

Eligibility for Unrestricted Practising Certificate

POLICY NUMBER	VERSION NUMBER	APPROVED BY	APPROVAL DATE
R0421-POL	1.00	Council	7/12/2023

1. Introduction

Law Society Northern Territory (the Society) is the regulator and licensing authority for the legal profession in the Northern Territory. The Society and the Council are committed to delivering high standards of accountability in regulatory functions.

Applicants who apply to the Society for a practising certificate (PC) in the category of Unrestricted (Regulation 7 of the *Legal Profession Regulations 2007*) are applying to practice as a legal practitioner without restriction. This means that the applicant must first have completed the relevant period of supervised legal practice (SLP). In the most part, this means that the applicant must have undertaken 2 years of SLP, where they were supervised by the holder of an Unrestricted PC (see section 73 of the *Legal Profession Act 2006* (LPA)). Supervision can occur either in a law practice or in a government agency (see sections 73, 4, 90(5) of the LPA).

2. Purpose

The purpose of this policy is to ensure that legal practitioners applying for an Unrestricted PC for the first time provide sufficient evidence to the Society to enable a full assessment of the legal practitioner's eligibility to be granted a PC in the Unrestricted category. The evidence required will not only confirm the practitioner's period of SLP but will demonstrate to the Society that supervisors are aware that the legal practitioner is applying for an Unrestricted PC and that the supervisors are supportive of the application because they agree that the legal practitioner has completed their SLP.

3. Policy

An applicant can submit an application for the grant of an Unrestricted PC using the Society's approved application form. In support of the application, the legal practitioner will be required to submit their personal statutory declaration on the Society's approved form and a letter (or letters, if the practitioner has named more than one supervisor on their statutory declaration) to the Society from the legal practitioner's supervisor(s). The letter(s) to be provided can be in the form of that attached to this policy.

The supervisor's letter can be provided directly by the supervisor to the Society or from the applicant. It would be preferable for the supervisor to be copied into any email correspondence in that regard.

4. Exemptions

The Chief Executive Officer and Manager Regulatory Services (MRS) will retain a discretion to exempt legal practitioners from this policy (that is, the requirement to provide letter(s) from the applicant legal practitioner's supervisor(s)) in special circumstances. Special circumstances can include: a legal practitioner having a long standing of legal practice in the Northern Territory with an exemplary regulatory record or unavailability of supervisors due to relocation, death or illness, for example. MRS will report to the Council when this discretion is exercised. The report will occur at the next available Council meeting.

5. Authorisation

APPROVER: Richard Henschke

POSITION: President

SIGNATURE OF APPROVER:



DATE: 10 / 01 / 2024

