

Serial 271
Legal
Practitioners
Amendment
(No. 3)
Mr Manzie

NORTHERN TERRITORY OF AUSTRALIA
LEGAL PRACTITIONERS AMENDMENT BILL (NO. 3) 1993

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Legal Practitioners Act*

BE 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. 3) 1993*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator in the *Gazette*.

3. PRINCIPAL ACT

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

4. DEFINITIONS

Section 6 of the Principal Act is amended -

- (a) by inserting after the definition of "Complaints Committee" the following:

"'Counsel' means a person whose name is on the Roll of Legal Practitioners together with a notation that he is to practise as Counsel;";

- (b) by omitting from the definition of "legal practitioner" the words "legal practitioner; and" and substituting "legal practitioner;";

(c) by omitting from the definition of "legal practitioner" the words "Legal Aid Act;" and substituting "Legal Aid Act; and";

(d) by adding at the end of the definition of "legal practitioner" the following:

"(c) includes a person whose name is not on the Roll of Legal Practitioners but who has notified the local registration authority under section 19(1) of the *Mutual Recognition Act 1992* of the Commonwealth and whose application under that Act has not been determined;"

(e) by omitting the definitions of "local Counsel" and "visiting Counsel";

(f) by adding at the end of the definition of "professional conduct rules" the following:

"'Registrar' means the Registrar appointed under the *Supreme Court Act*;"

(g) by omitting from the definition of "Roll of Legal Practitioners" the words "section 16" and substituting "the Rules"; and

(h) by inserting after the definition of "Roll of Legal Practitioners" the following:

"'Rules' means the Rules made under this Act;"

5. REPEAL AND SUBSTITUTION

Sections 11, 12, 13 and 14 of the Principal Act are repealed and the following substituted:

"11. RULES OF ADMISSION

"(1) The Judges appointed under section 32(1) of the *Supreme Court Act* who are not additional Judges, or a majority of them, may make rules, not inconsistent with this Act, for and in relation to -

(a) the qualifications, requirements and procedure to be followed for admission to practise;

(b) all matters and things incidental or relating to such admissions;

(c) the establishing and maintaining of the Roll of Legal Practitioners; and

(d) articles of clerkship.

"(2) The Rules may confer on the Admission Board or the Registrar powers and functions in relation to the matters specified in subsection (1) and the Admission Board or the Registrar may exercise those powers or perform those functions accordingly.

"12. MUTUAL RECOGNITION OF ENTITLEMENT TO PRACTISE

"For the purposes of the *Mutual Recognition Act 1992* of the Commonwealth, the Admission Board is the local registration authority in respect of an application for admission under that Act.

"13. FUNCTIONS AND POWERS OF ADMISSION BOARD

"The Admission Board shall, in respect of an application for admission to practise, not being an application under the *Mutual Recognition Act 1992* of the Commonwealth, make a report in writing to the Court stating whether, in the opinion of the Board -

- (a) the applicant is of good fame and character and a fit and proper person to be admitted to practise;
- (b) the applicant has completed the academic requirements for admission as prescribed by the Rules; and
- (c) the applicant has complied with the practical requirements for admission."

6. ADMISSION FEES

Section 14A(2) of the Principal Act is amended by omitting "section 11, 12 or 13" and substituting "the Rules".

7. LAW SOCIETY MAY OBJECT TO ADMISSION

Section 15 of the Principal Act is amended by omitting "made under section 11, 12 or 13" and substituting "under the Rules".

8. REPEAL AND SUBSTITUTION

Sections 16, 17 and 18 of the Principal Act are repealed and the following substituted:

"16. COUNSEL TO PRACTISE INDEPENDENTLY

"A person whose name is entered on the Roll of Legal Practitioners with a notation that he is a Counsel shall not practise in the Territory otherwise than as a barrister and independently of another legal practitioner.

Penalty: \$5,000."

9. APPLICATION FOR A PRACTISING CERTIFICATE

Section 23 of the Principal Act is amended by omitting paragraph (b).

10. NEW SECTION

The Principal Act is amended by inserting after section 35, in Part IV, the following:

"35AA. MUTUAL RECOGNITION REGISTRATION AUTHORITY

"For the purposes of the *Mutual Recognition Act 1992* of the Commonwealth, the Law Society is the local registration authority in respect of an application for a practising certificate under this Part."

11. REPEAL

Part V of the Principal Act is repealed.

12. REGULATIONS

Section 141 of the Principal Act is amended by omitting paragraph (c).

13. REPEAL

The Second Schedule to the Principal Act is repealed.

14. SAVINGS AND TRANSITIONAL

(1) The Roll of Legal Practitioners as existing before the commencement of this Act shall, on that commencement, be the Roll of Practitioners as if it were the Roll of Legal Practitioners established under the Principal Act as amended by this Act.

(2) A notation on the Roll of Legal Practitioners referred to in subsection (1) that the person in relation to whom the notation is made is a local Counsel or visiting Counsel shall, on the commencement of this Act, be read as a notation that the person is a Counsel.
