



DEPARTMENT OF JUSTICE

Reform of the laws regulating the legal profession will enable Northern Territory lawyers to practice throughout Australia under the same rules that will govern their practice in the Northern Territory.

The Northern Territory Department of Justice is releasing the draft *Legal Practitioners Bill 2006* for consultation during September 2006. Comments are sought by 29 September 2006. However, comments will be considered until such time as the Bill is enacted.

Comments should be sent to:

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Information sessions on the Bill will be held in Alice Springs on 11 September 2006 and on 13 September 2006.

The *draft Bill* implements the model National Legal Profession Bill 2006 as approved by Territory, State and Commonwealth Attorneys-General at their July 2006 meeting. A copy of the Bill as approved is on the Department of Justice website <http://www.nt.gov.au/justice/>. A copy of a refined (and re-organised/renumbered) version of the model Bill together with the model regulations is also available at <http://www.lawcouncil.asn.au/natpractice/>

The Bill also reforms and modernises Northern Territory laws relating to the various regulatory bodies responsible for the regulation of the legal profession in the Northern Territory. Finally, the Bill deals with matters arising from the National Competition Policy Review of the current *Legal Practitioners Act*.

The main reforms in the Bill, in the national context, are as follows:

- The promotion of uniform standards for training and admission of lawyers
- Common rules with other States and Territories for the recognition of admissions and practising certificates
- A broadly uniform approach to the reservation of areas of professional work for lawyers. However, there is room for State and Territory exceptions. For example, in the case of the Northern Territory, conveyancing agents as licensed under the *Agents Licensing Act*
- A rationalisation of the rules governing where a lawyer should obtain a practising certificate coupled with a recognition that restrictions on practice placed in the lawyer's home jurisdiction also will apply outside of that State or Territory
- A recognition of disciplinary decisions made in other States and Territories
- A refining of the provisions dealing with the practice of foreign law, incorporated legal practices and multi-disciplinary practices. The Bill also explicitly recognises "practising companies" under the repealed *Legal Practitioners (Incorporation) Act*
- Common rules regarding the operation of trust accounts and costs agreements

- Mutual recognition of indemnity insurance
- Protocols governing claims against fidelity funds.

Within the Northern Territory context the proposed Bill maintains the role of the Law Society Northern Territory as the key regulatory body. The main reforms are:

- Removal of the requirement that law practices hold a certain percentage of their trust monies with a government committee
- Removal of executive government from the processes for the appointment of Queens Counsel and some other aspects of the day to day regulation of the legislation
- Improved governance arrangements for the Law Society
- Improved mechanisms for providing financial support for the Law Society in its administration of parts of the Act and also mechanisms for providing support for community (non government) legal aid bodies