

***Director of Public Prosecutions
(Amendment) Bill 1998***

Explanatory Memorandum

(Michael Moore)

This Bill makes one simple amendment to the *Director of Public Prosecutions Act 1990*.

Under section 20 of the *Act*, the Attorney-General may make directions of a general nature to the Director of Public Prosecutions "with respect to matters relating to the performance and exercise by the Director of his or her functions or powers".

The Attorney-General does this by issuing an instrument under subsection 20(1).

Unlike most similar provisions in ACT legislation, in particular almost all such provisions passed since 1994, such an instrument is currently not one which may be disallowed by the Assembly.

The convention in legislation in the Assembly today is to include a capacity for disallowability in regard to all instrument-making powers, unless an exceptional case is made for omission.

This Bill would insert the standard legislative clause making to make the ministerial direction disallowable.

The general directions power conferred on the Attorney-General is a significant power which should be subject to the oversight of the Assembly.

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