Frequently Asked Questions
about Practising Certificates

In this factsheet:
LPA refers to the Legal Profession Act 2006
LPR refers to the Legal Profession Regulations 2007

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Applications for Practising Certificates

Q1. Which application form should I use?

Under the LPR there are four different categories of practising certificates

- Unrestricted;
- Restricted (Barrister and Solicitor);
- Restricted (corporate lawyer); and
- Barrister.

There is a separate application form for each category of practising certificate. If you are applying for an unrestricted practising certificate for the first time you also need to submit a statutory declaration to
demonstrate that you have satisfied the required period of supervised legal practice.

All of the application forms and the statutory declaration form can be downloaded from the Society’s website.

Q2. I am not admitted as a solicitor in the Northern Territory. Can I still apply for a practising certificate from the Society?
You are eligible to obtain a Northern Territory practising certificate provided you have been admitted as a lawyer in any Australian jurisdiction and you are either practising solely or principally in this jurisdiction or you practice in a number of jurisdictions but reside in the Northern Territory.

Q3. It’s the first time I am applying for a practising certificate in the Northern Territory. Other than my application form are there any other documents that I need to provide to the Society?
If this is your first application for a practising certificate in the Northern Territory then you will need to provide the Society with a certified copy of your Admission Certificate and also obtain a Certificate of Fitness (also called a Certificate of Goodstanding) from each jurisdiction in which you have been admitted or held a practising certificate. You should contact the regulatory body in those other jurisdictions to ascertain how to obtain a Certificate of Fitness.

Q4. What if I currently hold a practising certificate in another jurisdiction?
The Society cannot issue a practising certificate whilst another certificate is currently in force for the same practitioner. Where a practitioner holds a current practising certificate it is presumed that the effective date of the new practising certificate will be the day following the expiration of the current practising certificate.

If you want your practising certificate to be effective from an earlier date because you are surrendering your interstate practising certificate, then you will need to provide evidence of the surrender of that practising certificate. If you do not have this at the time of completing your application then you may still submit your application and provide evidence of the surrender at a later time. Processing of your application (and issuing of your certificate) may be delayed if you are required to provide this information and have not done so.

Q5. Do I have to have Professional Indemnity Insurance?
Yes – unless you are applying for a Restricted (Corporate Lawyer) practising certificate or you are employed by the Northern Territory Government or the Commonwealth Government. You are required to provide a certificate of insurance as evidence of your professional indemnity insurance. The Society may refuse to grant a practising certificate if it is not satisfied that professional indemnity insurance is in place.

Renewing your practising certificate

Q6. When do I need to renew my practising certificate?
All practising certificates issued under the Legal Profession Act 2006 (LPA) expire on 30 June each year. The renewal period for practising certificates starts on 1 April and ends on 31 May each year. Applications to renew a practising certificate made after 1 June will attract a late fee (see Q17) and renewal applications made after 1 July may not be accepted by the Society unless the Society is satisfied special circumstances exist.

If you are currently practising in the Northern Territory on an interstate practising certificate and you intend to practice primarily in the Northern Territory after your current practising certificate expires then you will need to apply to the Society for a practising certificate – see Q3. As the Society will not hold any information about you or your interstate practising certificate it will not send you any
reminders about the expiry of your current practising certificate or the need to apply for a further practising certificate. It is your responsibility to ensure that you have a current practising certificate at all times you are engaged in legal practice.

Q7. What documents do I need to submit with when renewing my practising certificate?
At the start of the renewal period you should receive a letter from the Society with a renewal pack. Your renewal pack will include the following:
- Application form (pre-populated)
- Hunter Premium finance application
- Checklist of attachments
- Credit card payment authority

If you have not received a renewal pack from the Society by late April please contact the Society’s Licensing Officer.

Blank practising certificate application forms, the Hunter Premium Finance application and the credit card payment authority form can also be downloaded from the Society’s website.

Q8. What happens if I continue to practice and I haven’t renewed my practising certificate?
It is the individual practitioner’s responsibility to ensure that they hold a current practising certificate. It is an offence to engage in legal practice without a practising certificate and any period of practising unlicensed will attract disciplinary action. Practitioners should be aware that the professional indemnity insurance policy would not respond for any period in which a practising certificate is not held.

Q9. Since I last applied for a practising certificate an event (such as being charged or convicted with an offence, bankruptcy, or another suitability matter) has occurred which I think I need to disclose. What should I do?
There is an obligation upon you to provide full and frank disclosure to the Society of all suitability matters (refer to s11, s47 and s54 of the LPA). Processing of your application may be delayed if further information is required to assist the Society determine that you are eligible to hold a practising certificate.

Please do not hesitate to contact the Manager Regulatory Services at the Society if you require assistance with completing this section of your application.

Q10. I have previously advised the Society about disclosable information. Do I need to provide this information to the Society again?
No. However you do still need to mark the appropriate box on the application form to indicate that there is disclosable information. Please do not hesitate to contact the Manager Regulatory Services at the Society if you are uncertain about whether or not information has previously been disclosed or completing this section of the application form.

Q11. What happens to my application if I haven’t submitted my Annual CPD Certificate?
If you held a practising certificate during the preceding CPD year (1 April to 31 March) then an Annual CPD Certificate must be provided to the Society by 31 March each year. Processing of your application may be delayed if you have not completed your Annual CPD Certificate and provided it to the Society. You will not be issued with a practising certificate if you have not complied with your CPD obligations (including submission of a Supplementary CPD Certificate if required) by 30 June. You need to submit an Annual CPD Certificate even if you are not renewing!

Q12. I am the principal of a law practice that operates a trust account. Will this have any
Impact on my application to renew my practising certificate?

Prior to the end of the renewal period each year law firms that hold trust accounts must lodge certain declarations with the Society. The law firm must also have an external examination of their trust account undertaken and the external examiner’s report must be lodged with the Society by 31 May each year. As a principal operating a trust account processing of your practising certificate application may be delayed if you are required to provide trust account declarations or an external examination report and have not done so.

Q13. I am a director of an Incorporated Legal Practice. Are there any additional obligations that I have renewing my practising certificate?

Some directors of Incorporated Legal Practices (ILPs) are required to lodge financial and director’s reports with the Australian Securities Investments Commission pursuant to the Corporations Act 2001 (s292). Directors of ILPs must provide copies of these reports to the Society. Processing of your application may be delayed if you are required to provide this information and have not done so.

Costs associated with practising certificates

Q14. How much does it cost to apply for a practising certificate?

The Society publishes on its website a Schedule of Practising Certificate Fees which contains information about the application fees for each type of practising certificate. The current schedule can be accessed in the “For the Profession” section (under “Practising Certificates”).

In addition to the application fee you may be required to pay an annual contribution to the Fidelity Fund (see Q16).

Q15. How can I pay my practising certificate fees to the Society?

You can pay by cheque, credit card, EFTPOS/direct debit or through Hunter Premium Finance.

If you are paying by cheque please ensure all payments are made out to the Legal Practitioners Fidelity Fund (NOT the Society).

A credit card authority form is available from the Society’s website.

An application form for Hunter Premium Finance is also available from the Society’s website. Any application to Hunter must be made by the stipulated date each year (usually early May) to ensure that your application will be processed in time and not attract a late fee.

Q16. Do I have to contribute to the Fidelity Fund?

The category of practitioners required to contribute to the Legal Practitioners’ Fidelity Fund (also referred to as the Fidelity Fund or the LPFF), together with the amount of the annual contribution for each category, is determined by the Funds Management Committee each year. The current amount of the annual Fidelity Fund contribution for each practising certificate application type can be found on the Schedule of Practising Certificate Fees which can be accessed in the “For the Profession” section (under “Practising Certificates”).

Q17. When is a late fee payable?

If your application is lodged after the renewal period (which ends on 31 May each year) or if you have lodged your application by 31 May but

- you have not made payment of the correct fee,
- you have not submitted the required supporting documents;
- you have not submitted your Annual CPD Certificate;
- you have not complied with obligations in respect of your trust account or ILP (see Q12 and Q13 respectively for further information);

then you will also be liable to pay a late fee before your application can be processed. The current
late fee amount can be found on the Schedule of Practising Certificate Fees which can be accessed in the “For the Profession” section (under “Practising Certificates”).

Other questions

Q18. Why does the application form ask if I identify as an Aboriginal or Torres Strait Islander?

The Society collects information regarding practitioner’s Aboriginal and/or Torres Strait Islander heritage. This information is used to assist the Law Council of Australia to establish the level of underrepresentation of Indigenous lawyers. Only statistical data is used.

It is not compulsory to provide this information to the Society – it is a practitioner’s choice to disclose this personal information to the Society.

Q19. Do I need to advise the Society if my employment changes?

Yes. By resolution dated 24 March 2011 the Council of the Society resolved under section 70(1) of the LPA to make it a condition on all practising certificates that a practitioner must notify the Society as soon as is reasonably practicable, every time their practice and/ or employment details change.

Q20. Is the information that I provide to the Society disclosed to anyone else?

The Society is the licensing and regulatory body for the Northern Territory Legal Profession. The statutory role of the Society is set out in the LPA. A practising certificate cannot be issued until the requirements of the LPA are met.

The information contained in applications for practising certificates is collected for the Society’s licensing, regulatory and membership functions.

The Society is required under the LPA to maintain a register of legal practitioners in the Northern Territory that hold practising certificates and is on occasion required to provide this information to the Government, including the Australian Taxation office.

The Society regularly provides information in relation to a legal practitioners name, current practising certificate status and place of employment to members of the public and other interested parties.

The Society does from time to time, provide practitioner and employment details for a national directory of legal practitioners.

The Society does not provide lists of practitioners employed at a particular firm or a list of members unless obliged to do so.