



ANNO VICESIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1977

No. 4 of 1977

An Act to amend the Crown Proceedings Act, 1972-1975.

[Assented to 21st April, 1977]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Crown Proceedings Act Amendment Act, 1977". Short titles.

(2) The Crown Proceedings Act, 1972-1975, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Crown Proceedings Act, 1972-1977".

2. Section 7 of the principal Act is amended by inserting after subsection (3) the following subsection:—

Amendment of principal Act, s. 7—
Interlocutory orders and costs.

(4) Subject to the provisions of any other Act, in any proceedings to which the Crown is a party, the court shall have the same power to award costs against, or in favour of, the Crown as if the proceedings were between subjects.

3. Section 8 of the principal Act is amended by striking out from subsection (5) the passage "of other moneys" and inserting in lieu thereof the passage "or other moneys".

Amendment of principal Act, s. 8—
Enforcement of judgments against the Crown.

4. Section 12 of the principal Act is amended by inserting after subsection (1) the following subsections:—

Amendment of principal Act, s. 12—
Right of Attorney-General to appear in proceedings.

(1a) The Attorney-General may intervene, on behalf of the Crown, in any proceedings (whether instituted before or after the commencement of the Crown Proceedings Act Amendment Act, 1977)—

(a) in which the interpretation or validity of a law of the State or the Commonwealth is in question;

or

(b) in which—

(i) legislative or executive powers of the State or Commonwealth, or of an instrumentality or agency of the State or Commonwealth;

or

(ii) judicial powers of a court or tribunal established under the law of the State or Commonwealth,

are in question,

for the purpose of submitting argument upon the question in issue.

(1b) Where the Attorney-General intervenes in proceedings in pursuance of subsection (1a) of this section, he shall have the same right of appeal in respect of any judgment or decision given in the proceedings as if he were a party to those proceedings.

(1c) Where the Attorney-General intervenes in proceedings under this section, the court may make such order for costs against the Crown as the court thinks fit to reimburse the parties to the proceedings against costs occasioned by the intervention.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

W. R. CROCKER, Governor's Deputy