

26 FEB 2020



NSW Trustee
& Guardian

Ms Megan Pitt
Chief Executive Officer
Legal Services Council
Commissioner for Uniform Legal Services Regulation
Level 3, 19 O'Connell Street
Sydney NSW 2000

By email: submissions@legalservicescouncil.org.au

Dear Ms Pitt, *Megan*

Consultation paper on proposed amendments to the Legal Profession Uniform Law

Thank you for inviting NSW Trustee & Guardian (NSWTG) to comment on the proposed changes to the Legal Profession Uniform Law.

NSWTG's observations on the proposed amendments are limited to recommendation 5.

Recommendation 5 requires notice be given to the local regulatory authority of a solicitor who has been made subject to a financial management or guardianship order. NSWTG supports this recommendation and notes that the holder of a practicing certificate who has been made subject of a financial management or guardianship order may lack the decision-making capacity to give such notice. Further, the appointed financial manager or guardian may not be aware of any requirement.

We also note that the lack of decision-making capacity, which may result in a financial management or guardianship order, may be considered to be different in nature to other activities that might result in serious offences, acts of bankruptcy and disciplinary proceedings. Consideration might be given in drafting to separate any requirement in regard to a financial management or guardianship order from the activities currently referred to in section 51 of the Uniform Law.

I trust this feedback is useful for the review. Once again thank you for including NSWTG in your consultation process on the proposed amendments.

Yours sincerely

Adam Dent
Chief Executive Officer