

SOLICITOR - GENERAL.

No. 38 of 1969.

AN Act relating to the office of Solicitor-General of the State of Western Australia.

[Assented to 19th May, 1969.]

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:—

Short title.

1. This Act may be cited as the *Solicitor-General Act, 1969.*

Interpre-
tation.

2. (1) In this Act, unless the contrary intention appears—

Vide s. 154
Act No. 36
of 1935.

“Attorney-General” includes, where there is a vacancy in the office of Attorney-General

the person holding office as the Minister for Justice;

“Solicitor-General” means a person holding office as Solicitor-General of the State of Western Australia in pursuance of this Act.

(2) In sections 4, 5, 9 and 13 of this Act, “Solicitor-General” includes a person acting in the office of Solicitor-General of the State of Western Australia in pursuance of this Act.

3. (1) The Governor may, subject to this Act, appoint a person to be the Solicitor-General of the State of Western Australia.

Office of
Solicitor-
General.

(2) A person is not eligible for appointment as Solicitor-General unless—

Vide s. 8
Act No. 36
of 1935.

(a) he is a practitioner as defined by the Legal Practitioners Act, 1893, of not less than eight years’ standing and practice; or

(b) he is a practising barrister of the English Bar, or of the High Court of Australia, of not less than eight years’ standing.

4. (1) The Solicitor-General—

(a) shall be paid the same salary as is paid, from time to time to a Judge, not being the Judge holding the office of Chief Justice of Western Australia or the office of Senior Puisne Judge pursuant to the Judges’ Salaries and Pensions Act, 1950;

Salary of
Solicitor-
General and
leave
entitlement,
etc.

(b) shall be paid the same travelling and other allowances as are paid, from time to time, to an officer of the Public Service in the Special Division thereof;

(c) is entitled to the same annual leave of absence for recreation and leave of absence on account of illness, as if he were an officer of the Public Service of the State; and

- (d) is entitled to three months of long service leave on full salary for each completed period of seven years of continuous service as Solicitor-General.

(2) The salary of the Solicitor-General shall be charged on and be paid out of the Consolidated Revenue Fund which is to the necessary extent appropriated accordingly.

Resignation
and
retirement.

5. (1) The Solicitor-General may resign his office by instrument in writing under his hand and delivered to the Governor.

(2) The Solicitor-General shall retire from office on the day on which he attains the age of sixty-five years and thereupon the office of the Solicitor-General becomes vacant.

Certain
work only to
be performed
by Solicitor-
General.

6. Except in the performance of the functions or duties of his office or with the approval of the Governor the Solicitor-General shall not engage in the practice of a barrister or solicitor or engage in any other paid employment.

Vacation of
office of
Solicitor-
General.

7. The Governor may remove the Solicitor-General from office if the Solicitor-General—

- (a) except by reason of temporary illness becomes incapable of performing the duties of his office;
- (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 salary for their benefit.

8. (1) In the event of a vacancy occurring in the office of Solicitor-General, or of the illness or absence of the person holding that office, the Governor may appoint a person who is eligible for appointment to that office to act as Solicitor-General and may at any time revoke the appointment.

Acting
Solicitor-
General.

(2) A person so appointed holds office, subject to this Act on such terms and conditions as the Governor determines and until—

- (a) his appointment is revoked;
- (b) a person is appointed Solicitor-General under section 3 of this Act; or
- (c) the person holding office as Solicitor-General ceases to be ill or absent,

whichever first happens.

9. The Solicitor-General—

- (a) may act as counsel for the Crown in right of the State and for any other body or person for whom the Attorney-General requests him to act, and may perform such other duties of counsel as the Attorney-General directs; and
- (b) may exercise, subject to this Act, any powers and functions conferred on the Solicitor-General by any Act of the State or the Commonwealth, whether passed before or after the coming into operation of this Act.

Functions of
Solicitor-
General.

10. Where the Solicitor-General was, immediately before his appointment as such, an officer of the Public Service of the State—

- (a) he retains his existing and accruing rights and in particular his rights, if any, under the Superannuation and Family Benefits Act, 1938; and

Preservation
of rights of
public
servant
appointed
Solicitor-
General.

- (b) for the purpose of determining those rights, his service as Solicitor-General shall be taken into account as if it were service in the Public Service of the State.

Pension of person who is not public servant before being appointed Solicitor-General.

11. Where the Solicitor-General was not, immediately before his appointment as such, an officer of the Public Service of the State the provisions of the Judges' Salaries and Pensions Act, 1950, that relate to pensions and allowances, other than section 15, apply, with such modifications as circumstances require, to and in respect of him, and to and in respect of his widow and children after his death, in the same manner as they apply to and in respect of a Judge to whom that Act applies, and to his widow and children after his death.

Service as Solicitor-General to be regarded as service as a Judge.

12. Where a Solicitor-General, whether or not he was immediately before his appointment as such, an officer of the Public Service of the State is appointed a Judge, his service (whether in continuous periods or not) as Solicitor-General shall be regarded for the purposes of the Judges' Salaries and Pensions Act, 1950, as service as a Judge.

Power of Attorney-General to delegate.

13. (1) The Attorney-General may, either generally or otherwise as provided by the instrument of delegation, by writing under his hand delegate to the Solicitor-General all or any of his powers and functions under all or any of the laws of the State, except this power of delegation.

(2) A power or function delegated under this section may be exercised or performed by the Solicitor-General in accordance with the instrument of delegation.

(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or performance of a function by the Attorney-General.