



Change of policy

regarding first time applicants for an Unrestricted Practising Certificate

The Society has recently reviewed its policies and procedures relating to the removal of the statutory condition attached to practising certificate pursuant to section 73 of the *Legal Profession Act 2006* ("LPA"); in other words the requirements to obtain an unrestricted practising certificate for the first time. As a result of this review the Society's policy and procedures have been changed and these changes bring the position in the Northern Territory into line with the majority of other Australian jurisdictions.

It is now the policy of the Society that a Graduate Diploma of Legal Practice ("GDLP") constitutes "other practical legal training" for the purposes of section 73(1)(b) of the LPA. Consequently to obtain an unrestricted practising certificate for the first time a practitioner who undertook GDLP for their pre-admission practical legal training must have completed two years of supervised legal practice after the day that they first held a practising certificate. This will be the position for the majority of practitioners.

For practitioners who completed articles of clerkship or employment as a graduate clerk (as defined in section 4 of the LPA), the policy

is unchanged and they need to complete eighteen months of supervised legal practice before being eligible to apply for an unrestricted practising certificate.

Additionally, the Society has also introduced a statutory declaration form which practitioners need to complete and submit with their first application for an unrestricted practising certificate. This statutory declaration will ensure that the relevant information is provided to enable the Society to properly consider an application for the removal of the supervision requirement. Practitioners ought to ensure that care is taken to complete this declaration accurately given the nature and purpose of the declaration for the Society's decision making processes.

Full time employment is considered to be a minimum of 38 hours each week (including usual annual leave and personal leave entitlements) worked during ordinary business hours Monday to Friday. Practitioners who have engaged in part-time employment need to provide details as to the number of hours worked each week. This is to enable a calculation pursuant to Regulation 12 of the *Legal Profession Regulations 2007* to

be undertaken to verify that the required period of supervised legal practice has been completed. These practitioners should also give consideration to the documents or other evidence available to them to substantiate the hours worked if called upon by the Society.

The Society's website has now also been updated to detail the current policy.

To apply for their first unrestricted practising certificate a practitioner needs to complete an "Unrestricted Practising Certificate Application Form" and the Statutory Declaration form. Both the Application Form and the Statutory Declaration form are available for download from the Society's website; these documents can be located under the "Practising Certificates" tab, in the "For the Profession" section of the website.

If practitioners have any questions related to these new requirements related to first time applicants for an unrestricted practising certificate please contact the Society's Licensing Officer, Danielle Sawyer, or Manager Regulatory Services, Kellie Grainger. ●

Endnotes - from page 21

1. The *Legal Profession Amendment Regulations 2012* ("Regulations") were gazetted on 3 August 2012.
2. Definition from clause 1 of the *Legal Profession Regulations 2007* as at 1 August 2012
3. Definition from clause 1 of the amended *Regulations*
4. Clause 15 of the current *Regulations* and clause 18 of the amended *Regulations*
5. Clause 4(2) of the amended *Regulations*
6. Clause 6(1) of the amended

7. *Regulations* www.lawsocietynt.asn.au "For the Profession" "Professional Development" "CPD Guidelines"
8. Clause 2(1) of the amended *Regulations*
9. Clause 14 of the amended *Regulations*
10. Clause 17(3)(c) of the amended *Regulations*
11. Clause 17(3)(d) of the amended *Regulations*
12. Clause 6(1) of the amended *Regulations*
13. Clause 19(2)(a) of the amended *Regulations*

14. Clause 19(2)(b) of the amended *Regulations*
15. Clause 19(2)(c) of the amended *Regulations*
16. Clause 19(2)(d) of the amended *Regulations*
17. www.nt.gov.au/dcm/ "Strong Service Delivery" tab "Supporting Government" tab "Register of Legislation Database" tab Subordinate Legislation by Year and Number Sub no. 2012, 30
18. Emails should be directed to the Manager Regulatory Services at mrs@lawsociety.asn.au

