

NORTHERN TERRITORY OF AUSTRALIA

LEGAL PRACTITIONERS REGULATIONS

As in force at 7 November 2002

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 7 November 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 Australian Government Solicitor

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 Solicitor for the Northern Territory

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, \$1 400;
- (b) for an unrestricted practising certificate where the applicant is a visiting counsel, \$1 400; and
- (c) for a restricted practising certificate, \$1 260.

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 |

Statute Law Revision Act 2002 (Act No. 18, 2002)

| | |
|-------------|-------------|
| Assent date | 7 June 2002 |
| Commenced | 7 June 2002 |

Amendment of Legal Practitioners Regulations (SL No. 35, 2002)

| | |
|-----------|----------------|
| Notified | 1 October 2002 |
| Commenced | 1 October 2002 |

Statute Law Revision Act (No. 2) 2002 (Act No. 59, 2002)

Assent date 7 November 2002
Commenced 7 November 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 |
| 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; No. 18, 2002, s 7; Act No. 59, 2002, s 3 |
| 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; No. 35, 2002, r 2 |
| 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 |