



Australian Capital Territory

Enforcement of Public Interests Act 1973

A1973-24

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Effective: 31 August 1993 – 15 July 2002

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Act not amended
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About this republication

The republished law

This is a republication of the *Enforcement of Public Interests Act 1973* effective from 31 August 1993 to 15 July 2002.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
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The status of this republication appears on the bottom of each page.



Australian Capital Territory
ENFORCEMENT OF PUBLIC INTERESTS ACT 1973

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Reprinted as at 31 August 1993

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An Act relating to the Conduct of Certain Proceedings in Courts

Short title

1. This Act may be cited as the *Enforcement of Public Interests Act 1973*.¹

Form of certain proceedings instituted with consent of Attorney-General

2. (1) Where the Attorney-General gives his consent to the institution of proceedings in a court on the relation of a person, the title of the proceedings shall, if the Attorney-General so directs—

- (a) describe that person as the plaintiff in the proceedings; and
- (b) contain words to the effect that the proceedings are instituted with the consent of the Attorney-General.

(2) Where, either before or after the commencement of this Act, proceedings have been instituted in a court in the name of the Attorney-General as plaintiff on the relation of a person, the Attorney-General may, if he thinks fit, direct that, on and from the date of the direction, the title of the proceedings shall be changed so that the person named in the proceedings as the relator is described as the plaintiff in the proceedings.

(3) Where a direction is given under subsection (2) in relation to proceedings, the title of the proceedings shall, on and after the date on which a copy of the direction is lodged with the registrar of the court, be deemed to have been changed so that the person named in the proceedings as relator is described as the plaintiff with the addition of the words “with the consent of the Attorney-General”.

Powers of court and rights of Attorney-General where direction given

3. (1) Where a direction is given under subsection 2 (1) in relation to proceedings, the Attorney-General has the same rights in relation to those proceedings as he would have had if the proceedings had been instituted in his name as plaintiff on the relation of a person.

(2) Where a direction is given under subsection 2 (2) in relation to proceedings, the Attorney-General has, on and after the date of the direction, the same rights as he would have had if the direction had not been given.

(3) In proceedings in relation to which a direction has been given under subsection 2 (1), a court has the same powers as it would have had if the proceedings had been instituted in the name of the Attorney-General on the relation of a person.

(4) In proceedings in relation to which a direction has been given under subsection 2 (2), a court has, on and after the date on which a copy of the direction is lodged with the registrar of the court, the same powers as it would have had if the direction had not been given.

NOTE

1. Act No. 24, 1973; notified in *Commonwealth of Australia Gazette* on 5 July 1973; commenced on 5 July 1973.

The Australian Capital Territory received Self-Government on 11 May 1989.

For details regarding the application of the *Enforcement of Public Interests Act 1973* from 11 May 1989 to 1 July 1992 see the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth (No. 106, 1988) and the *A.C.T. Self-Government (Consequential Provisions) Act 1988* of the Commonwealth (No. 109, 1988), in particular sections 3, 34 and Schedules 3 and 5 and section 12 respectively. The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) and the *Reserved Laws (Interpretation) Ordinance 1989* (No. 25, 1989) effect the citation change of Ordinance to Act and affect references to Commonwealth legislation.

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