



Australian Capital Territory

Law Officer Amendment Act 2009

A2009-21

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Australian Capital Territory

Law Officer Amendment Act 2009

A2009-21

An Act to amend the *Law Officer Act 1992*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Law Officer Amendment Act 2009*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This Act amends the *Law Officer Act 1992*.

**4 Functions of the Attorney-General
Section 4 (e) and (f), except note**

substitute

- (e) to ensure that litigation mentioned in paragraph (d) is started and conducted in accordance with proper standards; and
- (f) to exercise any function given to the Attorney-General under another Act; and
- (g) to exercise any other function prescribed by regulation.

5 New sections 5AA to 5AC

insert

5AA Model litigant guidelines

- (1) The Attorney-General must issue model litigant guidelines to ensure that proper standards in litigation apply to Territory legal work.
- (2) A guideline issued under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (3) Anyone performing Territory legal work must comply with the model litigant guidelines.
- (4) The model litigant guidelines may be enforced only by, or on the application of, the Attorney-General.
- (5) The issue of non-compliance with the model litigant guidelines may not be raised in a proceeding (whether in a court, tribunal or other body) except by or on behalf of the Territory.

5AB Protection from liability

- (1) A person performing Territory legal work is not personally liable for anything done, or omitted to be done, honestly and without recklessness—
 - (a) in complying with a model litigant guideline; or
 - (b) in the reasonable belief that the act or omission complied with a model litigant guideline.
- (2) Any civil liability that would, apart from this section, attach to a person attaches instead to the Territory.

5AC Reporting on model litigant guidelines

- (1) Each report prepared by the chief executive under the *Annual Reports (Government Agencies) Act 2004* must—
 - (a) describe the measures taken by the administrative unit during the financial year to ensure compliance with the model litigant guidelines; and
 - (b) provide information concerning any breaches of the model litigant guidelines during the financial year.

- (2) Each chief executive (other than the JACS chief executive) must—
 - (a) prepare a report setting out the matters mentioned in subsection (1) (a) and (b) for the administrative unit; and
 - (b) give the report to the JACS chief executive not later than 21 days after the end of the financial year.
- (3) The report prepared by the JACS chief executive under subsection (1) must include a summary of each report given to the chief executive under subsection (2) for the relevant financial year.
- (4) In this section:

JACS chief executive means the chief executive of the administrative unit responsible for this Act.

6 Dictionary, new definition of *model litigant guidelines* and *Territory legal work*

insert

model litigant guidelines means the guidelines issued under section 5AA (1) (Model litigant guidelines).

Territory legal work means legal work associated with litigation conducted by a person for any of the following:

- (a) the Territory;
- (b) a body established by a law of the Territory;
- (c) a company in which the Territory has a controlling interest.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 December 2008.

2 Notification

Notified under the Legislation Act on 2 September 2009.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Law Officer Amendment Bill 2009, which originated in the Legislative Assembly as the Law Officer Amendment Bill 2008 and was passed by the Assembly on 19 August 2009.

Clerk of the Legislative Assembly

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