

FACT SHEET

Statutory Appointments (Validation) Bill 2016

This Bill addresses issues with the appointment of statutory officers and the constitution of Tribunals that have arisen from the replacement of the *Legal Profession Act 1993* with the *Legal Profession Act 2007*. It validates decisions of officers, Boards and Tribunals notwithstanding that at the time the decision was taken there may have been a defect in the appointment of the officer or constitution of the Tribunal.

Under the 1993 Act, a legal practitioner was defined as “a person admitted and enrolled as a barrister and solicitor under this Act...”. Under this Act the term “legal practitioner” did not infer an entitlement to practice.

Under the 2007 Act, the term “Australian legal practitioner” means a person entitled to practice: that is, both admitted to the legal profession and in possession of a practicing certificate.

Consequential amendments at the time of the 2007 Act substituted words and phrases relating to legal practitioners in many Acts. However, it was not necessarily appreciated that when “Australian legal practitioner” was substituted for the previous phrase “legal practitioner”, it brought with it a requirement that the person appointed be in possession of a practising certificate either at the time of appointment or for a specified period prior to appointment.