# Public Prosecutions Amendment Act 2007

No. 6 of 2007

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## ENDNOTES

5
Public Prosecutions Amendment Act 2007†
No. 6 of 2007
[Assented to 20 March 2007]

The Parliament of Victoria enacts:

1 Purpose

The purpose of this Act is to amend the Public Prosecutions Act 1994—

(a) to enable the Director of Public Prosecutions and Crown Prosecutors to receive and exercise powers to prosecute offences of another Australian jurisdiction in accordance with the appointment, commission or authority conferred by the other jurisdiction; and
(b) to enable the Director of Public Prosecutions of another jurisdiction, and the staff of that Director's office who are legal practitioners, to be appointed to prosecute Victorian offences on behalf of the Victorian Director of Public Prosecutions.

2 Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

3 Functions of Director

(1) After section 22(1)(cb) of the Public Prosecutions Act 1994 insert—

"(cc) if the Director, with the consent of the Attorney-General, holds an appointment, commission or authority to prosecute offences against laws of the Commonwealth or another State or a Territory, to institute, prepare and conduct proceedings in accordance with that appointment, commission or authority;".

(2) After section 22(1A) of the Public Prosecutions Act 1994 insert—

"(1B) The Attorney-General's consent under subsection (1)(cc) may be general or specific in nature.".

4 Terms and conditions of appointment for Crown Prosecutors

After section 32(3) of the Public Prosecutions Act 1994 insert—

"(3A) Despite anything to the contrary in subsection (1) or (2), the Director of Public Prosecutions under the law of another State or a Territory, or a member of the staff of the office of that Director who is a legal practitioner, may be appointed under this Act
as a Crown Prosecutor for the period that he or she is that Director or such a member."

5 **Functions of Crown Prosecutors**

(1) After section 36(1)(b) of the **Public Prosecutions Act 1994** insert—

"(ba) if the Crown Prosecutor, with the consent of the Director, holds an appointment, commission or authority to prosecute offences against laws of the Commonwealth or another State or a Territory, to institute, prepare and conduct proceedings in accordance with that appointment, commission or authority;".

(2) After section 36(2) of the **Public Prosecutions Act 1994** insert—

"(2A) The Director's consent under subsection (1)(ba) may be general or specific in nature.".

6 **New section 55 inserted**

After section 54 of the **Public Prosecutions Act 1994** insert—

"55 Validation provision

Anything done or purported to have been done under this Act before the commencement of the **Public Prosecutions Amendment Act 2007** that would have been validly done had that Act been in operation at the time at which the thing was done or purported to have been done has, and is deemed always to have had, the same force and effect as it would have had if the **Public Prosecutions Amendment Act 2007** had been in operation at the time at which the thing was done or purported to have been done.".
7 Repeal

This Act is repealed on the first anniversary of its commencement.
ENDNOTES

† Minister's second reading speech—
Legislative Assembly: 20 December 2006
Legislative Council: 1 March 2007

The long title for the Bill for this Act was "A Bill for an Act to amend the Public Prosecutions Act 1994 and for other purposes."