



Queensland

Attorney-General Regulation 2010

Subordinate Legislation 2010 No. 234

made under the

Attorney-General Act 1999

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1 Short title

This regulation may be cited as the *Attorney-General Regulation 2010*.

2 Application for a fiat—Act, s 7(1)(g)(ii)

- (1) An application for the Attorney-General to grant a fiat to start a proceeding in the Attorney-General's name to enforce or protect public rights must contain the following information—
 - (a) the applicant's name, address, phone number and fax number;
 - (b) the reasons why the applicant can not obtain complete relief in the proceeding if the fiat is not granted;
 - (c) whether the applicant has pursued other forms of relief, for example, mediation.
- (2) The application must be accompanied by the following documents—
 - (a) the proposed originating process;
 - (b) a certificate signed by counsel stating that—
 - (i) the proceeding is appropriate to be started in the Attorney-General's name; and
 - (ii) the originating process is appropriate for the Attorney-General's fiat; and
 - (iii) the applicant can not obtain complete relief if the fiat is not granted;
 - (c) an opinion from counsel as to the likelihood of success of the proceeding that details the facts of the case and explains the proceeding;
 - (d) a certificate signed by the applicant's solicitor stating that the applicant is an appropriate person to act as relator in the proceeding;
 - (e) a document signed by the applicant or the applicant's solicitors undertaking that—

- (i) the proceeding is at the sole risk and cost of the applicant; and
 - (ii) the applicant will pay all of the Attorney-General's costs of the proceeding including any costs payable by the Attorney-General to a party; and
 - (iii) the applicant indemnifies the Attorney-General for the proceeding; and
 - (iv) the applicant will give the Attorney-General copies of all pleadings and other court documents for the proceeding; and
 - (v) the applicant will only take any of the following steps with the Attorney-General's approval—
 - (A) amend the originating process for the proceeding;
 - (B) discontinue the proceeding or withdraw part of it;
 - (C) withdraw all or part of any answer to a counterclaim;
 - (D) settle all or part of the proceeding.
- (3) If a proceeding has already started—
- (a) this section applies, with necessary changes, to an application in the proceeding; and
 - (b) the application under this section must state the stage of the proceeding.

3 Repeal

The Attorney-General Regulation 2000, SL No. 58 is repealed.

ENDNOTES

- 1 Made by the Governor in Council on 26 August 2010.
- 2 Notified in the gazette on 27 August 2010.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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