



Crown Proceedings Act 1980

Reprinted as in force on 5 October 2001

Reprint No. 3*

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the Office of the Queensland Parliamentary Counsel
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* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 5 October 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Crown Proceedings Act 1980

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Crown Proceedings Act 1980

[as amended by all amendments that commenced on or before 5 October 2001]

An Act to consolidate and amend the law relating to proceedings by or against the Crown and the recovery of certain debts due to the Crown and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Crown Proceedings Act 1980*.

5 Application

This Act applies to all proceedings instituted after the commencement of this Act and in respect of any claim made in respect of or based upon a cause of action whether arising before or after the commencement of this Act.

6 Crown bound

- (1) This Act binds the Crown.
- (2) Save as provided in sections 8 and 19, this Act has effect notwithstanding anything in any Act or enactment or rule of law, practice or procedure.

7 Interpretation

In this Act—

appeal includes a rehearing or review.

9 Procedure

- (1) A proceeding by or against the Crown—
 - (a) shall be instituted in the court that would have jurisdiction if the proceeding were between subject and subject;
 - (b) shall be instituted and proceeded with in accordance with the procedure of the court specifically applicable thereto or, if there is no such procedure, as nearly as possible in accordance with the procedure applicable to a proceeding between subject and subject.
- (2) In a proceeding by or against the Crown—
 - (a) the rights of parties including rights of appeal shall as nearly as possible be the same; and
 - (b) judgment may be given and costs awarded; as in a proceeding between subject and subject.
- (3) To remove any doubt, it is declared that this section does not require the Crown to comply with a provision (other than a procedural provision) of an Act or law that does not otherwise bind the Crown.

10 Nature of relief

In a proceeding by or against the Crown, the court shall, subject to this Act, have power to give all such judgment as it has power to give in proceedings between subject and subject and otherwise to give such appropriate relief as a particular case requires.

11 Satisfaction of judgment

- (1) A judgment for or of money, damages or costs in a proceeding against the Crown shall be satisfied by the Treasurer by payment out of money—
 - (a) in the Treasurer's hands for the time being, lawfully applicable thereto; or
 - (b) that may be appropriated by Parliament for that purpose.

form to be entered in a court of competent jurisdiction for the amount of the fine and the costs of entering judgment.

- (2A) A judgment entered pursuant to subsection (2) is for all purposes a judgment of the court in which it has been entered.
- (3) An appeal does not lie in respect of a judgment entered pursuant to subsection (2).

Part 4 General provisions

19 Service of documents

- (1) Subject to any other Act or law or any practice, a document or other writing required to be served on the Crown for the purposes of or in connection with a proceeding by or against the Crown shall be served on the crown solicitor and service of a document or other writing in accordance with this subsection shall be duly effected if it is left at the office of the crown solicitor with some responsible person.
- (2) Save as prescribed by subsection (1), a notice, order or other writing authorised or required by this Act to be given to or served on any person shall be duly given or served if—
 - (a) it is served personally on the person to whom it is directed;
 - (b) it is left at the place of residence or business of the person to whom it is directed last known to the person who gives it;
 - (c) it is sent by post to the place of residence or business of the person to whom it is directed last known to the person who gives it.

20 Approval of forms

- (1) The chief executive may approve forms for—
 - (a) anything for which this Act requires or permits an approved form to be used; or

(b) another use under this Act.

- (2) Subsection (1)(b) does not apply to forms for court proceedings.

21 Regulation making power

The Governor in Council may make regulations under this Act.

22 References to repealed Act

A reference in an Act or document to the *Crown Remedies Act 1874* is taken to be a reference to this Act.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 5 October 2001. Future amendments of the Crown Proceedings Act 1980 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfcd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1994 Act No. 87	1 December 1994	27 January 1995
2	1995 Act No. 58	28 November 1995	15 December 1995
2A	1996 Act No. 79	28 February 1997	3 March 1997
2B	1999 Act No. 19	30 April 1999	24 August 1999
2C	2000 Act No. 63	27 November 2000	5 December 2000
2D	2001 Act No. 45	15 July 2001	27 July 2001
3	2001 Act No. 45	15 July 2001	5 October 2001

5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Comparative legislation	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Crown Proceedings Act 1980 No. 2

date of assent 31 March 1980

remaining provisions commenced 1 July 1980 (proc pubd gaz 28 June 1980 p 1634)

amending legislation—

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 ss 1–3 sch 2

date of assent 1 December 1994

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Justice Legislation (Miscellaneous Provisions) Act 1996 No. 79 pts 1, 8

date of assent 12 December 1996

pt 1 commenced on date of assent

remaining provisions commenced 28 February 1997 (1997 SL No. 35)

Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch

date of assent 30 April 1999
 commenced on date of assent

State Penalties Enforcement Act 1999 No. 70 ss 1–2, 166 sch 1

date of assent 6 December 1999
 ss 1–2 commenced on date of assent
 remaining provisions commenced 27 November 2000 (2000 SL No. 274)

Corrective Services Act 2000 No. 63 ss 1, 2(2), 276 sch 2

date of assent 24 November 2000
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 2001 (2001 SL No. 88)

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001
 ss 1–2 commenced on date of assent
 sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)
 remaining provisions commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

7 List of annotations

Commencement

s 2 om R2 (see RA s 37)

Arrangement

s 3 om R1 (see RA s 36)

Repeals and savings

s 4 om R1 (see RA ss 38, 40)

Interpretation

s 7 def “**approved form**” ins 1995 No. 58 s 4 sch 1
 def “**Crown**” amd 2001 No. 45 s 29 sch 3
 def “**proper officer**” amd 1999 No. 19 s 3 sch
 def “**Treasurer**” om R1 (see RA s 39)

Mode of proceeding

s 8 amd 2001 No. 45 s 29 sch 3

Procedure

s 9 amd 1996 No. 79 s 26

Satisfaction of judgment

s 11 amd 2000 No. 63 s 276 sch 2

Procedure on recovery of certain fines

s 12 amd 1995 No. 58 s 4 sch 1

Recovery of debts due by recognisance

s 13 amd 1995 No. 58 s 4 sch 1
 om 1999 No. 70 s 166 sch 1

Recovery of amount undertaken by surety

s 14 amd 1995 No. 58 s 4 sch 1
 om 1999 No. 70 s 166 sch 1

Variation or rescission of order forfeiting recognisance or made against a surety to an undertaking as to bail

s 15 amd 1995 No. 58 s 4 sch 1; 1999 No. 19 s 3 sch
 om 1999 No. 70 s 166 sch 1

Execution of warrant

s 16 om 1999 No. 70 s 166 sch 1

Duty of keeper of prison

s 17 om 1999 No. 70 s 166 sch 1

Application of Justices Act

s 18 om 1999 No. 70 s 166 sch 1

Approval of forms

s 20 amd R1 (see RA s 39)
 sub 1995 No. 58 s 4 sch 1

Regulation making power

s 21 ins 1995 No. 58 s 4 sch 1

References to repealed Act

s 22 (prev s 21) ins 1994 No. 87 s 3 sch 2
 renum 1995 No. 58 s 4 sch 1

Transitional provision about approved forms

s 23 ins 1995 No. 58 s 4 sch 1
 exp 28 May 1996 (see s 23(3))

SCHEDULE

om R1 (see RA s 40)