



Australian Capital Territory

Crown Proceedings Act 1992 (repealed)

A1992-60

Republication No 5

Effective: 10 January 2005

Republication date: 10 January 2005

As repealed by A2004-60 s 4
(replication for amendments and repeal by A2004-60)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Crown Proceedings Act 1992* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 10 January 2005.

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 does not include 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.



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Crown Proceedings Act 1992 (repealed)
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Australian Capital Territory

Crown Proceedings Act 1992 (repealed)

An Act to provide for suits by and against the Crown, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Crown Proceedings Act 1992*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

Part 2	Proceedings by and against the Crown generally
Part 3	Provisions of special application to the Territory Crown
Part 4	Miscellaneous

Dictionary

(see s 2)

Note 1 The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

Note 2 In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- Territory authority
- Territory instrumentality.

chief solicitor means the person performing the duties of Chief Solicitor in the public service.

corresponding law means a law of a State or another Territory that is declared by the regulations to be a law that corresponds to this Act.

Crown includes a Minister, instrumentality or agency of the Crown and a prescribed person.

judgment means any judgment or order of a court.

proceedings means civil proceedings.

Territory Crown means the Crown in right of the Territory.

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.

2 Abbreviation key

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

3 Legislation history

Crown Proceedings Act 1992 No 60

notified 28 October 1992 (Gaz 1992 No S174)

Endnotes

3 as amended by□

s 1, s 2 commenced 28 October 1992 (s 2 (1))
remainder commenced 15 January 1993 (s 2 (2) and Gaz 1993 No S5)

as amended by

Acts Revision (Position of Crown) Act 1993 No 44 sch 2

notified 27 August 1993 (Gaz 1993 No S165)
commenced 27 August 1993 (s 2 and see Gaz 1993 No S165)

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 24

notified 30 June 1994 (Gaz 1994 No S121)
s 1, s 2 commenced 30 June 1994 (s 2 (1))
commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

Magistrates Court (Enforcement of Judgments) Act 1994 No 61 s 73, s 74

notified 11 October 1994 (Gaz 1994 No S197)
s 1, s 2 commenced 11 October 1994 (s 2 (1))
s 73, s 74 commenced 10 April 1995 (s 2 (2) and Gaz 1995 No S75)

Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
commenced 1 June 1998 (s 2 (2))

Justice and Community Safety Amendment Act 2001 No 9 sch 1

notified 8 March 2001 (Gaz 2001 No 10)
commenced 8 March 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 93

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 93 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Justice and Community Safety Legislation Amendment Act 2002 No 27 pt 6

notified LR 9 September 2002
s 1, s 2 commenced 9 September 2002 (LA s 75)
pt 6 commenced 7 October 2002 (s 2 (2))

Statute Law Amendment Act 2002 No 30 pt 3.13

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.13 commenced 17 September 2002 (s 2 (1))

**Court Procedures (Consequential Amendments) Act 2004 A2004-60
sch 1 pt 1.19**

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

sch 1 pt 1.19 commenced 10 January 2005 (s 2 and see Court
Procedures Act 2004 A2004-59, s 2 and CN2004-29)

as repealed by

**Court Procedures (Consequential Amendments) Act 2004 A2004-60
s 4**

notified LR 2 September 2004

s 1, s 2 commenced 2 September 2004 (LA s 75 (1))

s 4 commenced 10 January 2005 (s 2 and see Court Procedures
Act 2004 A2004-59, s 2 and CN2004-29)**4 Amendment history****Name of Act**

s 1 sub 2001 No 9 amdt 1.8

Dictionary

s 2 sub 2001 No 9 amdt 1.8

Notess 3 def **chief solicitor** am 1994 No 38 sch 1 pt 24
om 2001 No 9 amdt 1.9
def **government solicitor** om 2001 No 9 amdt 1.9
defs reloc to dict 2001 No 9 amdt 1.10
om 2001 No 9 amdt 1.11
ins 2002 No 30 amdt 3.140**Application to the Crown**

s 4 om 1993 No 44 sch 2

Proceedings by and against the Crown generallys 5 am 1994 No 61 s 73; 2002 No 30 amdt 3.141
reloc to Court Procedures Act 2004 as s 21 by A2004-60
amdt 1.118**Immunities and limitations of liability**

s 6 am A2004-60 amdt 1.113

Endnotes

4 Amendment history

reloc to Court Procedures Act 2004 as s 22 by A2004-60
amdt 1.118

Corresponding laws of States and other Territories

s 7 reloc to Court Procedures Act 2004 as s 23 by A2004-60
amdt 1.118

Injunctive relief

s 8 reloc to Court Procedures Act 2004 as s 24 by A2004-60
amdt 1.118

Protection of confidentiality on grounds of public interest

s 9 am A2004-60 amdt 1.113
reloc to Court Procedures Act 2004 as s 25 by A2004-60
amdt 1.118

Right of Attorneys-General of other jurisdictions to appear in proceedings

s 10 reloc to Court Procedures Act 2004 as s 26 by A2004-60
amdt 1.118

Right of Attorney-General to intervene in proceedings

s 11 am 2002 No 30 amdt 3.142
reloc to Court Procedures Act 2004 as s 27 by A2004-60
amdt 1.118

Court fees and charges

s 12 am 2001 No 9 amdt 1.12; A2004-60 amdt 1.114, amdt 1.115
reloc to Court Procedures Act 2004 as s 28 by A2004-60
amdt 1.118

Enforcement of judgments against Territory Crown

s 13 am 1994 No 61 s 74
sub 2002 No 27 s 18
am A2004-60 amdt 1.116
reloc to Court Procedures Act 2004 as s 29 by A2004-60
amdt 1.118

Enforcement of judgements against Crown in right of a State or another Territory

s 13A ins 2002 No 27 s 18
reloc to Court Procedures Act 2004 as s 30 by A2004-60
amdt 1.118

Enforcement of judgments by the Crown

s 14 am A2004-60 amdt 1.117
reloc to Court Procedures Act 2004 as s 31 by A2004-60
amdt 1.118

Endorsement etc of originating process

s 15 am A2004-60 amdt 1.119, amdt 1.120
reloc to Court Procedures Act 2004 as s 32 by A2004-60
amdt 1.121

Service generally

s 16 am 1997 No 96 sch 1
 sub 2002 No 30 amdt 3.143
 am A2004-60 amdts 1.122-1.124
 reloc to Court Procedures Act 2004 as s 33 by A2004-60
 amdt 1.125

Service of subpoenas etc on Ministers

s 17 am A2004-60 amdt 1.126, amdt 1.127
 reloc to Court Procedures Act 2004 as s 34 by A2004-60
 amdt 1.128

Judicial notice of Attorney-General's appointment etc

s 18 am A2004-60 amdt 1.129, amdt 1.130
 reloc to Law Officer Act 1992 as s 5B by A2004-60 amdt 1.131

Representation if right to legal representation restricted

s 19 am 1994 No 38 sch 1; 2001 No 9 amdt 1.13
 sub A2004-60 amdt 1.132
 reloc to Court Procedures Act 2004 as s 35 by A2004-60
 amdt 1.133

Exclusion of certain proceedings

s 20 am A2004-60 amdt 1.134
 reloc to Court Procedures Act 2004 as s 36 by A2004-60
 amdt 1.136

Regulations for pt 4

s 21 sub 2001 No 9 amdt 1.14
 am 2001 No 44 amdt 1.1012
 sub A2004-60 amdt 1.135
 reloc to Court Procedures Act 2004 as s 37 by A2004-60
 amdt 1.136

Regulations

s 22 om 2001 No 9 amdt 1.14

Dictionary

dict ins 2001 No 9 amdt 1.15
 am 2002 No 27 s 19
 def *chief solicitor* ins 2001 No 9 amdt 1.15
 def *corresponding law* reloc from s 3 2001 No 9 amdt 1.10
 def *Crown* reloc from s 3 2001 No 9 amdt 1.10
 def *judgement* reloc from s 3 2001 No 9 amdt 1.10
 def *proceedings* reloc from s 3 2001 No 9 amdt 1.10
 def *Territory Crown* reloc from s 3 2001 No 9 amdt 1.10

Endnotes

5 Earlier republications

5 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	Act 1994 No 61	10 April 1995
2	Act 2001 No 44	12 September 2001
3	Act 2002 No 30	17 September 2002
4	A2002-30	7 October 2002

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