

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF LEGAL PRACTITIONERS REGULATIONS

Regulations 2004, No. 11

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 2004, No. 11*

Regulations under the *Legal Practitioners Act*

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Legal Practitioners Act*.

Dated 23 April 2004.

E. J. EGAN
Administrator

By His Honour's Command

J. L. AH KIT
Minister for Community Development
acting for and on behalf of the
Minister for Justice and Attorney-General

* Notified in the *Northern Territory Government Gazette* on 28 April 2004.

AMENDMENTS OF LEGAL PRACTITIONERS REGULATIONS

1. Commencement

These Regulations come into operation on the commencement of section 7 of the *Legal Practitioners Amendment (Costs and Advertising) Act 2003*.

2. New regulations

The Legal Practitioners Regulations are amended by inserting after regulation 5 the following:

"6. Prescribed amount for section 118B(5)(a) of Act

"(1) The prescribed amount of costs for section 118B(5)(a) of the Act is \$1 000.

"(2) In subregulation (1) –
'costs' does not include disbursements.

"7. Prescribed person for section 118B(5)(b)(ii) of Act

"The following persons are prescribed for section 118B(5)(b)(ii) of the Act:

- (a) an interstate legal practitioner or local legal practitioner;
- (b) a practising company within the meaning of the *Legal Practitioners (Incorporation) Act* that continues in existence under section 17 of the *Legal Practitioners Amendment (Incorporated Legal Practices and Multi-disciplinary Partnerships) Act 2003*;
- (c) a corporation that has given written notice to the Law Society of its intention to commence providing legal services in accordance with section 35AG(1) of the Act;
- (d) a public company within the meaning of the Corporations Act 2001;
- (e) a foreign company within the meaning of the Corporations Act 2001;
- (f) a subsidiary, within the meaning of the Corporations Act 2001, of a foreign company or public company;
- (g) a registered Australian body within the meaning of the Corporations Act 2001;

- (h) a person authorised to provide financial services under an Australian financial services licence within the meaning of section 761A of the Corporations Act 2001.

"8. Exemption under section 118B(5)(f) of Act

"A Counsel who, on accepting instructions from another legal practitioner to undertake legal work, discloses to the instructing legal practitioner the basis on which his or her costs (including disbursements) will be calculated is exempt from compliance with section 118B of the Act.

"9. Prescribed proceedings for section 129A(3)(c) of Act

"The following proceedings are prescribed for section 129A(3)(c) of the Act:

- (a) proceedings under the *Adoption of Children Act*;
- (b) proceedings under the *Community Welfare Act*;
- (c) proceedings under the *Crimes (Victims Assistance) Act*.

"10. Application for review of costs agreements or conditional costs agreements – section 129H(1)(a) and (2) of Act

"(1) The form in the Schedule is the prescribed form for an application for review of a costs agreement or a conditional costs agreement under section 129H(1)(a).

"(2) The application must be accompanied by the fee (which cannot exceed \$50) requested by the Law Society.

"(3) In specifying the party to the agreement who undertook the legal work to which the agreement relates, the application must specify the name of the firm of legal practitioners and the names of the legal practitioners who undertook the legal work.

"11. Exemptions under section 130AA(1)(g) of Act

"The following advertisements or publications are exempt from the application of Part XA of the Act:

- (a) an advertisement or publication made by the Law Society, the Northern Territory Legal Aid Commission or a community legal centre informing persons about any of the following:
 - (i) the content of the law relating to personal injuries;

Legal Practitioners Regulations

- (ii) their rights, liabilities and duties under the law relating to personal injuries;
 - (iii) where they may obtain legal advice about the law relating to personal injuries, including the names and addresses of firms of legal practitioners that provide legal services in connection with making a claim for compensation or damages for a personal injury;
- (b) an advertisement or publication circulated within a firm of legal practitioners relating to legal services provided in connection with making a claim for compensation or damages for a personal injury by the firm or a particular legal practitioner in the firm.

"12. Prescribed persons for section 130AA(2) of Act

"The following persons are prescribed for section 130AA(2) of the Act:

- (a) the Northern Territory Legal Aid Commission or a person acting for and on behalf of the Commission;
- (b) a community legal centre or a supervising legal practitioner employed or engaged by the centre acting for or on behalf of the centre;
- (c) the Commissioner for Consumer Affairs or a person acting for and on behalf of the Commissioner;
- (d) an ambassador, consul or diplomat of another country carrying out consular or diplomatic duties in the Territory."

3. New schedule

The Legal Practitioners Regulations are amended by inserting after the last regulation the following:

"SCHEDULE

Regulation 10(1)

NORTHERN TERRITORY OF AUSTRALIA

Legal Practitioners Act

Section 129H(1)(a) and (2)

**APPLICATION FOR REVIEW OF COSTS AGREEMENT/CONDITIONAL
COSTS AGREEMENT***

Applicant: *(name of the party making application)*

Respondent: *(name of other party to agreement)*

File references: *(if available)*

TO THE LAW SOCIETY NORTHERN TERRITORY:

1. This application is for review of the attached costs agreement/conditional costs agreement*.
2. The reason for requesting a review of the costs agreement/conditional costs agreement* is as follows:
3. The address for service of notices on the applicant, respondent and any interested parties are the following:

Applicant:

Respondent:

Other:

4. I seek the following outcome/s from the review of the costs agreement/conditional costs agreement*:

Legal Practitioners Regulations

5. I authorise the Law Society Northern Territory to have access to, and to inspect, all the documents connected with the work to which the costs agreement/conditional costs agreement* relates, and all the documents connected with that agreement, that are held by me or by any legal practitioner who has undertaken legal work for me.
6. Summarised below are the attempts made to settle this dispute.

Dated:

Signed: (*Applicant*)

* Delete whichever is inapplicable

Attach a copy of the costs agreement or conditional costs agreement to which this application relates".
