

NSW Bar Association
Instrument of Delegation

This instrument takes effect on 1 December 2025.

In this instrument:

- (i) Terms used in the *Legal Profession Uniform Law* (NSW) (***Uniform Law***) or in the *Legal Profession Uniform Law Application Act 2014* (NSW) (***Application Act***) have the same meanings in this instrument as they have in those laws.
- (ii) “**Commissioner’s functions**” means the functions delegated to the Bar Council under the *Uniform Law* by the NSW Legal Services Commissioner by Instrument of Delegation dated 6 March 2024, subject to the direction issued by the Commissioner in that instrument.

Pursuant to section 30 of the *Application Act* and section 406 of the *Uniform Law*, the Bar Council hereby delegates to the committees, officers and employees identified in Column C, and any member of the staff of the Bar Association acting in those roles from time to time, the functions, including the Commissioner’s functions, in Columns A and B, subject to the restrictions in Column D:

Legal Profession Uniform Law Application Act 2014 (NSW)

A Legislative provision	B Short description	C Delegate	D Restriction
Part 4 – Practising certificates and registration certificates			
Section 37(3)	Rejection of applications for renewal made outside the specified time periods	Executive Director Director Professional Conduct Certification & Regulatory Lawyer	Nil
Section 38(3)	Waiver or postponement of payment of all or part of practising certificate fee	Treasurer, in consultation with Executive Director	Nil
Section 42(4)	Waiver or postponement of payment of all or part of registration certificate fee	Treasurer, in consultation with Executive Director	Nil
Section 42(5)	Requirement to pay costs and expenses incurred by Council in considering registration certificate application	Executive Director	Must consider whether to consult Treasurer.
Part 12 – Registers and publicising disciplinary action			
Sections 149(6), 150(5)	Form of Registers	Executive Director	Nil
Section 149(7)	Publication of names on the register of local practising certificates	Executive Director	Nil
Section 151(4)	Register of disqualification orders and approvals	Executive Director	Nil
Section 153	Other means of publicising disciplinary action	Bar Council Executive	Nil
Part 13 Miscellaneous			
Section 158	Information sharing	Executive Director Director Professional Conduct	Nil

Legal Profession Uniform Law (NSW)

A Legislative provision	B Short description	C Delegate	D Restriction
Part 2.1 Unqualified legal practice			
Section 14(a)	Take any steps necessary or proper for or with respect to the investigation of any conduct by an entity that is, or may be, a contravention of this Part	Professional Conduct Committee Director Professional Conduct Lawyer Professional Conduct	Nil
Part 3.3 Australian legal practitioners			
Sections 44(1), 45(1)	Grant or renewal of an Australian practising certificate	Executive Director Director Professional Conduct	May only grant or renew a practising certificate where no disclosures have been made or where a matter has been disclosed in the application pursuant to Rule 13(1) of the <i>Legal Profession Uniform General Rules 2015</i> and that matter: (a) Has been previously disclosed upon admission to the profession and/or to another regulatory body with the responsibility for issuing practising certificates and has not resulted in conditions being attached to the applicant's practising certificate; and/or (b) Does not meet the definition of an Automatic Show Cause Event or Designated Show Cause event in Part 3.5 of the

A Legislative provision	B Short description	C Delegate	D Restriction
	<p>Refusal to renew practising certificate</p> <p>Refusal to grant practising certificate</p>	<p>Certification & Regulatory Lawyer</p> <p>Executive Director</p> <p>Executive Director</p>	<p><i>Legal Profession Uniform Law (NSW).</i></p> <p>May only grant or renew a practising certificate where no disclosures have been made or a disclosure has been determined by the Bar Council or its delegate.</p> <p>Where the applicant has not obtained professional indemnity insurance on or before 30 June in the relevant renewal period.</p> <p>Where the applicant has not successfully completed the Bar Exam.</p>
Section 46	Rejection of notification of principal place of practice	Executive Director Director Professional Conduct Certification & Regulatory Lawyer	If the rejection is proposed to form the basis of a refusal to grant or renew a practising certificate, the determination as to whether to reject the notification must be made by the Bar Council.
Section 47(1)(b)	Determine to impose condition that the holder of a practising certificate is authorised to engage in legal practice as or in the matter of barrister only	Executive Director Director Professional Conduct Certification & Regulatory Lawyer	Subject to delegation under s 44(1) & 45(1).
Section 47(2)	Determine to impose conditions that the holder of a practising	Executive Director Director Professional Conduct	Subject to delegation under s 44(1) & 45(1).

A Legislative provision	B Short description	C Delegate	D Restriction
	certificate is authorised or not authorised to receive trust money	Certification & Regulatory Lawyer	Standard condition approved by the Bar Council only to be imposed.
Section 50(2)	Impose discretionary condition limiting practice rights of a barrister until statutory condition in section 50(1) is complied with	Executive Director Director Professional Conduct Certification & Regulatory Lawyer	Subject to delegation under s 44(1) & 45(1). Standard reading conditions approved by the Bar Council only to be imposed.
Section 50(4)	Exemption from statutory condition	Executive Director	Only in relation to an applicant for a practising certificate who has previously held a barristers' practising certificate and in consultation with members of the Bar Council Executive and the Education Committee, as the Executive Director believes appropriate.
Section 53	Impose discretionary condition that the holder is not authorised to engage in legal practice as a volunteer at a community legal service or otherwise on a pro bono basis	Executive Director Director Professional Conduct Certification and Regulatory Lawyer	Only in respect of government lawyers and subject to delegation under s 44(1) & 45(1). Standard condition approved by the Bar Council only to be imposed.
Section 53	Impose discretionary condition that the holder is not authorised to supervise legal practice by others	Executive Director Director Professional Conduct Certification and Regulatory Lawyer	Subject to delegation under s 44(1) & 45(1). Standard reading conditions approved by the Bar Council only to be imposed.
Section 55	Alteration or substitution of varied certificate	Executive Director Director Professional Conduct Certification & Regulatory Lawyer	Only to reflect a variation to the certificate made by the Bar Council, its delegate or the designated tribunal.

A Legislative provision	B Short description	C Delegate	D Restriction
			disclosure has been determined by the Bar Council or its delegate.
Section 63	Rejection of notification of principal place of practice	Executive Director Director Professional Conduct Certification & Regulatory Lawyer	If the rejection forms the basis of a refusal to grant or renew a practising certificate, the determination as to whether to reject the notification must be made by the Bar Council.
Part 3.5 Variation, suspension and cancellation of, and refusal to renew, certificates			
Section 74(1)	Variation for formal or clerical reason or in another way that does not adversely affect the holder's interests	Executive Director Director Professional Conduct	Nil
Section 74(2)	Variation, suspension or cancellation at the request of, or with the concurrence of, the holder	Executive Director Director Professional Conduct Certification & Regulatory Lawyer	Nil
Section 75	Variation, suspension or cancellation at direction of tribunal	Executive Director Director Professional Conduct Certification & Regulatory Lawyer	Nil
Section 77	Immediate variation or suspension before or during consideration of proposed action	Bar Council Executive	The full Bar Council must be informed of the immediate variation or suspension of the holder's certificate at its next meeting. Any representations made by the certificate holder under section 77(3) must be considered by the full Bar Council.

A Legislative provision	B Short description	C Delegate	D Restriction
Section 78(1)	Lifting of suspension	Bar Council Executive	Only where the Bar Council Executive has imposed the suspension under section 77 as the Bar Council's delegate.
Section 88(4)	Acceptance of a statement about an automatic show cause event received out of time	Professional Conduct Committee	Nil
Section 89(4)	Investigation into an automatic show cause event	Professional Conduct Committee	Nil
Section 91(3)	Acceptance of a statement about a designated show cause event received out of time	Professional Conduct Committee	Nil
Section 92(5)	Investigation into a designated show cause event	Professional Conduct Committee	Nil
Sections 95(1)(a), 95(1) (b)	Require applicant or holder to give specified documents or information (s 95(1)(a))	Executive Director Director Professional Conduct	Does not apply to medical records. Must consider whether to consult with member of Executive.
	Require applicant or holder to produce medical records (s 95(1)(a)) and/or be medically examined (s 95(1)(b))	Bar Council Executive	Nil
Section 95(1)(c)	Require applicant to provide a report from a Commissioner of Police	Executive Director Director Professional Conduct	Must consider whether he or she should consult with member of Executive.

A Legislative provision	B Short description	C Delegate	D Restriction
Section 95(1)(d)	Require applicant or holder to cooperate with any inquiries considered appropriate	Bar Council Executive	Nil
Part 3.6- Appeal or review about certificates			
Section 100(5)	Making submissions regarding the imposition of conditions on an Australian practising certificate	Bar Council Executive	Nil
Section 101(5)	Making submissions regarding the imposition of conditions on an Australian registration certificate	Bar Council Executive	Nil
Part 4.4 Professional Indemnity Insurance			
Section 215(6)	Exemption from requirement to hold professional indemnity insurance	Executive Director Director Professional Conduct	Only on the ground that the Australian legal practitioner is a member of the NSW Parliament, the Commonwealth Parliament or is another elected official and on condition that the Australian legal practitioner has given any undertaking required by the Bar Council.
Part 5.2 Complaints			
Section 272(1)	Waive time requirement for making of complaint	Professional Conduct Committee	Nil
Section 273(2)(a)	Initiate or continue to investigate disciplinary matters after withdrawal by complainant	Professional Conduct Committee	Nil
Section 276	Conduct of preliminary assessment	Professional Conduct Committee Executive Director Director Professional Conduct Lawyer Professional Conduct	Nil

A Legislative provision	B Short description	C Delegate	D Restriction
Section 277(1)(j)	Closure of complaint after preliminary assessment	Executive Director Director Professional Conduct	Only in circumstances where the respondent has died.
Section 281	Exceptions to requirement for notification of complaint	Professional Conduct Committee	Executive to be informed.
Section 282(1)	Power to investigate complaints	Professional Conduct Committee Executive Director Director Professional Conduct Lawyer Professional Conduct	Nil
Section 283	Extending scope of investigation	Professional Conduct Committee	Nil
Section 284	Referral of matters for costs assessment	Bar Council Executive	
Section 286	Prerequisite to resolution action by local regulatory authority	Director Professional Conduct	Must consider whether to discuss the matter with Executive Director or PCC Chair.
Section 288	Mediation	Bar Council Executive	
Section 289	Settlement agreements	Executive Director	Nil
Part 9.4 - Cooperative and other arrangements			
Sections 438, 439(e), 440, 441	Disclosure/sharing of information	Executive Director Director Professional Conduct	Nil

Legal Profession Uniform General Rules 2015

A Legislative provision	B Short description	C Delegate	D Restriction
Part 3.3 Australian legal practitioners			
Rule 12(3)	Seek further information under subrule (3)	Executive Director Director Professional Conduct	Nil
Rule 13(3)	Refusal to grant practising certificate if the applicant has not successfully completed the Bar exam	Executive Director	Nil
Part 3.4 Foreign lawyers			
Rule 20(3)	Require the applicant to provide evidence verifying accuracy of information under subrule (3)	Executive Director Director Professional Conduct	Nil
Rule 20(4)	Require the applicant to pay reasonable costs and expenses incurred in making enquiries	Executive Director	Must consider whether to consult Treasurer.
Part 4.4 Professional indemnity insurance			
Rule 81	Require submission of professional indemnity insurance policy for assessment	Executive Director	Nil

Legal Profession Uniform Continuing Professional Development (Barristers) Rules 2015

A Legislative provision	B Short description	C Delegate	D Restriction
Rule 13	Exemption from CPD activities	Executive Director Director Professional Conduct Director Professional Development	Nil Only in circumstances where there is a partial exemption sought for a minor shortfall or non-compliance.
Rule 15	Requirement to verify compliance with Rules	Executive Director Director Professional Development	Nil
Rule 16	Requirement to submit rectification plan	Executive Director	Nil

Legal Profession Uniform Law Application Regulation 2025

A Legislative provision	B Short description	C Delegate	D Restriction
Part 2 Local practising certificates			
Clause 6	Late fees and additional fees		
Part 7 Registers			
Clauses 60(1)(c), 60(3)	Determining whether certain particulars should be included in register of local practising certificates	Executive Director	The Executive Director is to consider whether the matter should be discussed with a member of the Bar Council Executive or referred to the Bar Council for consideration.