

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF LEGAL PRACTITIONERS REGULATIONS

Regulations 2004, No. 10

TABLE OF PROVISIONS

Regulation

1. Commencement
2. Repeal and substitution
 4. Prohibited non-legal services and businesses of incorporated legal practice – section 35AE(3) of Act
 - 4A. Particulars of notice of intention to commence providing legal services
 - 4B. Prescribed period and particulars for notice of termination of provision of legal services
 - 4C. Prohibited services and businesses of multi-disciplinary partnership – section 35AZO(2) of Act
 - 4D. Particulars of notice of intention to commence practice in multi-disciplinary partnership
 - 4E. Publication and notification of certain Court orders
3. New regulation
 13. Notice by interstate legal practitioner of commencing to practise in Territory



NORTHERN TERRITORY OF AUSTRALIA

Regulations 2004, No. 10*

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 day section 6 of the *Legal Practitioners Amendment (Incorporated Legal Practices and Multi-disciplinary Partnerships) Act 2003* commences.

2. Repeal and substitution

The Legal Practitioners Regulations are amended by omitting regulation 4 and substituting the following:

"4. Prohibited non-legal services and businesses of incorporated legal practice – section 35AE(3) of Act

"(1) An incorporated legal practice must not act as the conveyancing lawyer for the purchaser of a property if the legal practice or a related body corporate of the legal practice acts –

- (a) as real estate agent for the vendor in the sale of the property; or
- (b) as the finance broker for the purchaser.

Penalty: 500 penalty units.

"(2) A related body corporate of an incorporated legal practice must not act as the conveyancing lawyer for the purchaser of a property if the body corporate, another related body corporate of the legal practice or the legal practice acts –

- (a) as real estate agent for the vendor in the sale of the property; or
- (b) as the finance broker for the purchaser.

Penalty: 500 penalty units.

"4A. Particulars of notice of intention to commence providing legal services

"For section 35AG(1) of the Act, the following particulars are the contents of a corporation's notice of intention to commence providing legal services in this jurisdiction:

- (a) the corporation's name;
- (b) the corporation's Australian Business Number;
- (c) the address of the corporation's registered office;

Legal Practitioners Regulations

- (d) the address of the corporation's proposed principal place of practice in this jurisdiction;
- (e) the name, residential address and date and place of birth of –
 - (i) each lawyer director;
 - (ii) each non-lawyer director; and
 - (iii) each employee who is a legal practitioner;
- (f) the kinds of services (other than legal services) and businesses the corporation proposes to provide or conduct in this jurisdiction;
- (g) the date the corporation intends commencing to provide legal services in this jurisdiction.

"4B. Prescribed period and particulars for notice of termination of provision of legal services

"(1) For section 35AH(1) of the Act, the period for giving notice of a corporation ceasing to provide legal services in this jurisdiction is one month.

"(2) For section 35AH(1) of the Act, the following particulars are the contents of a corporation's notice of ceasing to provide legal services in this jurisdiction:

- (a) the corporation's name;
- (b) the corporation's Australian Business Number;
- (c) the address of the corporation's registered office;
- (d) the former address of the corporation's principal place of practice in this jurisdiction;
- (e) the name, residential address and date and place of birth of –
 - (i) each lawyer director;
 - (ii) each non-lawyer director; and
 - (iii) each employee who is a legal practitioner;
- (f) the kinds of services (other than legal services) and businesses the corporation formerly provided or conducted in this jurisdiction;
- (g) the date the corporation ceased to provide legal services in this jurisdiction.

"4C. Prohibited services and businesses of multi-disciplinary partnership – section 35AZO(2) of Act

"A lawyer who acts as the conveyancing lawyer for the purchaser of a property must not be in partnership with a person who acts –

- (a) as real estate agent for the vendor in the sale of the property; or
- (b) as the finance broker for the purchaser.

Penalty: 100 penalty units.

"4D. Particulars of notice of intention to commence practice in multi-disciplinary partnership

"For section 35AZP(2) of the Act, the following particulars are the contents of a lawyer partner's notice of intention to commence providing legal services as a member of a multi-disciplinary partnership in the Territory:

- (a) the name and residential address of each partner;
- (b) the kinds of services (other than legal services) and businesses the partnership proposes to provide or conduct in the Territory.

"4E. Publication and notification of certain Court orders

"As soon as practicable after the making of an order under section 35AZD, 35AZE or 35AZZE of the Act, the Law Society must –

- (a) publish notice of the making of the order in –
 - (i) the *Gazette*;
 - (ii) a newspaper circulating generally in the Territory; and
 - (iii) 'Balance', the journal published by the Society; and
- (b) for an order under section 35AZE – notify each interstate regulatory authority of the making of the order."

3. New regulation

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

"13. Notice by interstate legal practitioner of commencing to practise in Territory

"For section 134J(1) of the Act, the time for lodging notice with the Law Society is 10 working days after commencing to practise in the Territory.".
