

1995

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY**

**DIRECTOR OF PUBLIC PROSECUTIONS (AMENDMENT) BILL
1995**

EXPLANATORY MEMORANDUM

Circulated by authority of

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Attorney-General

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OUTLINE

This Bill amends the *Director of Public Prosecutions Act 1990* to provide legal protection for the Director of Public Prosecutions in certain circumstances.

FINANCIAL IMPACT

The Bill will have no financial impact on Australian Capital Territory expenditure.

NOTES ON CLAUSES

Clause 1: Short Title

This is a formal clause providing for the citation of the legislation as the *Director of Prosecutions (Amendment) Act 1995*

Clause 2: Commencement

This clause provides for the Act to commence on the day on which it is notified in the Gazette.

Clause 3: Principal Act

This clause identifies the Principal Act as the *Director of Prosecutions Act 1990*

Clause 4: Functions

This clause recognises and clarifies that the functions of the Director of Public Prosecutions include making statements or providing information with respect to criminal investigations, criminal proceedings or other matters relevant to the powers or functions of the Director.

Clause 5: Legal immunity

This clause provides that legal proceedings do not lie against the Director of Public Prosecutions or officers of the Director's Office for anything said or done in good faith in carrying out the functions of the Office. Similar provisions appear in a number of Territory Acts giving protection to statutory office holders for things said or done in carrying out their functions (eg Ombudsman Act, Community Advocate Act). The proposed provision does not, however, affect any liability the Territory might have in respect of an act or omission