

NORTHERN TERRITORY OF AUSTRALIA
SUPREME COURT AMENDMENT (PROCEEDINGS RELATING TO
LAWYERS) RULES 2007

Subordinate Legislation No. 16 of 2007

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 16 of 2007*

Supreme Court Amendment (Proceedings Relating to Lawyers) Rules 2007

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

Dated 20 June 2007.

B. MARTIN CJ

D. N. ANGEL J

D. MILDREN J

T. J. RILEY J

S. R. SOUTHWOOD J

Judges of the Supreme Court
of the Northern Territory of Australia

* Notified in the *Northern Territory Government Gazette* on 25 July 2007.

1. Citation

These Rules may be cited as the *Supreme Court Amendment (Proceedings Relating to Lawyers) Rules 2007*.

2. Rules amended

These Rules amend the *Supreme Court Rules*.

3. Repeal and substitution of rule 65.01

Rule 65.01

repeal, substitute

65.01 Application

This Order applies to an application to the Full Court relating to:

- (a) a reference under section 21 of the Act; or
- (b) a matter mentioned in Chapter 10, other than an appeal from the Legal Practitioners Disciplinary Tribunal.

4. Amendment of rule 65.02 (Mode of application)

Rule 65.02(1)

omit, substitute

- (1) An application to the Full Court must be made:
 - (a) if the application relates to a reference under section 21 of the Act – in the manner the Judge who is referring the matter directs; or
 - (b) if the application relates to a matter mentioned in Chapter 10 to which this Order applies – by originating motion.

5. Amendment of rule 65.04 (Documents for application)

- (1) Rule 65.04(1)

omit

to which section 22 of the Act refers –

substitute

relating to a matter mentioned in Chapter 10 to which this Order applies:

- (2) Rule 65.04(1)(a) and (b)

omit

3 copies

substitute

1 copy

6. Amendment of rule 77.01 (Authority)

After rule 77.01(1)(b)(x)

insert

- (xi) the *Legal Profession Act* – section 261 (appeal against decision of Funds Management Committee), section 277 (appeal against decision of Law Society as to costs), section 332 (application for costs assessment to be dealt with out of time), section 362 (appeal against decision of costs assessor as to a matter of law), section 400 (application for further time), section 414 (appeal against decision of Law Society as to Fidelity Fund claim), section 415 (appeal against failure to determine claim), section 595 (application for examination);

7. New Chapter 10

After rule 94.12

insert

CHAPTER 10 – PROCEEDINGS RELATING TO LAWYERS

95.01 Full Court to exercise jurisdiction of Court in certain matters relating to lawyers

(1) The Full Court will, as a general rule, exercise the jurisdiction of the Court to hear and determine a proceeding of any of the following kinds:

- (a) a proceeding in the inherent jurisdiction of the Court relating to the discipline of a lawyer;
- (b) an appeal against a decision of the Legal Practitioners Disciplinary Tribunal;
- (c) a contested application under the *Legal Profession Act* for removal of a lawyer's name from the local roll following foreign regulatory action;

Supreme Court Amendment (Proceedings Relating to Lawyers) Rules 2007

- (d) an application for admission as a local lawyer under the *Legal Profession Act*.
- (2) However:
 - (a) if it is not convenient for the Full Court to deal with an application for the admission of a local lawyer, the application will be heard and determined by a single Judge; and
 - (b) the Court may, despite the general rule, order that a particular matter be heard and determined by the single Judge.
- (3) An order under subrule (2)(b) may be made by:
 - (a) the Full Court; or
 - (b) a single Judge in interlocutory proceedings.