



Australian Capital Territory

# **Law Officer Act 1992**

**A1992-54**

**Republication No 4**

**Effective: 12 April 2007 – 2 September 2009**

Republication date: 12 April 2007

Last amendment made by A2007-3

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Law Officer Act 1992* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 12 April 2007. It also includes any amendment, repeal or expiry affecting the republished law to 12 April 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Law Officer Act 1992

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R4  
12/04/07

Law Officer Act 1992  
Effective: 12/04/07-02/09/09

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Australian Capital Territory

## Law Officer Act 1992

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An Act relating to the functions and powers of the Attorney-General, and for related purposes

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**1 Name of Act**

This Act is the *Law Officer Act 1992*.

**2 Dictionary**

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**2A Notes**

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act s 127 (1), (4) and (5) for the legal status of notes.

**3 Position of Attorney-General**

The Attorney-General is the first law officer of the Territory.

**4 Functions of Attorney-General**

The functions of the Attorney-General are—

- (a) to be the chief legal representative of—
  - (i) the Crown in right of the Territory; and
  - (ii) the Territory;
- (b) to be the principal legal adviser to the Territory; and
- (c) to have responsibility for the administration of law and justice in the ACT; and
- (d) to institute and conduct litigation on behalf of—

- (i) the Crown in right of the Territory; or
- (ii) the Territory; or
- (iii) a Minister; or
- (iv) a person suing or being sued on behalf of the Territory;  
and
- (e) to exercise the functions given to the Attorney-General by another Act; and
- (f) to exercise any other functions prescribed under the regulations.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

## **5 Additional functions of Attorney-General**

The Attorney-General also has, in relation to the Territory, the traditional functions, prerogatives and privileges of State Attorneys-General, subject to this Act and any other Territory law.

### **5A Effect of Attorney-General's functions on certain litigation**

To remove any doubt, the functions of the Attorney-General, including the traditional functions, prerogatives and privileges of State Attorneys-General, do not prevent, and are taken never to have prevented, a person authorised by the Territory, or under a Territory law, from instituting or conducting litigation mentioned in section 4 (d) (Functions of Attorney-General).

### **5B Judicial notice of Attorney-General's appointment etc**

- (1) In any legal proceeding, a document apparently signed by the Attorney-General is presumed to have been signed by the Attorney-General in the absence of evidence to the contrary.

- (2) The instrument by which the Attorney-General is so designated must, on production to the Supreme Court, be noted in the records of the court.
- (3) No action, proceeding or matter (whether civil or criminal) by or against the Attorney-General abates or is affected by any change of office holder.

## **6 Regulation-making power**

The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.



## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- Attorney-General
- document
- Executive
- exercise
- function
- instrument (see s 14)
- Supreme Court
- the Territory.

***Attorney-General*** includes, if no Minister is designated Attorney-General by the Chief Minister, the Minister for the time being administering this Act.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### **Law Officer Act 1992 No 54**

notified 25 September 1992 (Gaz 1992 No S162)  
commenced 25 September 1992

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 214**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 214 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Justice and Community Safety Legislation Amendment Act 2003 A2003-2 pt 10**

notified LR 3 March 2003  
s 1, s 2 commenced 3 March 2003 (LA s 75 (1))  
pt 10 commenced 31 March 2003 (s 2 (2))

#### **Court Procedures (Consequential Amendments) Act 2004 A2004-60 amdt 1.131**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
amdt 1.131 commenced 10 January 2005 (s 2 and see Court Procedures Act 2004 A2004-59, s 2 and CN2004-29)

#### **Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.56**

notified LR 22 March 2007  
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))  
sch 3 pt 3.56 commenced 12 April 2007 (s 2 (1))

### 4 Amendment history

#### **Dictionary**

s 2 sub A2007-3 amdt 3.313

#### **Notes**

s 2A ins A2007-3 amdt 3.313

## Endnotes

### 5 Earlier republications

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#### **Functions of Attorney-General**

s 4 hdg sub A2003-2 s 52  
s 4 am A2003-2 s 53, s 54

#### **Additional functions of Attorney-General**

s 5 sub A2003-2 s 55

#### **Effect of Attorney-General's functions on certain litigation**

s 5A ins A2003-2 s 55

#### **Judicial notice of Attorney-General's appointment etc**

s 5B reloc from Crown Proceedings Act 1992 s 18 by A2004-60  
amdt 1.131

#### **Regulation-making power**

s 6 sub 2001 No 44 amdt 1.2608

#### **Amendment of *Legal Practitioners Act 1970***

s 7 om 2001 No 44 amdt 1.2608

#### **Regulations**

s 8 om 2001 No 44 amdt 1.2608

#### **Dictionary**

dict ins A2007-3 amdt 3.314  
def **Attorney-General** ins A2007-3 amdt 3.314

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	A2001-44	13 June 2002
2	A2003-2	31 March 2003
3	A2004-60	10 January 2005

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