

Australian Capital Territory

Legal Practitioners (Professional Conduct Board of The Law Society of the Australian Capital Territory) Appointment 2003 (No 1)

Disallowable Instrument DI 2003— 327

made under the

Legal Practitioners Act 1970, paragraph 38(2)(b) (Professional Conduct Board – Establishment and Membership)

Explanatory Statement

The *Legal Practitioners Act 1970* provides for the establishment of the Professional Conduct Board of The Law Society of the Australian Capital Territory.

The function of the Board is to hear complaints concerning the professional behaviour of a solicitor that are referred to it by the Council of the Law Society. It does not hear complaints involving a person who does not hold a practising certificate under the *Legal Practitioners Act 1970* (such as a person who undertakes legal work in the traditional style of a barrister).

The Board consists of seven members. Five members are legal practitioners appointed by the Council of the Law Society. Paragraph 38(2)(b) of the *Legal Practitioners Act 1970* provides that an additional two non-legally qualified persons (lay members) are appointed by the Attorney General after consultation with the Law Society.

The instrument appoints Mr Abraham Van Arkel to the Board as a lay member. Mr Van Arkel meets the statutory requirements to be appointed as a lay member of the Board.

The appointment is a disallowable instrument for the purposes of Division 19.3.3 of the *Legislation Act 2001* as the appointment is by a Minister to a statutory position within the meaning of that Act, the appointee is not a public servant, the appointment is for a period of more than six months, and the position is not a position that only has an advisory function. Pursuant to the *Legislation Act 2001* the appropriate Legislative Assembly Committee has been consulted concerning the appointments. The Committee has advised that it has no objection to the appointment.