

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 61 of 1978

## AN ORDINANCE

Relating to the Attorney-General, Solicitor-General and  
to the Crown Solicitor

[Assented to 1 July 1978]

**B**E it ordained by the Legislative Assembly for the Northern Territory  
of Australia as follows:

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| 1. This Ordinance may be cited as the <u>Law Officers Ordinance</u> 1978.   | Short<br>title   |
| 2. This Ordinance shall come into operation on 1 July 1978.   | Commence-<br>ment  |
| 3. The <u>Crown Law Officer Reference Ordinance</u> 1950 is repealed.   | Repeal   |
| 4.(1) A reference in an Ordinance of the Territory, or in a regulation, by-law, or other instrument under an Ordinance to the Crown Law Officer (wherever occurring) shall be omitted and "Crown Solicitor" substituted.  | Transi-<br>tional  |
| (2) Where an action has been brought or defended, or a proceeding instituted, by or in the name of the <u>Solicitor for the Northern Territory</u> , that action or proceeding may, after the commencement of this Ordinance, be continued by or in the name of the Crown Solicitor.  |  |
| (3) Subject to sub-section (4), the person who was, immediately before the commencement of this Ordinance, the Departmental Head of the Department of Law under the <u>Public Service Ordinance</u> , shall be deemed to be the Crown Solicitor as though he had been appointed under section 8.  |  |
| (4) Upon the appointment of the Crown Solicitor under section 8, the provisions of sub-section (3) shall cease to operate.  |  |
| 5. A person who is appointed to a Ministerial office under section 36 of the <u>Northern Territory (Self-Government) Act 1978</u> , and who is given the designation of "Attorney-General" pursuant to section 34 of that Act or such other designation as is specified by instrument in writing by the Administrator to be the appropriate designation for the purposes of this section, is the Attorney-General for the | Attorney-<br>General<br>for the<br>Northern<br>Territory |

Law Officers

Northern Territory for the purposes of this Ordinance.

Powers and  
duties of  
Attorney-  
General

6. The Attorney-General shall -
- (a) be the official legal adviser to the Territory and to the Executive Council;
  - (b) see to the administration of law and justice in the Territory;
  - (c) advise the Territory on matters concerning Territory legislation including the drafting of legislation;
  - (d) be responsible for the conduct of litigation on behalf of the Territory and for this purpose may act through the Crown Solicitor or such other person as he determines;
  - (e) if his name is on the Roll of Legal Practitioners kept under the Legal Practitioners Ordinance, be entitled to practise as a legal practitioner as though he was holding an unrestricted practising certificate issued under that Ordinance;
  - (f) have such powers, duties and prerogatives equivalent to those of the Attorney-General of England, whether by law or usage, as are capable of application to the Territory; and
  - (g) have such other powers, duties and functions as are assigned to him by the Administrator.

Reference  
to  
Attorney-  
General

7.(1) Subject to sub-section (2) a reference in an Ordinance of the Territory, or in a regulation, by-law, or other instrument under an Ordinance to the Attorney-General shall, unless the contrary intention appears, be read as a reference to the Attorney-General for the Northern Territory referred to in section 5.

(2) Sub-section (1) does not apply to the Legal Practitioners Ordinance.

Offices of  
Solicitor-  
General  
and Crown  
Solicitor

- 8.(1) The Attorney-General may appoint -
- (a) a person to be the Solicitor-General for the Northern Territory; and
  - (b) a person to be the Crown Solicitor for the Northern Territory.

(2) A person shall not be appointed under sub-section (1) unless he is admitted or is qualified to be admitted as a legal practitioner of the Supreme Court.

(3) In case of the illness or absence of the Solicitor-General or the Crown Solicitor, or during a vacancy in either of those offices, the Attorney-General may appoint a person to act as Solicitor-General or to act as Crown Solicitor during such illness or absence or until the vacancy is filled.

Law Officers

(4) The Crown Solicitor shall have such powers, duties and functions as are prescribed by this Ordinance or as are prescribed under any other law of the Territory.

9. Subject to any directions of the Attorney-General, the Crown Solicitor may, in his official capacity, act as solicitor for -

Rights and  
privileges  
of Crown  
Solicitor

- (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 Crown Solicitor for the Commonwealth by arrangement, as agent on behalf of clients of the Crown Solicitor for the Commonwealth; or
- (i) any other person, body or authority for whom the Attorney-General requests him to act.

10. The Solicitor-General and the Crown Solicitor shall, for the purpose of carrying out their powers, duties and functions, be entitled each to practise as a legal practitioner as though he was holding an unrestricted practising certificate issued under the Legal Practitioners Ordinance.

Solicitor-  
General  
and Crown  
Solicitor  
to practise  
as unrestric-  
ted legal  
practitioner

11. A reference in an Ordinance of the Territory, or in a regulation, by-law, or other instrument under an Ordinance to the Crown Solicitor shall, unless the contrary intention appears, be read as a reference to the person from time to time appointed to be the Crown Solicitor for the Northern Territory pursuant to section 8 and shall include a person appointed to act in that position and a person deemed to be the Crown Solicitor.

Reference  
to Crown  
Solicitor

12. Judicial notice shall be taken in all courts of the signatures of the Attorney-General, the Solicitor-General and the Crown Solicitor.

Judicial  
notice to be  
taken of  
signatures



