and
- statutory deposit account balances.

8.1.3 Financial risk management objectives and policies



The Board and Commissioner use different methods to measure and manage the different risks to which it is exposed. Primary responsibility for identification and management of financial risks rests with the Finance, Risk and Audit Committee.

Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement, and the basis on which income and expenses are recognised, with respect to each class of financial asset, financial liability and equity instrument above are disclosed in the relevant notes to the financial statements.

The main purpose in holding financial instruments is to prudentially manage the VLSB+C's financial risks within the government policy parameters.

The VLSB+C's main financial risks include credit risk, liquidity risk, interest rate risk, foreign currency risk and equity price risk. The VLSB+C manages these financial risks in accordance with its financial risk management policy.

VLSB+C uses different methods to measure and manage the different risks to which it is exposed. Primary responsibility for the identification and management of financial risks rests with the Responsible Persons of the VLSB+C.

Financial Instruments: Credit risk

Credit risk refers to the possibility that a borrower will default on its financial obligations as and when they fall due. The Board and Commissioner's exposure to credit risk arises from the potential default of a counter party on their contractual obligations resulting in financial loss to the Board or Commissioner. Credit risk is measured at fair value and is monitored on a regular basis.

Credit risk associated with the Board and the Commissioner's contractual financial assets is minimal because the main assets are cash at bank and other investments. The Board's policy is to deal with banks and other financial institutions with high credit ratings. A bank must be an approved deposit-taking institution. For the Commissioner, management has assessed the risk associated with receivables as minimal.

Credit quality of financial assets

	CREDIT RATING									
	AA-		A					B+	OTHER	TOTAL
	\$'000	A \$'000	A (P) \$'000	A (T) \$'000	A (W) \$'000	B+ \$'000	B+ (T)(W) \$'000	B+ (W) \$'000	\$'000	\$'000
2023										
Cash and cash equivalents	2,694,287	21,880	-	-	-	-	-	-	-	2,716,167
Receivables ⁽ⁱ⁾	22,548	-	-	-	-	-	-	11,387	700	34,635
Investments and other financial assets	65,000	649,353	-	30,028	24,530	133,366	43,967	-	-	946,244
Total contractual financial assets	2,781,835	671,233	-	30,028	24,530	133,366	43,967	11,387	700	3,697,046
2022										
Cash and cash equivalents	3,294,713	21,305	-	-	-	-	-	-	-	3,316,018
Receivables ⁽ⁱ⁾	4,997	-	-	-	-	-	-	16,326	780	22,103
Investments and other financial assets	7,000	490,285	29,780	64,507	23,542	-	-	43,413	197,426	855,954
Total contractual financial assets	3,306,710	511,590	29,780	64,507	23,542	-	-	59,740	198,206	4,194,074

(i) Amounts disclosed excludes statutory financial assets.

Credit ratings are sourced from a Mercer Investment Manager's Credit rating. The ratings are applied to each Investment Manager's portfolio of fund under management with the totals noted in the table relating to the credit quality of financial assets.

Impairment of financial assets under AASB 9

VLSB+C records a provision for the relevant financial instruments by applying AASB 9's expected credit loss approach. Subject to AASB 9, impairment assessment includes contractual receivables and statutory receivables.

Equity instruments are not subject to impairment under AASB 9. Other financial assets measured at fair value through net result are not subject to impairment assessment under AASB 9. While cash and cash equivalents are also subject to the impairment requirements of AASB 9, no impairment loss was identified.

Contractual receivables at amortised cost

VLSB+C applies a simplified approach to measure expected credit losses for all contractual receivables using a lifetime expected loss allowance based on the assumptions about risk of default and expected loss rates.

On this basis, VLSB+C determined the provision for expected credit losses as follows:

	CURRENT	LESS THAN 1 MONTH	1-3 MONTHS	OVER 3 MONTH	TOTAL
2023					
Expected loss rate (%)	0%	0%	98%	32%	
Gross carrying amount of contractual receivables (\$'000)	-	-	42	611	653
Loss allowance (\$'000)	-	-	41	193	234
2022					
Expected loss rate (%)	0%	0%	60%	53%	
Gross carrying amount of contractual receivables (\$'000)	-	-	10	999	1,009
Loss allowance (\$'000)	-	-	6	529	535

Credit loss allowance is classified as other economic flows in the net result. Contractual receivables are written off when there is no reasonable expectation of recovery and impairment losses are classified as either a transaction expense or other economic flow in the net result.

Statutory receivables at amortised cost

VLSB+C's non-contractual receivables arising from statutory requirements are not financial instruments. However, they are nevertheless recognised and measured in accordance with AASB 9 requirements as if those receivables are financial instruments.

Statutory receivables are considered to have low credit risk, taking into account the counterparty's credit rating, risk of default and capacity to meet contractual cash flow obligations in the near term. As a result, the loss allowance recognised for these financial assets during the period was limited to 12 months of expected losses. No loss allowance has been recognised.

Financial instruments: liquidity risk

Liquidity risk arises from being unable to meet financial obligations as they fall due. Both the Board and the Commissioner operate under the Government's fair payment policy of settling financial obligations within 30 days and in the event of a dispute, making payments within 30 days from the date of resolution.

The maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet. The Board and the Commissioner manage their liquidity risk by:

- maintaining an adequate level of uncommitted funds that can be drawn at short notice to meet its short-term obligation, including honouring all Statutory Deposit Account withdrawal requests
- holding investments and other contractual financial assets that are readily tradable in the financial markets
- careful maturity planning of its financial obligations based on forecasts of future cash flows; and

- close monitoring of its short-term and long-term borrowings by senior management, including monthly reviews on current and future borrowing levels and requirements.

The Board and Commissioner's exposure to liquidity risk is deemed insignificant based on prior periods' data and current assessment of risk. Cash for unexpected events if required would be sourced from liquidation of financial investments held at fair value through net result (profit or loss).

Financial instruments: market risk

The Board is exposed to market risk which includes interest rate risk, equity price risk and foreign currency risk. The Commissioner is exposed to interest rate risk. Objectives, policies and processes used to manage each of these risks are disclosed below:

Financial instruments: interest rate risk

Fair value interest rate risk is the risk that the fair value of a financial instrument will fluctuate because of changes in market interest rates.

The Board has significant exposure to both Australian and global fixed interest investments through funds under management.

The Board also has significant exposure to cash flow interest rate risk through its cash, term deposits and deposits that are at floating rates. Interest rate sensitivity analysis in the following section illustrates the potential impact of 25 basis points movement on the Board's revenue.

The Board manages this interest rate risk through:

- a diversified asset allocation strategy;
- the establishment and maintenance of Deeds of Arrangement with Approved Deposit Institutions; and
- SDA management contracts in place with Commonwealth Bank of Australia.

The diversified asset allocation strategy is reviewed at least annually and the banking arrangements are subject to periodic review and re-negotiation. Management monitors movement in interest rates on a daily basis.

The Commissioner does not hold any interest bearing instruments that are measured at fair value and therefore has no exposure to fair value interest rate risk.

As at 30 June 2023 and 2022 the Commissioner had minimal exposure to cash flow interest rate risk as its operating bank account is transferred overnight to the Board's General Account.

The inter-entity loan balance owed by the Board to the Commissioner (which has been eliminated on consolidation) attracts no interest as, under the Act, the Board must only pay out of the Public Purpose Fund each year an amount determined by the Board to meet the expenses of, and discharge the liabilities incurred by, the Commissioner in performing functions under the Act during the year (section 141 of the Act). The Board and Commissioner have no financial liabilities subject to movements in market rates and prices.

Interest rate exposure of financial instruments for the year ended 30 June 2023

	INTEREST RATE EXPOSURE				
	WEIGHTED AVERAGE INTEREST RATE %	CARRYING AMOUNT \$'000	FIXED INTEREST RATE \$'000	VARIABLE INTEREST RATE \$'000	NON- INTEREST BEARING \$'000
2023					
FINANCIAL ASSETS⁽ⁱ⁾					
Cash and cash equivalents	3.43%	2,716,167	–	2,716,167	–
Receivables					
Trade receivables		418			418
Accrued investment distributions		11,670	–	–	11,670
Accrued interest – Statutory Deposit Account		9,937	–	–	9,937
Accrued interest – Residual Trust Account		11,256	–	–	11,256
Accrued other income		1,355	–	–	1,355
Investments and other contractual financial assets					
Funds under management	1.31%	881,246	275,459	–	605,787
Term deposits – operating cash	4.02%	65,000		65,000	
Total financial assets		3,697,049	–	2,781,167	640,423
FINANCIAL LIABILITIES⁽ⁱ⁾					
Payables					
Payables and accrued expenses		1,364	–	–	1,364
Borrowings and deposits					
Lease liabilities	1.87%	1,430	1,430	–	–
Statutory Deposit Account balances		3,165,384	–	–	3,165,384
Total financial liabilities		3,168,178	1,430	–	3,166,748

(i) Excludes statutory financial assets and liabilities.

Interest rate exposure of financial instruments for the year ended 30 June 2022

	INTEREST RATE EXPOSURE				
	WEIGHTED AVERAGE INTEREST RATE %	CARRYING AMOUNT \$'000	FIXED INTEREST RATE \$'000	VARIABLE INTEREST RATE \$'000	NON- INTEREST BEARING \$'000
2022					
FINANCIAL ASSETS⁽ⁱ⁾					
Cash and cash equivalents	0.65%	3,316,019	–	3,316,019	–
Receivables					
Trade Receivables		475	–	–	475
Accrued investment distributions		16,631	–	–	16,631
Accrued interest – Residual Trust Account		3,307	–	–	3,307
Accrued interest – Statutory Deposit Account		1,646	–	–	1,646
Accrued other income		44	–	–	44
Investments and other contractual financial assets					
Funds under management	–4.31%	848,956	275,400	–	573,556
Term deposits – operating cash	0.34%	7,000		7,000	
Total financial assets		4,194,078	219,382	3,323,019	595,659
FINANCIAL LIABILITIES⁽ⁱ⁾					
Payables					
Payables and accrued expenses		2,653	–	–	2,653
Major grants, projects and lease incentives		507	–	–	507
Borrowings and deposits					
Finance lease liabilities	2.44%	2,371	2,371	–	–
Statutory Deposit Account balances		3,859,646	–	–	3,859,646
Total financial liabilities		3,865,177	2,371	–	3,862,806

(i) Excludes statutory financial assets and liabilities.
PY number has been restated due to error in the presentation.

Interest rate sensitivity analysis

The Board and Commissioner's sensitivity to market risk is determined based on the observed range of actual historical data for the preceding five-year period, with all variables other than the primary risk variable held constant. The Board's fund managers cannot be expected to predict movements in market rates and prices. Sensitivity analyses shown are for illustrative purposes only.

Sensitivity analysis is presented in the table on the following page for a movement of 25 basis points up and down.

INTEREST RATE RISK

	CARRYING AMOUNT \$'000	-25 BASIS POINTS (2022: -25 BASIS POINTS)		+25 BASIS POINTS (2022: +25 BASIS POINTS)	
		NET RESULT \$'000	EQUITY \$'000	NET RESULT \$'000	EQUITY \$'000
2023					
CONTRACTUAL FINANCIAL ASSETS					
Cash and cash equivalents ⁽ⁱ⁾	2,716,167	(6,790)	(6,790)	6,790	6,790
Term deposits – operating cash	65,000	(163)	(163)	163	163
Investments	881,246	–	–	–	–
Total impact		(6,953)	(6,953)	6,953	6,953
2022					
CONTRACTUAL FINANCIAL ASSETS					
Cash and cash equivalents ⁽ⁱ⁾	3,316,019	(8,290)	(8,290)	8,290	8,290
Term deposits – operating cash	7,000	(18)	(18)	18	18
Investments	848,956	–	–	–	–
Total impact		(8,308)	(8,308)	8,308	8,308

(i) Cash and cash equivalents includes cash and deposits of \$2.72bn (2022: \$3.32bn) that are exposed to floating rates movements. Sensitivities to these movements are calculated as follows:

- 2023: \$2.72bn × (-)/+0.25% = (-)/+\$0.68k; and
- 2022: \$3.32bn × (-)/+0.25% = (-)/+\$0.83k

Residual Trust accounts

The above analysis does not reflect the impact on the Board's revenue from interest rate changes on returns from Residual Trust accounts. Under the provisions of the Act, the Board receives interest from Approved Deposit Institutions for funds deposited in non-SDA Residual Trust accounts held by legal practitioners or approved clerks.

The quantum of interest received on residual trust funds for the year ended 30 June 2023 was \$96.9m (2022: \$5.81m). Based on a rolling average balance in Residual Trust Funds as at 30 June 2023 of \$4.21bn (2022: \$4.42bn), a 25 basis point movement would impact the revenue attributable to the Board by \$10.52m (2022: \$33.16m with 75 basis point in June 2022).

Equity price risk

Exposure to equity price risk arises due to the inherent risk due to the possibility of falls in the market value of the investments held for trading. The Board is exposed to equity price risk through its investments in listed and unlisted funds under management. Such investments are allocated and traded to match the approved investment objectives appropriate for the Board's liabilities.

The Board oversees the management of equity price risk throughout the year. The Board's objective of managing other price risk is to minimise negative impacts on investment value due to the volatility of financial markets.

The Board has appointed Mercer as its external, independent investment managers to review and provide recommendations on its investment strategies, asset allocation and fund managers. Management and Mercer closely monitor investment performance and provide reporting to the Board on a monthly basis.

The investment manager is expected to manage this risk with parameters set by the Board and with appropriate oversight by management and the Board. The risk is managed through the appropriate diversification of funds under management and diversification through different asset classes as per the mandated allocations.

Equity price risk sensitivity analysis

Mercer estimates that movements in equity price risk will be from negative 20% to positive 20% in the next 12 months. Management does not believe that it is possible to reasonably estimate the variables used further than for 12 months.

			-20%		+20%
	CARRYING AMOUNT \$'000	NET RESULT \$'000	EQUITY \$'000	NET RESULT \$'000	EQUITY \$'000
2023					
FINANCIAL ASSETS					
Investments at fair value through profit or loss ⁽ⁱ⁾	881,246	(176,249)	(176,249)	176,249	176,249
Total impact		(176,249)	(176,249)	176,249	176,249
2022					
FINANCIAL ASSETS					
Investments at fair value through profit or loss ⁽ⁱ⁾	848,956	(169,791)	(169,791)	169,791	169,791
Total impact		(169,791)	(169,791)	169,791	169,791

(i) Investments of \$881m (2022: \$849.0m) are exposed to equity price movements. Sensitivities to these movements are calculated as follows:

- 2023: \$881m × -20% = (\$176.2m); and \$881m × 20% = \$176.2m; and
- 2022: \$849.0m × -20% = (\$169.8m); and \$849.0m × 20% = \$169.8m.

Foreign currency risk

The Board's exposure to foreign currency risk is through the below investment streams:

- Global equities;
- Global fixed interest; and
- Emerging markets.

The Commissioner is not exposed to direct foreign currency risk as it does not hold any foreign financial instruments.

8.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the balance sheet, but are disclosed and, if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

Contingent assets are possible assets that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity. These are classified as either quantifiable, where the potential economic benefit is known, or non-quantifiable.

At 30 June 2023 there were no contingent assets (2022: nil).

Contingent liabilities are also classified as either quantifiable or non-quantifiable and include:

- possible obligations that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or
- present obligations that arise from past events but are not recognised because:
 - it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligations; or
 - the amount of the obligations cannot be measured with sufficient reliability.

Contingent liabilities are also classified as either quantifiable or non-quantifiable.

Quantifiable contingent liabilities

As at 30 June 2023, The Board and Commissioner has no quantifiable liabilities (2022: nil restated).

Non-quantifiable contingent liabilities

Other potential obligations that are non-quantifiable at this time arise from unclaimed monies, which may be subject to future claims by the general public against the State.

8.3 Fair value determination

Significant judgement: fair value measurements of assets and liabilities

Fair value determination requires judgement and the use of assumptions. This section discloses the most significant assumptions used in determining fair values. Changes to assumptions could have a material impact on the results and financial position of the Board and Commissioner.

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date.

The following assets and liabilities are carried at fair value:

- financial assets and liabilities at fair value through profit or loss
- plant and equipment

The Board and Commissioner determine the policies and procedures for determining fair values for both financial and non-financial assets and liabilities as required.

Fair value hierarchy

In determining fair values, a number of inputs are used. To increase consistency and comparability in the financial statements, these inputs are categorised into three levels, also known as the fair value hierarchy. The three levels of the fair value hierarchy and fair value determination are as follows:

- Level 1 – the fair value of financial instruments with standard terms and conditions and traded in active liquid markets are determined with reference to quoted market prices;
- Level 2 – the fair value is determined using inputs other than quoted prices that are observable for the financial asset or liability, either directly or indirectly; and
- Level 3 – the fair value is determined in accordance with generally accepted pricing models based on discounted cash flow analysis using unobservable market inputs.

The Board and Commissioner determine whether transfers have occurred between levels in the hierarchy by reassessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

How fair value disclosures are structured

For those assets and liabilities for which fair values are determined, the following disclosures are provided:

- carrying amount and the fair value (which would be the same for those assets measured at fair value)
- which level of the fair value hierarchy was used to determine the fair value:

- in respect of those assets and liabilities subject to fair value determination using Level 3 inputs:
 - a reconciliation of the movements in fair values from the beginning of the year to the end; and
 - details of significant unobservable inputs used in the fair value determination.

8.3.1 Fair value determination of financial assets and liabilities

The Board and Commissioner currently holds a range of financial instruments that are recorded in the financial statements where the carrying amounts are a reasonable approximation of fair value, either due to the short term nature of the financial instruments or with the expectation that they will be paid in full by the end of the reporting period. These financial instruments include:

FINANCIAL ASSETS	FINANCIAL LIABILITIES
Cash and deposits Receivables	Payables
<ul style="list-style-type: none">• Sale of goods and services• Accrued investment income• Other receivables	<ul style="list-style-type: none">• For supplies and services• Amounts payable to government and agencies• Other payables• Statutory Deposit Account Balances• Lease liability
Investments and other contractual financial assets	
<ul style="list-style-type: none">• Term deposits• Investments at fair value through profit or loss	

8.3.2 Fair value of financial assets and liabilities at amortised costs

The carrying amounts of the Board and Commissioner's cash and deposits, receivables (excluding statutory receivables), payables (excluding statutory payables are reasonable approximations of their fair values as at 30 June 2023.

8.3.3 Fair value determination for financial assets at fair value through net result

The Board and Commissioner's managed investment schemes are carried at their fair values and are categorised within level 1 of the fair value hierarchy.

Financial assets measured at fair value

	CARRYING AMOUNT \$'000	FAIR VALUE MEASUREMENT AT END OF REPORTING PERIOD USING:		
		LEVEL 1 \$'000	LEVEL 2 ⁽ⁱ⁾ \$'000	LEVEL \$'000
2023				
Investments at fair value through profit or loss	881,246	881,246	–	–
Total	881,246	881,246	–	–

	CARRYING AMOUNT \$'000	FAIR VALUE MEASUREMENT AT END OF REPORTING PERIOD USING:		
		LEVEL 1 \$'000	LEVEL 2 ⁽ⁱⁱ⁾ \$'000	LEVEL \$'000
2022				
Investments at fair value through profit or loss	848,955	703,988	144,967	–
Total	848,955	703,988	144,967	–

(i) Level 2 assets relate to unlisted property and infrastructure fund holdings.

(ii) Prior year figures have been restated due to reclassification of unlisted infrastructure fund holdings.

8.3.4 Fair value determination of non-financial assets

Capitalised plant and equipment, including right-of-use assets, of \$1.8m at 30 June 2023 (2022: \$3.0m) is measured at level 3 of the fair value hierarchy. There have been no transfers between levels during the period.

Motor vehicles are valued using the depreciated replacement cost method.

Plant and equipment is held at fair value. When plant and equipment is specialised in use, such that it is rarely sold other than as part of a going concern, fair value is determined using the depreciated replacement cost method.

There were no changes in valuation techniques throughout the period to 30 June 2023. For all assets measured at fair value, the current use is considered the highest and best use.

9. Other disclosures

9.1 Other economic flows included in net result

Other economic flows are changes in the volume or value of an asset or liability that do not result from transactions. Other gains/(losses) from other economic flows include the gains or losses from:

- the revaluation of the present value of the long service leave liability due to changes in the bond interest rates; and
- reclassified amounts relating to available-for-sale financial instruments from the reserves to net result due to a disposal or derecognition of the financial instrument.

Other economic flows – by entity

	2023 \$'000	2022 \$'000
PUBLIC PURPOSE FUND		
Net gain/(loss) on financial instruments arising from changes in fair value	25,110	(86,323)
Net gain/(loss) on disposal of financial instruments through net result	3,070	(974)
Bad debts written off unilaterally and doubtful debts	(14)	(4)
Total net (loss)/gain on financial instruments	28,166	(87,302)
Net gain/(loss) on disposal of property, plant and equipment	(30)	–
Total net gain/(loss) on non-financial instruments	(30)	–
FIDELITY FUND		
Net gain/(loss) on financial instruments arising from changes in fair value	2,499	(7,511)
Change due to actuarial valuations	(1,160)	180
Total net (loss)/gain on financial instruments	1,339	(7,331)
VICTORIAN LEGAL SERVICES COMMISSIONER		
Bad debts written off unilaterally and doubtful debts	(31)	(22)
Net gain from the revaluation of present value of long service leave	52	332
Total net gain on financial instruments	21	310
Total other economic flows included in net result	29,496	(94,322)

Other economic flows – by type

	2023 \$'000	2022 \$'000
NET GAIN/(LOSS) ON FINANCIAL INSTRUMENTS		
Net gain/(loss) on financial instruments arising from changes in fair value	27,609	(93,834)
Net gain/(loss) on disposal of financial instruments through net result	3,070	(974)
Total net gain/(loss) on financial instruments	30,679	(94,808)
NET GAIN/(LOSS) ON NON-FINANCIAL INSTRUMENTS		
Net gains/(losses) on disposal of property, plant and equipment	(30)	–
Total net gain/(loss) on non-financial instruments	(30)	–
OTHER GAINS/(LOSS) FROM OTHER ECONOMIC FLOWS		
Bad debts written off unilaterally and doubtful debts	(45)	(26)
Change due to actuarial valuations	(1,160)	180
Net gain/(loss) from the revaluation of present value of long service leave	52	332
Total other gains/(loss) from other economic flows	(1,153)	486
Total other economic flows included in net result	29,496	(94,322)

9.2 Responsible persons

In accordance with the Ministerial Directions issued by the Assistant Treasurer under the *Financial Management Act 1994 (FMA)*, the following disclosures are made regarding responsible persons for the reporting period.

9.2.1 Names of responsible persons

The persons who held the positions of Responsible Minister, Board Member and Accountable Officer in the Victorian Legal Services Board and Victorian Legal Services Commissioner are as follows:

POSITION	RESPONSIBLE PERSON	PERIOD
Attorney-General	The Hon. Jaclyn Symes MP	1 July 2022 – 30 June 2023
Acting Attorney-General	The Hon. Anthony Richard Carbines, MP	29 April 2023 – 30 April 2023
	The Hon. Anthony Richard Carbines, MP	28 December 2022 – 14 January 2023
	The Hon. Anthony Richard Carbines, MP	23 September 2022 – 2 October 2022
Accountable Officer	Ms Fiona McLeay	1 July 2022 – 30 June 2023
Chairperson	Ms Fiona Bennett	1 July 2022 – 30 June 2023
Board Member	Ms Liz Harris	1 July 2022 – 30 June 2023
Board Member	Dr Lynne Williams AM	1 July 2022 – 30 June 2023
Board Member	Ms Catherine Wolthuizen	1 July 2022 – 30 June 2023
Board Member	Mr Sam Hay KC	23 May 2023 – 30 June 2023
Board Member	Ms Jacinta Lewin	23 May 2023 – 30 June 2023
Board Member	Ms Jennifer Batrouney AM KC	1 July 2022 – 23 May 2023
Board Member	Mr Geoff Bowyer	1 July 2022 – 23 May 2023
Board Member	Mr Ian Silk	1 July 2022 – 31 October 2022

9.2.2 Remuneration of responsible persons

Remuneration received or receivable by the Accountable Officer in connection with the management of the Board and Commissioner (excluding the responsible Minister) during the reporting period is as per the below table:

	2023 NO.	2022 NO.
INCOME BAND		
less than \$9,999	2	–
\$10,000 to \$19,999	1	–
\$30,000 to \$39,999	2	1
\$40,000 to \$49,999	3	5
\$90,000 to \$99,999	1	1
\$400,000 to \$409,999	–	1
\$450,000 to \$459,999	1	–
Total numbers	10	8
Total amount (\$)	782,674	755,628

9.3 Remuneration of executives

The number of Senior Executive Service (SES), other than the responsible Minister and Accountable Officer, and their total remuneration during the reporting period are shown in the table below. Total annualised employee equivalent provides a measure of full time equivalent executive officers over the reporting period.

Remuneration comprises employee benefits in all forms of consideration paid, payable or provided by or on behalf of the Commissioner, in exchange for services rendered, and is disclosed in the following categories.

Short-term employee benefits include amounts such as wages, salaries, annual leave or sick leave that are usually paid or payable on a regular basis, as well as non-monetary benefits such as allowances and free or subsidised goods or services.

Post-employment benefits include pensions and other retirement benefits paid or payable on a discrete basis when employment has ceased.

Other long-term benefits include long service leave, other long service benefits or deferred compensation.

	COMPENSATION 2023	COMPENSATION 2022
REMUNERATION OF EXECUTIVE OFFICERS		
Short-term employee benefits	\$1,327,458	\$799,551
Post-employment benefits	\$127,361	\$76,729
Other long-term benefits	\$31,284	\$18,723
Total remuneration	1,486,103	\$895,003
Total number of executives⁽ⁱ⁾	6	5
Total annualised employee equivalents⁽ⁱⁱ⁾	6	4

(i) The total number of executive officers includes persons who meet the definition of Key Management Personnel (KMP) of the entity under AASB 124 *Related Party Disclosures*.

(ii) Annualised employee equivalent is based on the time fraction worked over the reporting period. The total annualised employee equivalent provides a measure of full time equivalent executive officers over the reporting period.

9.4 Related parties

Related parties of the Board and Commissioner include:

- all key management personnel and their close family members and personal business interests (controlled entities, joint ventures and entities they have significant influence over);
- all cabinet ministers and their close family members; and
- all departments and public sector entities that are controlled and consolidated into the whole of state consolidated financial statements.

All related party transactions have been entered into on an arm's length basis.

Significant transactions with government-related entities

During the year, the Board had the following government-related entity transactions:

- Funding to Victoria Legal Aid of \$24.27m (2022: \$22.89m) under Sections 143 and 146 of the *Legal Profession Uniform Law Application Act 2014*;
- Funding to Victoria Law Reform Commission of \$2.04m (2022: \$1.89m) to continue performing functions under the *Victorian Law Reform Commission Act 2000*.
- Funding to Victoria Law Foundation of \$2.64m (2022: \$2.50m) to continue performing functions under the *Victoria Law Foundation Act 2009 (Vic)*;
- Funding to Victoria Civil and Administrative Tribunal of \$1.20m (2022: \$0.99m) for the Legal Practice List; and
- Funding to Victoria Legal Admissions Board of \$1.847m (2022: \$1.41m) to perform functions under the *Legal Profession Uniform Law Application Act 2014* – primarily to regulate entry to the legal profession in Victoria.

9.5 Key management personnel

Key management personnel of the Board and Commissioner includes responsible Minister MP, members of the Board and Senior Executive Team as follows:

POSITION	KEY MANAGEMENT PERSONNEL	PERIOD
Attorney-General	The Hon. Jaclyn Symes MP	1 July 2022 – 30 June 2023
Accountable Officer	Ms Fiona McLeay	1 July 2022 – 30 June 2023
Chairperson	Ms Fiona Bennett	1 July 2022 – 30 June 2023
Board Member	Ms Liz Harris	1 July 2022 – 30 June 2023
Board Member	Dr Lynne Williams AM	1 July 2022 – 30 June 2023
Board Member	Ms Catherine Wolthuizen	1 July 2022 – 30 June 2023
Board Member	Mr Sam Hay KC	23 May 2023 – 30 June 2023
Board Member	Ms Jacinta Lewin	23 May 2023 – 30 June 2023
Board Member	Ms Jennifer Batrouney AM KC	1 July 2022 – 23 May 2023
Board Member	Mr Geoff Bowyer	1 July 2022 – 23 May 2023
Board Member	Mr Ian Silk	1 July 2022 – 31 October 2022
Executive Director, Shared Services & Digital Transformation	Nicholas Diss	15 August 2022 – 30 June 2023
Director, Investigations	Matthew Anstee	1 July 2022 – 30 June 2023
Director, Policy & Outreach	Kerri-anne Millard	1 July 2022 – 30 June 2023
Director, Enquiries & Complaints	Danny Whelan	1 July 2022 – 30 June 2023
Executive Lead, People and Culture	Simon Dally	1 July 2022 – 30 June 2023
Senior Adviser to the CEO/Commissioner	Kelly Spiteri	1 July 2022 – 30 June 2023

Remuneration of key management personnel

The compensation detailed below excludes the salaries and benefits the Portfolio Minister receives. The Minister's remuneration and allowances are set by the *Parliamentary Salaries and Superannuation Act 1968* and is reported within the Department of Parliamentary Services' Financial Report.

	COMPENSATION 2023	COMPENSATION 2022
COMPENSATION OF KEY MANAGEMENT PERSONNEL		
Short-term employee benefits	\$2,044,211	2,125,142
Post-employment benefits	\$183,730	208,702
Other long-term benefits	\$40,835	44,840
Total	\$2,268,776	\$2,378,684

Transactions and balances with key management personnel and other related parties

Given the breadth and depth of State Government activities, related parties transact with the Victorian public sector in a manner consistent with other members of the public e.g. stamp duty and other government fees and charges. Further employment of processes within the Victorian public sector occur on terms and conditions consistent with the *Public Administration Act 2004* and Codes of Conduct and Standards issued by the Victorian Public Sector Commission. Procurement processes occur on terms and conditions consistent with the Victorian Government Procurement Board requirements.

Outside of normal citizen type transactions with the Board and Commissioner, the following related party transaction occurred during the year:

- (a) Ms Liz Harris is a current member of the Legal Services Council (LSC) with a commencement date October 2020.

LSC received \$629,318 for Victoria's contribution to the national Uniform Law Scheme. The payment is allowed under s139 of the *Uniform Law Act*.

- (b) Sam Kay KC is the current President of Victorian Bar Council (VBC).

VBC received \$730,338 for Victoria's contribution to the national Uniform Law Scheme. The payment is allowed under s139 of the *Uniform Law Act*.

All amounts are GST exclusive and there is no outstanding amount payable as at 30 June 2023.

All other transactions that have occurred with Key Management Personnel and their related parties have not been considered material for disclosure. In this context, transactions are only disclosed when they are considered necessary to draw attention to the possibility that the Board and Commissioner's financial position and profit or loss may have been affected by the existence of related parties, and by transactions and outstanding balances, including commitments, with such parties.

No provision has been required, nor any expense recognised, for impairment of receivables from related parties.

9.6 Remuneration of auditors

	2023 \$'000	2022 \$'000
VICTORIAN AUDITOR-GENERAL'S OFFICE⁽ⁱ⁾		
Audit of financial statements	78	78
Total remuneration of auditors	78	78

(i) The Victorian Auditor-General's Office is not allowed to provide non-audit services.

9.7 Entities consolidated pursuant to section 53(1)(b) of the FMA

The following entities have been consolidated into the VLSB+C's financial statements pursuant to a determination made by the Assistant Treasurer under section 53(1)(b) of the FMA:

- Victorian Legal Services Board
- Victorian Legal Services Commissioner

	VICTORIAN LEGAL SERVICES BOARD		VICTORIAN LEGAL SERVICES COMMISSIONER		ELIMINATIONS AND ADJUSTMENTS		VLSB+C CONSOLIDATED GROUP	
	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000	2023 \$'000	2022 \$'000
Total income from transactions	241,372	66,029	14,680	12,028	(14,572)	(11,927)	241,480	66,130
Net result from transactions	175,241	8,749	(9,100)	(6,822)	-	(107)	166,141	1,820
Total assets	3,700,291	4,199,001	6,124	6,007	(5,219)	(5,203)	3,701,196	4,199,805
Total liabilities	3,204,313	3,899,182	4,215	3,575	(5,219)	(5,203)	3,203,309	3,897,555

9.8 Subsequent events

No material subsequent events occurred after the reporting date.

The policy in connection with recognising subsequent events for events that occur between the end of the reporting period and the date when the financial statements are authorised for issue is as follows:

- Adjustments are made to amounts recognised in the financial statements for events where those events provide information about conditions which existed at the reporting date; and/or
- Note disclosure is made where the events relate to conditions that arose after the end of the reporting period that are considered to be of material interest.

9.9 Australian Accounting Standards issued that are not yet effective

Certain new Australian Accounting Standards (AASs) have been issued but are not effective for the 2022–23 reporting period. The Department of Treasury and Finance assesses the impact of these new standards and advises the Board and the Commissioner of their applicability and early adoption where applicable.

As at 30 June 2023, the following standards have been issued by the AASB but are not yet effective. They become effective for the first financial statements for the reporting periods commencing on or after the stated operative dates as follows:

- *AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities.*

This Standard amends AASB 13 *Fair Value Measurement* by adding authoritative implementation guidance and illustrative examples for fair value measurements of non-financial assets of not-for-profit public sector entities not held primarily for their ability to generate net cash inflows. This Standard applies prospectively to annual periods beginning on or after 1 January 2024.

- *AASB 17 Insurance Contracts.*

AASB 17 replaces AASB 4 *Insurance Contracts*, AASB 1023 *General Insurance Contracts* and AASB 1038 *Life Insurance Contracts* for not-for-profit public sector entities for annual reporting periods beginning on or after 1 July 2026.

AASB 2022–9 amends AASB 17 to make public sector-related modifications (for example, it specifies the pre-requisites, indicators and other considerations in identifying arrangements that fall within the scope of AASB 17 in a public sector context).

VLSB+C is in the process of analysing the amendments to these standards. However, it is not anticipated to have a material impact.

A number of other standards and amendments have also been issued that apply to future reporting periods, however, they are not expected to have any significant impact on the financial statements in the period of initial application.

10. Glossary of terms and style conventions

The following is a summary of major technical terms used in this report.

Act

Legal Profession Uniform Law Application Act 2014 (replaces the former *Legal Profession Act 2004*).

Actuarial gains or losses

Actuarial gains or losses on superannuation defined benefit plans are changes in the present value of the superannuation defined benefit liability resulting from:

- (a) experience adjustments (the effects of differences between the previous actuarial assumptions and what has actually occurred); and
- (b) the effects of changes in actuarial assumptions.

Administered item

Administered item generally refers to a department or entity lacking the capacity to benefit from that item in the pursuit of the entity's objectives and to deny or regulate the access of others to that benefit.

Amortisation

Amortisation is the expense which results from the consumption, extraction or use over time of a non-produced physical or intangible asset.

Commitments

Commitments include those operating, capital and other outsourcing commitments arising from non-cancellable contractual or statutory sources.

Comprehensive result

The net result of all items of income and expense recognised for the period. It is the aggregate of operating result and other comprehensive income, representing total change in net worth other than transactions with owners as owners.

Depreciation

Depreciation is an expense that arises from the consumption through wear and tear or time of a produced physical or intangible asset. This expense is classified as a 'transaction' and so reduces the 'net result from transaction'.

Effective interest method

The effective interest method is used to calculate the amortised cost of a financial asset or liability and of allocating interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial instrument, or, where appropriate, a shorter period.

Employee benefits expenses

Employee benefits expenses include all costs related to employment including wages and salaries, fringe benefits tax, leave entitlements, redundancy payments and superannuation contributions.

Fidelity Fund

The Fidelity Fund is maintained under section 121 of the Act. The purpose of the Fidelity Fund is to compensate clients for losses arising out of defaults by law practices arising from acts or omissions of associates and defaults by approved clerks. The amount in the Fidelity Fund must be kept separate from any other money held by the Board and be held in trust. The Board may invest any money in the Fidelity Fund that is not immediately required for the purposes of the Fidelity Fund in the manner in which money may be invested under the *Trustee Act 1958*.

Financial asset

A financial asset is any asset that is:

- (a) cash;
- (b) an equity instrument of another entity;
- (c) a contractual or statutory right:
 - to receive cash or another financial asset from another entity; or
 - to exchange financial assets or financial liabilities with another entity under conditions that are potentially favourable to the entity; or
- (d) a contract that will or may be settled in the entity's own equity instruments and is:
 - a non-derivative for which the entity is or may be obliged to receive a variable number of the entity's own equity instruments; or
 - a derivative that will or may be settled other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of the entity's own equity instruments.

Financial instrument

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Financial assets or liabilities that are not contractual are not financial instruments.

Financial liability

A financial liability is any liability that is:

- (c) a contractual obligation:
 - deliver cash or another financial asset to another entity; or
 - to exchange financial assets or financial liabilities with another entity under conditions that are potentially unfavourable to the entity; or
- (d) a contract that will or may be settled in the entity's own equity instrument and is:
 - a non-derivative for which the entity is or may be obliged to deliver a variable number of the entity's own equity instruments; or
 - a derivative that will or may be settled other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of the entity's own equity instruments. For this purpose the entity's own equity instruments do not include instruments that are themselves contracts for the future receipt or delivery of the entity's own instruments.

Financial statements

Financial statements comprise:

- (a) a balance sheet as at the end of the period;
- (b) a comprehensive operating statement for the period;
- (c) a statement of changes in equity for the period;
- (d) a cash flow statement for the period;
- (e) notes, comprising a summary of significant accounting policies and other explanatory information;
- (f) comparative information in respect of the preceding period as specified in paragraph 38 of AASB 101 *Presentation of Financial Statements*; and
- (g) a statement of financial position as at the beginning of the preceding period when an entity applies an accounting policy retrospectively or makes a retrospective restatement of items in its financial statements, or when it reclassifies items in its financial statements in accordance with paragraphs 41 of AASB 101.

Grants

Transactions in which one unit provides goods, services, assets (or extinguishes a liability) or labour to another unit without receiving approximately equal value in return. Grants can either be operating or capital in nature.

While grants to governments may result in the provision of some goods or services to the transferor, they do not give the transferor a claim to receive directly benefits of approximately equal value. Receipt and sacrifice of approximately equal value may occur, but only by coincidence. For example, governments are not obliged to provide commensurate benefits, in the form of goods and services, to particular taxpayers in return for their taxes. For this reason, grants are referred to by the AASB as involuntary transfers and are termed nonreciprocal transfers.

The Board provide grants for any of the following purposes under s 144 of the Act:

- (a) law reform;
- (b) legal education;
- (c) judicial education;
- (d) legal research; and
- (e) any purpose relating to the legal profession or the law that the Board considers appropriate.

The conditions of the grant payments are provided in the Act.

Grants can be paid as general purpose grants which refer to grants that are not subject to conditions regarding their use. Alternatively, they may be paid as specific purpose grants which are paid for a particular purpose and/or have conditions attached regarding their use.

Intangible assets

Intangible assets represent identifiable non-monetary assets without physical substance.

Interest expense

Represents costs incurred in connection with borrowings. It includes interest on advances, loans, overdrafts, deposits, interest components of finance lease repayments, and amortisation of discounts or premiums in relation to borrowings.

Interest income

Interest income includes interest received on bank term deposits, interest from investments, and other interest received.

Law Practice Residual Trust Accounts

Trust accounts held by law practices that receive trust money held on behalf of a client or other people in the course of, or in connection with, the provision of legal services.

Leases

Leases are rights conveyed in a contract, or part of a contract, to use an asset (the underlying asset) for a period of time in exchange for consideration.

Managed funds

Refers to funds managed on behalf of the VLSB+C by investment fund managers.

Net result

Net result is a measure of financial performance of the operations for the period. It is the net result of items of revenue, gains and expenses (including losses) recognised for the period, excluding those that are classified as 'other non-owner movements in equity'.

Net result from transactions/net operating balance

A net result from transactions or net operating balance is a key fiscal aggregate and is revenue from transactions minus expenses from transactions. It is a summary measure of the ongoing sustainability of operations. It excludes gains or losses resulting from changes in price levels and other changes in the volume of assets. It is the component of the change in net worth that is due to transactions and can be attributed directly to government policies.

Net worth

Is calculated as assets less liabilities, which is an economic measure of wealth.

Non-financial assets

Non-financial assets are all assets that are not 'financial assets'. It includes plant and equipment and intangible assets.

Other economic flows included in net result

Other economic flows are changes in the volume or value of an asset or liability that do not result from transactions. It includes gains and losses from disposals, revaluations and impairments of non-current physical and intangible assets, fair value changes in financial instruments and depletion of natural assets (non-produced) from their use or removal. In simple terms, other economic flows are changes arising from market re-measurements.

Payables

Includes short and long term trade debt and accounts payable, grants and interest payable.

Public Purpose Fund

The Public Purpose Fund is maintained under section 133 of the Act. The Fund is comprised of three separate accounts – the General Account, Statutory Deposit Account and the Distribution Account. The funding and expenditure requirements of each of the accounts are detailed in the Act. The amount in the Public Purpose Fund must be kept separate from any other money held by the Board and be held in trust. The Board may invest any money standing to the credit of the Fund that is not immediately required for the purposes of the Public Purpose Fund in the manner in which money may be invested under the *Trustee Act* 1958.

Receivables

Includes short and long term credit and accounts receivable, grants, taxes and interest receivable.

Statutory Deposit Account balances (SDA)

Each law practice with Trust Accounts has an individual SDA held in their name by the Board; the balance in this account is linked to their Trust Account. The liability represents the total sum of the individual SDA balances.

Supplies and services

Supplies and services generally represent cost of goods sold and the day to day running costs, including maintenance costs, incurred in the normal operations of the Board or the Commissioner.

Transactions

Transactions are those economic flows that are considered to arise as a result of policy decisions, usually an interaction between two entities by mutual agreement. They also include flows within an entity such as depreciation where the owner is simultaneously acting as the owner of the depreciating asset and as the consumer of the service provided by the asset. Transactions can be in kind (e.g. assets provided/given free of charge or for nominal consideration) or where the final consideration is cash. In simple terms, transactions arise from the policy decisions of the Board or the Commissioner.

Style conventions

The notation used in the tables is as follows:

–	zero, or rounded to zero
(xxx.x)	negative numbers
200x	year period
200x–0x	year period

The financial statements and notes are presented based on the illustration for a government department in the 2022–23 Model Report for Victorian Government Departments. The presentation of other disclosures is generally consistent with the other disclosures made in earlier publications of the Board or the Commissioner's annual reports.

Appendix 3: Board Delegations

Under section 44 of the Application Act, the Victorian Legal Services Board may delegate certain functions to a Board member, an employee, the Victorian Legal Services Commissioner, a local professional association, or a prescribed person. Copies of all instruments of delegation in force can be viewed on our website.

Current delegations

Table 19 lists all of the internal delegations and Table 20 lists all of the external Board delegations in force as at 30 June 2023.

TABLE 19: INTERNAL DELEGATIONS IN FORCE AS AT 30 JUNE 2023

LEGAL PROFESSION ACT 2004		
Part 3.6, Division 3 – Claims about defaults	s 3.6.8(1) – Allow further period to lodge fidelity fund claim	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 3.6.9 – Advertise for claims	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 3.6.10 – Extension of period for making claims	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 3.6.12(1) – Investigate fidelity fund claims	Victorian Legal Services Commissioner (26 Jun 23)
	s 3.6.12(2) – Require fidelity fund claimant to produce security, document or statement of evidence	Victorian Legal Services Commissioner (26 Jun 23)
	s 3.6.12(3) – Disallow claim if requirement for security or document etc. under s 3.6.12(2) is not met	Victorian Legal Services Commissioner (26 Jun 23)
Part 3.6, Division 4 – Determination of claims	s 3.6.14 – Determination of claims 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	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 3.6.15 – Set maximum amount allowable	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 3.6.16 – Order payment of reasonable legal costs	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)

s 3.6.17 – Determine interest payable	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
s 3.6.18 – Reduce claim because of other benefits	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
s 3.6.19 – Subrogation on payment of fidelity fund claim	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014

Part 2 – Application of Uniform Law

s 13(2) – Approve terms and conditions of a policy of professional indemnity insurance	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23)
--	---

Part 4 – Admission, practising certificates and registration certificates

s 73(4) – Refund all or part of a surcharge paid in relation to a grant of a practising certificate	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (23 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Senior Resolution Advisor (23 Aug 22)
---	--

s 75(2) – Refund all or any part of a surcharge payable for late application for renewal	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (23 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Senior Resolution Advisor (23 Aug 22)
--	--

Part 5 – Trust accounts

s 80 – Determine required quarterly deposit amounts for a law practice or approved clerk to deposit into the Statutory Deposit Account and notification to law practices/ approved clerks	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
s 85 – Exempt law practice or approved clerk from SDA deposit requirements	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Trust Account Analyst (19 Mar 21)

Part 10 – General	s 153(1) – Appoint a person to investigate an offence or contravention	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23)
	s 154 – Filing of a charge-sheet charging a person with an offence under the Act, the Legal Profession Uniform Law or the regulations	Victorian Legal Services Commissioner (26 Jun 23)
LEGAL PROFESSION UNIFORM LAW (VICTORIA)		
Part 2.1 – Unqualified Legal Practice	s 14(b) – Institute prosecutions and other proceedings	Victorian Legal Services Commissioner (26 Jun 23)
Part 2.2 – Admission to the Australian Legal Profession	s 23 – Make recommendation to the Supreme Court	Victorian Legal Services Commissioner (26 Jun 23)
Part 3.3 – Australian Legal Practitioners	s 44 – Grant or renewal of an Australian practising certificate	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Trust Account Analyst (19 Mar 21) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (excluding the function of refusing to grant and renew practising certificates) (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (excluding power to refuse certificate) (26 Jun 23) Senior Licensing Advisor (23 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (excluding power to refuse certificate) (26 Jun 23) Senior Resolution Advisor (23 Aug 22)
	s 45 – Consideration of prerequisites for grant or renewal of practising certificate	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Trust Account Analyst (19 Mar 21) Manager, Discipline and Suitability (s 45(1), (3) and (4)) (26 Jun 23) Assistant Manager, Discipline and Suitability (s 45(1), (3) and (4) excluding the function of refusing to grant and renew practising certificates) (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (s 45(1), (3) and (4) excluding power to refuse certificate) (26 Jun 23) Senior Licensing Advisor (s 45(1), (3) and (4)) (23 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (s 45(1), (3) and (4) excluding power to refuse certificate) (26 Jun 23) Senior Resolution Advisor (s 45(1), (3) and (4)) (23 Aug 22)
	s 46(2) – Rejection of notification of principal place of practice	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23)

s 47 – Grant of practising certificate subject to conditions	<p>Victorian Legal Services Commissioner (26 Jun 23)</p> <p>Director, Investigations (26 Jun 23)</p> <p>Manager, Discipline and Suitability (26 Jun 23)</p> <p>Assistant Manager, Discipline and Suitability (26 Jun 23)</p> <p>Director, Licensing and Complaints (23 Aug 22)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p>
s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons	<p>Victorian Legal Services Commissioner (26 Jun 23)</p> <p>Director, Investigations (26 Jun 23)</p> <p>Manager, Discipline and Suitability (26 Jun 23)</p> <p>Assistant Manager, Discipline and Suitability (26 Jun 23)</p> <p>Director, Licensing and Complaints (23 Aug 22)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (23 Aug 22)</p> <p>Licensing Advisor (26 Jun 23)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Senior Resolution Advisor (23 Aug 22)</p> <p>Resolution Advisor (23 Aug 22)</p>
s 49(5) – Ability to place conditions on the exemption	<p>Victorian Legal Services Commissioner (26 Jun 23)</p> <p>Director, Investigations (26 Jun 23)</p> <p>Manager, Discipline and Suitability (26 Jun 23)</p> <p>Assistant Manager, Discipline and Suitability (26 Jun 23)</p> <p>Director, Licensing and Complaints (23 Aug 22)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (23 Aug 22)</p> <p>Licensing Advisor (26 Jun 23)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Senior Resolution Advisor (23 Aug 22)</p> <p>Resolution Advisor (23 Aug 22)</p>
s 50(2) – (5) – Impose conditions or exempt a barrister from the statutory condition to undertake the reading program	<p>Victorian Legal Services Commissioner (26 Jun 23)</p>
s 53 – Impose discretionary conditions on practising certificates	<p>Victorian Legal Services Commissioner (26 Jun 23)</p> <p>Director, Investigations (26 Jun 23)</p> <p>Manager, Discipline and Suitability (26 Jun 23)</p> <p>Assistant Manager, Discipline and Suitability (26 Jun 23)</p> <p>Director, Licensing and Complaints (23 Aug 22)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p>
s 55 – Alteration or substitution of varied certificate	<p>Victorian Legal Services Commissioner (26 Jun 23)</p> <p>Director, Licensing and Complaints (23 Aug 22)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p>

Part 3.4 – Foreign Lawyers

s 62 – Grant or renew Australian registration certificate	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (23 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Senior Resolution Advisor (23 Aug 22)
s 63(2) – Reject notification of principal place of practice for foreign lawyer	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23)
s 64 – Determination whether foreign lawyer can receive trust money as part of registration certificate	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23)
s 67 – Impose discretionary conditions on foreign lawyer	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23)

Part 3.5 – Variation, Suspension and Cancellation of, and refusal to renew certificates

s 74 – Vary a practising certificate for formal or clerical reasons. Vary suspend or cancel at the request or with the concurrence of the holder	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (23 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Senior Resolution Advisor (23 Aug 22)
s 76 – Vary, suspend or cancel in accordance with certain grounds under Division 3 or Division 4 in relation to show cause events	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23)
s 77 – Immediate variation or suspension before or during consideration of proposed action	Victorian Legal Services Commissioner (26 Jun 23)
s 78 – Ability to lift a suspension and power to renew a certificate while it is suspended until it is cancelled or the suspension is lifted	Victorian Legal Services Commissioner (26 Jun 23)

<p>s 82 – Power to vary, suspend or cancel a certificate on specific grounds:</p> <ul style="list-style-type: none"> • Contravention of a condition • Failure without reasonable excuse to comply with a requirement under Chapter 7 or has committed an offence under Chapter 7 in connection with an investigation • Recommendation from the Commissioner for immediate suspension • Unable to fulfil the inherent requirements. Also power to vary or suspend on public interest grounds where a holder has been charged with certain offences. 	<p>Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23)</p>
<p>s 83 – Giving practising certificate holder notice of intention to take action under section 82 and inviting a response</p>	<p>Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23)</p>
<p>s 84 – Power to take action following consideration of response under section 83</p>	<p>Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23)</p>
<p>s 88(4) – Enable receipt of a statement about an automatic show cause event out of time</p>	<p>Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23)</p>
<p>s 89 – Determine fitness following receipt of notice of automatic show cause event</p>	<p>Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints, determine if fit and proper and take appropriate action only in circumstances where the Commissioner has declared a conflict of interest (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p>
<p>s 90 – Service of designated show cause event</p>	<p>Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Investigator (26 Jun 23) Investigator (26 Jun 23)</p>

s 91 – Accept a statement regarding a designated show cause event out of time	Manager, Discipline and Suitability (26 Jun 23)
s 91(3) – Accept a statement regarding a designated show cause event out of time	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23)
s 92 – Determine fitness following receipt of notice of designated show cause event	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints, determine if fit and proper and take appropriate action only in circumstances where the Commissioner has declared a conflict of interest (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23)
s 93 – Power to take no action in relation to events that occurred before a person was admitted to the profession or first registered as a foreign lawyer	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (23 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Senior Resolution Advisor (23 Aug 22)
s 94 – Apply restriction on making further applications for a practising certificate as part of decision to refuse to grant, renew or cancel a certificate	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23)
s 95 – Give notice to applicant or holder requiring provision of further information as part of consideration and investigation of licensing decisions	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Senior Investigator (s 95(1)) (26 Jun 23) Investigator (s 95(1)(a)) (26 Jun 23)
s 96 – Deferral of action or temporary renewal for limited purposes	Victorian Legal Services Commissioner (26 Jun 23)

Part 3.7 – Incorporated and Unincorporated Legal Practices	s 106 – Appoint a practitioner to exercise the responsibilities of a principal where law practice does not have a principal	Victorian Legal Services Commissioner (26 Jun 23)
Part 3.9 – Disqualifications	s 119 – Apply for an order for disqualification of individuals	Victorian Legal Services Commissioner (26 Jun 23)
	s 120 – Apply for an order for disqualification of an entity	Victorian Legal Services Commissioner (26 Jun 23)
	s 121(2) – Approve a person as a lay associate	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23)
Part 4.2 – Trust Money and Trust Accounts	s 130(4) – Exempt a particular law practice from complying with the trust account provisions of Part 4.2 – exemption may be subject to conditions	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23)
	s 146 – Authorisation of intermixing trust money – may be subject to conditions	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
	s 151(3) – Set manner for notification of details of its trust accounts	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
	s 152 – Make determinations about status of trust money	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
	s 155 – Appointment of external examiner to conduct external examination of trust records	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
	s 160(2) and (3) – Recover costs of external examinations from law practice	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
	s 162 – Investigate or appoint external investigator to investigate the affairs of a law practice	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 163 – Authorise external investigator to undertake external investigations in relation to particular allegations or suspicions	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 166 – Recover costs of external investigation as a debt payable to the law practice	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)

Part 4.4 – Professional indemnity insurance	s 215(2), (4) and (6) – Exemptions from the requirement to obtain an approved insurance policy	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (23 Aug 22) Licensing Advisor (s 215(2) and (4)) (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Senior Resolution Advisor (23 Aug 22) Resolution Advisor (s 215(2) and (4)) (23 Aug 22)
Part 4.5 – Fidelity cover	s 235 – Publish notice inviting claims about a default	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 236(1) and (2) – Extension of period for making claims	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 238 – Making advance payments to a claimant in advance of a determination	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 240 – Determination 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	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 242 – Order payment of reasonable legal costs	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 243 – Determine interest payment on a claim	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 244 – Reduce claim because of other benefits	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 246 – Exercising rights of subrogation	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 250 – Treatment of claims involving interjurisdictional elements where there is more than one associate involved in the default	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
	s 251 – Treatment of claims involving interjurisdictional elements where default was committed by only one associate	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)

	s 252(1) and (2) – Request a fidelity authority of another jurisdiction to act as its agent in processing or investigating a claim in another jurisdiction	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
Part 4.6 – Business management and control	s 256 – Conducting or appointing a suitably qualified person to conduct a compliance audit	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
	s 257 – Giving a management system direction to a law practice	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Manager, Discipline and Suitability (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Costs Disputes and Compliance (s 257(1)) (26 Jun 23) Assistant Manager, Costs Disputes and Compliance (s 257(1)) (26 Jun 23)
Part 7.3 – Entry and search of premises	s 374(2)(c)(ii) – Authorise an investigator to enter non-residential premises without consent or a warrant (in writing or orally)	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23)
Part 7.4 – Additional powers in relation to incorporated legal practices	s 383(2)(d) – Approved form for examination of persons	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23)
	s 385(2)(c) – Approved form for hearings	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23)
Part 9.4 – Cooperative and Other Arrangements	s 441 – Allow cooperation with other bodies	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23) Assistant Manager, Intervention and Enforcement (15 Mar 23) Manager, Discipline and Suitability (26 Jun 23) Assistant Manager, Discipline and Suitability (26 Jun 23) Senior Investigator (26 Jun 23) Investigator (26 Jun 23)
Part 9.6 – Injunctions	s 447 – Apply to Supreme Court for an injunction	Victorian Legal Services Commissioner (26 Jun 23)
Part 9.7 – Criminal and Civil Penalties	s 453(1) and (4) – Apply for pecuniary penalty in respect of breaches of civil penalty provision	Victorian Legal Services Commissioner (26 Jun 23)
Part 9.9 – General	s 473(2) – Approval of forms	Victorian Legal Services Commissioner (26 Jun 23)

LEGAL PROFESSION UNIFORM GENERAL RULES 2015

r 20(3) and (4) – Application for an Australian registration certificate	Victorian Legal Services Commissioner (26 Jun 23)
r 54 – Statements regarding receipt or holding of trust money	Victorian Legal Services Commissioner (26 Jun 23)
r 65A – Power to revoke external examiner appointment	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
r 66(4) & (5) – Approve termination of appointment and require evidence	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
r 67 – Exempt examiner from requirement to report using standard form	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Early Detection and Prevention (26 Jun 23)
r 81 – Regulatory authority may inspect policies	Victorian Legal Services Commissioner (26 Jun 23)
r 82(1)(d) – Exempt community legal service from requirement to hold or be covered by approved insurance policy	Victorian Legal Services Commissioner (26 Jun 23) Director, Licensing and Complaints (23 Aug 22) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23)
r 86(1) – Receive claim against Fidelity Fund in specified form	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
r 87 – Require information and/or security related to claim	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)
r 90 – Notify claimant of delay in determination of claim	Victorian Legal Services Commissioner (26 Jun 23) Director, Investigations (26 Jun 23) Manager, Intervention and Enforcement (26 Jun 23)

TABLE 20: EXTERNAL BOARD DELEGATIONS IN FORCE AS AT 30 JUNE 2023

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014		
Part 4, Division 2 – Australian practising certificates	s 73(4) – Refund all or part of a surcharge	Victorian Bar (29 May 18)
	s 75(2) – Refund all or part of a surcharge	Victorian Bar (29 May 18)
Part 5, Division 3 – Approved Clerks	s 88(1) – Approve barristers’ clerks receiving trust money on account of legal costs of one or more barristers	Victorian Bar (29 May 18)
Part 10 – General	s 153(1) – Appoint person to investigate offence	Victorian Bar (29 May 18)
	s 154 – File charge sheet	Victorian Bar (29 May 18)
LEGAL PROFESSION UNIFORM LAW (VICTORIA)		
Part 3.3, Division 2 – Australian practising certificates	s 44 – Grant or renew Australian practising certificate	Victorian Bar (29 May 18)
	s 45 – Determine prerequisites for grant or renewal of Australian practising certificate	Victorian Bar (29 May 18)
Part 3.3, Division 3 – Conditions of Australian practising certificates	s 47 – Grant Australian practising certificate subject to conditions	Victorian Bar (29 May 18)
	s 50(2)-(5) – Impose conditions and grant exemptions in respect of the reading condition	Victorian Bar (29 May 18)
	s 53 – Impose discretionary conditions on Australian practising certificates	Victorian Bar (29 May 18)
Part 3.5, Division 2 – Variation, suspension or cancellation of certificates	s 74 – Vary a certificate	Victorian Bar (29 May 18)
	s 76 – Vary, suspend or cancel certificate	Victorian Bar (29 May 18)
	s 77 – Vary or suspend certificate	Victorian Bar (29 May 18)
	s 78 – Lift suspension of a certificate and renew certificate while suspended	Victorian Bar (29 May 18)
Part 3.5, Division 3 – Variation, suspension or cancellation on specific grounds	s 82 – Vary, suspend or cancel certificate	Victorian Bar (29 May 18)
	s 83 – Give certificate holder notice of variation, suspension or cancellation	Victorian Bar (29 May 18)
	s 84 – Take proposed action after giving notice	Victorian Bar (29 May 18)
Part 3.5, Division 4 – Show cause procedure for variation, suspension or cancellation or, or refusal to renew, certificates	s 87 – Receive notice of show cause event	Victorian Bar (29 May 18)
	s 88 – Receive notice of show cause event	Victorian Bar (29 May 18)
	s 89 – Determine fitness following receipt of notice of show cause event	Victorian Bar (29 May 18)
	s 91 – Receive statement from certificate holder	Victorian Bar (29 May 18)
	s 92 – Determine fitness following receipt of notice of show cause event	Victorian Bar (29 May 18)
	s 93 – Take no action on disclosed event that occurred before admission	Victorian Bar (29 May 18)
	s 94 – Apply restriction on making practising certificate applications	Victorian Bar (29 May 18)
Part 3.5, Division 5 – Miscellaneous	s 95 – Require further information	Victorian Bar (29 May 18)

Part 3.9, Division 1 – Making of disqualification orders	s 119 – Apply for an order for disqualifications of individuals	Victorian Bar (29 May 18)
Part 4.2, Division 2 – Trust money and trust accounts	s 151 – Receive notice of accounts	Law Institute of Victoria (1 Aug 16) Victorian Bar (29 May 18)
	s 152 – Determine whether money is trust money	Law Institute of Victoria (1 Aug 16) Victorian Bar (29 May 18)
Part 4.2, Division 3 – External examination of trust records	s 159 – Receive written report from external examiners	Law Institute of Victoria (1 Aug 16)
Part 4.2, Division 4 – External Investigations	s 162 – Investigate or appoint external investigator	Law Institute of Victoria (1 Aug 16)
	s 163 – Undertake or authorise external investigations	Law Institute of Victoria (1 Aug 16)
	s 165 – Receive written report on investigation	Law Institute of Victoria (1 Aug 16)
Part 4.5, Division 4 – Claims about defaults	s 237 – Process and investigate claims	Law Institute of Victoria (1 Aug 16)
Part 4.6 – Business Management and Control	s 256 – Conduct compliance audits	Law Institute of Victoria (1 Aug 16)
Part 9.5 – Notices and Evidentiary Matters	s 446 – Seal or sign certificate confirming a person held an Australian practising certificate	Law Institute of Victoria (1 Aug 16) Victorian Bar (29 May 18)
Part 9.6 – Injunctions	s 447 – Apply to Supreme Court for injunction	Victorian Bar (29 May 18)
LEGAL PROFESSION UNIFORM GENERAL RULES 2015		
Chapter 4, Division 2 – Trust Money and Trust Accounts	r 54 – Require statement on trust money	Law Institute of Victoria (1 Aug 16)
LEGAL PROFESSION UNIFORM CONTINUING PROFESSIONAL DEVELOPMENT (SOLICITORS) RULES 2015		
	r 13 – Receive certification of CPD compliance	Law Institute of Victoria (1 Aug 16)
	r 14 – Require verification of compliance	Law Institute of Victoria (1 Aug 16)
	r 15 – Give written notice requiring rectification plan	Law Institute of Victoria (1 Aug 16)
	r 16 – Exempt from requirement to undertake CPD activities	Law Institute of Victoria (1 Aug 16)
LEGAL PROFESSION UNIFORM CONTINUING PROFESSIONAL DEVELOPMENT (BARRISTERS) RULES 2015		
	r 13 – Receive certification of CPD compliance	Victorian Bar (29 May 18)
	r 14 – Require verification of compliance	Victorian Bar (29 May 18)
	r 15 – Give written notice requiring rectification plan	Victorian Bar (29 May 18)
	r 16 – Exempt from requirement to undertake CPD activities	Victorian Bar (29 May 18)

TABLE 21: EXTERNAL BOARD DELEGATIONS IN FORCE AS AT 30 JUNE 2023 IN RESPECT OF ONE SOLICITOR

LEGAL PROFESSION UNIFORM LAW (VICTORIA)		
Part 3.3, Division 2 – Australian practising certificates	s 44 – Grant or renew Australian practising certificate in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 45 – Determine prerequisites for grant or renewal of Australian practising certificate in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
Part 3.3, Division 3 – Conditions of Australian practising certificates	s 47 – Grant Australian practising certificate subject to conditions in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 53 – Impose discretionary conditions on Australian practising certificates in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
Part 3.5, Division 2 – Variation, suspension or cancellation of certificates	s 74 – Vary a certificate in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 76 – Vary, suspend or cancel certificate in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 77 – Vary or suspend certificate in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 78 – Lift suspension of a certificate and renew certificate while suspended in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
Part 3.5, Division 3 – Variation, suspension or cancellation on specific grounds	s 82 – Vary, suspend or cancel certificate in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 83 – Give certificate holder notice of variation, suspension or cancellation in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 84 – Take proposed action after giving notice in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
Part 3.5, Division 4 – Show cause procedure for variation, suspension or cancellation or, or refusal to renew, certificates	s 87 – Receive notice of show cause event in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 88 – Receive notice of show cause event in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 89 – Determine fitness following receipt of notice of show cause event in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 91 – Receive statement from certificate holder in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 92 – Determine fitness following receipt of notice of show cause event in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 93 – Take no action on disclosed event that occurred before admission in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 94 – Apply restriction on making practising certificate applications in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
Part 3.5, Division 5 – Miscellaneous	s 95 – Require further information in respect of a particular solicitor only	Law Institute of Victoria (20 Aug 21)
	s 96 – Deferral of action or temporary renewal for limited purposes	Law Institute of Victoria (20 Aug 21)

Revoked delegations

All Board delegations that were revoked during 2022–23 are listed in Tables 22–29, along with the reasons for their revocation.

In 2022–23 the Board revoked all delegations to the Director, Enquiries and Complaints as the position title was renamed to Director, Licensing and Complaints.

TABLE 22: BOARD DELEGATIONS TO THE DIRECTOR, ENQUIRIES AND COMPLAINTS REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014

Part 2 – Application of Uniform Law	s 13(2) – Approve terms and conditions of a policy of professional indemnity insurance
Part 4 – Admission, practising certificates and registration certificates	s 73(4) – Refund all or part of a surcharge paid in relation to a grant of a practising certificate
	s 75(2) – Refund all or any part of a surcharge payable for late application for renewal

LEGAL PROFESSION UNIFORM LAW (VICTORIA)

Part 3.3 – Australian Legal Practitioners	s 44 – Grant or renewal of an Australian practising certificate
	s 45 – Consideration of prerequisites for grant or renewal of practising certificate
	s 46(2) – Rejection of notification of principal place of practice
	s 47 – Grant of practising certificate subject to conditions
	s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons
	s 49(5) – Ability to place conditions on the exemption
	s 53 – Impose discretionary conditions on practising certificates
Part 3.4 – Foreign Lawyers	s 55 – Alteration or substitution of varied certificate
	s 62 – Grant or renew Australian registration certificate
	s 63(2) – Reject notification of principal place of practice for foreign lawyer
	s 64 – Determination whether foreign lawyer can receive trust money as part of registration certificate
Part 3.5 – Variation, Suspension and Cancellation of, and refusal to renew certificates	s 67 – Impose discretionary conditions on foreign lawyer
	s 74 – Vary a practising certificate for formal or clerical reasons. Vary suspend or cancel at the request or with the concurrence of the holder
	s 76 – Vary, suspend or cancel in accordance with certain grounds under Division 3 or Division 4 in relation to show cause events
	s 82 – Power to vary, suspend or cancel a certificate on specific grounds: <ul style="list-style-type: none"> • Contravention of a condition • Failure without reasonable excuse to comply with a requirement under Chapter 7 or has committed an offence under Chapter 7 in connection with an investigation • Recommendation from the Commissioner for immediate suspension • Unable to fulfil the inherent requirements. Also power to vary or suspend on public interest grounds where a holder has been charged with certain offences.
	s 83 – Giving practising certificate holder notice of intention to take action under section 82 and inviting a response
s 84 – Power to take action following consideration of response under section 83	

	s 93 – Power to take no action in relation to events that occurred before a person was admitted to the profession or first registered as a foreign lawyer
	s 95 – Give notice to applicant or holder requiring provision of further information as part of consideration and investigation of licensing decisions
	s 89 – Determine fitness following receipt of notice of automatic show cause event Director, Enquiries and Complaints, determine if fit and proper and take appropriate action only in circumstances where the Commissioner has declared a conflict of interest
	s 92 – Determine fitness following receipt of notice of designated show cause event Director, Enquiries and Complaints, determine if fit and proper and take appropriate action only in circumstances where the Commissioner has declared a conflict of interest
Part 3.9 – Disqualifications	s 121(2) – Approve a person as a lay associate
Part 4.2 – Trust Money and Trust Accounts	s 130(4) – Exempt a particular law practice from complying with the trust account provisions of Part 4.2 – exemption may be subject to conditions
Part 4.4 – Professional indemnity insurance	s 215(2), (4) and (6) – Exemptions from the requirement to obtain an approved insurance policy
Part 4.6 – Business management and control	s 257 – Giving a management system direction to a law practice
LEGAL PROFESSION UNIFORM GENERAL RULES 2015	

r 82(1)(d) – Exempt community legal service from requirement to hold or be covered by approved insurance policy

In 2022–23 the Board revoked all delegations to the Manager, Enquiries and Review as the position title was renamed to Manager, Licensing and Early Resolution.

TABLE 23: BOARD DELEGATIONS TO THE MANAGER, ENQUIRIES AND REVIEW REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014	
Part 2 – Application of Uniform Law	s 13(2) – Approve terms and conditions of a policy of professional indemnity insurance
Part 4 – Admission, practising certificates and registration certificates	s 73(4) – Refund all or part of a surcharge paid in relation to a grant of a practising certificate
	s 75(2) – Refund all or any part of a surcharge payable for late application for renewal
LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 3.3 – Australian Legal Practitioners	s 44 – Grant or renewal of an Australian practising certificate
	s 45 – Consideration of prerequisites for grant or renewal of practising certificate
	s 46(2) – Rejection of notification of principal place of practice
	s 47 – Grant of practising certificate subject to conditions
	s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons
	s 49(5) – Ability to place conditions on the exemption
	s 53 – Impose discretionary conditions on practising certificates
	s 55 – Alteration or substitution of varied certificate

Part 3.4 – Foreign Lawyers	<p>s 62 – Grant or renew Australian registration certificate</p> <hr/> <p>s 63(2) – Reject notification of principal place of practice for foreign lawyer</p> <hr/> <p>s 64 – Determination whether foreign lawyer can receive trust money as part of registration certificate</p> <hr/> <p>s 67 – Impose discretionary conditions on foreign lawyer</p>
Part 3.5 – Variation, Suspension and Cancellation of, and refusal to renew certificates	<p>s 74 – Vary a practising certificate for formal or clerical reasons. Vary suspend or cancel at the request or with the concurrence of the holder</p> <hr/> <p>s 76 – Vary, suspend or cancel in accordance with certain grounds under Division 3 or Division 4 in relation to show cause events</p> <hr/> <p>s 82 – Power to vary, suspend or cancel a certificate on specific grounds:</p> <ul style="list-style-type: none"> • Contravention of a condition • Failure without reasonable excuse to comply with a requirement under Chapter 7 or has committed an offence under Chapter 7 in connection with an investigation • Recommendation from the Commissioner for immediate suspension • Unable to fulfil the inherent requirements. <p>Also power to vary or suspend on public interest grounds where a holder has been charged with certain offences</p> <hr/> <p>s 83 – Giving practising certificate holder notice of intention to take action under section 82 and inviting a response</p> <hr/> <p>s 84 – Power to take action following consideration of response under section 83</p> <hr/> <p>s 89 – Determine fitness following receipt of notice of automatic show cause event</p> <hr/> <p>s 91(3) – Accept a statement regarding a designated show cause event out of time</p> <hr/> <p>s 92 – Determine fitness following receipt of notice of designated show cause event</p> <hr/> <p>s 93 – Power to take no action in relation to events that occurred before a person was admitted to the profession or first registered as a foreign lawyer</p> <hr/> <p>s 95 – Give notice to applicant or holder requiring provision of further information as part of consideration and investigation of licensing decisions</p>
Part 3.9 – Disqualifications	<p>s 121(2) – Approve a person as a lay associate</p>
Part 4.2 – Trust Money and Trust Accounts	<p>s 130(4) – Exempt a particular law practice from complying with the trust account provisions of Part 4.2 – exemption may be subject to conditions</p>
Part 4.4 – Professional indemnity insurance	<p>s 215(2), (4) and (6) – Exemptions from the requirement to obtain an approved insurance policy</p>
LEGAL PROFESSION UNIFORM GENERAL RULES 2015	
	<p>r 82(1)(d) – Exempt community legal service from requirement to hold or be covered by approved insurance policy</p>

In 2022–23 the Board revoked all delegations to the Manager, Licensing and Early Resolution as the position title was renamed to Manager, Early Resolution and Complaints.

TABLE 24: BOARD DELEGATIONS TO THE MANAGER, LICENSING AND EARLY RESOLUTION REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014	
Part 2 – Application of Uniform Law	s 13(2) – Approve terms and conditions of a policy of professional indemnity insurance
Part 4 – Admission, practising certificates and registration certificates	s 73(4) – Refund all or part of a surcharge paid in relation to a grant of a practising certificate s 75(2) – Refund all or any part of a surcharge payable for late application for renewal
LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 3.3 – Australian Legal Practitioners	s 44 – Grant or renewal of an Australian practising certificate s 45 – Consideration of prerequisites for grant or renewal of practising certificate s 46(2) – Rejection of notification of principal place of practice s 47 – Grant of practising certificate subject to conditions s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons s 49(5) – Ability to place conditions on the exemption s 53 – Impose discretionary conditions on practising certificates s 55 – Alteration or substitution of varied certificate
Part 3.4 – Foreign Lawyers	s 62 – Grant or renew Australian registration certificate s 63(2) – Reject notification of principal place of practice for foreign lawyer s 64 – Determination whether foreign lawyer can receive trust money as part of registration certificate s 67 – Impose discretionary conditions on foreign lawyer
Part 3.5 – Variation, Suspension and Cancellation of, and refusal to renew certificates	s 74 – Vary a practising certificate for formal or clerical reasons. Vary suspend or cancel at the request or with the concurrence of the holder s 76 – Vary, suspend or cancel in accordance with certain grounds under Division 3 or Division 4 in relation to show cause events s 82 – Power to vary, suspend or cancel a certificate on specific grounds: <ul style="list-style-type: none"> • Contravention of a condition • Failure without reasonable excuse to comply with a requirement under Chapter 7 or has committed an offence under Chapter 7 in connection with an investigation • Recommendation from the Commissioner for immediate suspension • Unable to fulfil the inherent requirements. Also power to vary or suspend on public interest grounds where a holder has been charged with certain offences s 83 – Giving practising certificate holder notice of intention to take action under section 82 and inviting a response s 84 – Power to take action following consideration of response under section 83 s 89 – Determine fitness following receipt of notice of automatic show cause event

s 91(3) – Accept a statement regarding a designated show cause event out of time
s 92 – Determine fitness following receipt of notice of designated show cause event
s 93 – Power to take no action in relation to events that occurred before a person was admitted to the profession or first registered as a foreign lawyer
s 95 – Give notice to applicant or holder requiring provision of further information as part of consideration and investigation of licensing decisions

Part 3.9 – Disqualifications s 121(2) – Approve a person as a lay associate

Part 4.2 – Trust Money and Trust Accounts s 130(4) – Exempt a particular law practice from complying with the trust account provisions of Part 4.2 – exemption may be subject to conditions

Part 4.4 – Professional indemnity insurance s 215(2), (4) and (6) – Exemptions from the requirement to obtain an approved insurance policy

LEGAL PROFESSION UNIFORM GENERAL RULES 2015

r 82(1)(d) – Exempt community legal service from requirement to hold or be covered by approved insurance policy

In 2022–23 the Board revoked all delegations to the Assistant Manager, Enquiries and Review as the position title was renamed to Assistant Manager, Licensing and Early Resolution.

TABLE 25: BOARD DELEGATIONS TO THE ASSISTANT MANAGER, ENQUIRIES AND REVIEW REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014

Part 2 – Application of Uniform Law s 13(2) – Approve terms and conditions of a policy of professional indemnity insurance

Part 4 – Admission, practising certificates and registration certificates s 73(4) – Refund all or part of a surcharge paid in relation to a grant of a practising certificate

s 75(2) – Refund all or any part of a surcharge payable for late application for renewal

LEGAL PROFESSION UNIFORM LAW (VICTORIA)

Part 3.3 – Australian Legal Practitioners s 44 – Grant or renewal of an Australian practising certificate

s 46(2) – Rejection of notification of principal place of practice

s 47 – Grant of practising certificate subject to conditions

s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons

s 49(5) – Ability to place conditions on the exemption

s 53 – Impose discretionary conditions on practising certificates

s 45 – Consideration of prerequisites for grant or renewal of practising certificate (s45(1), (3) and (4) (excluding power to refuse certificate)

Part 3.4 – Foreign Lawyers s 62 – Grant or renew Australian registration certificate

s 63(2) – Reject notification of principal place of practice for foreign lawyer

s 64 – Determination whether foreign lawyer can receive trust money as part of registration certificate

Part 3.5 – Variation, Suspension and Cancellation of, and refusal to renew certificates	s 74 – Vary a practising certificate for formal or clerical reasons. Vary suspend or cancel at the request or with the concurrence of the holder
	s 89 – Determine fitness following receipt of notice of automatic show cause event
	s 91(3) – Accept a statement regarding a designated show cause event out of time
	s 92 – Determine fitness following receipt of notice of designated show cause event
	s 93 – Power to take no action in relation to events that occurred before a person was admitted to the profession or first registered as a foreign lawyer
	s 95 – Give notice to applicant or holder requiring provision of further information as part of consideration and investigation of licensing decisions
Part 3.9 – Disqualifications	s 121(2) – Approve a person as a lay associate
Part 4.2 – Trust Money and Trust Accounts	s 130(4) – Exempt a particular law practice from complying with the trust account provisions of Part 4.2 – exemption may be subject to conditions
Part 4.4 – Professional indemnity insurance	s 215(2), (4) and (6) – Exemptions from the requirement to obtain an approved insurance policy

LEGAL PROFESSION UNIFORM GENERAL RULES 2015

r 82(1)(d) – Exempt community legal service from requirement to hold or be covered by approved insurance policy

In 2022–23 the Board revoked all delegations to the Assistant Manager, Licensing and Early Resolution as the position title was renamed to Assistant Manager, Early Resolution and Complaints.

TABLE 26: BOARD DELEGATIONS TO THE ASSISTANT MANAGER, LICENSING AND EARLY RESOLUTION REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014

Part 2 – Application of Uniform Law	s 13(2) – Approve terms and conditions of a policy of professional indemnity insurance
Part 4 – Admission, practising certificates and registration certificates	s 73(4) – Refund all or part of a surcharge paid in relation to a grant of a practising certificate
	s 75(2) – Refund all or any part of a surcharge payable for late application for renewal

LEGAL PROFESSION UNIFORM LAW (VICTORIA)

Part 3.3 – Australian Legal Practitioners	s 44 – Grant or renewal of an Australian practising certificate
	s 45 – Consideration of prerequisites for grant or renewal of practising certificate
	s 46(2) – Rejection of notification of principal place of practice
	s 47 – Grant of practising certificate subject to conditions
	s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons
	s 49(5) – Ability to place conditions on the exemption
	s 53 – Impose discretionary conditions on practising certificates

Part 3.4 – Foreign Lawyers	s 62 – Grant or renew Australian registration certificate
	s 63(2) – Reject notification of principal place of practice for foreign lawyer
	s 64 – Determination whether foreign lawyer can receive trust money as part of registration certificate
Part 3.5 – Variation, Suspension and Cancellation of, and refusal to renew certificates	s 74 – Vary a practising certificate for formal or clerical reasons. Vary suspend or cancel at the request or with the concurrence of the holder
	s 89 – Determine fitness following receipt of notice of automatic show cause event
	s 91(3) – Accept a statement regarding a designated show cause event out of time
	s 92 – Determine fitness following receipt of notice of designated show cause event
	s 93 – Power to take no action in relation to events that occurred before a person was admitted to the profession or first registered as a foreign lawyer
	s 95 – Give notice to applicant or holder requiring provision of further information as part of consideration and investigation of licensing decisions
Part 4.4 – Professional indemnity insurance	s 215(2), (4) and (6) – Exemptions from the requirement to obtain an approved insurance policy

LEGAL PROFESSION UNIFORM GENERAL RULES 2015

r 82(1)(d) – Exempt community legal service from requirement to hold or be covered by approved insurance policy

In 2022–23 the Board revoked all delegations to the Senior Enquiries and Review Liaison/Senior Licensing and Early Resolution Liaison as the position title was renamed to Senior Resolution Advisor.

TABLE 27: BOARD DELEGATIONS TO THE SENIOR ENQUIRIES AND REVIEW LIAISON/SENIOR LICENSING AND EARLY RESOLUTION LIAISON REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014

Part 4 – Admission, practising certificates and registration certificates	s 73(4) – Refund all or part of a surcharge paid in relation to a grant of a practising certificate
	s 75(2) – Refund all or any part of a surcharge payable for late application for renewal

LEGAL PROFESSION UNIFORM LAW (VICTORIA)

Part 3.3 – Australian Legal Practitioners	s 44 – Grant or renewal of an Australian practising certificate
	s 45 – Consideration of prerequisites for grant or renewal of practising certificate
	s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons
	s 49(5) – Ability to place conditions on the exemption
Part 3.4 – Foreign Lawyers	s 62 – Grant or renew Australian registration certificate
Part 3.5 – Variation, Suspension and Cancellation of, and refusal to renew certificates	s 74 – Vary a practising certificate for formal or clerical reasons. Vary suspend or cancel at the request or with the concurrence of the holder
	s 93 – Power to take no action in relation to events that occurred before a person was admitted to the profession or first registered as a foreign lawyer
Part 4.4 – Professional indemnity insurance	s 215(2), (4) and (6) – Exemptions from the requirement to obtain an approved insurance policy

LEGAL PROFESSION UNIFORM GENERAL RULES 2015

r 82(1)(d) – Exempt community legal service from requirement to hold or be covered by approved insurance policy

In 2022–23 the Board revoked all delegations to the Senior Enquiries and Review Liaison/Senior Licensing and Early Resolution Liaison as the position title was renamed to Senior Resolution Advisor.

TABLE 28: BOARD DELEGATIONS TO THE SENIOR ENQUIRIES AND REVIEW LIAISON/SENIOR LICENSING AND EARLY RESOLUTION LIAISON REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014

Part 4 – Admission, practising certificates and registration certificates s 73(4) – Refund all or part of a surcharge paid in relation to a grant of a practising certificate
s 75(2) – Refund all or any part of a surcharge payable for late application for renewal

LEGAL PROFESSION UNIFORM LAW (VICTORIA)

Part 3.3 – Australian Legal Practitioners s 44 – Grant or renewal of an Australian practising certificate
s 45 – Consideration of prerequisites for grant or renewal of practising certificate
s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons
s 49(5) – Ability to place conditions on the exemption

Part 3.4 – Foreign Lawyers s 62 – Grant or renew Australian registration certificate

Part 3.5 – Variation, Suspension and Cancellation of, and refusal to renew certificates s 74 – Vary a practising certificate for formal or clerical reasons. Vary suspend or cancel at the request or with the concurrence of the holder
s 93 – Power to take no action in relation to events that occurred before a person was admitted to the profession or first registered as a foreign lawyer

Part 4.4 – Professional indemnity insurance s 215(2), (4) and (6) – Exemptions from the requirement to obtain an approved insurance policy

In 2022–23 the Board revoked all delegations to the Enquiries and Review Liaison/Licensing and Early Resolution Review Liaison as the position title was renamed to Resolution Advisor.

TABLE 29: BOARD DELEGATIONS TO THE ENQUIRIES AND REVIEW LIAISON/LICENSING AND EARLY RESOLUTION REVIEW LIAISON REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)

Part 3.3 – Australian Legal Practitioners s 49(4) – Exempt a person or class of persons from the requirement to engage in supervised legal practice or reduce the period for a person or class of persons
s 49(5) – Ability to place conditions on the exemption

Part 4.4 – Professional indemnity insurance s 215(2), (4) – Exemptions from the requirement to obtain an approved insurance policy

Appendix 4: Commissioner Delegations

Under section 56 of the Application Act, the Victorian Legal Services Commissioner may delegate certain functions to an employee, a local professional association, or a prescribed person.

Copies of all instruments of delegation in force can be viewed on our website.

Current delegations

Table 30 lists all of the internal Commissioner delegations in force as at 30 June 2023. There were no external Commissioner delegations in force as at 30 June 2023.

TABLE 30: INTERNAL COMMISSIONER DELEGATIONS IN FORCE AS AT 30 JUNE 2023

LEGAL PROFESSION ACT 2004		
Part 3.3 Division 3 – Investigations	s 3.3.44(2) – Obtain information from financial institutions and other specified bodies	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
Part 4.1, Division 2 – Application of Chapter	s 4.1.4(3) – Consent to deal with issue under corresponding law	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	s 4.1.4(5) – Consent to deal with issue under corresponding law	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
Part 4.2 – Making a complaint	s 4.2.7 – Vary time limit for complaint	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.2.8 – Give written notification of a complaint	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.2.9 – Require further information from complainant	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.2.10 – Summarily dismiss complaint	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)

Part 4.3, Division 2 – Dealing with civil complaints	s 4.3.3 – Lodgement of disputed legal costs	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.3.4 – Deposit disputed legal costs in ADI	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	s 4.3.5 – Attempt to resolve civil dispute	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.3.5A(1) – Prepare written agreement	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.3.6 – Give written notice dispute	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	s 4.3.7 – Give written notice dispute unable to be resolved	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
Part 4.3, Division 3 – Mediation	s 4.3.9 – Appoint a mediator	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	s 4.3.13 – Dismiss complaint or give rights to apply to VCAT	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
Part 4.3, Division 4 – Resolution of civil disputes by the Tribunal	s 4.3.15 – Make application to the Tribunal	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
Part 4.4 – Division 3 – Investigations	s 4.4.7 – Investigate complaint	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.4.8 – Investigate without complaint	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	s 4.4.9 – Refer complaint to prescribed investigatory body	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.4.10(3) – Deal with complaint	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	s 4.4.11 – Require further information and documents	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
	s 4.4.12 – Investigate expeditiously	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)

	s 4.4.12A – Suspend investigation	Director, Investigations (16 Oct 20)
	s 4.4.12B – Take no further action	Director, Investigations (16 Oct 20)
	s 4.4.12C – Notify practitioner of decision	Director, Investigations (16 Oct 20)
	s 4.4.13 – Take appropriate action	Director, Investigations (16 Oct 20)
	s 4.4.13(1), (3)(b), (3)(c), (4), (5) and (6) – Take appropriate action	Manager, Discipline and Suitability (16 Oct 20)
	s 4.4.14 – Give notice of decision	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
Part 4.4, Division 7 – Inter-jurisdictional provisions	s 4.4.33 – Request another jurisdiction to investigate	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	s 4.4.34 – Receive request from another jurisdiction to investigate	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	s 4.4.36 – Cooperate with corresponding authorities	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
Part 7.2 – General provisions	s 7.2.14 – Disclose information	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator & Advisory Lawyer (30 Jun 23)
Schedule 2, Part 6 – Disputes and discipline	Clause 6.1 – Handle disputes lodged under old Act	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	Clause 6.2 – Handle disputes lodged under old Act	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
	Clause 6.3 – Handle disputes lodged under old Act	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20)
LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014		
Part 3, Division 4 – General provisions for the Victorian Legal Services Board and Victorian Commissioner	s 60 – Appoint a panel of mediators	Director, Investigations (16 Oct 20) Director, Licensing and Complaints (29 Aug 22)

LEGAL PROFESSION UNIFORM LAW (VICTORIA)

Part 5.2, Division 1 – Making complaints and other matters about complaints

s 266(2) – Initiate a complaint containing a disciplinary matter

Director, Investigations (16 Oct 20)
 Manager, Discipline and Suitability (16 Oct 20)
 Assistant Manager, Discipline and Suitability (16 Oct 20)
 Director, Licensing and Complaints (29 Aug 22)
 Manager, Early Resolution and Complaints (26 Jun 23)
 Assistant Manager, Early Resolution and Complaints (26 Jun 23)
 Manager, Licensing (26 Jun 23)
 Assistant Manager, Licensing (26 Jun 23)
 Manager, Costs Disputes and Compliance (29 Aug 22)
 Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
 Senior Investigator & Advisory Lawyer (30 Jun 23)
 Manager, Quality Assurance and Review (26 Jun 23)

s 267 – Making a complaint

Director, Investigations (16 Oct 20)
 Manager, Discipline and Suitability (16 Oct 20)
 Assistant Manager, Discipline and Suitability (16 Oct 20)
 Director, Licensing and Complaints (29 Aug 22)
 Manager, Early Resolution and Complaints (26 Jun 23)
 Manager, Licensing (26 Jun 23)
 Manager, Costs Disputes and Compliance (29 Aug 22)
 Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
 Senior Investigator & Advisory Lawyer (30 Jun 23)
 Manager, Quality Assurance and Review (26 Jun 23)

s 269 – Definition of consumer matters (including costs disputes)

Senior Advisor (29 Aug 22)
 Costs Resolutions Specialist (29 Aug 22)
 Resolutions Advisor (29 Aug 22)
 Resolutions Liaison Officer (29 Aug 22)

s 269(1) – Definition of consumer matter

Director, Investigations (16 Oct 20)
 Manager, Discipline and Suitability (16 Oct 20)
 Assistant Manager, Discipline and Suitability (16 Oct 20)
 Senior Investigator (26 Jun 23)
 Director, Licensing and Complaints (29 Aug 22)
 Manager, Early Resolution and Complaints (26 Jun 23)
 Assistant Manager, Early Resolution and Complaints (26 Jun 23)
 Manager, Licensing (26 Jun 23)
 Assistant Manager, Licensing (26 Jun 23)
 Senior Licensing Advisor (29 Aug 22)
 Licensing Advisor (26 Jun 23)
 Manager, Costs Disputes and Compliance (29 Aug 22)
 Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
 Senior Resolution Advisor (29 Aug 22)
 Resolution Advisor (29 Aug 22)
 Senior Investigator & Advisory Lawyer (30 Jun 23)
 Manager, Quality Assurance and Review (26 Jun 23)

s 271 – Priority given to resolving consumer matter where there is a mixed complaint	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Resolutions Advisor (29 Aug 22)</p> <p>Resolutions Liaison Officer (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
s 272 – Making complaint within 3 year time limit	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (29 Aug 22)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Senior Resolution Advisor (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
s 273(2) – Ability to continue investigation even where complaint is withdrawn	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>

**Part 5.2, Division 2 –
Preliminary assessment
of complaints**

s 276 – Conduct preliminary complaint	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator (26 Jun 23) Investigator (26 Jun 23) Director, Licensing and Complaints (29 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (29 Aug 22) Licensing Advisor (26 Jun 23) Senior Advisor (29 Aug 22) Manager, Costs Disputes and Compliance (29 Aug 22) Assistant Manager, Costs Disputes and Compliance (29 Aug 22) Costs Resolutions Specialist (29 Aug 22) Senior Resolution Advisor (29 Aug 22) Resolution Advisor (29 Aug 22) Resolutions Advisor (29 Aug 22) Resolutions Liaison Officer (29 Aug 22) Paralegal (16 Oct 20) Trust Account Analyst (21 Aug 15) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)
---------------------------------------	---

s 277 – Ability to close complaint after conducting preliminary assessment	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator (26 Jun 23) Investigator (26 Jun 23) Director, Licensing and Complaints (29 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Costs Disputes and Compliance (29 Aug 22) Assistant Manager, Costs Disputes and Compliance (29 Aug 22) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)
--	---

s 278 – Ability to make recommendation that a practising certificate be suspended	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator (26 Jun 23) Investigator (26 Jun 23) Director, Licensing and Complaints (29 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Costs Disputes and Compliance (29 Aug 22) Assistant Manager, Costs Disputes and Compliance (29 Aug 22) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)
---	---

**Part 5.2, Division 3 –
Notifications to and
submissions by respondents**

s 279 – Notify respondent
of complaint as soon as
practicable

Director, Investigations (16 Oct 20)
Manager, Discipline and Suitability (16 Oct 20)
Assistant Manager, Discipline and Suitability (16 Oct 20)
Senior Investigator (26 Jun 23)
Investigator (26 Jun 23)
Director, Licensing and Complaints (29 Aug 22)
Manager, Early Resolution and Complaints (26 Jun 23)
Assistant Manager, Early Resolution and Complaints (26 Jun 23)
Manager, Licensing (26 Jun 23)
Assistant Manager, Licensing (26 Jun 23)
Senior Licensing Advisor (29 Aug 22)
Licensing Advisor (26 Jun 23)
Senior Advisor (29 Aug 22)
Manager, Costs Disputes and Compliance (29 Aug 22)
Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
Costs Resolutions Specialist (29 Aug 22)
Senior Resolution Advisor (29 Aug 22)
Resolution Advisor (29 Aug 22)
Resolutions Advisor (29 Aug 22)
Resolutions Liaison Officer (29 Aug 22)
Senior Investigator & Advisory Lawyer (30 Jun 23)
Manager, Quality Assurance and Review (26 Jun 23)

s 280 – Response to complaint
by respondent

Director, Investigations (16 Oct 20)
Manager, Discipline and Suitability (16 Oct 20)
Assistant Manager, Discipline and Suitability (16 Oct 20)
Senior Investigator (26 Jun 23)
Investigator (26 Jun 23)
Director, Licensing and Complaints (29 Aug 22)
Manager, Early Resolution and Complaints (26 Jun 23)
Assistant Manager, Early Resolution and Complaints (26 Jun 23)
Manager, Licensing (26 Jun 23)
Assistant Manager, Licensing (26 Jun 23)
Senior Licensing Advisor (29 Aug 22)
Licensing Advisor (26 Jun 23)
Senior Advisor (29 Aug 22)
Manager, Costs Disputes and Compliance (29 Aug 22)
Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
Costs Resolutions Specialist (29 Aug 22)
Senior Resolution Advisor (29 Aug 22)
Resolution Advisor (29 Aug 22)
Resolutions Advisor (29 Aug 22)
Resolutions Liaison Officer (29 Aug 22)
Trust Account Analyst (21 Aug 15)
Senior Investigator & Advisory Lawyer (30 Jun 23)
Manager, Quality Assurance and Review (26 Jun 23)

	s 281 – Ability to not notify a respondent of a complaint under certain circumstances	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
<p>Part 5.2, Division 4 – Investigation of complaints</p>	s 282 – Investigate internally or appoint externally	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (29 Aug 22)</p> <p>Licensing Advisor (26 Jun 23)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Senior Resolution Advisor (29 Aug 22)</p> <p>Resolution Advisor (29 Aug 22)</p> <p>Paralegal (16 Oct 20)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
	s 282(1) – Investigate internally or appoint externally	<p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Resolutions Liaison Officer (29 Aug 22)</p> <p>Trust Account Analyst (21 Aug 15)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Resolutions Advisor (29 Aug 22)</p>
	s 283 – Extend scope of investigation	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (29 Aug 22)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Senior Resolution Advisor (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>

	s 284 – Arrange assessment of costs charged or claimed by respondent	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
<p>Part 5.3, Division 2 – Provisions applicable to all consumer matters</p>	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (29 Aug 22)</p> <p>Licensing Advisor (26 Jun 23)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Senior Resolution Advisor (29 Aug 22)</p> <p>Resolution Advisor (29 Aug 22)</p> <p>Resolutions Advisor (29 Aug 22)</p> <p>Resolutions Liaison Officer (29 Aug 22)</p> <p>Trust Account Analyst (21 Aug 15)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
	s 287 – Resolve consumer matter by informal means as soon as practicable	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (29 Aug 22)</p> <p>Licensing Advisor (26 Jun 23)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Senior Resolution Advisor (29 Aug 22)</p> <p>Resolution Advisor (29 Aug 22)</p> <p>Resolutions Advisor (29 Aug 22)</p> <p>Resolutions Liaison Officer (29 Aug 22)</p> <p>Trust Account Analyst (21 Aug 15)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>

s 288 – Order parties to the complaint attend mediation	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (29 Aug 22)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Senior Resolution Advisor (29 Aug 22)</p> <p>Resolutions Advisor (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
s 289 – Prepare written record of agreement to mediation	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (29 Aug 22)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Senior Resolution Advisor (29 Aug 22)</p> <p>Resolutions Advisor (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
s 290 – Resolve consumer matter by making determination	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>

Part 5.3, Division 3 – Further provisions applicable to costs disputes

<p>s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000</p>	<p>Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Director, Licensing and Complaints (29 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (29 Aug 22) Licensing Advisor (26 Jun 23) Manager, Costs Disputes and Compliance (29 Aug 22) Assistant Manager, Costs Disputes and Compliance (29 Aug 22) Senior Resolution Advisor (29 Aug 22) Resolution Advisor (29 Aug 22) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)</p>
<p>s 291(1) – Deal with costs disputes the same way as consumer matters</p>	<p>Senior Investigator (26 Jun 23) Investigator (26 Jun 23) Senior Advisor (29 Aug 22) Costs Resolutions Specialist (29 Aug 22) Resolutions Advisor (29 Aug 22) Resolutions Liaison Officer (29 Aug 22) Trust Account Analyst (21 Aug 15)</p>
<p>s 292 – Make a binding determination about costs</p>	<p>Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Director, Licensing and Complaints (29 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Costs Disputes and Compliance (29 Aug 22) Assistant Manager, Costs Disputes and Compliance (29 Aug 22) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)</p>
<p>s 293 – Cease to act where dispute is less than \$10,000</p>	<p>Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Senior Investigator (26 Jun 23) Director, Licensing and Complaints (29 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Senior Licensing Advisor (29 Aug 22) Manager, Costs Disputes and Compliance (29 Aug 22) Assistant Manager, Costs Disputes and Compliance (29 Aug 22) Senior Resolution Advisor (29 Aug 22) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)</p>

Part 5.4, Division 1 – Preliminary	s 297(2) – Consider matters that would be taken into account in terms of admission when deciding if a lawyer is a fit and proper person in terms of professional misconduct	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Director, Licensing and Complaints (29 Aug 22) Manager, Costs Disputes and Compliance (29 Aug 22) Trust Account Analyst (21 Aug 15) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)
Part 5.4, Division 2 – Determination by local regulatory authority	s 299 – Determine unsatisfactory professional conduct and make orders to rectify that conduct	Director, Investigations (16 Oct 20) Senior Investigator (26 Jun 23) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Investigator (26 Jun 23) Director, Licensing and Complaints (29 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Costs Disputes and Compliance (29 Aug 22) Assistant Manager, Costs Disputes and Compliance (29 Aug 22) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)
Part 5.4, Division 3 – Role of designated tribunal	s 300 – Initiate and prosecute proceedings against respondent lawyer in the designated tribunal	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Director, Licensing and Complaints (29 Aug 22) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)
Part 5.5 – Compensation Orders	s 306 – Make compensation order	Director, Investigations (16 Oct 20) Manager, Discipline and Suitability (16 Oct 20) Assistant Manager, Discipline and Suitability (16 Oct 20) Director, Licensing and Complaints (29 Aug 22) Manager, Early Resolution and Complaints (26 Jun 23) Assistant Manager, Early Resolution and Complaints (26 Jun 23) Manager, Licensing (26 Jun 23) Assistant Manager, Licensing (26 Jun 23) Manager, Costs Disputes and Compliance (29 Aug 22) Assistant Manager, Costs Disputes and Compliance (29 Aug 22) Senior Investigator & Advisory Lawyer (30 Jun 23) Manager, Quality Assurance and Review (26 Jun 23)
	s 307(4) – Request may be made at any time after complaint made	Senior Investigator (26 Jun 23) Trust Account Analyst (21 Aug 15)

s 308 – Order to compensate aggrieved person	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
s 309 – Order not to be made unless the designated authority or tribunal is satisfied of a loss or that it be in the interest of justice or if compensation has been made by court or paid from a fidelity fund	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
Part 5.6 – Appeal or Review	
s 313 – Conduct an internal review	<p>Director, Investigations (16 Oct 20)</p> <p>Manager, Discipline and Suitability (16 Oct 20)</p> <p>Assistant Manager, Discipline and Suitability (16 Oct 20)</p> <p>Senior Investigator (26 Jun 23)</p> <p>Director, Licensing and Complaints (29 Aug 22)</p> <p>Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Assistant Manager, Early Resolution and Complaints (26 Jun 23)</p> <p>Manager, Licensing (26 Jun 23)</p> <p>Assistant Manager, Licensing (26 Jun 23)</p> <p>Senior Licensing Advisor (29 Aug 22)</p> <p>Senior Advisor (29 Aug 22)</p> <p>Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Assistant Manager, Costs Disputes and Compliance (29 Aug 22)</p> <p>Costs Resolutions Specialist (29 Aug 22)</p> <p>Senior Resolution Advisor (29 Aug 22)</p> <p>Senior Investigator & Advisory Lawyer (30 Jun 23)</p> <p>Manager, Quality Assurance and Review (26 Jun 23)</p>
s 313(2) – Conduct an internal review	Trust Account Analyst (21 Aug 15)

Part 5.7 – General Duties of Local Regulatory Authorities

s 318 – Provide the complainant and respondent written notice of decisions or determinations

Director, Investigations (16 Oct 20)
Manager, Discipline and Suitability (16 Oct 20)
Assistant Manager, Discipline and Suitability (16 Oct 20)
Director, Licensing and Complaints (29 Aug 22)
Manager, Early Resolution and Complaints (26 Jun 23)
Assistant Manager, Early Resolution and Complaints (26 Jun 23)
Manager, Licensing (26 Jun 23)
Assistant Manager, Licensing (26 Jun 23)
Manager, Costs Disputes and Compliance (29 Aug 22)
Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
Senior Investigator & Advisory Lawyer (30 Jun 23)
Manager, Quality Assurance and Review (26 Jun 23)

s 320 – Make order directing or refraining action

Director, Investigations (16 Oct 20)
Manager, Discipline and Suitability (16 Oct 20)
Assistant Manager, Discipline and Suitability (16 Oct 20)
Director, Licensing and Complaints (29 Aug 22)
Manager, Early Resolution and Complaints (26 Jun 23)
Assistant Manager, Early Resolution and Complaints (26 Jun 23)
Manager, Licensing (26 Jun 23)
Assistant Manager, Licensing (26 Jun 23)
Manager, Costs Disputes and Compliance (29 Aug 22)
Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
Senior Investigator & Advisory Lawyer (30 Jun 23)
Manager, Quality Assurance and Review (26 Jun 23)

Part 9.9 – General

s 466(7) – Recommend practising certificate or registration certificate be suspended

Director, Investigations (16 Oct 20)
Manager, Discipline and Suitability (16 Oct 20)
Assistant Manager, Discipline and Suitability (16 Oct 20)
Director, Licensing and Complaints (29 Aug 22)
Manager, Early Resolution and Complaints (26 Jun 23)
Assistant Manager, Early Resolution and Complaints (26 Jun 23)
Manager, Licensing (26 Jun 23)
Assistant Manager, Licensing (26 Jun 23)
Manager, Costs Disputes and Compliance (29 Aug 22)
Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
Manager, Intervention and Enforcement (16 Oct 20)
Assistant Manager, Intervention and Enforcement (16 Oct 20)
Senior Investigator & Advisory Lawyer (30 Jun 23)
Manager, Quality Assurance and Review (26 Jun 23)

Schedule 3, Part 4 – Dispute Resolution and Professional Discipline

Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law

Director, Investigations (16 Oct 20)
Manager, Discipline and Suitability (16 Oct 20)
Assistant Manager, Discipline and Suitability (16 Oct 20)
Senior Investigator (26 Jun 23)
Director, Licensing and Complaints (29 Aug 22)
Manager, Early Resolution and Complaints (26 Jun 23)
Assistant Manager, Early Resolution and Complaints (26 Jun 23)
Manager, Licensing (26 Jun 23)
Assistant Manager, Licensing (26 Jun 23)
Senior Licensing Advisor (29 Aug 22)
Senior Advisor (29 Aug 22)
Manager, Costs Disputes and Compliance (29 Aug 22)
Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
Costs Resolutions Specialist (29 Aug 22)
Senior Resolution Advisor (29 Aug 22)
Senior Investigator & Advisory Lawyer (30 Jun 23)
Manager, Quality Assurance and Review (26 Jun 23)

**Schedule 4, Division 7 –
Dispute resolution and
professional discipline**

Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation

Director, Investigations (16 Oct 20)
Manager, Discipline and Suitability (16 Oct 20)
Assistant Manager, Discipline and Suitability (16 Oct 20)
Senior Investigator (26 Jun 23)
Investigator (26 Jun 23)
Director, Licensing and Complaints (29 Aug 22)
Manager, Early Resolution and Complaints (26 Jun 23)
Assistant Manager, Early Resolution and Complaints (26 Jun 23)
Manager, Licensing (26 Jun 23)
Assistant Manager, Licensing (26 Jun 23)
Senior Licensing Advisor (29 Aug 22)
Licensing Advisor (26 Jun 23)
Senior Advisor (29 Aug 22)
Manager, Costs Disputes and Compliance (29 Aug 22)
Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
Costs Resolutions Specialist (29 Aug 22)
Senior Resolution Advisor (29 Aug 22)
Resolution Advisor (29 Aug 22)
Resolutions Advisor (29 Aug 22)
Trust Account Analyst (21 Aug 15)
Senior Investigator & Advisory Lawyer (30 Jun 23)
Manager, Quality Assurance and Review (26 Jun 23)

Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

Director, Investigations (16 Oct 20)
Manager, Discipline and Suitability (16 Oct 20)
Assistant Manager, Discipline and Suitability (16 Oct 20)
Senior Investigator (26 Jun 23)
Investigator (26 Jun 23)
Director, Licensing and Complaints (29 Aug 22)
Manager, Early Resolution and Complaints (26 Jun 23)
Assistant Manager, Early Resolution and Complaints (26 Jun 23)
Manager, Licensing (26 Jun 23)
Assistant Manager, Licensing (26 Jun 23)
Senior Licensing Advisor (29 Aug 22)
Licensing Advisor (26 Jun 23)
Senior Advisor (29 Aug 22)
Manager, Costs Disputes and Compliance (29 Aug 22)
Assistant Manager, Costs Disputes and Compliance (29 Aug 22)
Costs Resolutions Specialist (29 Aug 22)
Senior Resolution Advisor (29 Aug 22)
Resolution Advisor (29 Aug 22)
Resolutions Advisor (29 Aug 22)
Trust Account Analyst (21 Aug 15)
Senior Investigator & Advisory Lawyer (30 Jun 23)
Manager, Quality Assurance and Review (26 Jun 23)

Revoked delegations

Tables 31–43 list all Commissioner delegations revoked during 2022–23 and the reasons for their revocation.

In 2022–23 the Commissioner revoked all delegations to the Director, Enquiries and Complaints as the position title was renamed to Director, Licensing and Complaints.

TABLE 31: COMMISSIONER DELEGATIONS TO THE DIRECTOR, ENQUIRIES AND COMPLAINTS REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW APPLICATION ACT 2014

Part 3, Division 4 – General provisions for the Victorian Legal Services Board and Victorian Commissioner s 60 – Appoint a panel of mediators

LEGAL PROFESSION UNIFORM LAW (VICTORIA)

Part 5.2, Division 1 – Making complaints and other matters about complaints s 266(2) – Initiate a complaint containing a disciplinary matter

s 267 – Making a complaint

s 269(1) – Definition of consumer matter

s 271 – Priority given to resolving consumer matter where there is a mixed complaint

s 272 – Making complaint within 3 year time limit

s 273(2) – Ability to continue investigation even where complaint is withdrawn

Part 5.2, Division 2 – Preliminary assessment of complaints

s 276 – Conduct preliminary complaint

s 277 – Ability to close complaint after conducting preliminary assessment

s 278 – Ability to make recommendation that a practising certificate be suspended

Part 5.2, Division 3 – Notifications to and submissions by respondents

s 279 – Notify respondent of complaint as soon as practicable

s 280 – Response to complaint by respondent

s 281 – Ability to not notify a respondent of a complaint under certain circumstances

Part 5.2, Division 4 – Investigation of complaints

s 282 – Investigate internally or appoint externally

s 283 – Extend scope of investigation

s 284 – Arrange assessment of costs charged or claimed by respondent

Part 5.3, Division 2 – Provisions applicable to all consumer matters

s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt

s 287 – Resolve consumer matter by informal means as soon as practicable

s 288 – Order parties to the complaint attend mediation

s 289 – Prepare written record of agreement to mediation

s 290 – Resolve consumer matter by making determination

Part 5.3, Division 3 – Further provisions applicable to costs disputes

s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000

s 292 – Make a binding determination about costs

Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 293 – Cease to act where dispute is less than \$10,000
Part 5.4, Division 1 – Preliminary	s 297(2) – Consider matters that would be taken into account in terms of admission when deciding if a lawyer is a fit and proper person in terms of professional misconduct
Part 5.4, Division 2 – Determination by local regulatory authority	s 299 – Determine unsatisfactory professional conduct and make orders to rectify that conduct
Part 5.4, Division 3 – Role of designated tribunal	s 300 – Initiate and prosecute proceedings against respondent lawyer in the designated tribunal
Part 5.5 – Compensation Orders	s 306 – Make compensation order s 308 – Order to compensate aggrieved person
Part 5.5 – Compensation Orders	s 309 – Order not to be made unless the designated authority or tribunal is satisfied of a loss or that it be in the interest of justice or if compensation has been made by court or paid from a fidelity fund
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review
Part 5.7 – General Duties of Local Regulatory Authorities	s 318 – Provide the complainant and respondent written notice of decisions or determinations s 320 – Make order directing or refraining action
Part 9.9 – General	s 466(7) – Recommend practising certificate or registration certificate be suspended
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Manager, Enquiries and Review as the position title was renamed to Manager, Licensing and Early Resolution.

TABLE 32: COMMISSIONER DELEGATIONS TO THE MANAGER, ENQUIRIES AND REVIEW REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 266(2) – Initiate a complaint containing a disciplinary matter
	s 267 – Making a complaint
	s 269(1) – Definition of consumer matter
	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
	s 272 – Making complaint within 3 year time limit
	s 273(2) – Ability to continue investigation even where complaint is withdrawn
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
	s 277 – Ability to close complaint after conducting preliminary assessment
	s 278 – Ability to make recommendation that a practising certificate be suspended
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
	s 281 – Ability to not notify a respondent of a complaint under certain circumstances
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
	s 283 – Extend scope of investigation
	s 284 – Arrange assessment of costs charged or claimed by respondent
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 287 – Resolve consumer matter by informal means as soon as practicable
	s 288 – Order parties to the complaint attend mediation
	s 289 – Prepare written record of agreement to mediation
	s 290 – Resolve consumer matter by making determination
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
	s 292 – Make a binding determination about costs
	s 293 – Cease to act where dispute is less than \$10,000

Part 5.4, Division 2 – Determination by local regulatory authority	s 299 – Determine unsatisfactory professional conduct and make orders to rectify that conduct
Part 5.5 – Compensation Orders	s 306 – Make compensation order
	s 308 – Order to compensate aggrieved person
	s 309 – Order not to be made unless the designated authority or tribunal is satisfied of a loss or that it be in the interest of justice or if compensation has been made by court or paid from a fidelity fund
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review
Part 5.7 – General Duties of Local Regulatory Authorities	s 318 – Provide the complainant and respondent written notice of decisions or determinations
	s 320 – Make order directing or refraining action
Part 9.9 – General	s 466(7) – Recommend practising certificate or registration certificate be suspended
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation
	Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Manager, Licensing and Early Resolution as the position title was renamed to Manager, Early Resolution and Complaints.

TABLE 33: COMMISSIONER DELEGATIONS TO THE MANAGER, LICENSING AND EARLY RESOLUTION REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 266(2) – Initiate a complaint containing a disciplinary matter
	s 267 – Making a complaint
	s 269(1) – Definition of consumer matter
	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
	s 272 – Making complaint within 3 year time limit
	s 273(2) – Ability to continue investigation even where complaint is withdrawn
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
	s 277 – Ability to close complaint after conducting preliminary assessment
	s 278 – Ability to make recommendation that a practising certificate be suspended
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
	s 281 – Ability to not notify a respondent of a complaint under certain circumstances

Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
	s 283 – Extend scope of investigation
	s 284 – Arrange assessment of costs charged or claimed by respondent
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
	s 287 – Resolve consumer matter by informal means as soon as practicable
	s 288 – Order parties to the complaint attend mediation
	s 289 – Prepare written record of agreement to mediation
	s 290 – Resolve consumer matter by making determination
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
	s 292 – Make a binding determination about costs
	s 293 – Cease to act where dispute is less than \$10,000
Part 5.4, Division 2 – Determination by local regulatory authority	s 299 – Determine unsatisfactory professional conduct and make orders to rectify that conduct
Part 5.5 – Compensation Orders	s 306 – Make compensation order
	s 308 – Order to compensate aggrieved person
	s 309 – Order not to be made unless the designated authority or tribunal is satisfied of a loss or that it be in the interest of justice or if compensation has been made by court or paid from a fidelity fund
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review
Part 5.7 – General Duties of Local Regulatory Authorities	s 318 – Provide the complainant and respondent written notice of decisions or determinations
	s 320 – Make order directing or refraining action
Part 9.9 – General	s 466(7) – Recommend practising certificate or registration certificate be suspended
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation
	Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Assistant Manager, Enquiries and Review as the position title was renamed to Assistant Manager, Licensing and Early Resolution.

TABLE 34: COMMISSIONER DELEGATIONS TO THE ASSISTANT MANAGER, ENQUIRIES AND REVIEW REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 266(2) – Initiate a complaint containing a disciplinary matter
	s 269(1) – Definition of consumer matter
	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
	s 272 – Making complaint within 3 year time limit
	s 273(2) – Ability to continue investigation even where complaint is withdrawn
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
	s 277 – Ability to close complaint after conducting preliminary assessment
	s 278 – Ability to make recommendation that a practising certificate be suspended
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
	s 281 – Ability to not notify a respondent of a complaint under certain circumstances
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
	s 283 – Extend scope of investigation
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
	s 287 – Resolve consumer matter by informal means as soon as practicable
	s 288 – Order parties to the complaint attend mediation
	s 289 – Prepare written record of agreement to mediation
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
	s 292 – Make a binding determination about costs
	s 293 – Cease to act where dispute is less than \$10,000
Part 5.4, Division 2 – Determination by local regulatory authority	s 299 – Determine unsatisfactory professional conduct and make orders to rectify that conduct
Part 5.5 – Compensation Orders	s 306 – Make compensation order
	s 308 – Order to compensate aggrieved person
	s 309 – Order not to be made unless the designated authority or tribunal is satisfied of a loss or that it be in the interest of justice or if compensation has been made by court or paid from a fidelity fund
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review

Part 5.7 – General Duties of Local Regulatory Authorities	s 318 – Provide the complainant and respondent written notice of decisions or determinations
	s 320 – Make order directing or refraining action
Part 9.9 – General	s 466(7) – Recommend practising certificate or registration certificate be suspended
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation
	Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Assistant Manager, Licensing and Early Resolution as the position title was renamed to Assistant Manager, Early Resolution and Complaints.

TABLE 35: COMMISSIONER DELEGATIONS TO THE ASSISTANT MANAGER, LICENSING AND EARLY RESOLUTION REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 266(2) – Initiate a complaint containing a disciplinary matter
	s 269(1) – Definition of consumer matter
	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
	s 272 – Making complaint within 3 year time limit
	s 273(2) – Ability to continue investigation even where complaint is withdrawn
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
	s 277 – Ability to close complaint after conducting preliminary assessment
	s 278 – Ability to make recommendation that a practising certificate be suspended
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
	s 281 – Ability to not notify a respondent of a complaint under certain circumstances
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
	s 283 – Extend scope of investigation
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
	s 287 – Resolve consumer matter by informal means as soon as practicable
	s 288 – Order parties to the complaint attend mediation
	s 289 – Prepare written record of agreement to mediation

Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
	s 292 – Make a binding determination about costs
	s 293 – Cease to act where dispute is less than \$10,000
Part 5.4, Division 2 – Determination by local regulatory authority	s 299 – Determine unsatisfactory professional conduct and make orders to rectify that conduct
Part 5.5 – Compensation Orders	s 306 – Make compensation order
	s 308 – Order to compensate aggrieved person
	s 309 – Order not to be made unless the designated authority or tribunal is satisfied of a loss or that it be in the interest of justice or if compensation has been made by court or paid from a fidelity fund
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review
Part 5.7 – General Duties of Local Regulatory Authorities	s 318 – Provide the complainant and respondent written notice of decisions or determinations
	s 320 – Make order directing or refraining action
Part 9.9 – General	s 466(7) – Recommend practising certificate or registration certificate be suspended
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation
	Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Senior Resolutions Advisor as the position title was renamed to Senior Advisor.

TABLE 36: COMMISSIONER DELEGATIONS TO THE SENIOR RESOLUTIONS ADVISOR REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 269(1) – Definition of consumer matter
	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
	s 272 – Making complaint within 3 year time limit
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
	s 283 – Extend scope of investigation
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
	s 287 – Resolve consumer matter by informal means as soon as practicable
	s 288 – Order parties to the complaint attend mediation
	s 289 – Prepare written record of agreement to mediation
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291(1) – Deal with costs disputes the same way as consumer matters
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation
	Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Manager, Complaints and Resolutions as the position title was renamed to Manager, Costs Disputes and Compliance.

TABLE 37: COMMISSIONER DELEGATIONS TO THE MANAGER, COMPLAINTS AND RESOLUTIONS REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 266(2) – Initiate a complaint containing a disciplinary matter
	s 267 – Making a complaint
	s 269(1) – Definition of consumer matter
	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
	s 272 – Making complaint within 3 year time limit
	s 273(2) – Ability to continue investigation even where complaint is withdrawn
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
	s 277 – Ability to close complaint after conducting preliminary assessment
	s 278 – Ability to make recommendation that a practising certificate be suspended
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
	s 281 – Ability to not notify a respondent of a complaint under certain circumstances
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
	s 283 – Extend scope of investigation
	s 284 – Arrange assessment of costs charged or claimed by respondent
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
	s 287 – Resolve consumer matter by informal means as soon as practicable
	s 288 – Order parties to the complaint attend mediation
	s 289 – Prepare written record of agreement to mediation
	s 290 – Resolve consumer matter by making determination
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
	s 292 – Make a binding determination about costs
	s 293 – Cease to act where dispute is less than \$10,000
Part 5.4, Division 2 – Determination by local regulatory authority	s 299 – Determine unsatisfactory professional conduct and make orders to rectify that conduct

Part 5.5 – Compensation Orders	<p>s 306 – Make compensation order</p> <p>s 308 – Order to compensate aggrieved person</p> <p>s 309 – Order not to be made unless the designated authority or tribunal is satisfied of a loss or that it be in the interest of justice or if compensation has been made by court or paid from a fidelity fund</p>
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review
Part 5.7 – General Duties of Local Regulatory Authorities	<p>s 318 – Provide the complainant and respondent written notice of decisions or determinations</p> <p>s 320 – Make order directing or refraining action</p>
Part 9.9 – General	s 466(7) – Recommend practising certificate or registration certificate be suspended
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	<p>Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation</p> <p>Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation</p>

In 2022–23 the Commissioner revoked all delegations to the Assistant Manager, Complaints and Resolutions as the position title was renamed to Assistant Manager, Costs Disputes and Compliance.

TABLE 38: COMMISSIONER DELEGATIONS TO THE ASSISTANT MANAGER, COMPLAINTS AND RESOLUTIONS REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	<p>s 266(2) – Initiate a complaint containing a disciplinary matter</p> <p>s 267 – Making a complaint</p> <p>s 269(1) – Definition of consumer matter</p> <p>s 271 – Priority given to resolving consumer matter where there is a mixed complaint</p> <p>s 272 – Making complaint within 3 year time limit</p> <p>s 273(2) – Ability to continue investigation even where complaint is withdrawn</p>
Part 5.2, Division 2 – Preliminary assessment of complaints	<p>s 276 – Conduct preliminary complaint</p> <p>s 277 – Ability to close complaint after conducting preliminary assessment</p> <p>s 278 – Ability to make recommendation that a practising certificate be suspended</p>
Part 5.2, Division 3 – Notifications to and submissions by respondents	<p>s 279 – Notify respondent of complaint as soon as practicable</p> <p>s 280 – Response to complaint by respondent</p> <p>s 281 – Ability to not notify a respondent of a complaint under certain circumstances</p>

Part 5.2, Division 4 – Investigation of complaints	<p>s 282 – Investigate internally or appoint externally</p> <p>s 283 – Extend scope of investigation</p>
Part 5.3, Division 2 – Provisions applicable to all consumer matters	<p>s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt</p> <p>s 287 – Resolve consumer matter by informal means as soon as practicable</p> <p>s 288 – Order parties to the complaint attend mediation</p> <p>s 289 – Prepare written record of agreement to mediation</p> <p>s 290 – Resolve consumer matter by making determination</p>
Part 5.3, Division 3 – Further provisions applicable to costs disputes	<p>s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000</p> <p>s 292 – Make a binding determination about costs</p> <p>s 293 – Cease to act where dispute is less than \$10,000</p>
Part 5.4, Division 2 – Determination by local regulatory authority	<p>s 299 – Determine unsatisfactory professional conduct and make orders to rectify that conduct</p>
Part 5.5 – Compensation Orders	<p>s 306 – Make compensation order</p> <p>s 308 – Order to compensate aggrieved person</p> <p>s 309 – Order not to be made unless the designated authority or tribunal is satisfied of a loss or that it be in the interest of justice or if compensation has been made by court or paid from a fidelity fund</p>
Part 5.6 – Appeal or Review	<p>s 313 – Conduct an internal review</p>
Part 5.7 – General Duties of Local Regulatory Authorities	<p>s 318 – Provide the complainant and respondent written notice of decisions or determinations</p> <p>s 320 – Make order directing or refraining action</p>
Part 9.9 – General	<p>s 466(7) – Recommend practising certificate or registration certificate be suspended</p>
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	<p>Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law</p>
Schedule 4, Division 7 – Dispute resolution and professional discipline	<p>Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation</p> <p>Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation</p>

In 2022–23 the Commissioner revoked all delegations to the ADR Specialist as the position title was renamed to Costs Resolutions Specialist.

TABLE 39: COMMISSIONER DELEGATIONS TO THE ADR SPECIALIST REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 269(1) – Definition of consumer matter
	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
	s 272 – Making complaint within 3 year time limit
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
	s 283 – Extend scope of investigation
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
	s 287 – Resolve consumer matter by informal means as soon as practicable
	s 288 – Order parties to the complaint attend mediation
	s 289 – Prepare written record of agreement to mediation
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
	s 293 – Cease to act where dispute is less than \$10,000
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation
	Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Senior Enquiries and Review Liaison/Senior Licensing and Early Resolution Liaison as the position title was renamed to Senior Resolution Advisor.

TABLE 40: COMMISSIONER DELEGATIONS TO THE SENIOR ENQUIRIES AND REVIEW LIAISON/SENIOR LICENSING AND EARLY RESOLUTION LIAISON REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 269(1) – Definition of consumer matter
	s 272 – Making complaint within 3 year time limit
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
	s 283 – Extend scope of investigation
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
	s 287 – Resolve consumer matter by informal means as soon as practicable
	s 288 – Order parties to the complaint attend mediation
	s 289 – Prepare written record of agreement to mediation
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 293 – Cease to act where dispute is less than \$10,000
Part 5.6 – Appeal or Review	s 313 – Conduct an internal review
Schedule 3, Part 4 – Dispute Resolution and Professional Discipline	Clause 14 – Conduct of lawyer does not apply if it is being dealt with under a corresponding law
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation
	Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Enquiries and Review Liaison/Licensing and Early Resolution Liaison as the position title was renamed to Resolution Advisor.

TABLE 41: COMMISSIONER DELEGATIONS TO THE ENQUIRIES AND REVIEW LIAISON/LICENSING AND EARLY RESOLUTION LIAISON REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 269(1) – Definition of consumer matter
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
Part 5.3, Division 2 – Provisions applicable to all consumer matters	s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt
	s 287 – Resolve consumer matter by informal means as soon as practicable
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
Schedule 4, Division 7 – Dispute resolution and professional discipline	Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation
	Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation

In 2022–23 the Commissioner revoked all delegations to the Resolutions Officer as the position title was renamed to Resolutions Advisor.

TABLE 42: COMMISSIONER DELEGATIONS TO THE RESOLUTIONS OFFICER REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
Part 5.2, Division 3 – Notifications to and submissions by respondents	s 279 – Notify respondent of complaint as soon as practicable
	s 280 – Response to complaint by respondent
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally

Part 5.3, Division 2 – Provisions applicable to all consumer matters	<p>s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt</p> <p>s 287 – Resolve consumer matter by informal means as soon as practicable</p> <p>s 288 – Order parties to the complaint attend mediation</p> <p>s 289 – Prepare written record of agreement to mediation</p>
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000
Schedule 4, Division 7 – Dispute resolution and professional discipline	<p>Clause 26 – Complaint made under the old Chapter 4 is to be investigated with the provisions of the old legislation</p> <p>Clause 27 – Investigation may be commenced under the new law as long as conduct was not investigated before that day under the old legislation</p>

In 2022–23 the Commissioner revoked all delegations to the Assistant Resolutions Officer as the position title was renamed to Resolutions Liaison Officer.

TABLE 43: COMMISSIONER DELEGATIONS TO THE ASSISTANT RESOLUTIONS OFFICER REVOKED IN 2022–23

LEGAL PROFESSION UNIFORM LAW (VICTORIA)	
Part 5.2, Division 1 – Making complaints and other matters about complaints	s 271 – Priority given to resolving consumer matter where there is a mixed complaint
Part 5.2, Division 2 – Preliminary assessment of complaints	s 276 – Conduct preliminary complaint
Part 5.2, Division 3 – Notifications to and submissions by respondents	<p>s 279 – Notify respondent of complaint as soon as practicable</p> <p>s 280 – Response to complaint by respondent</p>
Part 5.2, Division 4 – Investigation of complaints	s 282 – Investigate internally or appoint externally
Part 5.3, Division 2 – Provisions applicable to all consumer matters	<p>s 286 – Not to take action resolving consumer matter unless parties have made reasonable attempt to resolve matter or it would be unreasonable to expect complainant to be involved in such attempt</p> <p>s 287 – Resolve consumer matter by informal means as soon as practicable</p>
Part 5.3, Division 3 – Further provisions applicable to costs disputes	s 291 – Deal with costs disputes the same way as consumer matters or inform parties of right to apply for costs assessment or to VCAT if total bill is over \$100,000 or the amount in dispute is over \$10,000 where the bill is over \$100,000

Appendix 5: Disclosure index

The Annual Report of the Board and Commissioner is prepared in accordance with all relevant Victorian legislation and pronouncements. This index has been prepared to facilitate identification of the Board and Commissioner's compliance with the statutory disclosure requirements.

MINISTERIAL DIRECTIONS AND FINANCIAL REPORTING DIRECTIONS: REPORT OF OPERATIONS

LEGISLATION	REQUIREMENT	PAGE REFERENCE
Charter and purpose		
FRD 22	Manner of establishment and the relevant Ministers	4
FRD 22	Purpose, functions, powers and duties	3
FRD 22	Key initiatives and projects	6–7
FRD 22	Nature and range of services provided	3
Management and structure		
FRD 22H	Organisational structure	56
Financial and other information		
FRD 10	Disclosure index	179
FRD 12	Disclosure of major contracts	60
FRD 15	Executive officer disclosures	57
FRD 22	Employment and conduct principles	46
FRD 22	Occupational health and safety policy	61
FRD 22	Summary of the financial results for the year	48
FRD 22	Significant changes in financial position during the year	48
FRD 22	Major changes or factors affecting performance	48
FRD 22	Subsequent events	122
FRD 22	Application and operation of the <i>Freedom of Information Act 1982</i>	60
FRD 22	Compliance with building and maintenance provisions of the <i>Building Act 1993</i>	60
FRD 22	Statement on National Competition Policy	60
FRD 22	Application and operation of the <i>Public Interest Disclosures Act 2012</i>	60
FRD 22	Details of consultancies over \$10,000	60–61
FRD 22	Details of consultancies under \$10,000	61
FRD 22	Disclosure of government advertising expenditure	62
FRD 22	Disclosure of ICT expenditure	62
FRD 22	Statement of availability of other information	63
FRD 22	Disclosure of emergency procurement	62
FRD 24	Office-based environmental impacts	63
FRD 25	Local Jobs First	60
FRD 29	Workforce data disclosures	58–59
SD 5.2	Specific requirements under Standing Direction 5.2	73

COMPLIANCE ATTESTATION AND DECLARATION

LEGISLATION	REQUIREMENT	PAGE REFERENCE
SD 5.4.1	Attestation for compliance with Ministerial Standing Direction	64
SD 5.2.3	Declaration in report of operations	Inside front cover

MINISTERIAL DIRECTIONS AND FINANCIAL REPORTING DIRECTIONS: FINANCIAL STATEMENTS

LEGISLATION	REQUIREMENT	PAGE REFERENCE
Declaration		
SD 5.2.2	Declaration in financial statements	65
Other requirements under Standing Directions 5.2		
SD 5.2.1(a)	Compliance with Australian accounting standards and other authoritative pronouncements	65
SD 5.2.1(a)	Compliance with Standing Directions	65
SD 5.2.1(b)	Compliance with Model Financial Report	65
Other disclosures as required by FRDs in notes to the financial statements		
FRD 11	Disclosure of <i>ex gratia</i> expenses	N/A
FRD 21	Disclosures of Responsible Persons, Executive Officers and other personnel (contractors with significant management responsibilities) in the Financial Report	118
FRD 103	Non-financial physical assets	90
FRD 110	Cash flow statements	79
FRD 112	Defined benefit superannuation obligations	87
FRD 114	Financial Instruments – general government entities and public non-financial corporations	105

COMPLIANCE WITH LEGISLATIVE DECLARATIONS

LEGISLATION	REQUIREMENT	PAGE REFERENCE
<i>Legal Profession Uniform Law Application Act 2014</i>		
s. 46(a)	Delegations in force as at 30 June	126
s. 46(b)	Delegations revoked during the year	140
s. 46(c)	Number and type of trust investigations conducted	23
s. 57(1)(a)	Number and type of complaints made to the Commissioner	16
s. 57(1)(b)	Number of complaints involving disciplinary matters investigated	17
s. 57(1)(c)	Outcome of complaints made	17
s. 57(1)(d)	Number and type of applications made to VCAT and results	17, 68
s. 57(1)(e)	Number of complaints outstanding at end of year	18
s. 57(1)(f)	Time taken to investigate disciplinary matters in complaints	18
s. 57(1)(g)	Delegations in force as at 30 June	148
s. 57(1)(h)	Delegations revoked during the year	163
<i>Disability Act 2006</i>		
s. 38(3)	Implementation of Disability Action Plan	44

Victorian Legal Services
BOARD + COMMISSIONER

Level 5, 555 Bourke Street
Melbourne Victoria 3000

Telephone
03 9679 8001

Local call cost
1300 796 344

Fax
03 9679 8101

Website
www.lsbcc.vic.gov.au

