

LAW OFFICERS ORDINANCE 1978

No. 61 of 1978

An Ordinance relating to the Attorney-General,
Solicitor-General and to the Crown Solicitor

[Assented to 1 July 1978]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Law Officers Ordinance* 1978. Short title

2. This Ordinance shall come into operation on 1 July 1978. Commencement

3. The *Crown Law Officer Reference Ordinance* 1950 is repealed.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. Transitional

(2) Where an action has been brought or defended, or a proceeding instituted, by or in the name of the *Solicitor for the Northern Territory*, 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 *Public Service Ordinance*, 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 *Northern Territory (Self-Government) Act* 1978, 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 Northern Territory for the purposes of this Ordinance. Attorney-General for the Northern Territory

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.

(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
unrestricted
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