



Australian Capital Territory

Enforcement of Public Interests Act 1973 No 24

Republication No 2

Republication date: 16 July 2002

Act not amended up to this date

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Enforcement of Public Interests Act 1973*, including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes), as in force on 16 July 2002. It also includes any amendment, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Enforcement of Public Interests Act 1973

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Australian Capital Territory

Enforcement of Public Interests Act 1973

An Act relating to the conduct of certain proceedings in courts

1 Name of Act

This Act is the *Enforcement of Public Interests Act 1973*.

2 Form of certain proceedings instituted with consent of Attorney-General

- (1) If the Attorney-General gives his or her 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) If, 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 the Attorney-General considers appropriate, 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) If a direction is given under subsection (2) in relation to proceedings, the title of the proceedings shall, on and after the date when 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’.

3 Powers of court and rights of Attorney-General if direction given

- (1) If a direction is given under section 2 (1) in relation to proceedings, the Attorney-General has the same rights in

relation to those proceedings as the Attorney-General would have had if the proceedings had been instituted in his or her name as plaintiff on the relation of a person.

- (2) If a direction is given under section 2 (2) in relation to proceedings, the Attorney-General has, on and after the date of the direction, the same rights as the Attorney-General would have had if the direction had not been given.
- (3) In proceedings in relation to which a direction has been given under section 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 section 2 (2), a court has, on and after the date when 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.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Enforcement of Public Interests Act 1973* A1973-24 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 1 July 1992 under the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (7).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* A1989-21, s 5 on its conversion to an ACT enactment on 1 July 1992.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Enforcement of Public Interests Act 1973 A1973-24

notified 5 July 1973

commenced 5 July 1973

4 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	31 August 1993

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