

NORTHERN TERRITORY OF AUSTRALIA
LEGAL PRACTITIONERS AMENDMENT ACT 2000

No. 29 of 2000

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NORTHERN TERRITORY OF AUSTRALIA

No. 29 of 2000

AN ACT

to amend the *Legal Practitioners Act*

[Assented to 27 June 2000]
[Second reading 18 May 2000]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Legal Practitioners Amendment Act 2000*.

2. Commencement

The provisions of this Act come into operation on the date, or respective dates, fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Legal Practitioners Act* is in this Act referred to as the Principal Act.

4. Interpretation

Section 6 of the Principal Act is amended—

- (a) by omitting "In" and substituting "(1) In";
- (b) by omitting "Chairman" (wherever occurring) from the definition of "Chairman" and substituting "Chairperson";
- (c) by inserting after the definition of "Complaints Committee" the following:

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" 'corresponding law' means a law of a State or another Territory of the Commonwealth declared under section 134C to be a corresponding law;"

(d) by omitting "he" from the definition of "Counsel" and substituting "he or she";

(e) by omitting "Chairman" (twice occurring) from the definition of "Deputy Chairman" and substituting "Chairperson";

(f) by inserting after the definition of "Deputy Chairman" the following:

" 'establish a practice in the Territory', in relation to an interstate legal practitioner, has the meaning in section 134E;"

(g) by inserting after the definition of "Full Court" the following:

" 'home state' means the participating State in which an interstate legal practitioner has been admitted to practise the profession of the law and has his or her sole or principal place of practice;

'interstate legal practitioner' means a natural person who –

- (a) has been admitted to practise the profession of the law in a participating State;
- (b) holds an interstate practising certificate issued by an interstate regulatory authority in the participating State; and
- (c) is not a local legal practitioner;

'interstate practising certificate' means a certificate or other form of authorisation issued by an interstate regulatory authority that entitles the holder to practise the profession of the law in the participating State in which it was issued, whether generally or subject to conditions, restrictions or limitations;

'interstate regulatory authority' means a person or body in a participating State that may exercise a power or perform a function that corresponds to a power or function that may be exercised or performed by a local regulatory authority under this Act;"

(h) by omitting "The" from the definition of "Law Society" and substituting "the";

(j) by omitting the definition of "legal practitioner" and substituting the following:

" 'legal practitioner' means –

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- (a) a person whose name is on the Roll of Legal Practitioners;
or
- (b) a person whose name is not on the Roll of Legal Practitioners but who has, in the Territory, deemed registration within the meaning of the *Mutual Recognition Act 1992* of the Commonwealth or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth;

'local Counsel' means a Counsel whose sole or principal place of practice is the Territory;

'local legal practitioner', means a legal practitioner who holds, or under section 30 is deemed to hold, a current practising certificate and whose principal place of practice is the Territory;

'local regulatory authority' means the Law Society, Complaints Committee, Fidelity Fund Committee, Master or Court;

'locally registered foreign lawyer' has the meaning in section 135A;"

- (k) by inserting after the definition of "Master" the following:

" 'participating State' means a State or another Territory of the Commonwealth in which a corresponding law is in force;"

- (m) by omitting the definition of "professional conduct rules" and substituting the following:

" 'professional conduct rules' means rules made by the Law Society under section 45A;"

- (n) by omitting "his own account subject to the conditions that he shall so" from the definition of "restricted practising certificate class 2" and substituting "his or her own account subject to the conditions that the holder is entitled to";

- (p) by omitting "his" from the definition of "unrestricted practising certificate" and substituting "his or her"; and

- (q) by adding at the end the following:

"(2) If, under a corresponding law, an interstate legal practitioner's entitlement to practise the profession of the law does not derive from the holding of an interstate practising certificate or other authorisation issued by an interstate regulatory authority –

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- (a) a reference in this Act to an interstate practising certificate is a reference to the interstate legal practitioner's entitlement to practise the profession of the law under the corresponding law; and
- (b) a reference in this Act to conditions, restrictions or limitations in respect of an interstate practising certificate is a reference to conditions, restrictions or limitations in respect of that entitlement.

"(3) Unless the contrary intention appears, a reference in this Act to a person whose name is on the Roll of Legal Practitioners includes a reference to a person who has, in the Territory, deemed registration within the meaning of the *Mutual Recognition Act 1992* of the Commonwealth or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth."

5. Incorporation of Law Society

Section 7 of the Principal Act is amended—

- (a) by omitting from subsection (1) "The Law Society of the" (second occurring) and substituting "Law Society";
- (b) by omitting from subsection (9) "his name is on the Roll of Legal Practitioners" and substituting "his or her name is on the Roll of Legal Practitioners or he or she is an interstate legal practitioner";
- (c) by omitting from subsection (10) "certificate" and substituting "certificate or interstate practising certificate"; and
- (d) by omitting from subsection (11) "he holds a practising certificate" and substituting "he or she holds a practising certificate or an interstate practising certificate".

6. Rules of admission

Section 11 of the Principal Act is amended—

- (a) by inserting after subsection (1) the following:

"(1A) The Judges referred to in subsection (1) may make rules, not inconsistent with this Act or the *Mutual Recognition Act 1992* of the Commonwealth, in relation to—

- (a) the procedure to be followed in respect of applications for registration under the *Mutual Recognition Act 1992* of the Commonwealth in so far as the applications relate to the admission of persons to practise the profession of the law in the Territory; and
- (b) all matters and things incidental or relating to such applications or such registration.

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"(1B) The Judges referred to in subsection (1) may make rules, not inconsistent with this Act or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth, in relation to –

- (a) the procedure to be followed in respect of applications for registration under the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth in so far as the applications relate to the admission of persons to practise the profession of the law in the Territory; and
 - (b) all matters and things incidental or relating to such applications or such registration."; and
- (b) by omitting from subsection (2) "subsection (1)" and substituting "this section".

7. Repeal and substitution

Section 12 of the Principal Act is repealed and the following substituted:

"12. Mutual recognition local registration authority

"For the purposes of –

- (a) the *Mutual Recognition Act 1992* of the Commonwealth; or
- (b) the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth,

the Admission Board is the local registration authority in respect of an application for registration under that Act in so far as the application relates to the admission of a person to practise the profession of the law in the Territory."

8. New section

The Principal Act is amended by inserting before section 19 the following:

"18. Status after admission

"A person whose name is on the Roll of Legal Practitioners is an officer of the Court and is subject to the inherent jurisdiction of the Court as such."

9. Her Majesty's Counsel

Section 20 of the Principal Act is amended –

- (a) by omitting from subsection (2) "he would have had if he" and substituting "the person would have had if he or she";
- (b) by omitting subsection (3) and substituting the following:

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"(3) A person appointed as one of Her Majesty's Counsel must pay to the Territory the prescribed fee (if any) in respect of the appointment."; and

(c) by adding at the end the following:

"(4) In this section, 'legal practitioner' includes an interstate legal practitioner."

10. Precedence of legal practitioners

Section 21 of the Principal Act is amended—

(a) by omitting from subsection (1) "Commonwealth or for the Territory," and substituting "Commonwealth, the Territory or New Zealand";

(b) by omitting from subsection (1)(b) "Commonwealth or for the Territory" and substituting "Commonwealth, the Territory or New Zealand";

(c) by omitting subsection (2) and substituting the following:

"(2) If, on the date of a person's appointment as one of Her Majesty's Counsel for the Territory, he or she is one of Her Majesty's Counsel for a State, another Territory or New Zealand, the date on which the person was first appointed as one of Her Majesty's Counsel for that State, other Territory or New Zealand is, for the purposes of this section, to be deemed to be the date on which the person was appointed as one of her Majesty's Counsel for the Territory.";

(d) by omitting from subsection (3) "State or another Territory" and substituting "State, another Territory or New Zealand";

(e) by omitting from subsections (4) and (5) "Australia" and substituting "Australia or New Zealand (as the case may be)"; and

(f) by adding at the end the following:

"(6) In this section, 'legal practitioners' includes interstate legal practitioners."

11. Certain practitioners to hold practising certificates

Section 22 of the Principal Act is amended—

(a) by omitting from subsection (1) "his" and "he" and substituting "his or her" and "he or she" respectively;

(b) by omitting from subsection (2) "he" and substituting "he or she";

(c) by omitting from subsection (3) "legal practitioner who is practising as a legal practitioner" and substituting "person who is practising as a legal

practitioner or is an interstate legal practitioner who has established a practice in the Territory";

- (d) by omitting from subsections (3A) and (3B) "he" (wherever occurring) and substituting "he or she"; and
- (e) by omitting from subsection (4) "him" and "he" and substituting "him or her" and "he or she" respectively.

12. Limitations on issue of unrestricted practising certificates

Section 25 of the Principal Act is amended –

- (a) by omitting from subsection (1) "his" and "he" and substituting "his or her" and "he or she" respectively;
- (b) by omitting from subsection (1)(a) and (b) "Territory" and substituting "Territory, or in New Zealand,";
- (c) by omitting from subsection (1)(c) "Commonwealth" and substituting "Commonwealth and a department of the Government of New Zealand)";
- (d) by omitting from subsection (1)(e) "Territory as a legal practitioner either on his" and substituting "Territory, or in New Zealand, as a legal practitioner either on his or her";
- (e) by omitting from subsection (2)(a) "his" and substituting "his or her";
- (f) by omitting from subsection (2)(a)(i) and (ii) "Territory" and substituting "Territory, or in New Zealand,";
- (g) by omitting from subsection (2) (b) "he" and "him" and substituting "he or she" and "him or her" respectively; and
- (h) by omitting from subsection (3) "state or Territory" and "him" and substituting "State or Territory, or in New Zealand," and "him or her" respectively.

13. Repeal and substitution

Section 26 of the Principal Act is repealed and the following substituted:

"26. Knowledge of accounts and legal ethics required before certificate issued

"The Law Society must not issue a practising certificate to a legal practitioner, other than a person referred to in section 25(3), unless the legal practitioner has satisfied the Law Society (by passing examinations or otherwise) that he or she has an adequate knowledge of accounts and legal ethics."

14. Repeal

Section 33 of the Principal Act is repealed.

15. Repeal and substitution

Section 35AA of the Principal Act is repealed and the following substituted:

"35AA. Mutual recognition local registration authority

For the purposes of—

- (a) the *Mutual Recognition Act 1992* of the Commonwealth; or
- (b) the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth,

the Law Society is the local registration authority in respect of an application for registration under that Act in so far as the application relates to an application for the issue of a practising certificate in the Territory."

16. Interpretation

Section 35A of the Principal Act is amended—

- (a) by omitting "his" from paragraph (a) of the definition of "professional indemnity insurance" in subsection (1) and substituting "his or her";
- (b) by omitting "he" from paragraphs (b), (c) and (d) of the definition of "professional indemnity insurance" in subsection (1) and substituting "he or she"; and
- (c) by inserting after subsection (1) the following:

"(1A) In this Part, unless the contrary intention appears, 'legal practitioner' includes an interstate legal practitioner."

17. Heading to Division 1 of Part VI

The heading to Division 1 of Part VI of the Principal Act is amended by omitting "*Definition*" and substituting "*Preliminary*".

18. New sections

The Principal Act is amended by inserting before section 45 in Division 1 of Part VI the following:

"43. Definitions

"In this Part, unless the contrary intention appears –

'legal practitioner' includes an interstate legal practitioner and a locally registered foreign lawyer;

'current practising certificate' includes a current interstate practising certificate.

"44. General principles of professional conduct

"(1) The following general principles apply to the professional conduct of a legal practitioner in the course of practising the profession of the law:

- (a) in acting for a client, a legal practitioner –
 - (i) must act honestly and fairly in the best interests of the client;
 - (ii) must not engage in or assist conduct that is calculated to defeat the ends of justice or is otherwise in breach of the law;
 - (iii) must act with skill and diligence and as promptly as is practicable in the circumstances;
 - (iv) must report regularly to the client on the progress of the matter in respect of which the legal practitioner is acting; and
 - (v) must maintain the client's confidences;
- (b) a legal practitioner must avoid conflicts of interest –
 - (i) between the legal practitioner, or the employer of the legal practitioner, and a client; or
 - (ii) between 2 or more clients;
- (c) a legal practitioner must –
 - (i) observe all undertakings given in the course of his or her practise;
 - (ii) act with honesty and candour in all dealings with courts and tribunals and otherwise discharge all duties owed to courts and tribunals;

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- (iii) act with honesty, fairness and courtesy in all dealings with other legal practitioners in a manner conducive to advancing the public interest; and
 - (iv) conduct dealings with members of the community and the affairs of clients that affect the interests of others with honesty, fairness and courtesy and in a manner conducive to advancing the public interest;
- (d) a legal practitioner must not charge excessive legal costs.

"(2) A legal practitioner who contravenes or fails to comply with a general principle of professional conduct in subsection (1) is not to be taken to have committed an offence against that subsection."

19. Meaning of professional misconduct

Section 45 of the Principal Act is amended –

- (a) by omitting subsection (2)(a) and substituting the following:
 - "(a) a legal practitioner's contravention of, or failure to comply with –
 - (i) this Act or any regulations under this Act; or
 - (ii) the general principles of professional conduct specified in section 44(1) or the professional conduct rules,if the contravention or failure was wilful or reckless;"
- (b) by omitting from subsection(2)(b) "his" and substituting "his or her";
- (c) by omitting from subsection(2)(c) "him" and "his" and substituting "him or her" and "his or her" respectively;
- (d) by omitting from subsection(2)(d) "his" and substituting "his or her"; and
- (e) by omitting from subsection(2)(d)(ii) "he" and "himself" and substituting "he or she" and "himself or herself" respectively.

20. New section

The Principal Act is amended by inserting after section 45 in Division 1 of Part VI the following:

"45A. Professional conduct rules

"(1) The Law Society may make rules relating to the professional conduct of legal practitioners –

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- (a) that are consistent with the general principles specified in section 44(1); and
- (b) that include any other matter, not inconsistent with this or any other Act or any regulations, that the Law Society thinks fit.

"(2) Before making professional conduct rules, the Law Society must –

- (a) arrange for consultation with, and invite submissions from –
 - (i) the Chief Justice and the President of the Northern Territory Bar Association;
 - (ii) persons who, in the opinion of the Law Society, would have an interest in the rules; and
 - (iii) persons prescribed by regulations made for the purposes of this section; and
- (b) give notice in a newspaper circulating in the Territory that professional conduct rules are to be made and members of the public are invited to make written submissions to the Law Society with respect to the rules.

"(3) The professional conduct rules may incorporate or adopt by reference (with any necessary changes) rules, provisions, a code or other document relating to the professional conduct of legal practitioners.

"(4) Section 63 of the *Interpretation Act* applies in relation to professional conduct rules made under this section.

"(5) Despite section 63(11) of the *Interpretation Act*, but without derogating from the power of the Legislative Assembly under section 63(9) of that Act, the Attorney-General may, by notice in the *Gazette*, disallow a professional conduct rule within 12 months after the rule is made.

"(6) If a professional conduct rule disallowed by the Attorney-General amended or repealed a professional conduct rule in force immediately before the disallowed rule came into effect, the disallowance revives the amended or repealed rule from the date of the disallowance as if the disallowed rule had not been made.

"(7) This section applies in relation to an amendment of the professional conduct rules as if a reference in this section to the professional conduct rules were a reference to an amendment of those rules.

"(8) To avoid doubt, nothing in this section affects the power that the Law Society or other professional body may otherwise have to make rules or

issue directions or guidelines relating to the professional conduct of legal practitioners."

21. Repeal and substitution

Section 52A of the Principal Act is repealed and the following substituted:

"52A. Person not to practise while disqualified etc.

"A person must not –

- (a) practise the profession of the law while the person's right to do so is suspended under section 50(4)(a)(iii) or 52(2)(b) or (7);
- (b) contravene or fail to comply with an order made in respect of the person under section 50(4)(a)(iv) or 52(2)(c); or
- (c) practise the profession of the law while an order that the person's name be struck off the Roll of Legal Practitioners, made under section 52(2)(d), is in force.

Penalty: 500 penalty units or imprisonment for 12 months."

22. Definitions

Section 53 of the Principal Act is amended by inserting after the definition of "bank" the following:

" 'legal practitioner' means –

- (a) a local legal practitioner who holds an unrestricted practising certificate, other than –
 - (i) a Counsel;
 - (ii) the Solicitor-General of the Northern Territory;
 - (iii) the Director of Public Prosecutions;
 - (iv) the Director of Legal Aid; or
 - (v) a person acting in the name of the Solicitor for the Northern Territory;
- (b) an interstate legal practitioner who has established a practice in the Territory and who holds a current interstate practising certificate that corresponds to an unrestricted practising certificate, other than an interstate legal practitioner who is entitled to practise only as a barrister and independently of another legal practitioner; or

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- (c) a locally registered foreign lawyer who receives money on behalf of another person in the course of practising as a foreign lawyer in the Territory."

23. Incorporation of Trust Committee

Section 79A of the Principal Act is amended –

- (a) by omitting from subsection (4) "the Council of";
- (b) by omitting subsection (6) and substituting the following:

"(6) A person is not eligible for appointment as a member of the Trust Committee unless –

- (a) not less than 5 years have elapsed since the person was first admitted to practise as a legal practitioner (however described) in a State or Territory, or in New Zealand; and
 - (b) the person holds a current unrestricted practising certificate or a current interstate practising certificate that corresponds to an unrestricted practising certificate."; and
- (c) by omitting from subsection (7) "Chairman" and substituting "Chairperson".

24. Interpretation

Section 85 of the Principal Act is amended –

- (a) by inserting at the beginning the following:

"(1) In this Part, unless the contrary intention appears –

'legal practitioner' means –

- (a) a local legal practitioner who holds an unrestricted practising certificate, other than –
 - (i) a Counsel;
 - (ii) the Solicitor-General of the Northern Territory;
 - (iii) the Director of Public Prosecutions;
 - (iv) the Director of Legal Aid; or
 - (v) a person acting in the name of the Solicitor for the Northern Territory;

- (b) an interstate legal practitioner who has established a practice in the Territory and who holds a current interstate practising certificate that corresponds to an unrestricted practising certificate, other than an interstate legal practitioner who is entitled to practise only as a barrister and independently of another legal practitioner; or
- (c) a locally registered foreign lawyer;

'practising certificate' includes an interstate practising certificate."; and

- (b) by omitting "In" and substituting "(2) In".

25. Repeal and substitution

Section 90 of the Principal Act is repealed and the following substituted:

"90. Committee may determine classes of practitioners

"For the purposes of this Part, the Fidelity Fund Committee may from time to time determine different classes of legal practitioners according to one or more of the following factors:

- (a) the type of practising certificate held by a member of the class;
- (b) the date on which a member of the class applied for a practising certificate, notified the Law Society of the establishment of, or the intention to establish, a practice in the Territory or lodged a notice seeking registration as a locally registered foreign lawyer (as applicable);
- (c) the number and type of practising certificates previously held by a member of the class;
- (d) whether a member of the class was, at any time in a specified period—
 - (i) a member of a firm of legal practitioners or a director of a practising company that maintained a trust account; or
 - (ii) an employee of a legal practitioner, a firm of legal practitioners or a practising company that maintained a trust account;
- (e) the amount of trust money received in a specified period by—
 - (i) a member of the class; or

- (ii) a legal practitioner, a firm of legal practitioners or a practising company of which a member of the class was an employee, a partner or a director, as the case may be;
- (f) whether the principal place of practice of a member of the class is in or outside the Territory;
- (g) the conditions, limitations or restrictions to which a member of the class is subject in respect of the member's legal practice.

"90A. Determination of annual contributions

"(1) On or before 30 August in each year the Fidelity Fund Committee must determine the amount (if any) of contribution that a legal practitioner, or a member of a class of legal practitioners determined under section 90, is required to pay to the Fidelity Fund in respect of the period of 12 months commencing on the next succeeding 1 October.

"(2) The amount of contribution determined under subsection (1) is not to exceed \$1,500.

"(3) In making a determination under subsection (1), the Fidelity Fund Committee must have regard to the advice of an actuary engaged by the Committee to advise it on the appropriate provision to be made for all ascertained or contingent liabilities of the Fidelity Fund, including any contingent liability in respect of defalcations that have occurred but are not yet the subject of an application under Division 2.

"(4) As soon as practicable after making a determination under subsection (1), the Committee must –

- (a) cause a notice of the determination to be published in the *Gazette*; and
- (b) give written notice of the determination to the Law Society.

"90B. Payment of contributions

"(1) A legal practitioner, or a member of a class of legal practitioners determined under section 90, must pay the required amount of contribution to the Fidelity Fund as determined under section 90A(1).

"(2) Subject to this section, a legal practitioner must pay the required amount of contribution to the Fidelity Fund on 30 September in each year.

"(3) A legal practitioner who applies under section 23 for the issue of a practising certificate after 1 October in any year and before the next succeeding 30 September must, in respect of that period, pay an amount of contribution to the Fidelity Fund as determined by the Committee.

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"(4) An interstate legal practitioner who, after 1 October in any year and before the next succeeding 30 September, gives notice of establishing or intending to establish a practice in the Territory must, in respect of the time during that period when the practice was established, pay an amount of contribution to the Fidelity Fund as determined by the Committee.

"(5) A locally registered foreign lawyer who is registered as such after 1 October in any year and before the next succeeding 30 September must, in respect of that period, pay an amount of contribution to the Fidelity Fund as determined by the Committee.

"(6) If—

- (a) classes of legal practitioners have been determined under section 90 and a legal practitioner is eligible to be a member of more than one class depending on the amount of trust money received by the legal practitioner or the firm or practising company of which the legal practitioner was an employee, a partner or director, as the case may be;
- (b) the amount of contribution to be paid by the members of each of those classes is different; and
- (c) the legal practitioner wishes to claim membership of one of those classes other than the class in which the members must pay the highest contribution,

the legal practitioner must give the Committee a statutory declaration stating the class of which the legal practitioner claims membership.

"(7) If a legal practitioner who is entitled to give the Committee a statutory declaration under subsection (6) does not do so at the time of paying a contribution—

- (a) the practitioner is to be taken to be a member of the class of which he or she is eligible to be a member and in which the members must pay the highest contribution; and
- (b) he or she must pay that contribution."

26. Compensation for pecuniary loss due to defalcation

Section 91 of the Principal Act is amended by adding at the end the following:

"(3) In this section, 'pecuniary loss' includes any of the following:

- (a) pecuniary loss that occurs wholly in the Territory arising out of a defalcation committed by a local legal practitioner or an interstate

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legal practitioner in the course of practising in the Territory or in a State or another Territory of the Commonwealth;

- (b) pecuniary loss that occurs in the Territory and in a participating State arising out of a defalcation committed by a local legal practitioner in the course of practising in the Territory or in a State or another Territory of the Commonwealth;
- (c) pecuniary loss that occurs in the Territory and in a participating State arising out of a defalcation committed by an interstate legal practitioner in the course of practising in the Territory;
- (d) pecuniary loss that occurs in the Territory or in a participating State (or in both) when it cannot be determined precisely where the loss occurred, arising out of a defalcation committed by a local legal practitioner in the course of practising in the Territory or in a State or another Territory of the Commonwealth;
- (e) pecuniary loss that occurs in the Territory or in a participating State (or in both) when it cannot be determined precisely where the loss occurred, arising out of a defalcation by an interstate legal practitioner in the course of practising in the Territory;
- (f) pecuniary loss arising out of a defalcation to which an agreement or an arrangement under section 134X relates;
- (g) pecuniary loss that occurs wholly in the Territory arising out of a defalcation committed by a locally registered foreign lawyer (whether or not in the Territory) in the course of practising in the Territory.

"(4) In subsection (3)–

'interstate legal practitioner' has the same meaning as in paragraph (b) of the definition of 'legal practitioner' in section 85(1);

'local legal practitioner' has the same meaning as in paragraph (a) of the definition of 'legal practitioner' in section 85(1)."

27. Repeal and substitution

Section 101 of the Principal Act is repealed and the following substituted:

"101. Imposition of levy to supplement Fidelity Fund

"(1) Subject to subsection (4), if at any time the Committee considers that the amount in the Fidelity Fund is likely to be insufficient to meet the Committee's liabilities in relation to the Fund, it may–

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- (a) impose a levy (not exceeding \$500) on each legal practitioner who is required by this Act to maintain a trust account in the Territory; and
- (b) determine the date on which the legal practitioner must pay the levy to the Fidelity Fund.

"(2) If classes of legal practitioners have been determined under section 90, the Committee may impose different levies (not exceeding \$500) on those classes.

"(3) As soon as practicable after imposing a levy, the Committee must give notice in the *Gazette* and give written notice to the Law Society of the amount of levy imposed and the date on which it is to be paid.

"(4) The Committee must not impose a levy if the Fidelity Fund is insufficient to satisfy the liabilities of the Committee due to money having been allocated under section 89A.

"101A. Payment of levy

"(1) A legal practitioner who is required by this Act to maintain a trust account in the Territory on the date determined under section 101(1)(b) must, on that date, pay the levy imposed on the practitioner under section 101.

"(2) A legal practitioner who has paid levies in the aggregate of \$1,500 during the whole period of his or her practice in the Territory is not required to pay a further levy.

"(3) If—

- (a) classes of legal practitioners have been determined under section 90 and a legal practitioner is eligible to be a member of more than one class depending on the amount of trust money received by the practitioner;
- (b) the amount of the levy to be paid by members of each of those classes is different; and
- (c) the legal practitioner wishes to claim membership of one of those classes other than the one in which the members must pay the highest levy,

the legal practitioner must give the Committee a statutory declaration stating the class of which the legal practitioner claims membership.

"(4) If a legal practitioner who is entitled to give the Committee a statutory declaration under subsection (3) does not do so at the time of paying a levy—

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- (a) the legal practitioner is to be taken to be a member of the class of which he or she is eligible to be a member and in which the members must pay the highest levy; and
- (b) he or she must pay that levy.

"(5) The Committee may, in a special case, allow a legal practitioner further time in which to pay a levy or part of a levy.

"(6) The amount of a levy that is not paid by a legal practitioner in accordance with this section is a debt due to the Committee by the legal practitioner."

28. Interpretation

Section 102 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) In this Part, unless the contrary intention appears –

'bank' and 'bank account' have the same meaning as in Part VII;

'legal practitioner' means –

- (a) a local legal practitioner who holds an unrestricted practising certificate, other than –
 - (i) a Counsel;
 - (ii) the Solicitor-General of the Northern Territory;
 - (iii) the Director of Public Prosecutions;
 - (iv) the Director of Legal Aid; or
 - (v) a person acting in the name of the Solicitor for the Northern Territory;
- (b) an interstate legal practitioner who has established a practice in the Territory and who holds a current interstate practising certificate that corresponds to an unrestricted practising certificate, other than an interstate legal practitioner who is entitled to practise only as a barrister and independently of another legal practitioner; or
- (c) a locally registered foreign lawyer. "

29. Repeal and substitution

Section 118A is repealed and the following substituted:

"118A. Definition

"In this Part, unless the contrary intention appears, 'legal practitioner' means—

- (a) a local legal practitioner who holds an unrestricted practising certificate, other than a Counsel;
- (b) an interstate legal practitioner, who has established a practice in the Territory and who holds a current interstate practising certificate that corresponds to an unrestricted practising certificate, other than an interstate legal practitioner who is entitled to practise only as a barrister and independently of another legal practitioner;
- (c) a locally registered foreign lawyer; or
- (d) an organisation referred to in section 22(5)."

30. New section

The Principal Act is amended by inserting before section 131 in Part XI the following:

"130A. Definition

"In this Part, 'legal practitioner' means a local legal practitioner or an interstate legal practitioner."

31. Repeal and substitution

Section 131 of the Principal Act is repealed and the following substituted:

"131. Unqualified persons not to hold themselves out to be qualified etc.

"Except in accordance with Part XII, a person other than a legal practitioner must not—

- (a) hold himself or herself out to be a legal practitioner;
- (b) hold himself or herself out to be qualified to perform any of the functions of a legal practitioner unless the person is permitted by or under a law of the Territory to perform the function for reward;
- (c) permit his or her name to be used so as to suggest that he or she is a legal practitioner; or
- (d) permit his or her name to be used so as to suggest that he or she is qualified to perform any of the functions of a legal practitioner unless the person is permitted by or under a law of the Territory to

perform the function for reward.

Penalty: 500 penalty units."

32. New Part

The Principal Act is amended by inserting after Part XI the following:

**"PART XIA – INTERSTATE LEGAL PRACTITIONERS AND
LOCAL LEGAL PRACTITIONERS**

"Division 1 – Preliminary

"134A. Objects

"The objects of this Part are –

- (a) to enable an interstate legal practitioner who holds a current interstate practising certificate to practise the profession of the law in the Territory without being admitted under Division 2 of Part III or holding a practising certificate under Part IV;
- (b) to recognise disciplinary action taken against a local legal practitioner by an interstate regulatory authority; and
- (c) to provide for agreements and arrangements to be made between local regulatory authorities and interstate regulatory authorities.

"134B. Definition

"In this Part, 'condition' includes restriction, limitation and prohibition.

"134C. Declaration of corresponding law

"The Attorney-General may, by notice in the *Gazette*, declare a law of a State or another Territory to be a corresponding law for the purposes of this Part.

"134D. Operation of Part

"Nothing in this Part affects the operation of the *Mutual Recognition Act 1992* of the Commonwealth or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.

"Division 2 – Interstate legal practitioners

"134E. When practice established in Territory

"(1) For the purposes of this Act, an interstate legal practitioner establishes a practice in the Territory when the practitioner first offers and provides legal services to the public in the Territory.

"(2) An interstate legal practitioner is not to be taken to establish a practice in the Territory if the practitioner provides legal services in the Territory –

- (a) to only one client; or
- (b) that are in connection with only one transaction or a series of associated transactions.

"134F. Interstate practising certificates

"(1) Section 22 applies, with the necessary changes, to an interstate legal practitioner –

- (a) as if a reference in that section to a legal practitioner were a reference to an interstate legal practitioner; and
- (b) as if a reference in that section to a practising certificate of a specified type or class were a reference to an interstate practising certificate of a corresponding type or class.

"(2) Sections 27, 29, 30 and 35 apply, with the necessary changes, in relation to the cancellation or suspension of an interstate practising certificate as if a reference in those sections to a practising certificate were a reference to an interstate practising certificate.

"134G. Entitlement to practise in Territory

"(1) Subject to this Act, an interstate legal practitioner is entitled to practise the profession of the law in the Territory in accordance with the terms of the practitioner's entitlement to practise the profession of the law in his or her home state.

"(2) An interstate legal practitioner who is entitled to practise in his or her home state only as a barrister and independently of another legal practitioner may practise in the Territory only in accordance with that entitlement.

Penalty: 50 penalty units.

"(3) Subject to this section, an interstate legal practitioner –

- (a) is entitled to practise in the Territory –
 - (i) as a barrister and solicitor;
 - (ii) as a barrister; or
 - (iii) as a solicitor; and
- (b) has the right of audience in any court in the Territory.

"134H. Status, obligations and conditions

"(1) An interstate legal practitioner who practises in the Territory is an officer of the Court and is subject to the inherent jurisdiction of the Court as if he or she were a local legal practitioner.

"(2) An interstate legal practitioner, when practising in the Territory –

- (a) must comply with this Act, any regulations made under this Act, and any other law in force in the Territory relating to legal practice;
- (b) must comply with the professional conduct rules; and
- (c) is subject to the conditions in respect of his or her practice imposed on him or her by a local regulatory authority or an interstate regulatory authority as a result of disciplinary action against him or her.

"(3) A local regulatory authority must not impose a condition on an interstate legal practitioner in respect of his or her practice in the Territory that is more onerous than would be imposed on a local legal practitioner in the same or similar circumstances.

"134J. Notification of commencing to practise in Territory

"(1) An interstate legal practitioner who commences to practise the profession of the law in the Territory must lodge a written notice with the Law Society within the time prescribed by regulations under this Act.

Penalty: 50 penalty units.

"(2) A notice lodged under this section must contain the following particulars:

- (a) the name and date of birth of the interstate legal practitioner;
- (b) the date of admission of the interstate legal practitioner in his or her home state;
- (c) the particulars of the interstate legal practitioner's current interstate practising certificate, the date on which the interstate practising certificate is due to expire and the date on which the interstate legal practitioner is required to renew the interstate practising certificate;
- (d) the name and address of the firm, practising company or body of which the interstate legal practitioner is a member, director or employee, as the case may be;

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- (e) if the interstate legal practitioner practises on his or her own account, the business names under which he or she practises;
- (f) any condition to which the interstate legal practitioner is subject in respect of his or her legal practice in his or her home state or elsewhere;
- (g) an address in the Territory for service of documents on the interstate legal practitioner;
- (h) whether the interstate legal practitioner has established, or intends to establish, a practice in the Territory;
- (j) the address of the office at which the interstate legal practitioner's practice has been, or is to be, established (if applicable);
- (k) the prescribed particulars (if any).

"(3) A notice lodged under this section is to be accompanied by –

- (a) a copy of the contract of professional indemnity insurance referred to in section 134L(4) or other evidence, satisfactory to the Law Society, that the interstate legal practitioner has professional indemnity insurance as required by or under this Act; and
- (b) if the interstate legal practitioner has established, or intends to establish, a practice in the Territory – the required contribution to be paid to the Fidelity Fund under section 90B (if any).

"(4) For the purposes of this section, an interstate legal practitioner commences to practise the profession of the law in the Territory when the practitioner –

- (a) establishes a practice within the meaning of section 134E(1); or
- (b) first provides legal services of a kind referred to in section 134E(2).

"134K. Notification of change in particulars

"(1) If an interstate legal practitioner states on the notice lodged under section 134J that he or she does not intend to establish a practice in the Territory and subsequently does so, the interstate legal practitioner must lodge a notice with the Law Society within 14 days of establishing a practice –

- (a) stating the address of the office at which the practice has been established; and
- (b) accompanied by the required contribution to the Fidelity Fund to be paid under section 90B.

"(2) An interstate legal practitioner who practises the profession of the law in the Territory must notify the Law Society of a change in a particular notified under section 134J(2) or under subsection (1)(a), and of any subsequent change, within 14 days of the change.

"134L. Professional indemnity insurance

"(1) Subject to this section, an interstate legal practitioner must maintain professional indemnity insurance with respect to his or her legal practice in the Territory –

- (a) that contains at least the minimum terms and conditions contained in; and
- (b) that provides the same or a higher level of insurance cover provided by,

an arrangement entered into by the Law Society and an authorized insurer under section 35B.

"(2) The Law Society may, with the prior approval of the Attorney-General, exempt an interstate legal practitioner from compliance with subsection (1)–

- (a) indefinitely or for a specified period; or
- (b) subject to conditions determined by the Law Society.

"(3) An interstate legal practitioner may take out and maintain professional indemnity insurance under Part IVA and, if he or she does so, is subject to that Part.

"(4) An interstate legal practitioner must give to the Law Society a copy of a contract of professional indemnity insurance entered into by the interstate legal practitioner as soon as practicable after the contract is entered into.

"(5) The penalty payable for an offence against subsection (1) is the penalty prescribed for a breach of a requirement of the Regulations that a legal practitioner take out and maintain professional indemnity insurance.

"134M. Trust money and Fidelity Fund

"An interstate legal practitioner –

- (a) who has established a practice in the Territory; and
- (b) who is the holder of an interstate practising certificate that corresponds to an unrestricted practising certificate, other than a

practitioner who is entitled to practise only as a barrister and independently of another legal practitioner,

is subject to Parts VII and VIII in respect of the practitioner's legal practice in the Territory.

"Division 3 – Local legal practitioners

"134N. Professional indemnity insurance

"Unless exempted by the Law Society under the Regulations referred to in section 35B(4)(c), a local legal practitioner must take out and maintain professional indemnity insurance in the Territory that covers the provision of legal services in a participating State to a client resident in the Territory on instructions given to the local legal practitioner in the Territory.

"134P. Trust money received in course of practice outside Territory

"(1) Subject to subsection (2), a local legal practitioner must deal with trust money received in the course of the practitioner's legal practice outside the Territory in accordance with Part VII as if the trust money had been received in the course of the practitioner's practice in the Territory.

"(2) Subsection (1) does not apply to trust money received by a local legal practitioner in a participating State that the practitioner is required to deal with in accordance with a corresponding law of that State.

"Division 4 – Discipline

"134Q. Complaint and investigation regarding interstate legal practitioner

"(1) A person may complain to the Law Society under Part VI about the professional conduct of an interstate legal practitioner in respect of his or her practise of the profession of the law in the Territory.

"(2) The Law Society may investigate under Part VI the professional conduct of an interstate legal practitioner in respect of his or her practise of the profession of the law in the Territory.

"134R. Complaint and investigation regarding local legal practitioner

"(1) A person may complain to the Law Society under Part VI about the professional conduct of a local legal practitioner in respect of his or her practise of the profession of the law in a participating State.

"(2) The Law Society may investigate under Part VI the professional conduct of a local legal practitioner in respect of his or her practise of the profession of the law in a participating State.

"(3) If a complaint or investigation referred to in this section has been dealt with and finally determined in a participating State, no further action may be taken under Part VI in relation to that complaint or investigation.

"134S. Referral to interstate regulatory authority

"(1) If it considers it appropriate to do so, the Law Society may refer a complaint made to it about the professional conduct of an interstate legal practitioner or a local legal practitioner to an interstate regulatory authority, to be dealt with according to the relevant corresponding law.

"(2) If it considers it appropriate to do so, the Law Society may request an interstate regulatory authority to investigate the professional conduct of an interstate legal practitioner or a local legal practitioner in accordance with the relevant corresponding law.

"(3) After a complaint has been referred or a request for an investigation has been made under this section, no further action may be taken under Part VI in relation to the subject matter of that referral or request unless the interstate regulatory authority declines to deal with the matter.

"(4) Subsection (3) does not affect the obligation to furnish information under section 134U.

"134T. Complaints referred by interstate regulatory authority

"(1) The Law Society may receive and consider a complaint about the professional conduct of a local legal practitioner or an interstate legal practitioner referred to it by an interstate regulatory authority whether the conduct complained of allegedly occurred in or outside the Territory.

"(2) The Law Society may investigate the professional conduct of a local legal practitioner or an interstate legal practitioner if requested to do so by an interstate regulatory authority.

"(3) The consideration of a complaint or investigation of professional conduct referred in this section is to be under and in accordance with Part VI.

"134U. Furnishing information in respect of disciplinary action

"(1) A local regulatory authority must, without delay, furnish information about a local legal practitioner or an interstate legal practitioner that is reasonably required by an interstate regulatory authority in connection with actual or possible disciplinary action against the practitioner.

"(2) A local regulatory authority must notify an interstate regulatory authority of a condition imposed in the Territory on an interstate legal practitioner or a local legal practitioner in respect of the practitioner's legal practice as a result of disciplinary action against the practitioner.

"(3) Subsections (1) and (2) apply despite any law relating to confidentiality or secrecy.

"(4) Nothing in this section affects an obligation or power to provide information apart from this section.

"134V. Local legal practitioner subject to interstate regulatory authority

"(1) A local legal practitioner, when practising the profession of the law in the Territory, must comply with conditions in respect of his or her legal practice imposed by an interstate regulatory authority as a result of disciplinary action against the local legal practitioner.

"(2) An interstate regulatory authority, to which a local legal practitioner is subject, that has the power to –

- (a) suspend or cancel, or order the suspension or cancellation of, an interstate practising certificate; or
- (b) suspend the right of an interstate legal practitioner to practise the profession of the law,

may –

- (c) suspend or cancel, or order the suspension or cancellation of, the practising certificate held by the local legal practitioner; or
- (d) suspend the right of the local legal practitioner to practise the profession of the law in the Territory.

"(3) The Law Society must comply with an order of an interstate regulatory authority made under subsection (2)(c).

"(4) If the right of a local legal practitioner to practise the profession of the law in the Territory is suspended under subsection (2)(d) –

- (a) a practising certificate held by the local legal practitioner is, by force of this section, cancelled; and
- (b) the Court may appoint a receiver under 103(2) as if the order for the suspension had been made under Part VI.

"(5) An interstate regulatory authority –

- (a) to which a local legal practitioner is subject; and
- (b) that has the power under a corresponding law to order that the name of an interstate legal practitioner be struck off the roll that corresponds to the Roll of Legal Practitioners,

may order that the name of the local legal practitioner be struck off the Roll of Legal Practitioners.

"(6) If an order is made under subsection (5) –

- (a) the name of the local legal practitioner is to be struck off the Roll of Legal Practitioners; and
- (b) the Court may appoint a receiver under 103(2),

as if the order had been made under section 52.

"Division 5 – Miscellaneous

"134W. Local regulatory authority may exercise powers conferred by corresponding law

"A local regulatory authority may exercise, in respect of a local legal practitioner or an interstate legal practitioner, a function or power conferred on it by or under a corresponding law.

"134X. Agreements etc. with interstate regulatory authorities

"A local regulatory authority may make agreements or arrangements with an interstate regulatory authority in relation to the following matters:

- (a) the investigation of complaints;
- (b) professional indemnity insurance;
- (c) fidelity fund contributions and payments and matters relating to claims for compensation by persons who suffer pecuniary loss arising out of the defalcation of trust moneys;
- (d) trust account inspections;
- (e) the appointment of managers and receivers;
- (f) the exchange of information under section 134U."

33. Registration notice

Section 135D of the Principal Act is amended –

- (a) by omitting from subsection (2)(h) "notice; and" and substituting "notice;"
- (b) by omitting from subsection (2)(j) "purpose." and substituting "purpose; and"; and
- (c) by adding at the end of subsection (2) the following:

- "(k) state the designation to be used by the lawyer under section 135T and the address (if known) of the office to be established by the lawyer or the name and address of the firm at which the lawyer is to establish a commercial legal presence."

34. Repeal and substitution

Section 135K of the Principal Act is repealed and the following substituted:

"135K. Notification of change in particulars

"(1) A locally registered foreign lawyer who has not notified the Law Society under section 135D(2)(k) of the address of the office to be established by the lawyer, or the name and address of the firm at which the lawyer is to establish a commercial legal presence, must lodge a written notice stating those particulars within 14 days of establishing an office or a commercial legal presence.

"(2) A locally registered foreign lawyer must notify the Law Society within 14 days of a change in any of the following particulars:

- (a) the designation used by the lawyer;
- (b) the address of the office established by the lawyer;
- (c) the name or address of the firm at which the lawyer maintains a commercial legal presence;
- (d) any other prescribed particular."

35. New section

The Principal Act is amended by inserting before section 136 in Part XIII the following:

"135Y. Definition

"In this Part, unless the contrary intention appears, 'legal practitioner' means a local legal practitioner, an interstate legal practitioner or a locally registered foreign lawyer."

36. Repeal and substitution

Section 137 of the Principal Act is repealed and the following substituted:

"137. No employment of person if name removed from roll

"Except with the permission of the Master, a legal practitioner must not employ a person in connection with his or her practice as a legal practitioner if he

or she knows that the name of the person has been removed, otherwise than at the person's own request, from—

- (a) the Roll of Legal Practitioners;
- (b) the roll of barristers and solicitors of the High Court kept in pursuance of rules in force under the *Judiciary Act 1903* of the Commonwealth; or
- (c) a roll of legal practitioners (however described) of a Supreme Court of a State or another Territory of the Commonwealth, or in New Zealand."

37. New section

The Principal Act is amended by inserting after section 137 the following:

"137A. Evidence of right to appear

"(1) A person appearing in a court or tribunal must, if requested to do so by the court or tribunal, provide evidence of the person's right to appear.

"(2) Without limiting subsection (1), evidence of a person's right to appear in court or tribunal includes the following:

- (a) a practising certificate or interstate practising certificate;
- (b) a document issued by the Law Society stating that the person holds a practising certificate or is an interstate legal practitioner."

38. New section

The Principal Act is amended by inserting after section 140 the following:

"140A. Law Society to keep register

"(1) The Law Society must keep at the office of the Law Society a register of all local legal practitioners, interstate legal practitioners and locally registered foreign lawyers.

"(2) The Law Society may include in the register any of the particulars stated in an application made under section 23 or notified under section 33A, 134J, 134K, 135D or 135K.

"(3) The Regulations may prescribe other particulars to be provided to the Law Society to be included in the register and the method of notification of those particulars.

"(4) A person may —

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- (a) inspect the register during the office hours of the Law Society; and
- (b) obtain an extract from the register on payment of the fee (if any) determined by the Law Society.

"(5) If the register includes a person's residential address, the address is not to be made available to the public unless –

- (a) the person authorises it to be made available; or
- (b) the residential address is the person's address for service of documents."

39. Further amendments

The Principal Act is amended as set out in Schedule 1.

40. Savings and transitional

The savings and transitional provisions set out in Schedule 2 have effect.

SCHEDULE 1

Section 39

Provision	Amendment	
	omit	substitute
Section 8(2)(a) and (4)	"his"	"his or her"
Section 9(2)	"he" and "him"	"he or she" and "the member" respectively
Section 10(2)	"he"	"he or she"
Section 13	"Commonwealth,"	"Commonwealth or the <i>Trans-Tasman Mutual Recognition Act 1997</i> of the Commonwealth,"
Sections 14A(2), 16 and 23(a)(i)	"he"	"he or she" .
Section 23(c)(ii)	"practices"	"practises"
Section 24(1)(b)	"referred to in section 90	"and levy (if any) payable

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	and levy (if any) referred to in section 101"	under Part VIII"
Section 27	"his", "him" and "he" (wherever occurring)	"his or her", "him or her" and "he or she" respectively
Section 29(1)	"he"	"he or she"
Section 29(4)	"him"	"him or her"
Section 32(3)	"his"	"his or her"
Section 33A	"he" (wherever occurring)	"he or she"
Section 34(b)	"him"	"him or her"
Section 34(c)	"him under section 101"	"him or her under Part VIII"
Section 35(1)	"his"	"his or her"
Section 46A	"he"	"he or she"
Sections 47(1)(c) and 47B(b)	"him"	"him or her"
Section 47C	"his" (wherever occurring)	"his or her"
Section 48(3), (4), (5), (6) and (7)	"his", "he" and "Chairman" (wherever occurring)	"his or her", "he or she" and "Chairperson" respectively
Section 48A(1)(a)	"his"	"his or her"
Section 48A(1)(b)	"his appointment for"	"his or her appointment – for"
Section 48B(2)	"Chairman" (wherever occurring) and "he"	"Chairperson" and "he or she" respectively
Section 48E	"his" (first and second occurring)	"his or her"
	"the duties as a member or of his office or position"	"those duties"

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Section 50(1A)	"with,"	"with, a general principle of professional conduct specified in section 44(1) or"
Section 50(4)(b)	"that former legal practitioner was, while he"	"the former legal practitioner was, while he or she"
Section 50A(2)	"his"	"his or her"
Section 51	"Chairman", "he", "him", "his" and "himself" (wherever occurring)	"Chairperson", "he or she", "him or her", "his or her" and "himself or herself" respectively
Section 52(5)(b)(i) and (6)	"Commonwealth," (second occurring)	"Commonwealth, or New Zealand,"
Section 55(1), (2), (3) and (4)	"his"	"his or her"
Section 55(5)	"him"	"him or her"
Section 56(1)	"his"	"his or her"
Sections 57, 58, 59 and 60	"him" and "his" (wherever occurring)	"him or her" and "his or her" respectively
Sections 63 and 64	"him", "he" and "his" (wherever occurring)	"him or her", "he or she" and "his or her" respectively
Section 67(1)	"his" and "he"	"his or her" and "he or she" respectively
Section 68(1)	"he" (wherever occurring)	"he or she"
Section 69(1)(a)	"his"	"his or her"
Section 69(1)(b)	"him" and "his"	"him or her" and "his or her" respectively
Section 70(1)	"such of"	
	"as he"	"that he or she"
Section 70(3)	"he" (twice occurring)	"he or she"

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Sections 70(5) and 71	"him"	"him or her"
Section 72	"he", "him" and "his" (wherever occurring)	"he or she", "him or her" and "his or her" respectively
Section 73	"he"	"he or she"
Section 74	"his"	"his or her"
Section 75(2)	"he"	"he or she"
Section 75(3)	"his" and "him" (wherever occurring)	"his or her" and "him or her" respectively
Section 78	"his"	"his or her"
Section 79(6)	"he" and "him"	"he or she" and "him or her" respectively
Section 79B(2)	"him"	"him or her"
Sections 79C(2) and 81(2)(a)	"his"	"his or her"
Section 81(4)	"him" and "he"	"him or her" and "he or she" respectively
Section 82(1)	"he", "him" and "his" (wherever occurring)	"he or she", "him or her" and "his or her" respectively
Section 83(2)(b)	"he"	"he or she"
Section 86(1B)	"is"	"it"
Section 86(1C)	"the Council of"	
Section 86(3)	"he" (twice occurring)	"he or she"
Section 86(4)	"shall be Chairman"	"is Chairperson"
Section 87(2)	"him"	"him or her"
Section 88(2)	"his"	"his or her"
Section 89(5)	"functions, and"	"functions and"
Section 95(5)	"him"	"the person"

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Section 100(1)	"fit(make"	"fit, make"
Sections 104(1)(c) and 105(1)(a), (2) and (2)(a)	"his" (wherever occurring)	"his or her"
Section 106(4)	"him"	"him or her"
Section 106(5)	"him, but his answer is not admissible against him"	"the legal practitioner, but the answer is not admissible against him or her"
Section 107(1)	"his" (twice occurring)	"his or her"
Section 108(3)	"him"	"him or her"
Section 108(4)	"he"	"he or she"
Section 109(1)(b)	"his" and "he"	"his or her" and "he or she" respectively
Section 114	"his" and "him" (wherever occurring)	"his or her" and "him or her"
Sections 115(2) and 118	"his"	"his or her"
Section 119(2) and (4)	"he"	"he or she"
Section 119(5)(a)	"he" and "him"	"he or she" and "the legal practitioner" respectively
Section 119(5)(b) and (c)	"he" (wherever occurring)	"he or she"
Section 119(7)	"his"	"his or her"
Section 120(1)	"he" and "him"	"the person" and "him or her" respectively
Sections 120(4), 121(2), 122(1) and (2) and 123(3)	"he"	"he or she"
Sections 124(1) and(2) and 125(1) and (2)	"his"	"his or her"
Sections 126(1) and 128	"him"	"him or her"

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Sections 129(5) and 132(2)(a), (b) and (c)	"his" (wherever occurring)	"his or her"
Section 132(3)	"or Ordinance"	
Section 133(1)(a)	"his"	"his or her"
Section 133(2)(a) and (b)	the whole paragraph	
Section 134(2)	"him", "he" and "his" (wherever occurring)	"him or her", "he or she" and "his or her" respectively
Section 135A – paragraph (b)(i) of the definition of "registered"	"Commonwealth"	"Commonwealth or the <i>Trans-Tasman Mutual Recognition Act 1997</i> of the Commonwealth"
Section 136	"his" and "he" (wherever occurring)	"his or her" and "he or she" respectively
Section 138(3)	"him"	"him or her"

SCHEDULE 2

Section 40

SAVINGS AND TRANSITIONAL

1. Definitions

In this Schedule –

"breach of" means contravention of or failure to comply with;

"complaint" means a complaint or investigation regarding the professional conduct of a legal practitioner or former legal practitioner referred to in Division 2 of Part VI of the Principal Act;

"current professional conduct rules" means the professional conduct rules in force immediately before the new professional conduct rules take effect;

"new professional conduct rules" means professional conduct rules made under section 45A of the Principal Act after the commencement of section 20 of this Act.

2. Continuation of registers

On the commencement of sections 14, 33 and 37 of this Act, the registers kept under the Principal Act immediately before the commencement of those sections are to be taken to be part of the register to be kept under section 140A of the Principal Act.

3. Complaint in respect of breach of principles of professional conduct

After the commencement of section 18 of this Act, a complaint in respect of an alleged breach of the general principles of professional conduct may be considered by the Law Society only if the alleged breach occurred after the commencement of section 18.

4. Complaint in respect of breach of professional conduct rules

(1) The current professional conduct rules remain in force until the new professional conduct rules come into effect.

(2) If, after the new professional conduct rules have come into effect, a complaint is made in respect of an alleged breach of a provision of the current professional conduct rules, the complaint is to be dealt with as if the current professional conduct rules remained in force.

5. Effect of change of name of Law Society

(1) The change of name of the Law Society effected by section 5(a) of this Act does not affect –

- (a) the identity of the Law Society;
- (b) the exercise of a right, or the enforcement of an obligation, by or against Law Society; or
- (c) the continuation of a legal proceeding by or against the Law Society.

(2) On the commencement of section 5(a) of this Act, a legal proceeding that might have been continued or commenced by or against the Law Society in the name "The Law Society of the Northern Territory" may be continued or commenced by or against the Law Society in the name "Law Society Northern Territory".

ALTERATION TO SECTION HEADING

On the day on which the *Legal Practitioners Act* is first amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the heading of section 92 of the Act is altered by omitting "Law Society" and substituting "Committee".