

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT (SENIOR COUNSEL) RULES

As in force at 29 March 2017

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 29 March 2017

SUPREME COURT (SENIOR COUNSEL) RULES

Rules under the *Supreme Court Act*

1 Citation

These Rules may be cited as the *Supreme Court (Senior Counsel) Rules*.

2 Purpose

These Rules state the principles on which the Chief Justice will exercise the power to appoint Senior Counsel under section 21 of the *Legal Profession Act*.

3 General principles governing the exercise of statutory powers

- (1) The Chief Justice will not appoint Queen's Counsel.
- (2) Except in exceptional cases, appointment as a Senior Counsel will be confined to practising advocates.

4 Attributes required for appointment as Senior Counsel

The following attributes are required for appointment as a Senior Counsel:

- (a) exemplary knowledge and understanding of the law;
- (b) a high level of skill as an advocate;
- (c) integrity and trustworthiness;
- (d) commitment to the best traditions of the bar and to the administration of justice;
- (e) maturity of judgment acquired from substantial experience in legal practice.

5 Application for appointment

- (1) A legal practitioner may apply to the Chief Justice to be considered for appointment as Senior Counsel.
- (2) The application must be made in writing no later than 31 August.
- (3) The application must:
 - (a) provide evidence the applicant has the attributes required for appointment; and
 - (b) include any undertaking required by the Chief Justice.
- (4) Immediately after the closing date for applications, the Chief Justice must provide a list of the names of all the applicants to the following:
 - (a) the Attorney-General;
 - (b) the President of the Law Society;
 - (c) the President of the Northern Territory Bar Association.
- (5) A person to whom the list is given under subrule (4) may make it available for inspection by anyone else.

6 Consultation

- (1) For the purposes of section 21(2)(b)(iii) of the *Legal Profession Act*:
 - (a) the President of the Law Society must, in each year, nominate to the Chief Justice at least one solicitor to represent the Society; and
 - (b) the President of the Northern Territory Bar Association Incorporated must, in each year, nominate to the Chief Justice at least one barrister to represent the Association.
- (2) The nominations must be made in writing no later than 31 July.
- (3) The consultation required under section 21(2)(b) of the *Legal Profession Act* is to be conducted as the Chief Justice considers appropriate.
- (4) The Chief Justice may (but is not obliged to) refer adverse comments made about an applicant to the applicant for a response.
- (5) If the Chief Justice refers an adverse comment to the applicant, the Chief Justice is not obliged to disclose the source of the comment.

7 Notification of decision

- (1) The Chief Justice must notify an applicant of the Chief Justice's decision regarding the applicant's application.
- (2) The Chief Justice is not obliged to give reasons for the decision.

ENDNOTES

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KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

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LIST OF LEGISLATION

Supreme Court (Senior Counsel) Rules 2007 (SL No. 43, 2007)

Notified	16 January 2008
Commenced	16 January 2008

Supreme Court (Senior Counsel) Amendment Rules 2007 (SL No. 5, 2017)

Notified	29 March 2017
Commenced	29 March 2017

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LIST OF AMENDMENTS

r 5 amd No. 5, 2017, r 3