

NORTHERN TERRITORY OF AUSTRALIA

LEGAL PRACTIONERS REGULATIONS

As in force at 10 April 2002

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As in force at 10 April 2002

LEGAL PRACTITIONERS REGULATIONS

Regulations under the *Legal Practitioners Act*

1 Citation

These Regulations may be cited as the *Legal Practitioners Regulations*.

1A Admission fees

For the purposes of section 14A(1) of the Act, all applicants for admission are in one class and the admission fee in respect of that class is \$100.

2 Section 20(3) prescribed fee

For the purposes of section 20(3) of the *Legal Practitioners Act* the prescribed fee is \$500.

2A Functions of holder of restricted practising certificate class 3 under section 22(3B)

- (1) Subject to subregulation (2), a legal practitioner who holds, or is to be deemed to hold, a restricted practising certificate class 3 may perform all the functions of a legal practitioner on behalf of:
 - (a) his employer; and
 - (b) where his employer is a corporation within the meaning of the Corporations Act 2001, any other such corporation as is described in subregulation (3).
- (2) A legal practitioner who holds, or is to be deemed to hold, a restricted practising certificate class 3 shall not:
 - (a) receive or hold trust moneys; or
 - (b) perform legal work for a person who is an employee, director or office-bearer of the practitioner's employer, or of a corporation described in subregulation (3), unless the work relates directly to the functions performed by that person in the

business of the employer or that corporation.

- (3) The corporations referred to in subregulation (1)(b) are:
- (a) any corporation which is related within the meaning of section 7(5) of the Corporations Act 2001 to the employer;
 - (b) any corporation:
 - (i) for which the employer has agreed to provide legal services or general management services; and
 - (ii) of which the employer, or a corporation related as mentioned in paragraph (a) to the employer, is a shareholder; and
 - (c) any corporation which is involved in a joint venture with the employer, or with a corporation within paragraph (a) or (b), where the employer has agreed to provide legal services or general management services for that joint venture.

2B Employment counting towards unrestricted practising certificate

The following departments, bodies and organizations are prescribed for the purposes of section 25(1)(c) of the Act:

The Attorney-General's Department of the Commonwealth of Australia

The Northern Land Council

The Central Australian Aboriginal Legal Aid Service Inc.

The Central Land Council

The Katherine Regional Aboriginal Legal Aid Service Inc.

The Law Society Northern Territory

The Northern Australian Aboriginal Legal Aid Service Inc.

The Northern Territory Attorney-General's Department

The Northern Territory Legal Aid Commission

The Office of the Director of Public Prosecutions

The Parliamentary Counsel's Office of the Department of the Chief Minister.

The Pitjantjatjara Council Inc.

3 Practising certificate fees

For the purposes of section 32(1) of the Act, the prescribed amount is:

- (a) for an unrestricted practising certificate where the applicant is not a visiting counsel, \$1,000;
- (b) for an unrestricted practising certificate where the applicant is a visiting counsel, \$1,000; and
- (c) for a restricted practising certificate, \$800.

4 Notice by interstate legal practitioner of commencing to practise

For the purposes of section 134J(1) of the Act, an interstate legal practitioner must lodge a written notice within 10 working days after commencing to practise in the Territory.

5 Legal assistance rules

- (1) The provisions of this regulation are the legal assistance rules for the purposes of section 51(8A) of the Act.
- (2) The Complaints Committee may only direct a legal practitioner in accordance with section 51(8)(b) of the Act if:
 - (a) the person is unable to pay the costs of a legal practitioner in the matter; and
 - (b) there are compelling reasons why the person should be assisted by a legal practitioner.
- (3) For the purposes of subregulation (2)(b), compelling reasons include, but are not limited to, the following:
 - (a) the person would be severely disadvantaged because of the person's limited English skills, intellectual capacity or education or because of some other reason that is accepted by the Complaints Committee;
 - (b) the complaint raises issues that are of general application, in the public interest or particularly complex.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Legal Practitioners Regulations (SL No. 26, 1980)

Notified	11 July 1980
Commenced	11 July 1980

Amendments of the Legal Practitioners Regulations (SL No. 54, 1982)

Notified	30 September 1982
Commenced	1 October 1982 (r 1)

Amendments of the Legal Practitioners Regulations (SL No. 55, 1984)

Notified	19 September 1984
Commenced	19 September 1984

Amendment of the Legal Practitioners Regulations (SL No. 35, 1986)

Notified	17 September 1986
Commenced	17 September 1986

Amendment of the Legal Practitioners Regulations (SL No. 38, 1987)

Notified	30 September 1987
Commenced	1 October 1987 (r 1)

Amendment of the Legal Practitioners Regulations (SL No. 40, 1988)

Notified	30 September 1988
Commenced	30 September 1988

Amendments of the Legal Practitioners Regulations (SL No. 31, 1989)

Notified	8 November 1989
Commenced	8 November 1989

Director of Public Prosecutions (Consequential Amendments) Act 1990 (Act No. 29, 1990)

Assent date	11 June 1990
Commenced	21 January 1991 (s 2, s 2 <i>Director of Public Prosecutions Act 1990</i> (Act No. 35, 1990) and Gaz G2, 16 January 1991, p 9)

Amendments of Legal Practitioners Regulations (SL No. 31, 1990)

Notified	30 August 1990
Commenced	1 September 1990 (r 1 and s 2 <i>Legal Practitioners Amendment Act (No. 2) 1990</i> (Act No. 43, 1990))

Amendment of Legal Practitioners Regulations (SL No. 41, 1990)

Notified	1 October 1990
Commenced	1 October 1990

Amendments of Legal Practitioners Regulations (SL No. 29, 1993)

Notified	8 September 1993
Commenced	1 October 1993 (r 1)

Amendment of Legal Practitioners Regulations (SL No. 33, 1993)

Notified	1 October 1993
Commenced	1 October 1993

Amendment of Legal Practitioners Regulations (SL No. 35, 1996)

Notified	10 July 1996
Commenced	10 July 1996

Amendment of Legal Practitioners Regulations (SL No. 36, 1998)

Notified	1 October 1998
Commenced	1 October 1998

Amendment of Legal Practitioners Regulations (SL No. 49, 2000)

Notified	1 October 2000
Commenced	1 October 2000 (r 1, s 2 <i>Legal Practitioners Amendment Act 2000</i> (Act No. 29, 2000) and Gaz G29, 26 July 2000, p 4)

Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 <i>Corporations Act 2001</i> (Cth Act No. 50, 2001) and Cth Gaz S285, 13 July 2001)

Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)

Assent date	11 December 2001
Commenced	11 December 2001

Amendment of Legal Practitioners Regulations (SL No. 4, 2002)

Notified	10 April 2002
Commenced	10 April 2002

3 LIST OF AMENDMENTS

r 1AA	ins No. 31, 1990, r 2 rep No. 33, 1993, r 2
r 1A	ins No. 54, 1982, r 2 amd No. 40, 1988, r 1

ENDNOTES

r 2	amd No. 31, 1989
r 2A	ins No. 38, 1987, r 2 amd Act No. 17, 2001, s 22
r 2B	ins No. 38, 1987, r 2 amd No. 40, 1988, r 2; Act No. 29, 1990, s 7; No. 35, 1996; No. 62, 2001, s 17
r 3	ins No. 54, 1982, r 2 amd No. 55 1984; No. 35, 1986; No. 40, 1988, r 3; No. 41, 1990; No. 29, 1993, r 2; No. 36, 1998
r 4	ins No. 49, 2000, r 2
r 5	ins No. 4, 2002
sch 1	ins No. 31, 1990, r 3 rep No. 33, 1993, r 2