

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Output 1.2**

**Question No. 93**

**Senator Abetz asked the following question at the hearing on 27 May 2008:**

Jocelyn Scutt:

- a) Has the Attorney-General's Department received any complaints about the alleged loophole allowing Australian legal practitioners to practice law and assume judicial appointments in Fiji? (The Australian, 14/3/08 Pg 33)
- b) How many Australian legal practitioners are known to be practicing in Fiji or occupying positions in the Fijian judiciary?
- c) Is the Attorney-General's Department assessing ways to address this loophole?
- d) Does the Attorney-General's Department have any powers to suspend an Australian legal practitioner if they gain employment with a regime that is, as the article asserts, constitutionally unlawful?
- e) Is the Attorney-General's Department planning on or currently taking any action against the individuals referred to in this article?

**The answer to the honourable senator's question is as follows:**

- a) One correspondent has raised concerns with the Attorney-General about Australian legal practitioners and judicial officers practising law and accepting judicial appointments in Fiji.
- b) The Department does not have information on the number of Australian legal practitioners practicing in Fiji or occupying positions in the Fijian judiciary.
- c) The question of who can practise law in Fiji is a matter for the Fijian government and courts. The question of who can occupy positions in the Fijian judiciary is a matter for the Fijian government.
- d) No. Regulation of Australian legal practitioners is a matter for the respective State and Territory legal profession regulatory bodies.
- e) No.