

No. 5604.

An Act relating to the Office of Solicitor-General.

[11th December, 1951.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Solicitor-General Act* 1951. Short title.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

2. (1) As

Office of  
Solicitor-  
General to be  
non-ministerial.

2. (1) As on and from the commencement of this Act the office of Solicitor-General shall not be held by a responsible Minister of the Crown.

Consequential  
amendment of  
No. 3630.

(2) The *Acts Interpretation Act* 1928 is hereby amended as follows:—

S. 16.  
“ Law officer.”

(a) In section sixteen for the interpretation of “ law officer ” there shall be substituted the following interpretation:—

“ The expression ‘ law officer ’ shall mean His Majesty’s Attorney-General and shall include any Minister for the time being acting for or on the behalf of the Attorney-General ” ;

S. 18.  
“ Minister.”

(b) In section eighteen—

(i) the expression “ (not being a law officer) ” shall be repealed ;

(ii) for the words “ and where in any such Act the Attorney-General is referred to by the title of his office, such reference shall unless the contrary intention appears be deemed to include the Solicitor-General ” there shall be substituted the words “ and where in any such Act there is a reference to a law officer, such reference shall unless the contrary intention appears be deemed to include, as well as the Attorney-General, any Minister for the time being acting for or on the behalf of the Attorney-General ”.

Office of  
Solicitor-  
General.

3. (1) The Governor in Council may subject to this Act appoint one of His Majesty’s Counsel to be His Majesty’s Solicitor-General and may remove any person so appointed.

(2) The Solicitor-General—

(a) shall be paid such salary and allowances as are determined by the Governor in Council ;

(b) shall

(b) shall not engage in the practice of his profession nor in any other employment except in the exercise of the functions of his office.

4. The Solicitor-General—

Functions of  
Solicitor-  
General.

(a) may act as counsel for His Majesty and may perform such other duties of counsel as the Attorney-General directs;

(b) subject to this Act may exercise any powers and functions conferred on the Solicitor-General by any Act.

See No. 3664  
s. 387.

5. (1) The *Legal Profession Practice Act 1928* is hereby amended as follows:—

Amendment of  
No. 3715.

(a) For section seven there shall be substituted the following section:—

s. 7.

“7. Subject to the rights of precedence of His Majesty’s Attorney-General and His Majesty’s Solicitor-General (who shall have precedence after the Attorney-General) and His Majesty’s Counsel the right of precedence among barristers and solicitors shall be regulated by the date of their admission as barristers or solicitors or as barristers and solicitors”:

Precedence of  
barristers and  
solicitors.

(b) In section thirteen for the words “the person or persons for the time being holding the offices of Attorney-General and Solicitor-General” there shall be substituted the words “the person for the time being holding the office of Attorney-General the person for the time being holding the office of Solicitor-General”.

s. 13.  
Council of  
Legal  
Education.

(2) In section fifty-five of the *Audit Act 1928* for the words “law officers or either of them” (wherever occurring) there shall be substituted the words “Attorney-General or Solicitor-General”.

Amendment of  
No. 3640 s. 55.  
Opinions under  
Audit Acts.

(3) In paragraph (f) of sub-section (1) of section four of the *Public Service Act 1946* before the word “any” there shall be inserted the words “the Solicitor-General and”.

Amendment of  
No. 5124 s. 4.  
Application of  
Public Service  
Acts.

(4) In

370

1951.

*Solicitor-General.*

No. 5604

Amendment of  
No. 3782  
Second  
Schedule as  
amended.

" Officers "   
for  
superannuation  
purposes.

Annual  
Appropriation  
Acts.

(4) In Part II. of the Second Schedule to the *Superannuation Act 1928* as amended by any Act before the word " Auditor-General " there shall be inserted the word " Solicitor-General ".

(5) In any Annual Appropriation Act any reference to the Solicitor-General shall be read and construed as a reference to the Attorney-General.