

BILL NO. 10 OF 2020

A BILL

FOR AN ACT TO AMEND THE LEGAL PRACTITIONERS ACT 2009

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Legal Practitioners (Amendment) Act 2020.
- (2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Legal Practitioners Act 2009 is referred to as the “Principal Act”.

Section 2 amended

2. Section 2 of the Principal Act is amended in the definition of “Chairperson” by deleting “section 3(3)” and substituting “section 3(4)”.

Section 3 amended

3. Section 3 of the Principal Act is amended by—
 - (a) deleting subsection (4) and substituting the following—

“(4) The Board consists of the following—

 - (a) the Chairperson and 2 other members appointed by the Minister;

- (b) the Chief Justice;
 - (c) the Solicitor-General; and
 - (d) the Registrar.”;
- (b) after subsection (4), inserting the following new subsection—
- “(4A) The Chairperson must be a person who is qualified to be appointed as a Judge.”; and
- (c) in subsection (5), deleting “Each of the persons who constitute the Board, save for the Chairperson,” and substituting “The Chief Justice, the Solicitor-General and the Registrar”.

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May 2020

LEGAL PRACTITIONERS (AMENDMENT) BILL 2020

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

1.1 Section 3 of the Legal Practitioners Act 2009 (**‘Act’**) establishes the Board of Legal Education (**‘Board’**).

1.2 The current composition of the Board is as follows:

- (a) the Solicitor-General of the Republic of Fiji (**‘Solicitor-General’**);
- (b) the Dean of the school or faculty of law of the University of the South Pacific (**‘USP’**);
- (c) the Chief Justice;
- (d) the Chief Registrar of the High Court of Fiji (**‘Registrar’**);
- (e) the Dean, appointed by the Attorney-General, of a school or faculty of law of a university in Great Britain, Australia or New Zealand; and
- (f) a person having legal qualifications, appointed by the Attorney-General, who shall be the Board’s Chairperson.

1.3 The Legal Practitioners (Amendment) Bill 2020 (**‘Bill’**) seeks to amend the Act to change the composition of the Board by removing the Dean of the school or faculty of law of USP and the Dean, appointed by the Attorney-General, of a school or faculty of law of a university in Great Britain, Australia or New Zealand and replacing them with two members to be appointed by the Minister. The term “Minister” is defined as the Attorney-General in section 2 of the Act.

1.4 Currently, the Dean of the school or faculty of law of USP is a member of the Board. The Act is restrictive in that there are other universities such as the Fiji National University and the University of Fiji with schools or faculties of law that also provide law programmes to tertiary students. Also, the Act currently limits the appointment by the Attorney-General to the Dean of the school or faculty of law of a university in only Great Britain, Australia and New Zealand.

1.5 The proposed amendment allows the Minister to extend appointments to the Board to any person, including the Deans of the schools or faculties of law of universities in Fiji or any other country.

1.6 The proposed amendment also allows only the Chief Justice, the Solicitor-General and the Registrar to delegate to a person, his or her office as a member of the Board.

2.0 CLAUSES

2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date appointed by the Minister by notice in the Gazette.

2.2 Clause 2 of the Bill amends the definition of “Chairperson” in section 2 of the Act by adjusting the cross-reference.

2.3 Clause 3 of the Bill amends section 3(4) of the Act to change the composition of the Board as follows:

- (a) the Chairperson and 2 other members appointed by the Minister;
- (b) the Chief Justice;
- (c) the Solicitor-General; and
- (d) the Registrar.

2.4 Clause 3 of the Bill also amends section 3 of the Act by inserting a new subsection (4A) to provide that the Chairperson must be a person who is qualified to be appointed as a Judge.

2.5 Clause 3 of the Bill further amends section 3(5) of the Act to allow only the Chief Justice, the Solicitor-General and the Registrar to delegate to a person, his or her office as a member of the Board.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Attorney-General.

A. SAYED-KHAIYUM
Attorney-General