

Policy in Relation to Leave by Articled Clerks

Introduction

This document sets out the policy of the Law Society of the Northern Territory as at January 1997 in relation to leave taken during the period of articles by a person seeking admission as a legal practitioner in the Territory, where that person is not already admitted in another Australian State or Territory.

Background

By Rule 25 of the *Legal Practitioners' Rules*, an applicant for admission as a legal practitioner is required to have served 12 months articles, unless some lesser period is allowed by the Court.

That period of 12 months commences on the date approved by the Legal Practitioner's Admission Board. Purported service as an articled clerk prior to that date does not count.

By sub-rule 11(5), a person who has been an associate to a Judge has the period which that person is required to serve under articles of clerkship reduced by a period equal to one half of the period of service as an associate or by six months, whichever is the lesser. Thus a person who has served as a Judge's associate may, when seeking admission, be relying on practical experience gained over an 18 month period.

Entitlement to Leave

Neither the *Legal Practitioners' Act* nor the *Legal Practitioners' Rules* make any provision for leave at all.

Sub-rule 11(1) stipulates that an applicant for admission must have successfully completed "**not less than one year's** satisfactory service under articles of clerkship" (emphasis added).

Sub-rule 11(5) gives an applicant credit for half of the period during which the applicant "has rendered service as an associate"

The wording of these two provisions, and the absence of any specific entitlement to leave, suggests that any time taken as leave during the period of

articles (or period of service as an associate) must be made up before the requirement of sub-rule 11(1)(a) is satisfied. This is the position in Victoria.

However the Law Society has noted the memorandum issued by the Secretary of the Legal Practitioner's Admission Board on 13 June 1995, whereby the Board determined that the period of articles may include up to four weeks annual (sic) and seven days sick leave.

The Policy

The policy of the Law Society is that the Society will not object to the proposed admission of a practitioner on the ground that the applicant has failed to complete the necessary period of articles, where:-

- (a) The total period of recreation leave taken by the applicant during the period of articles does not exceed 20 working days OR an amount calculated at the rate of 20 working days per annum, whichever is the lesser;
- (b) The total period of sick leave taken by the applicant during the period of articles does not exceed 5 working days OR an amount calculated at the rate of 5 working days per annum, whichever is the lesser; and
- (c) The total period of recreation leave taken by the applicant during the period of service as an associate does not exceed 20 working days OR an amount calculated at the rate of 20 working days per annum, whichever is the lesser; and
- (c) The total period of sick leave taken by the applicant during the period of service as an associate does not exceed 5 working days OR an amount calculated at the rate of 5 working days per annum, whichever is the lesser.

Review of the Policy

This policy is subject to review by the Law Society. Persons who may be affected by this policy should check with the Executive Officer of the Society.

Legal Eagle Keeps NT Skies Safe

continued from front page

He spends some time each week, keeping track of the family investments.

Ron's community service involvement includes being chief flying instructor for the Top End Ultralight Aircraft Club, pilot examiner for the Ultralight Aircraft Association - which means he flight-tests pilots for ultralight aircraft pilot certificates. Following the Seaview crash, the regulations for civil aviation are being completely rewritten, and he takes an active interest in that process.

Ron is also active in the Darwin South Rotary Club, being the Club's community service director in 1997. The Club does a lot of general community service, and this also keeps him busy.

He is convenor of the NT Airspace Advisory Committee - the committee advises the Australian Defence Force, the Civil Aviation Safety Authority, and Airservices Australia of the effect on the NT civil aviation industry of proposed airspace changes. The committee deals with anything that affects the NT and northern WA airspace from low level wind shear alert trials at Darwin to aircraft noise over Kakadu National Park and the development of the army's new weapon firing range at Bradshaw near the mouth of the Victoria River. As Convenor, he attends planning conferences for the major defence exercises that are held in the Top End each year, representing the NT civil aviation industry.

For recreation, Ron flies his aeroplane (that's the one that makes a funny noise and appears to fly backwards), usually with Annabelle in the back seat, but he has introduced a lot of Darwin people to the pleasure of small aircraft by taking them up in his aeroplane. He and Annabelle fly their aeroplane down south once or twice each year.

When not occupied with all of the aforementioned activities, Ron exercises by walking at dawn each morning, reading military history and researching his family tree. He and Annabelle enjoy a leisurely meal with a bottle of wine at the Sailing Club most weekends.

Ron plans to continue flying for as long as he remains fit, and plans to practice law as long as he has a working brain that needs anti-rust activity.

