

Public Prosecutions (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purposes of the Act.

Clause 2 provides for the Act to come into operation on the day on which it receives Royal Assent.

Clause 3 defines the **Public Prosecutions Act 1994** as the Principal Act.

Clause 4 increases the terms of appointment of the Director of Public Prosecutions, the Chief Crown Prosecutor and the Senior Crown Prosecutors from 10 years to a term of between 10 and 20 years inclusive.

Clause 5 provides that where the Attorney-General has been requested by the Director to perform certain functions or exercise certain powers, the Attorney-General may request the Chief Crown Prosecutor or Crown Prosecutor to perform those functions or exercise those powers. It further provides that the Director may not give any direction to a Chief Crown Prosecutor or Crown Prosecutor who is performing functions or exercising powers pursuant to this provision.

Clause 6 removes the ability of the Director to delegate functions or powers to the Solicitor and instead gives the Director the power to delegate functions or powers to a Crown Prosecutor.

Clause 7 provides for the appointment of Associate Crown Prosecutors. It sets out the terms of appointment, method of resignation, grounds for removal and functions of Associate Crown Prosecutors.

Clause 8 enables the Director to establish guidelines on the classes of proceedings in which he or she is to be consulted before counsel other than Crown Prosecutors or Associate Crown Prosecutors are briefed to appear. In all other cases, the Solicitor is permitted to brief counsel other than Crown Prosecutors and Associate Crown Prosecutors without first consulting the Director.

Clause 9 permits the Attorney-General to consolidate into one document any 2 or more of the Annual Reports submitted by the Director, the Solicitor and the Committee for Public Prosecutions.

Clause 10 contains consequential amendments.

Clause 11 contains transitional provisions. It enables the Governor in Council, if requested by persons holding office as Director of Public Prosecutions, Chief Crown Prosecutor or Senior Crown Prosecutor immediately before the commencement of this Act, to extend their terms of appointment to a term not exceeding 20 years.

Clause 12 amends the **Constitution Act 1975** to permit any period of service as a Senior Crown Prosecutor to count for pension purposes as service as a judge of the Supreme Court where a Senior Crown Prosecutor is appointed to the Supreme Court bench.

Clause 13 amends the **Sentencing Act 1991** to permit Associate Crown Prosecutors to sign forms under Schedule 1 of the **Sentencing Act 1991**.

Clause 14 amends the **Public Sector Management Act 1992** to provide that the **Public Sector Management Act 1992** does not apply to Associate Crown Prosecutors.