

AUSTRALIAN CAPITAL TERRITORY  
LEGAL PRACTITIONERS ORDINANCE 1974  
EXPLANATORY MEMORANDUM

No. 5 of 1974

The purpose of this Ordinance is to amend the Legal Practitioners Ordinance 1970-1973 so as to permit an unrestricted practising certificate to be issued to a person by the Law Society (which, under the Ordinance, issues practising certificates to solicitors) if he has gained such experience that an unrestricted practising certificate should be issued to him.

2. Sub-section 15 B (1) of the Ordinance forbids a person whose name is on the Roll of Barristers and Solicitors of the Supreme Court of the Australian Capital Territory from practising as a solicitor either as a sole practitioner or in partnership, unless he holds an unrestricted practising certificate.

3. Sub-sections 15 E (1) and (2) limit the issue of such a certificate to a person who, during the five years preceding the date of his application, has had the following experience:

- (a) he has for two years or periods totalling two years –
  - (i) served articles in a State or Territory
  - (ii) served as an employee solicitor in a State or Territory
  - (iii) served as an officer or employee of the Attorney-General's Department performing work of a legal nature
  - (iv) practised in a State or Territory as solicitor, or
  - (v) served or practised in any two or more of these capacities.
- (b) he has completed the Legal Workshop Course and twelve months in any of the abovementioned capacities, or
- (c) he has
  - (i) practised in a State or Territory as a barrister for not less than two years
  - (ii) practised in a State or Territory as a barrister for not less than one year and served or practised in any of the capacities mentioned in (a) for not less than one year
  - (iii) after completing the Legal Workshop Course has practised in a State or Territory as a barrister for not less than one year, and
  - (iv) gained such experience that an unrestricted practising certificate should be issued to him.

The purpose of these provisions is to protect the public from inexperienced solicitors.

4. The Ordinance amends section 15E by inserting new sub-sections (3), (4) and (5).

5. New sub-section (3) will permit the Law Society to issue an unrestricted practising certificate to an applicant who has previously held a practising certificate in the Territory, and who has gained experience of a kind not specified in sub-sections (1) and (2) but nevertheless such that he should be entitled to an unrestricted certificate.

6. New sub-section (4) will permit an unrestricted practising certificate to be issued to a person who, for three years in the previous ten, has practised or been employed as a legal practitioner in a State, the Northern Territory, or a prescribed country (England, Scotland, Northern Ireland, New Zealand, Canada, Papua New Guinea) who has been employed by a barrister and solicitor in the Australian Capital Territory for at least six months immediately preceding his application and who has gained such experience that an unrestricted practising certificate should be issued to him.