

Serial 60  
Legal  
Practitioners  
Amendment  
(No. 2)  
Mr Finch



## NORTHERN TERRITORY OF AUSTRALIA

# A BILL for AN ACT

to amend the *Legal Practitioners Act*

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Legal Practitioners Amendment Act (No. 2) 1994*.

2. COMMENCEMENT

This Act shall come into operation on a date to be 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.

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4. DEFINITIONS

Section 6 of the Principal Act is amended by inserting after the definition of "Law Society" the following:

"'legal aid services' means the provision of legal assistance (including the giving of legal advice) without charge to the person to whom the legal assistance is provided, whether or not the person actually makes a payment in respect of the assistance

5. CERTAIN PRACTITIONERS TO HOLD PRACTISING CERTIFICATES

Section 22 of the Principal Act is amended by adding at the end the following:

"(5) Notwithstanding subsection (4) and subject to subsection (6), an organisation whose main purpose is to provide legal aid services is entitled to recover costs and disbursements in respect of work of a professional nature done by a legal practitioner who is the holder of a current unrestricted practising certificate or a restricted practising certificate class 1, employed by the organisation.

"(6) For the purposes of subsection (5), the making or enforcement of an order for costs, or the determination of an entitlement to costs, in a proceeding before a court or tribunal to which a person to whom legal assistance provided is a party, the person shall be deemed to be liable to pay the ordinary professional costs of the legal services provided to that person or in connection with the proceeding and any disbursements and out-of pocket expenses incurred in or in connection with the provision of those services.

6. NEW SECTION

The Principal Act is amended by inserting after section 89 the following:

"89A. ALLOCATION FROM FIDELITY FUND

"(1) Where the amount in the Fund is greater than \$1,000,000, the Attorney-General may, subject to subsection (2), direct the Fidelity Fund Committee to allocate moneys from the Fund -

(a) to assist in the conduct of a scheme for the provision of legal aid; and/or

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- (b) to assist and promote legal education and legal research,

on such terms and conditions as the Attorney-General thinks fit.

"(2) An allocation of moneys under subsection (1) shall be made only within a period of 6 months after the commencement of the *Legal Practitioners Amendment Act (No. 2) 1994*.

"(3) The balance of the Fund after an allocation under subsection (1) shall not be less than \$1,000,000."

7. LEVIES TO SUPPLEMENT FUND

Section 101 of the Principal Act is amended by adding at the end the following:

"(5) Notwithstanding subsection (1), the Committee may not impose a levy where the Fund is not sufficient to satisfy the liabilities of the Committee due to moneys having been allocated under section 89A."

8. NEW SECTION

The Principal Act is amended by inserting in Part X before section 119 the following:

"118A. INTERPRETATION

"In this Part, a reference to a legal practitioner includes a reference to an organisation referred to in section 22(5)."

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