

# Law Society of the NT



*In response to queries from members of the Society and the general public for information on the role of the Society, Balance is pleased to print this comprehensive and increasing list of the functions (statutory and otherwise) of the Law Society of the NT.*

**The Law Society of the Northern Territory is constituted a body corporate under the Legal Practitioners Act. The Society's role under that Act is to:-**

- Consider applications for admission to the Supreme Court.
- Object to an application for admission in appropriate circumstances and to be heard.
- Receive and consider applications for practising certificates.
- Issue appropriate practising certificates.
- Monitor the practise of practising certificate holders to ensure there are no breaches of the Act requiring the Society to exercise its rights under Section 27 (Suspension etc).
- Maintain a register of the names of all persons holding current practising certificates and record changes as necessary.
- Ensure applicants for practising certificates contribute to the Fidelity Fund and pay any levy under Section 101.
- Arrange Professional Indemnity Insurance for practitioners.
- Ensure all practitioners are insured to the prescribed extent.
- Make rules relating to the professional conduct of legal practitioners and have them approved by the Chief Justice.
- Investigate complaints made by the public in respect of the professional conduct of legal practitioners.
- Investigate the professional conduct of legal practitioners as directed by the Attorney-General.
- Investigate the professional conduct of legal practitioners of its own motion.
- Liaise with the Ombudsman as necessary concerning the conduct of legal practitioners.
- From time to time, nominate legal practitioners for membership of the

Legal Practitioners Complaints Committee.

- As required, institute disciplinary proceedings in the Supreme Court against legal practitioners.
- Appoint members to the Legal Practitioners' Trust Committee.
- Appoint members to the Legal Practitioners Fidelity Fund Committee.
- Ensure compliance with Parts XI and XIII and take appropriate action if breaches are detected (i.e. unqualified persons practising law)

**The Society's role under the Mutual Recognition (Northern Territory) Act 1992 is:-**

- Local registration authority.

## **BALANCE**

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- Issue appropriate practising certificates.
- Ensure practitioners hold appropriate professional indemnity insurance.

**The Society is also responsible for nominating practitioners for membership of the following:-**

- The Law Society Public Purposes Trust
- Legal Aid Committee
- N.T. Business Council
- Hospital Ethics Committee
- Land Acquisition Tribunal
- N.T. Council of Law Reporting
- Road Safety Committee
- Costs Advisory Committee
- Law Reform Committee

- Law Council of Australia standing committees
- N.T. University Management Committee.

**The Society also undertakes the following functions in accordance with the objects of the Society as contained in the Constitution and policy adopted from time to time:-**

- Represent the legal profession in the Northern Territory, promote and act as a conduit to Government representatives, departments and agencies, Opposition representatives, courts, other professional associations, business organisations, interstate law societies, institutes, foundations and trusts, interstate and overseas law societies and bar associations, universities and other educational institutions, Real Estate Institute, Conveyancing Agents Licensing Board, Law Council of Australia, LAWASIA, the general community and community organisations, boards, councils, committees etc.
- Arrange and coordinate pro-bono legal work.
- Promote cooperation, collaboration, participation, interaction and fellowship amongst the profession.
- Participate in national debate on matters relating to the law and the legal profession.
- Official Opening of the Legal Year.
- Continuing Legal Education.
- Mock Trial Competition.
- Law Week.
- *Balance* publication.
- Member services (i.e. Qantas and BP scheme etc).
- Law reform.
- Ethics rulings.
- Arbitration in lease/business disputes.
- Facilitate Specialist Accreditation

*continued next page*



# Pre-Purchase Timber pest inspections

pest manager may find damage but no active termites; the homeowner moves in a few months later and finds live termites. Who was right? A clear definition of inactive is therefore essential.

The property is defined as including the allotment, improvements and all timber structures such as buildings, patios, landscaping, retaining walls, fences and bridges. This means that garden areas, trees, etc must be inspected (within the property boundaries up to a maximum distance of 50m). In properties with a large number of trees this may result in an increased cost for the report.

Structural damage is defined as being significant impairment to the integrity of serviceability of any structural timber in service within the structure.

Timber pests are defined as subterranean and dampwood termites, borers of seasoned timber and wood decay fungi. Solicitors would be wise NOT to request an inspection for termites only. You risk being judged negligent if you commission or recommend a 'termite only' report for the purchaser, and fungal decay or borer damage is later located.

## The Report

The inspection report should cover the following areas and to be provided in writing. Reports of less than four or five pages are unlikely to meet the requirements of the Standard!

- First name and address details, Inspector's name and date of Inspection
- Client details
- Description of the property
- Areas not inspected
- Genus of termites found and, if practicable, the species and its potential to cause damage
- Presence of other timber pests & recommendations
- Evidence of inactive infestation
- Evidence of treatment
- Location of damaged timbers and general description of the severity
- whether further inspections are required
- Recommended control measures
- Inaccessible areas
- Conducive areas
- The recommended frequency of future inspections
- Any limitations and conditions to the report.

## Vendor Supplied Reports

There has been a recent trend towards vendor supplied reports. One must always remember that the vendor has different interests to the purchaser. There have certainly been documented cases where a vendor has commissioned a report, covered up the timber pest evidence that was revealed and then commissioned a further report to provide a 'clean' result. A prudent purchaser should always arrange their own report regardless of the presence of a vendor supplied report.

*Steven G Broadbent*

# Functions of the Law Society

*continued from previous page*

- Perusal and comment on legislation.
- Perusal and comment on Court rules/procedure.
- Disseminate information of import to the profession.
- Assist legal practitioners with information in relation to admission, employment and practice in the Northern Territory.
- Assist articled clerks/practitioners to secure positions.
- Assist firms to secure suitable employees.
- Advise practitioners on requirements to establish a legal practice.
- Membership of the Law Council of Australia and other relevant organisations.
- Recommend members suitable for positions on the Admission Board.
- Liaise with Master of the Supreme Court on random audits.
- Liaise with Registrar of the Supreme Court on applications for admission.
- Liaise with Chief Justice on appointments of Queen's Counsel.
- Arrange Martin Kriewaldt Memorial Address.
- Establish prize portfolio for law students/graduates.
- Administration of the Law Society Public Purposes Trust.
- Administration of the Northern Territory Council of Law Reporting.
- Promote the services provided by the profession through the First Interview Scheme.

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