Date Introduced: 10 November 1983
House: Senate
Presented by: Senator, Hon. G.J. Evans, Attorney-General

Short Digest of Bill

Purpose

To make amendments to fourteen Acts of Parliament, in consequence of the Director of Prosecutions Bill 1983, to enable the Director to discharge his functions under that Bill.

Background

The Director of Prosecutions Bill 1983, introduced into the Senate on the same day as this Bill, authorizes the Director to institute, with some independence, criminal proceedings for breaches of Commonwealth laws. The Bill clears the way for the Director to carry out the prosecuting functions, by amending Acts that would not permit those functions being exercised.

Main Provisions

One set of provisions amends Acts that allow only the Attorney-General to prosecute various offences to permit also the Director of Public Prosecutions to prosecute. The Acts and the clauses of the Bill that permit prosecution by the Director are as follows:

Geneva Conventions Act 1951 (clause 19)
Royal Commissions Act 1902 (clause 31)
Telecommunications (Interception) Act 1979 (clause 35)

The second set of provisions amend two Acts requiring the consent of the Attorney-General or an official before prosecution, to allow alternatively the Director to consent. The Acts and the clauses of the Bill amending the Acts are as follows:
Defence (Transitional Provisions) Act 1946 (clause 17)

Public Order (Protection of Persons and Property) Act 1971 (clause 27)

The third set of provisions amends procedural provisions of various Acts referring to the Attorney-General, to refer also to the Director. The Acts and the clauses of the Bill amending the Acts are as follows:

Crimes Act 1914 (clauses 8, 9)
Crimes (Aircraft) Act 1963 (clause 11)
Crimes (Hijacking of Aircraft) Act 1972 (clause 13)
Crimes (Protection of Aircraft) Act 1973 (clause 15)

Clause 6 amends the Commonwealth Places (Applications of Laws) Act 1970 to prevent the Director from having jurisdiction where arrangements have been made with a State to prosecute offences under applied State laws in Commonwealth places.

Clause 29 amends the Royal Commissions Act 1902 to add the Director to the list of persons to whom a Royal Commission may communicate information.

For further information, if required, contact:

29 November 1983
Law & Government Group
LEGISLATIVE RESEARCH SERVICE