

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mrs Vicki Dunne)

Law Officer Amendment Bill 2008

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Law Officer Amendment Bill 2008

A Bill for

An Act to amend the *Law Officer Act 1992*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Law Officer Amendment Act 2008*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Law Officer Act 1992*.

**4 Functions of the Attorney-General
Section 4 (e) and (f), except note**

substitute

(e) to ensure that litigation mentioned in paragraph (d) is started and conducted in accordance with proper standards; and

(f) to exercise any function given to the Attorney-General under another Act; and

(g) to exercise any other function prescribed by regulation.

5 New sections 5AA to 5AC

insert

5AA Model litigant guidelines

(1) The Attorney-General may issue model litigant guidelines to ensure that proper standards in litigation apply to Territory legal work.

(2) A guideline issued under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- 1 (3) Anyone performing Territory legal work must comply with the
2 model litigant guidelines.

3 **5AB Protection from liability**

- 4 (1) A person performing Territory legal work is not personally liable for
5 anything done, or omitted to be done, honestly and without
6 recklessness—

- 7 (a) in complying with a model litigant guideline; or
8 (b) in the reasonable belief that the act or omission complied with
9 a model litigant guideline.

- 10 (2) Any civil liability that would, apart from this section, attach to a
11 person attaches instead to the Territory.

12 **5AC Reporting on model litigant guidelines**

13 Each report prepared by the chief executive under the *Annual*
14 *Reports (Government Agencies) Act 2004* must—

- 15 (a) describe the measures taken by the administrative unit during
16 the financial year to ensure compliance with the model litigant
17 guidelines; and
18 (b) provide information concerning any breaches of the model
19 litigant guidelines during the financial year.

20 **6 Dictionary, new definition of *model litigant guidelines* and**
21 ***Territory legal work***

22 *insert*

23 *model litigant guidelines* means the guidelines issued under
24 section 5AA (1) (Model litigant guidelines).

25 *Territory legal work* means legal work associated with litigation
26 conducted by a person for any of the following:

- 27 (a) the Territory;

- 1 (b) a body established by a law of the Territory;
 - 2 (c) a company in which the Territory has a controlling interest.
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
