

EXPLANATORY STATEMENT

AUSTRALIAN CAPITAL TERRITORY

LEGAL PRACTITIONERS (AMENDMENT) ORDINANCE 1986

NO. 7, 1986

This Ordinance amends the Legal Practitioners Ordinance 1970 ('the Principal Ordinance') to exclude barrister members of the A.C.T. Law Society ('the Law Society') from jurisdiction of the Disciplinary Committee of the Law Society.

The Bar Association and the Law Society recently amended their Articles of Association and Constitution, respectively, to permit a member of the Bar Association to become a member of the Law Society.

Under sections 29 and 30 of the Principal Ordinance the Disciplinary Committee of the Law Society has power to inquire into the professional behaviour of members of the Society. Persons who practise solely as barristers who joined the Law Society pursuant to the amendments of the Law Society's Constitution would have thereby become subject, in relation to their conduct as barristers, to the jurisdiction of the Disciplinary Committee.

This result would have been contrary to the long-standing legislative arrangement under which barristers are subject only to the supervision of the Supreme Court in relation to their professional behaviour. The Law Society therefore asked that the Ordinance be amended to exclude barrister members from the jurisdiction of the Disciplinary Committee.

Details of the Ordinance are as follows:

Clause 1 provides that the Ordinance may be cited as the Legal Practitioners (Amendment) Ordinance 1986.

Clause 2 amends section 29 of the Principal Ordinance to exclude a member of the Law Society, who at the relevant time was practising solely as a barrister, from the jurisdiction of the Disciplinary Committee of the Law Society.

Authorised by the  
Attorney-General.