

**IN THE SUPREME COURT  
OF THE NORTHERN TERRITORY  
OF AUSTRALIA  
AT**

No.        of 2000

(        )

IN THE MATTER OF:

THE LEGAL PRACTITIONERS  
(INCORPORATION) ACT

AND

IN THE MATTER OF:

AN APPLICATION FOR APPROVAL  
FOR THE FORMATION OF  
(ABC CO PTY LTD)  
AS A PRACTISING COMPANY

**EX PARTE ORIGINATING MOTION**

Let all parties concerned attend before the Honourable Chief Justice in Chambers,  
Supreme Court, State Square, Darwin in the Northern Territory of Australia on

at

am/pm

upon the hearing of an application by a legal practitioner for approval of the Chief  
Justice for the formation of the above mentioned practising company pursuant to  
Section 6 of the *Legal Practitioners (Incorporation) Act* and for such further or other  
orders as his Honour sees fit.

DATED:

Applicant

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OF THE NORTHERN TERRITORY  
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**IN THE MATTER OF:**

THE LEGAL PRACTITIONERS  
(INCORPORATION) ACT

AND:

**IN THE MATTER OF:**

AN APPLICATION FOR APPROVAL FOR THE  
FORMATION OF (ABC CO PTY LTD) AS A  
PRACTISING COMPANY

**AFFIDAVIT**

DEPONENT:

DATE SWORN/AFFIRMED:

I, of

in the Northern Territory of Australia, Barrister and Solicitor, MAKE OATH AND SAY THAT/SOLEMNLY AND SINCERELY AFFIRM THAT:

1. I am the applicant herein and I hold a current unrestricted practising certificate pursuant to the Legal Practitioners Act. I am in practice as a Barrister and Solicitor at (town) in the Northern Territory of Australia as a sole practitioner/in partnership with

.....

under the firm name and style of

.....

2. On or about (date) or so soon thereafter as is practicable, I propose to form a practising company to be known as (A B C Co Pty Ltd) the said name having been reserved with the Australian Securities and Investments Commission (hereinafter referred to as "the proposed practising company").

3. I am one of the proposed Directors of the proposed practising company and the other proposed Director/s is/are

.....

of .....

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SWORN/AFFIRMED on

Deponent

Witness

4. The proposed practising company, when registered, will practice under the firm name and style of (X Y Z).
5. Now produced and shown to me at the time of swearing this affidavit and marked “ ” is a true copy of the proposed Constitution of the proposed practising company.
6. The Constitution of the proposed practising company:
  - (a) provides that each director shall hold an unrestricted practising certificate or, as an alternative where there are only two directors, that one director shall hold an unrestricted practising certificate and the other shall be a near relative (as defined in the Legal Practitioners (Incorporation) Act of the first;
  - (b) provides that the practising company shall not carry on the practice of a legal practitioner while there is no director who has the qualification referred to in paragraph (a) or while any director does not so have that qualification;
  - (c) provides that all the shares included in all classes of shares that entitle the holder of such a share to exercise a vote at a meeting of the company shall only be held by a director or directors;
  - (d) provides that no other person shall hold a share in a company other than
    - (i) a director;
    - (ii) a spouse, child or grandchild of a person who is for the time being, a director; or
    - (iii) an executor or administrator of, or trustee for, any of the persons referred to in sub-paragraphs (i) and (ii).
7. I undertake to inform the Honourable Chief Justice through the Master's office of any changes of directors, their addresses, and place of practice of the proposed company or any material change affecting the nature of the said practising company.
8. I respectfully request the approval of the Chief Justice for the formation of a practising company in accordance with the Constitution annexed to this affidavit.

SWORN/AFFIRMED )  
 at )  
 on )  
 before me:

Commissioner for Oaths/Justice of the Peace