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LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

DIRECTOR OF PUBLIC PROSECUTIONS REGULATIONS 1991

EXPLANATORY MEMORANDUM

(Circulated by the Authority of
Mr Terence Connolly MLA
Attorney-General)

DIRECTOR OF PUBLIC PROSECUTIONS REGULATIONS 1991

Outline

Subparagraph 6(1)(j) of the *Director of Public Prosecutions Act 1990* allows additional functions to be prescribed by way of regulation.

At present the Director of Public Prosecutions (DPP) is unable to represent the informant police officer in an appeal under the *Administrative Decisions (Judicial Review) Act 1989* arising out of committal proceedings.

In addition, he cannot prosecute Commonwealth offences, a capacity that is necessary for effective prosecution of certain cases involving both ACT and Commonwealth offences.

The regulations essentially add two functions to overcome the legal impediments that have prevented the DPP from appearing in respect of the two matters listed above.

Notes

Regulations 1 and 2 are formal. They refer to the title of the Regulations and the Principal Act.

Paragraph 3(a) of the Regulations gives the DPP the function of appearing on behalf of the Territory or any other person, in proceedings arising out of committal hearings.

Paragraph 3(b) gives the DPP the function of appearing in relation to the prosecution of Commonwealth offences where there is a Territory prosecution on foot arising out of the same facts and circumstances.