

NORTHERN TERRITORY OF AUSTRALIA  
SUPREME COURT (SENIOR COUNSEL) RULES 2007

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Subordinate Legislation No. 43 of 2007

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Subordinate Legislation No. 43 of 2007\*

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## ***Supreme Court (Senior Counsel) Rules 2007***

WE, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, pursuant to section 86 of the *Supreme Court Act*, make the following Rules of Court.

Dated 5 December 2007.

B. MARTIN CJ

D. MILDREN J

T. J. RILEY J

S. R. SOUTHWOOD J

Judges of the Supreme Court  
of the Northern Territory of Australia

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\* Notified in the *Northern Territory Government Gazette* on 16 January 2008.

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**1 Citation**

These Rules may be cited as the *Supreme Court (Senior Counsel) Rules 2007*.

**2 Purpose**

These Rules state the principles on which the Chief Justice will exercise the power to appoint Senior Counsel under section 21 of the *Legal Profession Act*.

**3 General principles governing the exercise of statutory powers**

- (1) The Chief Justice will not appoint Queen's Counsel.
- (2) Except in exceptional cases, appointment as a Senior Counsel will be confined to practising advocates.

**4 Attributes required for appointment as Senior Counsel**

The following attributes are required for appointment as a Senior Counsel:

- (a) exemplary knowledge and understanding of the law;
- (b) a high level of skill as an advocate;
- (c) integrity and trustworthiness;
- (d) commitment to the best traditions of the bar and to the administration of justice;
- (e) maturity of judgment acquired from substantial experience in legal practice.

**5 Application for appointment**

- (1) A legal practitioner who holds an unrestricted practising certificate may apply to the Chief Justice to be considered for appointment as Senior Counsel.
- (2) The application must be made in writing no later than 31 August.
- (3) The application must:
  - (a) provide evidence the applicant has the attributes required for appointment; and
  - (b) include any undertaking required by the Chief Justice.

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- (4) Immediately after the closing date for applications, the Chief Justice must provide a list of the names of all the applicants to the following:
    - (a) the Attorney-General;
    - (b) the President of the Law Society;
    - (c) the President of the Northern Territory Bar Association.
  - (5) A person to whom the list is given under subrule (4) may make it available for inspection by anyone else.

## **6 Consultation**

- (1) For the purposes of section 21(2)(b)(iii) of the *Legal Profession Act*:
  - (a) the President of the Law Society must, in each year, nominate to the Chief Justice at least one solicitor to represent the Society; and
  - (b) the President of the Northern Territory Bar Association Incorporated must, in each year, nominate to the Chief Justice at least one barrister to represent the Association.
- (2) The nominations must be made in writing no later than 31 July.
- (3) The consultation required under section 21(2)(b) of the *Legal Profession Act* is to be conducted as the Chief Justice considers appropriate.
- (4) The Chief Justice may (but is not obliged to) refer adverse comments made about an applicant to the applicant for a response.
- (5) If the Chief Justice refers an adverse comment to the applicant, the Chief Justice is not obliged to disclose the source of the comment.

## **7 Notification of decision**

- (1) The Chief Justice must notify an applicant of the Chief Justice's decision regarding the applicant's application.
- (2) The Chief Justice is not obliged to give reasons for the decision.