



NORTHERN TERRITORY OF AUSTRALIA

No. 48 of 1986

AN ACT

to amend the *Law Officers Act*

[Assented to 10 December 1986]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Law Officers Amendment Act (No. 2) 1986*.

2. COMMENCEMENT

(1) Sections 1 and 2 shall come into operation on the day on which the Administrator's assent to this Act is declared.

(2) The remaining provisions of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Law Officers Act* is in this Act referred to as the Principal Act.

4. LONG TITLE

The long title to the Principal Act is amended by omitting "Crown Solicitor" and substituting "Solicitor for the Northern Territory".

5. REPEAL

Sections 3 and 4 of the Principal Act are repealed.

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6. POWERS AND DUTIES OF ATTORNEY-GENERAL

Section 6 of the Principal Act is amended by omitting from paragraph (d) "Crown Solicitor" and substituting "Solicitor for the Northern Territory".

7. REPEAL AND SUBSTITUTION

Sections 8, 9 and 11 of the Principal Act are repealed and the following substituted:

"8. SOLICITOR FOR THE TERRITORY

"(1) There is hereby established a Solicitor for the Northern Territory.

"(2) The Solicitor for the Northern Territory is a body corporate.

"(3) The Solicitor for the Northern Territory may act as solicitor for -

- (a) the Crown in right of the Territory;
- (b) the Territory;
- (c) a person suing or being sued on behalf of the Territory;
- (d) a minister;
- (e) a body or authority established by a law of the Territory;
- (f) an officer of, or a person employed by -
 - (i) the Territory; or
 - (ii) a body or authority established by a law of the Territory;
- (g) a person holding office under a law of the Territory;
- (h) the Australian Government Solicitor, by arrangement, as agent on behalf of clients of the Australian Government Solicitor; or
- (j) any other person, body or authority for whom the Attorney-General requests it to act,

and is, for the purpose of so acting, entitled to practise as a legal practitioner in any court and entitled to all the rights and privileges of a legal practitioner.

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"(4) The Secretary may act personally in the name of the Solicitor for the Northern Territory and may also, either generally, or otherwise as provided by the instrument of authorization, by writing signed by him, authorize an officer of the Department who is a legal practitioner to act in the name of the Solicitor for the Northern Territory.

"(5) An act or thing done in the name of the Solicitor for the Northern Territory by, or under the direction or authority of -

(a) the Secretary; or

(b) a person authorized under subsection (4),

shall be deemed to have been done by the Solicitor for the Northern Territory.

"(6) In or in respect of the doing by a person of an act or thing in pursuance of an authorization under subsection (5), the person is responsible to the Secretary and, through the Secretary, to the Attorney-General, and shall comply with such directions, if any, as are given to him by the Secretary.

"(7) An act or thing done or omitted to be done by a person in the name of the Solicitor for the Northern Territory pursuant to a direction given by the Secretary shall be deemed to have been done or omitted to be done, as the case may be, by the Secretary personally.

"(8) The Secretary is, for the purpose of exercising his powers and performing his functions under this section, entitled to practise as a legal practitioner as if he were the holder of an unrestricted practising certificate issued under the *Legal Practitioners Act*.

"(9) Notwithstanding subsection (5) but subject to subsection (8) -

(a) the Secretary; or

(b) a person authorized under subsection (4),

is, in respect of any act or thing done or omitted to be done by him, or by a person at his direction or under his authority, in the name of the Solicitor for the Northern Territory, subject to the duties and obligations to which he would be subject if that act or thing had been done or omitted to be done in the course of practice by him as a legal practitioner.

"(10) A copy of every authorization under subsection (4) shall be published in the *Gazette*.

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"(11) In any Act, instrument of a legislative or administrative character, award or other industrial determination or order, industrial agreement, other order (whether executive, judicial or otherwise), contract, pleading in, or process issued in connection with, a legal or other proceeding, or any other instrument, a reference to the Crown Solicitor shall be construed as including a reference to the Solicitor for the Northern Territory.

"(12) In this section -

'Department' means the department primarily responsible to the Attorney-General for matters arising under this Act;

'Secretary' means the permanent head, within the meaning of the *Public Service Act*, of the Department."

8. JUDICIAL NOTICE TO BE TAKEN OF SIGNATURES

Section 12 of the Principal Act is amended by omitting "the Crown Solicitor" and substituting "a person signing in the name of the Solicitor for the Northern Territory."

9. AMENDMENT OF OTHER ACTS AND REGULATIONS

The provisions of the Acts and the Regulations specified in the Schedule are amended as provided in that Schedule.

SCHEDULE

Section 9

AMENDMENTS

Provision	Amendment	
	omit	substitute
<i>Adoption of Children Act</i>		
Section 50	"Crown Solicitor" (twice occurring)	"Solicitor for the Northern Territory"
<i>Cemeteries Act</i>		
Section 19	"Crown Solicitor"	"Solicitor for the Northern Territory"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Commercial and Private Agents Licensing Act</i>		
Sections 9(3), 11(1) and 16(1)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Consumer Protection Act</i>		
Section 22(2)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Crimes Compensation Act</i>		
Sections 6(1)(a) and 16(1) and (2)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Criminal Code</i>		
Section 331	"Crown Solicitor" (wherever occurring)	"Solicitor for the Northern Territory"
<i>Criminal Law (Conditional Release of Offenders) Act</i>		
Sections 7(1)(a), (2), (5) and (6), 16(1), (2) and (3), 21(3)(c) and 26(1), (2) and (3)	"Crown Solicitor" (wherever occurring)	"Solicitor for the Northern Territory"
<i>Evidence Act</i>		
Section 57(3)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>False Advertising Act</i>		
Section 3(5)	"Crown Solicitor"	"Solicitor for the Northern Territory"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Federal Hotels Casinos (Compensation) Act</i>		
Sections 15(1) (a), (b) and (c) and 17	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Fish and Fisheries Act</i>		
Section 77(5)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Justices Act</i>		
Sections 116(1), (2) and (3), 139, 141(1) and (3), 162A(2) and (6) and 188(3)	"Crown Solicitor" (wherever occurring)	"Solicitor for the Northern Territory"
<i>Lands Acquisition Act</i>		
Section 90(1)(c) and (2)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Legal Practitioners Act</i>		
Section 22(3A)	", other than the Solicitor-General or the Crown Solicitor within the meaning of the <i>Law Officers Act</i> ,"	
Sections 36(1) (b) and 43	"the Crown Solicitor for the Northern Territory"	"the Secretary, within the meaning of section 8 of the <i>Law Officers Act</i> ,"
Sections 84(2) and 89(2A)	"Crown Solicitor"	"Solicitor for the Northern Territory"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Maintenance Act</i>		
Paragraph (a) of the definition of "certified copy" in section 65(1)	"Crown Solicitor"	"Solicitor for the Northern Territory"
Sections 77(1) (d), 78(4), 79, 80(1), (2), (3) and (4), 81(1)(c) and (2) and 84	"Crown Solicitor" (wherever occurring)	"Solicitor for the Northern Territory"
<i>Ombudsman (Northern Territory) Act</i>		
Section 22(2)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Parole of Prisoners Act</i>		
Sections 4(4), 5(9A) and 12(2)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Planning Act</i>		
Section 152(2)(b)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Prices Regulation Act</i>		
Section 36(5)	"Crown Solicitor"	"Solicitor for the Northern Territory"
<i>Sexual Offences (Evidence and Procedure) Act</i>		
Section 5(1)	Paragraph (c)	"(c) the Secretary, within the meaning of section 8 of the <i>Law Officers Act</i> , or a person authorized

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
		under subsection (4) of that section to act in the name of the Solicitor for the Northern Territory in the matter, or a person authorized by the Solicitor for the Northern Territory;"
<i>Uniting Church of Australia Act</i>		
Section 21	"Crown Solicitor"	"Solicitor for the Northern Territory"
Land Acquisition Regulations		
Form 1 in Schedule 1	"Crown Solicitor for the Northern Territory"	"Solicitor for the Northern Territory"