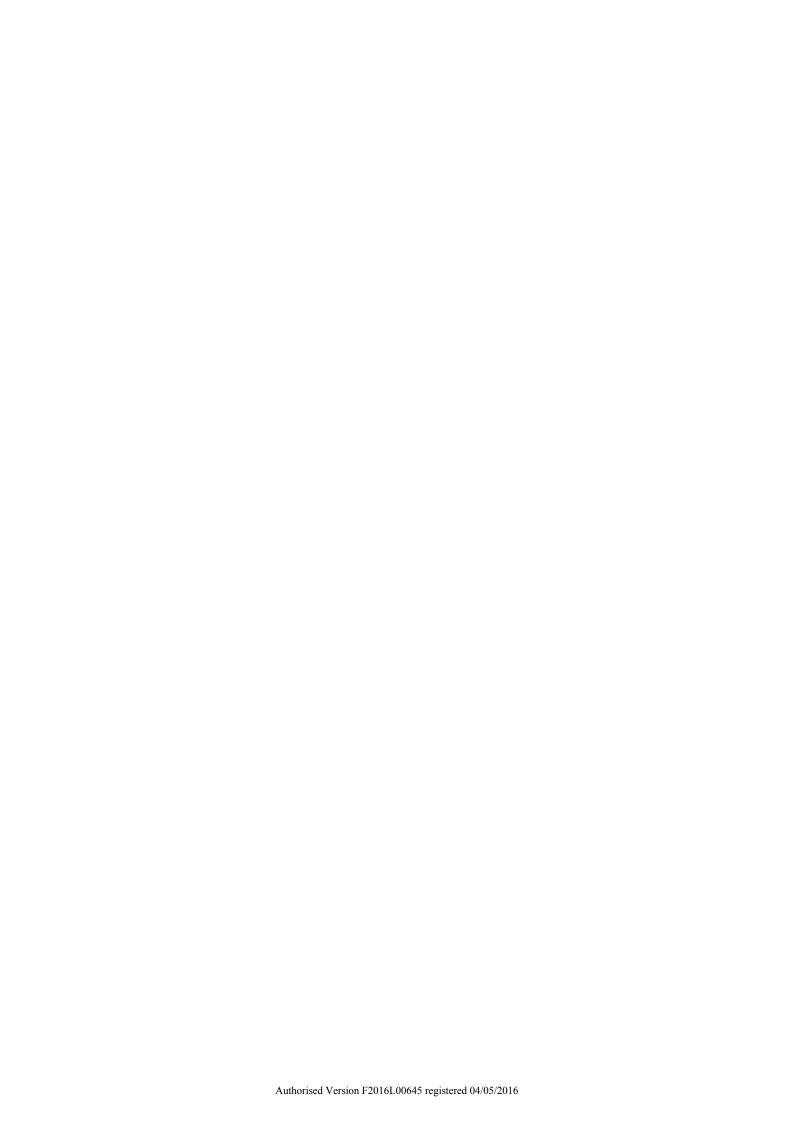


Legal Services Amendment (Solicitor-General Opinions) Direction 2016

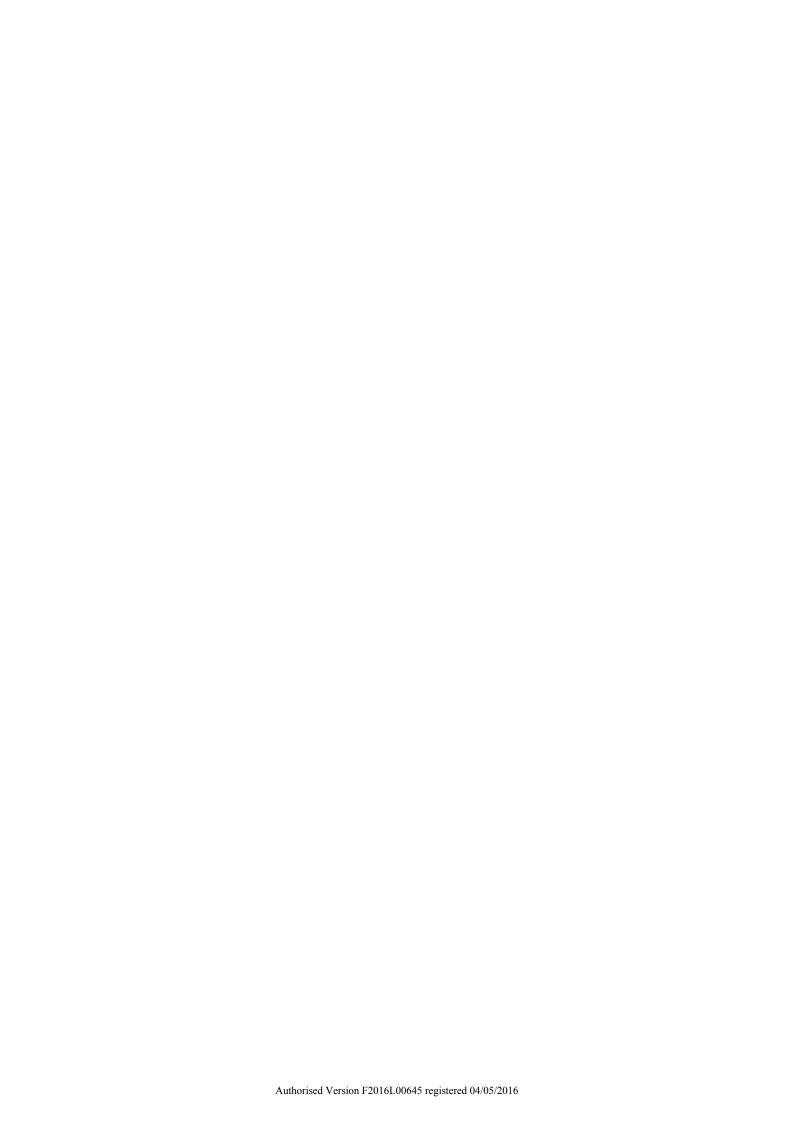
I, George Brandis QC, Attorney-General, make the following direction.

Dated 4 May 2016

George Brandis QC Attorney-General



| Conten | ts | |
|--------------------------------|------|--------------|
| | 1 | Name |
| | 2 | Commencement |
| | 3 | Authority |
| | 4 | Schedules |
| Schedule 1 | —Ame | endments |
| Legal Services Directions 2005 | | |



1 Name

This is the *Legal Services Amendment (Solicitor-General Opinions) Direction* 2016.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | | |
|---------------------------------|--|--------------|--|
| Column 1 | Column 2 | Column 3 | |
| Provisions | Commencement | Date/Details | |
| 1. The whole of this instrument | The day after this instrument is registered. | 5 May 2016 | |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Judiciary Act 1903*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Legal Services Directions 2005

1 After paragraph 10A of the Schedule

Insert:

10B Opinions on questions of law by the Solicitor-General

- The Solicitor-General will, in accordance with paragraph 12(b) of the *Law Officers Act 1964* (the *Law Officers Act*), furnish his or her opinion to the Attorney-General on questions of law referred to the Solicitor-General by the Attorney-General or with the consent of the Attorney-General.
- The Solicitor-General will furnish an opinion on a question of law only if the Attorney-General has referred, or consented to a referral of, the question of law to the Solicitor-General.
- No person or body referred to in paragraph 12(a) of the Law Officers Act, other than the Attorney-General, may refer a question of law to the Solicitor-General except with the consent of the Attorney-General.
- If a person or body referred to in paragraph 12(a) of the Law Officers Act forms the view that a question of law should be referred to the Solicitor-General, that person or body must seek, in writing, the Attorney-General's signed consent to the referral of the question to the Solicitor-General. The letter must be copied to OLSC.
- 10B.5 If the Attorney-General's Department or AGS:
 - (a) has consulted the Solicitor-General under paragraph 10A.2 of these Directions about whether advice on a question of law should be given by the Solicitor-General in relation to a constitutional law issue; and
 - (b) forms the view that the Solicitor-General's advice should be sought; the Attorney-General's Department or AGS must seek, in writing, the Attorney-General's signed consent to the referral of the question to the Solicitor-General. The letter must be copied to OLSC.
- If the Attorney-General consents to a referral of a question of law to the Solicitor-General, the brief to the Solicitor-General to advise on the question shall include a copy of the signed consent of the Attorney-General.
- 10B.7 If the Solicitor-General receives a brief to advise on a question of law that does not include a copy of the signed consent of the Attorney-General, then:
 - (a) the Solicitor-General shall notify the Attorney-General's Office of the receipt of the brief; and
 - (b) the Attorney-General shall either:
 - (i) consent, in writing, to the referral of the question of law to the Solicitor-General: or
 - (ii) decline to consent to such referral, in which case the Solicitor-General shall return the brief.
- Nothing in these Directions limits the Attorney-General's discretion to seek legal advice from persons other than the Solicitor-General.

To avoid doubt, this paragraph does not apply in relation to questions of law that arise in the course of a matter in which the Solicitor-General is acting as counsel under paragraph 12(a) of the Law Officers Act.