

SUPREME COURT.

No. 20 of 1976.

AN ACT to amend section 154 of the Supreme Court Act, 1935-1975.

[Assented to 3rd June, 1976.]

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

1. (1) This Act may be cited as the *Supreme Court Act Amendment Act, 1976*.

Short title
and citation.

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Acts.
Approved for
reprint 30th
Sept. 1958
and amended
by Acts Nos.
5 of 1957,
5 of 1960,
12 of 1963,
39 of 1964,
32 of 1969,
39 of 1971,
56 of 1974
and 57 of
1975.

(2) In this Act the Supreme Court Act, 1935-1975 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Supreme Court Act, 1935-1976.

Section 154
amended.

2. Section 154 of the principal Act is amended by repealing subsections (3), (4) and (5) and substituting the following subsections—

(3) During any vacancy in the office of Attorney General and during any period for which the Attorney General is, by reason of his absence from the State, illness, incapacity or other sufficient cause, unable to discharge the functions of his office, the Minister for Justice or, if there is no Minister for Justice, such other Minister of the Crown as is designated by the Governor by Order in Council, may exercise all or any of the powers that would be exercisable by the Attorney General, whether by statute or otherwise.

(4) Where under any statute or otherwise any act is required or permitted to be done by, to, or with reference to the Attorney General, then, during any vacancy in the office of Attorney General and during any period for which the Attorney General is, by reason of his absence from the State, illness, incapacity or other sufficient cause, unable to discharge the functions of his office, the act may be done by, to, or with reference to the Minister for Justice or if there is no Minister for Justice, such other Minister of the Crown as is designated by the Governor by Order in Council.

(5) Notwithstanding the provisions of subsections (3) and (4) of this section, the Governor may, by Order in Council—

(a) delegate to the Minister for Justice or such other Minister as he specifies in

the Order in Council any power, function or duty vested or imposed by any other law of the State in or on the Attorney General; and

- (b) from time to time vary or revoke any delegation made under paragraph (a) of this subsection,

and while any delegation so made remains in force the Minister for Justice or other Minister of the Crown, as the case requires, may exercise and perform the powers, functions and duties specified in the delegation as validly and effectively as if he were the Attorney General.

(6) Nothing in this section shall be deemed to give any Minister of the Crown not being the Attorney General the right of audience in any court of law. .
