



NORTHERN TERRITORY OF AUSTRALIA

No. 5 of 1986

AN ACT

To amend the *Law Officers Act*

[Assented to 29 April 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 1986*.

2. COMMENCEMENT

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. REPEAL AND SUBSTITUTION

Section 8 of the Principal Act is repealed and the following substituted:

"8. OFFICE OF CROWN SOLICITOR

"(1) The Attorney-General may appoint a person admitted or qualified to be admitted as a legal practitioner to be the Crown Solicitor for the Northern Territory.

"(2) The Attorney-General may appoint a person admitted or qualified to be admitted as a legal practitioner to act from time to time as the Crown Solicitor during the absence of the Crown Solicitor or a vacancy in that office.

Law Officers Amendment

"(3) The Crown Solicitor shall have such powers, duties and functions as are specified under this Act or any other law of the Territory.

"(4) The Crown Solicitor shall, for the purpose of carrying out his powers, duties and functions, be entitled to practice as a legal practitioner as if he were holding an unrestricted practising certificate issued under the *Legal Practitioners Act*."

5. REPEAL

Section 10 of the Principal Act is repealed.

6. NEW SECTIONS

The Principal Act is amended by adding at the end the following:

"13. OFFICE OF SOLICITOR-GENERAL

"(1) The Administrator may, in writing, appoint a person to hold the office of Solicitor-General of the Northern Territory -

(a) for such period as is specified; or

(b) without limitation on the period of office,

on such terms and conditions as the Administrator determines.

"(2) A person is not qualified for appointment under subsection (1) if that person -

(a) holds a ministerial office; or

(b) is not a legal practitioner of at least 5 years' standing.

"(3) The *Public Service Act* does not apply to or in relation to the office of Solicitor-General or a person holding that office.

"(4) The Minister may appoint a qualified person (including an officer of the Public Service) to act from time to time as the Solicitor-General during the absence from duty of the Solicitor-General or a vacancy in that office.

"(5) Notwithstanding anything to the contrary in subsection (1), the *Supreme Court (Judges Pensions) Act* applies to and in respect of a person appointed to the office of Solicitor-General in the same way and to the same extent as if the person had been appointed to be a Judge (within the meaning of that Act) who is to cease to hold office upon attaining the age of 65 years.

Law Officers Amendment

"(6) A pension or other money payable by virtue of subsection (5) shall be payable from the Consolidated Fund which is appropriated accordingly.

"(7) If a person who holds or has held office as a Solicitor-General appointed under subsection (1) becomes a Judge the period during which he held office shall, for the purposes of the *Supreme Court (Judges Pensions) Act*, be deemed to be prior judicial service within the meaning of that Act.

"(8) A Solicitor-General may resign his office by writing signed by him and delivered to the Administrator.

"(9) Notwithstanding anything in the terms and conditions of his employment, a Solicitor-General shall retire from office on the day on which he attains the age of 65 years, and the office of Solicitor-General then becomes vacant.

"14. FUNCTIONS OF SOLICITOR-GENERAL

"The Solicitor-General -

- (a) may act as counsel for the Crown in right of the Northern Territory of Australia and for any other person for whom the Attorney-General requests him to act;
- (b) may perform such other duties of counsel as the Attorney-General directs;
- (c) may exercise powers and perform functions conferred on the Solicitor-General by any law of the Territory or the Commonwealth;
- (d) shall, for the purpose of exercising his powers or performing his functions, be entitled to practice as a legal practitioner as if he were holding an unrestricted practising certificate issued under the *Legal Practitioners Act*; and
- (e) except with the consent of the Attorney-General, shall not engage -
 - (i) in any other practice as a legal practitioner; or
 - (ii) in any other paid employment.

"15. REMOVAL OF SOLICITOR-GENERAL FROM OFFICE

"The Administrator shall remove the Solicitor-General from office if, and only if, the Solicitor-General -

- (a) except by reason of temporary illness, becomes incapable of performing the duties of his office;

Law Officers Amendment

- (b) is guilty of misbehaviour; or
- (c) becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit."

7. TRANSITIONAL

(1) The person holding the office of Solicitor-General immediately before the commencement of this Act shall, as at the commencement, -

- (a) cease to be an employee in the Public Service; and
- (b) continue in office -
 - (i) under such terms and conditions as may be determined by the Administrator; and
 - (ii) as if he had been appointed by the Administrator under section 13(1) of the Principal Act (as inserted by section 6 of this Act) without limitation on his period of office.

(2) The service as Solicitor-General, before the commencement of this Act, of the person to whom subsection (1) applies shall not be taken into account in determining the amount of pension or other money payable to that person pursuant to section 13(5) of the Principal Act (as inserted by section 6 of this Act).