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**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**GOVERNMENT SOLICITOR (AMENDMENT) BILL 1991**

**EXPLANATORY MEMORANDUM**

Circulated by authority of  
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Attorney-General

## GOVERNMENT SOLICITOR (AMENDMENT) BILL 1991

The *Government Solicitor (Amendment) Bill 1991* will amend the *Government Solicitor Act 1989* by omitting references to the Government Law Office and substituting references to the administrative unit which administers the Government Solicitor Act. [See clauses 3 and 4 of Bill.] At present that unit is known as the Attorney-General's Department, but it is officially named "Attorney-General's Department (Government Law Office)".

The references to the Government Law Office appear in the definition section of the Act [s3] and in subsection 5(4) which, amongst other things, provides that the Chief Solicitor may authorise a qualified officer of the Government Law Office to act in the name of the Government Solicitor. To be a qualified officer an officer must be a barrister and solicitor of the Supreme Court.

As well as substituting the references the Bill provides that authorisations given before the Act is amended will still be effective. [See clause 5 of Bill.]

As the Act stands it is necessary for the Chief Minister, when she is organising the public service into administrative units, to ensure that one of the units is named "Government Law Office". The substitution which is made by the amendment will allow the Chief Minister greater flexibility in naming administrative units. Once this substitution is made the Act will comply with an important principle, namely, that the Government of the day, through the Chief Minister, should be able to organise the ACT Government Service as it sees fit, without being constrained by having specifically named Administrative Units referred to in legislation.

The Bill has no revenue or expenditure implications.