

1989- 90- 91

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

LEGAL PRACTITIONERS (AMENDMENT) BILL 1991

EXPLANATORY MEMORANDUM

Circulated by authority of
Terence Connolly MLA
Attorney-General

LEGAL PRACTITIONERS (AMENDMENT) BILL 1991

The *Legal Practitioners (Amendment) Bill 1991* will amend the *Legal Practitioners Act 1970* by omitting references to the Government Law Office and substituting references to the administrative unit which administers the *Government Solicitor Act 1989*. [See clauses 4, 5 and 6 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 in the Act to the Government Law Office appear in section 5 (the definition section), in subparagraph 15E(1)(a)(iii) and in section 124.

Section 15E deals with the issue of an unrestricted practising certificate. So far as relevant it provides that a certificate may not be issued to a barrister and solicitor of the Supreme Court unless during the period of 5 years immediately preceding the application the applicant has for a period of at least 2 years performed work of a legal nature as an officer of the Government Law Office.

Section 124 makes it an offence for a person to, for reward, prepare documents relating to applications for probate. The section goes on to provide that an officer of the Government Law Office who draws such papers in the course of his or her employment does not commit the offence.

Substituting references to the administrative unit which administers the *Government Solicitor Act* for references to the Government Law Office will not change the effect of the provisions.

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.