New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 80, 1969.

An Act to provide for the appointment of a Solicitor General and the exercise and discharge by the Solicitor General of certain powers, authorities, duties and functions incident to the office of the Attorney General; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and interpretation.

1. (1) This Act may be cited as the "Solicitor General Act, 1969".

(2) In this Act except in so far as the context or subject matter otherwise indicates or requires—

"Solicitor General" includes the deputy appointed to act for the Solicitor General during his illness or absence.

Appointment of Solicitor General.

2. (1) The Governor may appoint one of Her Majesty's Counsel to be Her Majesty's Solicitor General.

In case of the illness or absence of the Solicitor General the Governor may appoint a deputy to act for the Solicitor General during his illness or absence.

(2) A person shall not be appointed as Solicitor General if he is of or above the age of seventy years.

(3) A Solicitor General shall be paid such remuneration as may from time to time be determined by the Governor.

(4) Any appointment pursuant to subsection one of this section may be on such terms and conditions as the Governor determines.

(5) A Solicitor General shall be deemed to have vacated his office—

(a) if for any cause which appears to the Governor sufficient he is removed from office by the Governor;

(b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his remuneration or of his estate for their benefit;

(c)

(c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(d) if he resigns his office by writing under his hand addressed to the Governor;

(e) upon his attaining the age of seventy years; or

(f) if he engages (whether in New South Wales or elsewhere) during his term of office in any paid employment or in the practice of law outside the duties of his office.

(6) The office of Solicitor General shall not be held by a Minister of the Crown.

(7) The person holding the office of Solicitor General at the commencement of this Act shall be deemed to have been appointed by the Governor under this Act, and shall, subject to subsection three of this section and notwithstanding subsections four and five of this section, continue to hold that office on the terms and conditions on which he held it immediately before such commencement.

Powers, authorities, etc., of Solicitor General.

3. (1) The Solicitor General may—

(a) act as Counsel for Her Majesty and may perform such other duties and functions of Counsel as the Attorney General directs;

(b) when the office of Attorney General is vacant, or the Attorney General is absent from the State or is by reason of illness unable to exercise and discharge his powers, authorities, duties and functions, exercise and discharge any powers, authorities, duties and functions conferred or imposed on the Attorney General by or under any Act or incident by law to the office of the Attorney General.

(2) The provisions of subsection one of this section shall have effect notwithstanding any delegation made under section four of this Act in respect of any power, authority, duty or function referred to in paragraph (b) of subsection one of this section and any such delegation and any terms of such delegation shall have no operation or effect during any period the Solicitor General may exercise or discharge such power, authority, duty or function pursuant to the said paragraph (b).

Delegation of powers.

4. (1) The Attorney General may, by instrument in writing, delegate to the Solicitor General the exercise or discharge of such of the powers (other than this power of delegation), authorities, duties and functions which may be exercised or discharged by the Attorney General as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function, the exercise or discharge of which has been delegated under this section may, subject to subsection two of section three of this Act and while the delegation remains unrevoked, be exercised or discharged from time to time in accordance with the terms of the delegation by the Solicitor General.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or discharge of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Attorney General may continue to exercise or discharge all or any of the powers, authorities, duties or functions delegated.

5. (1) Any act or thing done or suffered by the Solicitor General pursuant to section three of this Act, or when acting in the exercise of a delegation under section four of this Act and within the terms of the delegation, shall have the like force and effect as if the act or thing had been done or suffered by the Attorney General.

Exercise of powers, authorities, etc., under sections 3 and 4.

(2) Where any power, authority, duty or function is performed or discharged by the Solicitor General pursuant to section three of this Act, or pursuant to a delegation under section four of this Act, and its exercise or discharge depends upon the opinion, belief or state of mind of the Attorney General, that power, authority, duty or function may be exercised or discharged by the Solicitor General upon the opinion, belief or state of mind of the Solicitor General.

(3) No person shall be concerned to see or inquire whether any act, matter or thing done or performed by the Solicitor General when purporting to act in pursuance of section three of this Act, or in pursuance of a delegation under section four of this Act, is or is not authorised by that section or by that delegation, as the case may be.

(4) The provisions of section three of this Act are supplemental to and not in derogation of any other law relating to the exercise or discharge by the Solicitor General of any of the powers, authorities, duties and functions of the Attorney General, or incident to the office of the Attorney General.

BY AUTHORITY
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 26 *November,* 1969.

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. 80, 1969.

An Act to provide for the appointment of a Solicitor General and the exercise and discharge by the Solicitor General of certain powers, authorities, duties and functions incident to the office of the Attorney General; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and interpretation.

1. (1) This Act may be cited as the "Solicitor General Act, 1969".

(2) In this Act except in so far as the context or subject matter otherwise indicates or requires—

"Solicitor General" includes the deputy appointed to act for the Solicitor General during his illness or absence.

Appointment of Solicitor General.

2. (1) The Governor may appoint one of Her Majesty's Counsel to be Her Majesty's Solicitor General.

In case of the illness or absence of the Solicitor General the Governor may appoint a deputy to act for the Solicitor General during his illness or absence.

(2) A person shall not be appointed as Solicitor General if he is of or above the age of seventy years.

(3) A Solicitor General shall be paid such remuneration as may from time to time be determined by the Governor.

(4) Any appointment pursuant to subsection one of this section may be on such terms and conditions as the Governor determines.

(5) A Solicitor General shall be deemed to have vacated his office—

(a) if for any cause which appears to the Governor sufficient he is removed from office by the Governor;

(b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his remuneration or of his estate for their benefit;

(c)

(c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(d) if he resigns his office by writing under his hand addressed to the Governor;

(e) upon his attaining the age of seventy years; or

(f) if he engages (whether in New South Wales or elsewhere) during his term of office in any paid employment or in the practice of law outside the duties of his office.

(6) The office of Solicitor General shall not be held by a Minister of the Crown.

(7) The person holding the office of Solicitor General at the commencement of this Act shall be deemed to have been appointed by the Governor under this Act, and shall, subject to subsection three of this section and notwithstanding subsections four and five of this section, continue to hold that office on the terms and conditions on which he held it immediately before such commencement.

Powers, authorities, etc., of Solicitor General.

3. (1) The Solicitor General may—

(a) act as Counsel for Her Majesty and may perform such other duties and functions of Counsel as the Attorney General directs;

(b) when the office of Attorney General is vacant, or the Attorney General is absent from the State or is by reason of illness unable to exercise and discharge his powers, authorities, duties and functions, exercise and discharge any powers, authorities, duties and functions conferred or imposed on the Attorney General by or under any Act or incident by law to the office of the Attorney General.

(2)

(2) The provisions of subsection one of this section shall have effect notwithstanding any delegation made under section four of this Act in respect of any power, authority, duty or function referred to in paragraph (b) of subsection one of this section and any such delegation and any terms of such delegation shall have no operation or effect during any period the Solicitor General may exercise or discharge such power, authority, duty or function pursuant to the said paragraph (b).

Delegation of powers.

4. (1) The Attorney General may, by instrument in writing, delegate to the Solicitor General the exercise or discharge of such of the powers (other than this power of delegation), authorities, duties and functions which may be exercised or discharged by the Attorney General as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function, the exercise or discharge of which has been delegated under this section may, subject to subsection two of section three of this Act and while the delegation remains unrevoked, be exercised or discharged from time to time in accordance with the terms of the delegation by the Solicitor General.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or discharge of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Attorney General may continue to exercise or discharge all or any of the powers, authorities, duties or functions delegated.

5. (1) Any act or thing done or suffered by the Solicitor General pursuant to section three of this Act, or when acting in the exercise of a delegation under section four of this Act and within the terms of the delegation, shall have the like force and effect as if the act or thing had been done or suffered by the Attorney General.

Exercise of powers, authorities, etc., under sections 3 and 4.

(2) Where any power, authority, duty or function is performed or discharged by the Solicitor General pursuant to section three of this Act, or pursuant to a delegation under section four of this Act, and its exercise or discharge depends upon the opinion, belief or state of mind of the Attorney General, that power, authority, duty or function may be exercised or discharged by the Solicitor General upon the opinion, belief or state of mind of the Solicitor General.

(3) No person shall be concerned to see or inquire whether any act, matter or thing done or performed by the Solicitor General when purporting to act in pursuance of section three of this Act, or in pursuance of a delegation under section four of this Act, is or is not authorised by that section or by that delegation, as the case may be.

(4) The provisions of section three of this Act are supplemental to and not in derogation of any other law relating to the exercise or discharge by the Solicitor General of any of the powers, authorities, duties and functions of the Attorney General, or incident to the office of the Attorney General.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 3rd December, 1969.

SOLICITOR GENERAL BILL.

Schedule of the Amendment referred to in Legislative Council's Message of 19 *November*, 1969.

Page 3, clause 2, line 18. *Omit* "he held the same", *insert* **"on which he held it".**

89971 55—

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 2 October, 1969.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with an Amendment.*

J. R. STEVENSON,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney 19 *November,* 1969.

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1969.

An Act to provide for the appointment of a Solicitor General and the exercise and discharge by the Solicitor General of certain powers, authorities, duties and functions incident to the office of the Attorney General; and for purposes connected therewith.

BE

89971 55—

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and interpretation.

1. (1) This Act may be cited as the "Solicitor General Act, 1969".

(2) In this Act except in so far as the context or subject matter otherwise indicates or requires—

"Solicitor General" includes the deputy appointed to act for the Solicitor General during his illness or absence.

Appointment of Solicitor General.

2. (1) The Governor may appoint one of Her Majesty's Counsel to be Her Majesty's Solicitor General.

In case of the illness or absence of the Solicitor General the Governor may appoint a deputy to act for the Solicitor General during his illness or absence.

(2) A person shall not be appointed as Solicitor General if he is of or above the age of seventy years.

(3) A Solicitor General shall be paid such remuneration as may from time to time be determined by the Governor.

(4) Any appointment pursuant to subsection one of this section may be on such terms and conditions as the Governor determines.

(5) A Solicitor General shall be deemed to have vacated his office—

(a) if for any cause which appears to the Governor sufficient he is removed from office by the Governor;

(b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his remuneration or of his estate for their benefit;

(c)

(c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(d) if he resigns his office by writing under his hand addressed to the Governor;

(e) upon his attaining the age of seventy years; or

(f) if he engages (whether in New South Wales or elsewhere) during his term of office in any paid employment or in the practice of law outside the duties of his office.

(6) The office of Solicitor General shall not be held by a Minister of the Crown.

(7) The person holding the office of Solicitor General at the commencement of this Act shall be deemed to have been appointed by the Governor under this Act, and shall, subject to subsection three of this section and notwithstanding subsections four and five of this section, continue to hold that office on the terms and conditions ~~he held the same~~ **on which he held it** immediately before such commencement.

Powers, authorities, etc., of Solicitor General.

3. (1) The Solicitor General may—

(a) act as Counsel for Her Majesty and may perform such other duties and functions of Counsel as the Attorney General directs;

(b) when the office of Attorney General is vacant, or the Attorney General is absent from the State or is by reason of illness unable to exercise and discharge his powers, authorities, duties and functions, exercise and discharge any powers, authorities, duties and functions conferred or imposed on the Attorney General by or under any Act or incident by law to the office of the Attorney General.

(2)

(2) The provisions of subsection one of this section shall have effect notwithstanding any delegation made under section four of this Act in respect of any power, authority, duty or function referred to in paragraph (b) of subsection one of this section and any such delegation and any terms of such delegation shall have no operation or effect during any period the Solicitor General may exercise or discharge such power, authority, duty or function pursuant to the said paragraph (b).

Delegation of powers.

4. (1) The Attorney General may, by instrument in writing, delegate to the Solicitor General the exercise or discharge of such of the powers (other than this power of delegation), authorities, duties and functions which may be exercised or discharged by the Attorney General as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function, the exercise or discharge of which has been delegated under this section may, subject to subsection two of section three of this Act and while the delegation remains unrevoked, be exercised or discharged from time to time in accordance with the terms of the delegation by the Solicitor General.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or discharge of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Attorney General may continue to exercise or discharge all or any of the powers, authorities, duties or functions delegated.

5. (1) Any act or thing done or suffered by the Solicitor General pursuant to section three of this Act, or when acting in the exercise of a delegation under section four of this Act and within the terms of the delegation, shall have the like force and effect as if the act or thing had been done or suffered by the Attorney General.

Exercise of powers, authorities, etc., under sections 3 and 4.

(2) Where any power, authority, duty or function is performed or discharged by the Solicitor General pursuant to section three of this Act, or pursuant to a delegation under section four of this Act, and its exercise or discharge depends upon the opinion, belief or state of mind of the Attorney General, that power, authority, duty or function may be exercised or discharged by the Solicitor General upon the opinion, belief or state of mind of the Solicitor General.

(3) No person shall be concerned to see or inquire whether any act, matter or thing done or performed by the Solicitor General when purporting to act in pursuance of section three of this Act, or in pursuance of a delegation under section four of this Act, is or is not authorised by that section or by that delegation, as the case may be.

(4) The provisions of section three of this Act are supplemental to and not in derogation of any other law relating to the exercise or discharge by the Solicitor General of any of the powers, authorities, duties and functions of the Attorney General, or incident to the office of the Attorney General.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

[5c]

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 2 October, 1969.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with an Amendment.*

Clerk of the Parliaments.

Legislative Council Chamber,
Sydney *November,* 1969.

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1969.

An Act to provide for the appointment of a Solicitor General and the exercise and discharge by the Solicitor General of certain powers, authorities, duties and functions incident to the office of the Attorney General; and for purposes connected therewith.

BE

89971 55—

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

Solicitor General.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Solicitor General Act, 1969". Short title and interpretation.

(2) In this Act except in so far as the context or subject matter otherwise indicates or requires—

"Solicitor General" includes the deputy appointed to act for the Solicitor General during his illness or absence.

2. (1) The Governor may appoint one of Her Majesty's Counsel to be Her Majesty's Solicitor General. Appointment of Solicitor General.

In case of the illness or absence of the Solicitor General the Governor may appoint a deputy to act for the Solicitor General during his illness or absence.

(2) A person shall not be appointed as Solicitor General if he is of or above the age of seventy years.

(3) A Solicitor General shall be paid such remuneration as may from time to time be determined by the Governor.

(4) Any appointment pursuant to subsection one of this section may be on such terms and conditions as the Governor determines.

(5) A Solicitor General shall be deemed to have vacated his office—

(a) if for any cause which appears to the Governor sufficient he is removed from office by the Governor;

(b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his remuneration or of his estate for their benefit;

(c)

(c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(d) if he resigns his office by writing under his hand addressed to the Governor;

(e) upon his attaining the age of seventy years; or

(f) if he engages (whether in New South Wales or elsewhere) during his term of office in any paid employment or in the practice of law outside the duties of his office.

(6) The office of Solicitor General shall not be held by a Minister of the Crown.

(7) The person holding the office of Solicitor General at the commencement of this Act shall be deemed to have been appointed by the Governor under this Act, and shall, subject to subsection three of this section and notwithstanding subsections four and five of this section, continue to hold that office on the terms and conditions ~~he held the same~~ **on which he held it** immediately before such commencement.

3. (1) The Solicitor General may—

Powers, authorities, etc., of Solicitor General.

(a) act as Counsel for Her Majesty and may perform such other duties and functions of Counsel as the Attorney General directs;

(b) when the office of Attorney General is vacant, or the Attorney General is absent from the State or is by reason of illness unable to exercise and discharge his powers, authorities, duties and functions, exercise and discharge any powers, authorities, duties and functions conferred or imposed on the Attorney General by or under any Act or incident by law to the office of the Attorney General.

(2)

(2) The provisions of subsection one of this section shall have effect notwithstanding any delegation made under section four of this Act in respect of any power, authority, duty or function referred to in paragraph (b) of subsection one of this section and any such delegation and any terms of such delegation shall have no operation or effect during any period the Solicitor General may exercise or discharge such power, authority, duty or function pursuant to the said paragraph (b).

Delegation of powers.

4. (1) The Attorney General may, by instrument in writing, delegate to the Solicitor General the exercise or discharge of such of the powers (other than this power of delegation), authorities, duties and functions which may be exercised or discharged by the Attorney General as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function, the exercise or discharge of which has been delegated under this section may, subject to subsection two of section three of this Act and while the delegation remains unrevoked, be exercised or discharged from time to time in accordance with the terms of the delegation by the Solicitor General.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or discharge of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Attorney General may continue to exercise or discharge all or any of the powers, authorities, duties or functions delegated.

5. (1) Any act or thing done or suffered by the Solicitor General pursuant to section three of this Act, or when acting in the exercise of a delegation under section four of this Act and within the terms of the delegation, shall have the like force and effect as if the act or thing had been done or suffered by the Attorney General.

Exercise of powers, authorities, etc., under sections 3 and 4.

(2) Where any power, authority, duty or function is performed or discharged by the Solicitor General pursuant to section three of this Act, or pursuant to a delegation under section four of this Act, and its exercise or discharge depends upon the opinion, belief or state of mind of the Attorney General, that power, authority, duty or function may be exercised or discharged by the Solicitor General upon the opinion, belief or state of mind of the Solicitor General.

(3) No person shall be concerned to see or inquire whether any act, matter or thing done or performed by the Solicitor General when purporting to act in pursuance of section three of this Act, or in pursuance of a delegation under section four of this Act, is or is not authorised by that section or by that delegation, as the case may be.

(4) The provisions of section three of this Act are supplemental to and not in derogation of any other law relating to the exercise or discharge by the Solicitor General of any of the powers, authorities, duties and functions of the Attorney General, or incident to the office of the Attorney General.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 2 *October,* 1969.

New South Wales

ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1969.

An Act to provide for the appointment of a Solicitor General and the exercise and discharge by the Solicitor General of certain powers, authorities, duties and functions incident to the office of the Attorney General; and for purposes connected therewith.

BE

89971 55—

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and interpretation.

1. (1) This Act may be cited as the "Solicitor General Act, 1969".

(2) In this Act except in so far as the context or subject matter otherwise indicates or requires—

"Solicitor General" includes the deputy appointed to act for the Solicitor General during his illness or absence.

Appointment of Solicitor General.

2. (1) The Governor may appoint one of Her Majesty's Counsel to be Her Majesty's Solicitor General.

In case of the illness or absence of the Solicitor General the Governor may appoint a deputy to act for the Solicitor General during his illness or absence.

(2) A person shall not be appointed as Solicitor General if he is of or above the age of seventy years.

(3) A Solicitor General shall be paid such remuneration as may from time to time be determined by the Governor.

(4) Any appointment pursuant to subsection one of this section may be on such terms and conditions as the Governor determines.

(5) A Solicitor General shall be deemed to have vacated his office—

(a) if for any cause which appears to the Governor sufficient he is removed from office by the Governor;

(b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his remuneration or of his estate for their benefit;

(c)

(c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(d) if he resigns his office by writing under his hand addressed to the Governor;

(e) upon his attaining the age of seventy years; or

(f) if he engages (whether in New South Wales or elsewhere) during his term of office in any paid employment or in the practice of law outside the duties of his office.

(6) The office of Solicitor General shall not be held by a Minister of the Crown.

(7) The person holding the office of Solicitor General at the commencement of this Act shall be deemed to have been appointed by the Governor under this Act, and shall, subject to subsection three of this section and notwithstanding subsections four and five of this section, continue to hold that office on the terms and conditions he held the same immediately before such commencement.

Powers, authorities, etc., of Solicitor General.

3. (1) The Solicitor General may—

(a) act as Counsel for Her Majesty and may perform such other duties and functions of Counsel as the Attorney General directs;

(b) when the office of Attorney General is vacant, or the Attorney General is absent from the State or is by reason of illness unable to exercise and discharge his powers, authorities, duties and functions, exercise and discharge any powers, authorities, duties and functions conferred or imposed on the Attorney General by or under any Act or incident by law to the office of the Attorney General.

(2)

(2) The provisions of subsection one of this section shall have effect notwithstanding any delegation made under section four of this Act in respect of any power, authority, duty or function referred to in paragraph (b) of subsection one of this section and any such delegation and any terms of such delegation shall have no operation or effect during any period the Solicitor General may exercise or discharge such power, authority, duty or function pursuant to the said paragraph (b).

Delegation of powers.

4. (1) The Attorney General may, by instrument in writing, delegate to the Solicitor General the exercise or discharge of such of the powers (other than this power of delegation), authorities, duties and functions which may be exercised or discharged by the Attorney General as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function, the exercise or discharge of which has been delegated under this section may, subject to subsection two of section three of this Act and while the delegation remains unrevoked, be exercised or discharged from time to time in accordance with the terms of the delegation by the Solicitor General.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or discharge of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Attorney General may continue to exercise or discharge all or any of the powers, authorities, duties or functions delegated.

Exercise of powers, authorities, etc., under sections 3 and 4.

5. (1) Any act or thing done or suffered by the Solicitor General pursuant to section three of this Act, or when acting in the exercise of a delegation under section four of this Act and within the terms of the delegation, shall have the like force and effect as if the act or thing had been done or suffered by the Attorney General.

(2) Where any power, authority, duty or function is performed or discharged by the Solicitor General pursuant to section three of this Act, or pursuant to a delegation under section four of this Act, and its exercise or discharge depends upon the opinion, belief or state of mind of the Attorney General, that power, authority, duty or function may be exercised or discharged by the Solicitor General upon the opinion, belief or state of mind of the Solicitor General.

(3) No person shall be concerned to see or inquire whether any act, matter or thing done or performed by the Solicitor General when purporting to act in pursuance of section three of this Act, or in pursuance of a delegation under section four of this Act, is or is not authorised by that section or by that delegation, as the case may be.

(4) The provisions of section three of this Act are supplemental to and not in derogation of any other law relating to the exercise or discharge by the Solicitor General of any of the powers, authorities, duties and functions of the Attorney General, or incident to the office of the Attorney General.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969
[5c]

No. , 1969.

A BILL

To provide for the appointment of a Solicitor General and the exercise and discharge by the Solicitor General of certain powers, authorities, duties and functions incident to the office of the Attorney General; and for purposes connected therewith.

[Mr McCaw—17 *September*, 1969.]

BE

89971 55—

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and interpretation.

1. (1) This Act may be cited as the "Solicitor General Act, 1969".

(2) In this Act except in so far as the context or subject matter otherwise indicates or requires—

"Solicitor General" includes the deputy appointed to act for the Solicitor General during his illness or absence.

Appointment of Solicitor General.

2. (1) The Governor may appoint one of Her Majesty's Counsel to be Her Majesty's Solicitor General.

In case of the illness or absence of the Solicitor General the Governor may appoint a deputy to act for the Solicitor General during his illness or absence.

(2) A person shall not be appointed as Solicitor General if he is of or above the age of seventy years.

(3) A Solicitor General shall be paid such remuneration as may from time to time be determined by the Governor.

(4) Any appointment pursuant to subsection one of this section may be on such terms and conditions as the Governor determines.

(5) A Solicitor General shall be deemed to have vacated his office—

(a) if for any cause which appears to the Governor sufficient he is removed from office by the Governor;

(b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his remuneration or of his estate for their benefit;

(c)

(c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(d) if he resigns his office by writing under his hand addressed to the Governor;

(e) upon his attaining the age of seventy years; or

(f) if he engages (whether in New South Wales or elsewhere) during his term of office in any paid employment or in the practice of law outside the duties of his office.

(6) The office of Solicitor General shall not be held by a Minister of the Crown.

(7) The person holding the office of Solicitor General at the commencement of this Act shall be deemed to have been appointed by the Governor under this Act, and shall, subject to subsection three of this section and notwithstanding subsections four and five of this section, continue to hold that office on the terms and conditions he held the same immediately before such commencement.

Powers, authorities, etc., of Solicitor General.

3. (1) The Solicitor General may—

(a) act as Counsel for Her Majesty and may perform such other duties and functions of Counsel as the Attorney General directs;

(b) when the office of Attorney General is vacant, or the Attorney General is absent from the State or is by reason of illness unable to exercise and discharge his powers, authorities, duties and functions, exercise and discharge any powers, authorities, duties and functions conferred or imposed on the Attorney General by or under any Act or incident by law to the office of the Attorney General.

(2)

(2) The provisions of subsection one of this section shall have effect notwithstanding any delegation made under section four of this Act in respect of any power, authority, duty or function referred to in paragraph (b) of subsection one of this section and any such delegation and any terms of such delegation shall have no operation or effect during any period the Solicitor General may exercise or discharge such power, authority, duty or function pursuant to the said paragraph (b).

Delegation of powers.

4. (1) The Attorney General may, by instrument in writing, delegate to the Solicitor General the exercise or discharge of such of the powers (other than this power of delegation), authorities, duties and functions which may be exercised or discharged by the Attorney General as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function, the exercise or discharge of which has been delegated under this section may, subject to subsection two of section three of this Act and while the delegation remains unrevoked, be exercised or discharged from time to time in accordance with the terms of the delegation by the Solicitor General.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or discharge of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Attorney General may continue to exercise or discharge all or any of the powers, authorities, duties or functions delegated.

5. (1) Any act or thing done or suffered by the Solicitor General pursuant to section three of this Act, or when acting in the exercise of a delegation under section four of this Act and within the terms of the delegation, shall have the like force and effect as if the act or thing had been done or suffered by the Attorney General.

Exercise of powers, authorities, etc., under sections 3 and 4.

(2) Where any power, authority, duty or function is performed or discharged by the Solicitor General pursuant to section three of this Act, or pursuant to a delegation under section four of this Act, and its exercise or discharge depends upon the opinion, belief or state of mind of the Attorney General, that power, authority, duty or function may be exercised or discharged by the Solicitor General upon the opinion, belief or state of mind of the Solicitor General.

(3) No person shall be concerned to see or inquire whether any act, matter or thing done or performed by the Solicitor General when purporting to act in pursuance of section three of this Act, or in pursuance of a delegation under section four of this Act, is or is not authorised by that section or by that delegation, as the case may be.

(4) The provisions of section three of this Act are supplemental to and not in derogation of any other law relating to the exercise or discharge by the Solicitor General of any of the powers, authorities, duties and functions of the Attorney General, or incident to the office of the Attorney General.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969
[5c]

SOLICITOR GENERAL BILL, 1969

EXPLANATORY NOTE

THE objects of this Bill are—

(a) to give statutory recognition to the office of Solicitor General and provide for the appointment of a deputy during the absence of the Solicitor General;

(b) to authorise the delegation to the Solicitor General of any of the powers, authorities, duties and functions of the Attorney General;

(c) to empower the Solicitor General to exercise and discharge, irrespective of whether or not a delegation has been made, the special powers, authorities, duties and functions conferred or imposed on the Attorney General by or under any Act or incident by law to the office of Attorney General, during any period the office of Attorney General may be vacant, or the Attorney General may be absent from the State or by reason of illness unable to exercise or discharge those special powers, authorities, duties and functions;

(d) to make other provisions ancillary or supplemental to the foregoing.

89971 55—

PROOF

No. , 1969.

A BILL

To provide for the appointment of a Solicitor General and the exercise and discharge by the Solicitor General of certain powers, authorities, duties and functions incident to the office of the Attorney General; and for purposes connected therewith.

[MR MCCAW—17 *September*, 1969.]

BE

89971 55—

Solicitor General.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Solicitor General Act, 1969". Short title and interpretation.

(2) In this Act except in so far as the context or subject matter otherwise indicates or requires—

"Solicitor General" includes the deputy appointed to act for the Solicitor General during his illness or absence.

2. (1) The Governor may appoint one of Her Majesty's Counsel to be Her Majesty's Solicitor General. Appointment of Solicitor General.

In case of the illness or absence of the Solicitor General the Governor may appoint a deputy to act for the Solicitor General during his illness or absence.

(2) A person shall not be appointed as Solicitor General if he is of or above the age of seventy years.

(3) A Solicitor General shall be paid such remuneration as may from time to time be determined by the Governor.

(4) Any appointment pursuant to subsection one of this section may be on such terms and conditions as the Governor determines.

(5) A Solicitor General shall be deemed to have vacated his office—

(a) if for any cause which appears to the Governor sufficient he is removed from office by the Governor;

(b) if he becomes bankrupt, compounds with his creditors, or makes any assignment of his remuneration or of his estate for their benefit;

(c)

(c) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(d) if he resigns his office by writing under his hand addressed to the Governor;

(e) upon his attaining the age of seventy years; or

(f) if he engages (whether in New South Wales or elsewhere) during his term of office in any paid employment or in the practice of law outside the duties of his office.

(6) The office of Solicitor General shall not be held by a Minister of the Crown.

(7) The person holding the office of Solicitor General at the commencement of this Act shall be deemed to have been appointed by the Governor under this Act, and shall, subject to subsection three of this section and notwithstanding subsections four and five of this section, continue to hold that office on the terms and conditions he held the same immediately before such commencement.

3. (1) The Solicitor General may—

Powers, authorities, etc., of Solicitor General.

(a) act as Counsel for Her Majesty and may perform such other duties and functions of Counsel as the Attorney General directs;

(b) when the office of Attorney General is vacant, or the Attorney General is absent from the State or is by reason of illness unable to exercise and discharge his powers, authorities, duties and functions, exercise and discharge any powers, authorities, duties and functions conferred or imposed on the Attorney General by or under any Act or incident by law to the office of the Attorney General.

(2)

(2) The provisions of subsection one of this section shall have effect notwithstanding any delegation made under section four of this Act in respect of any power, authority, duty or function referred to in paragraph (b) of subsection one of this section and any such delegation and any terms of such delegation shall have no operation or effect during any period the Solicitor General may exercise or discharge such power, authority, duty or function pursuant to the said paragraph (b).

Delegation of powers.

4. (1) The Attorney General may, by instrument in writing, delegate to the Solicitor General the exercise or discharge of such of the powers (other than this power of delegation), authorities, duties and functions which may be exercised or discharged by the Attorney General as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(2) Any power, authority, duty or function, the exercise or discharge of which has been delegated under this section may, subject to subsection two of section three of this Act and while the delegation remains unrevoked, be exercised or discharged from time to time in accordance with the terms of the delegation by the Solicitor General.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or discharge of any of the specified powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section the Attorney General may continue to exercise or discharge all or any of the powers, authorities, duties or functions delegated.

5. (1) Any act or thing done or suffered by the Solicitor General pursuant to section three of this Act, or when acting in the exercise of a delegation under section four of this Act and within the terms of the delegation, shall have the like force and effect as if the act or thing had been done or suffered by the Attorney General.

Exercise of powers, authorities, etc., under sections 3 and 4.

(2) Where any power, authority, duty or function is performed or discharged by the Solicitor General pursuant to section three of this Act, or pursuant to a delegation under section four of this Act, and its exercise or discharge depends upon the opinion, belief or state of mind of the Attorney General, that power, authority, duty or function may be exercised or discharged by the Solicitor General upon the opinion, belief or state of mind of the Solicitor General.

(3) No person shall be concerned to see or inquire whether any act, matter or thing done or performed by the Solicitor General when purporting to act in pursuance of section three of this Act, or in pursuance of a delegation under section four of this Act, is or is not authorised by that section or by that delegation, as the case may be.

(4) The provisions of section three of this Act are supplemental to and not in derogation of any other law relating to the exercise or discharge by the Solicitor General of any of the powers, authorities, duties and functions of the Attorney General, or incident to the office of the Attorney General.

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969