



# NORTHERN TERRITORY OF AUSTRALIA

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No. 29 of 1990

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## AN ACT

to amend various Acts and Regulations  
consequential on the passing of the  
*Director of Public Prosecutions  
Act 1990*

[Assented to 11 June 1990]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Director of Public Prosecutions (Consequential Amendments) Act 1990*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Director of Public Prosecutions Act 1990*.

3. AMENDMENT OF *CORONERS ACT*

The *Coroners Act* is amended -

- (a) by inserting in section 4 after the definition of "Coroner" the following:

"'Crown Law Officer' has the same meaning as in section 1 of the Criminal Code;"; and

- (b) in section 38(1) -

- (i) by inserting after "Commissioner of the Police Force" the words "or a Crown Law Officer"; and

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(ii) by omitting paragraph (c) and inserting in its stead the following:

"(c) if the person is committed for trial for the offence before the Supreme Court - after the date on which the guilt or innocence of the person is finally determined or, if a Crown Law Officer declines to proceed further in the prosecution, the date on which the Crown Law Officer so declined; or".

4. AMENDMENT OF *JURIES ACT*

The *Juries Act* is amended by inserting in Schedule 7 after "an employee within the meaning of the *Public Service Act* who is employed in the Department of Law" the following:

"an employee within the meaning of the *Public Service Act* who is employed in the office of the Director of Public Prosecutions".

5. AMENDMENTS OF *STOCK DISEASES ACT*

The *Stock Diseases Act* is amended by omitting section 43 and substituting the following:

"43. PROSECUTIONS

"Unless instituted by the Attorney-General or the Director of Public Prosecutions, a prosecution for an offence against this Act shall not be brought without the consent in writing of the Chief Inspector."

6. AMENDMENTS OF LEGAL PRACTITIONERS REGULATIONS

The Legal Practitioners Regulations are amended by adding in regulation 2B after "The Northern Australian Aboriginal Legal Aid Service Inc." the following:

"The office of the Director of Public Prosecutions".

7. AMENDMENTS OF ACTS

The provisions of the Acts specified in the Schedule are amended as provided for in the Schedule.

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SCHEDULE

Section 7

Provision	Amendment	
	omit	substitute
<i>Adoption of Children Act</i>		
Section 50	"Solicitor for the Northern Territory"	"Director of Public Prosecutions"
<i>Bail Act</i>		
Sections 25(3), 36(1)(a), 47(3)(a) and (4)(c)	"Attorney-General" (wherever occurring)	"Director of Public Prosecutions"
<i>Cemeteries Act</i>		
Section 19	"Solicitor for the Northern Territory,"	"Solicitor for the Northern Territory, the Director of Public Prosecutions,"
<i>Classification of Publications Act</i>		
Section 62	"Minister"	"Attorney-General or the Director of Public Prosecutions"
<i>Construction Safety Act</i>		
Section 29	"Attorney-General"	"Attorney-General or the Director of Public Prosecutions"
<i>Consumer Protection Act</i>		
Section 22(2)	"Solicitor for the Northern Territory"	"Director of Public Prosecutions"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Crimes (Forfeiture of Proceeds) Act</i>		
Section 3(1) - paragraph (a) of the definition of "appropriate officer"	"Solicitor for the Northern Territory"	"Director of Public Prosecutions"
Section 60(4)	"Minister"	"Attorney-General or the Director of Public Prosecutions"
<i>Criminal Code</i>		
Section 1 - definition of "Crown Law Officer"	"Solicitor-General"	"the Director of Public Prosecutions and includes a person authorized under a law of the Territory to exercise a power or perform a function in the name of or on behalf of a Crown Law Officer"
Section 47(1)	"Attorney-General"	"Director of Public Prosecutions"
Section 298(2)	"or some other person appointed in that behalf by the Admini- strator in Council"	
Section 302(1)	"or an officer appointed by the Administrator in Council to present indictments"	
Sections 331(1) and (2) and 400(3)	"Solicitor for the Northern Territory" (wherever occurring)	"Director of Public Prosecutions"
Section 401(6)	"the Attorney-General" (first occurring)	"a Crown Law Officer"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
	"the Attorney-General" (second occurring)	"the Crown Law Officer"
Section 414(1) and (2)	"the Attorney-General"	"A Crown Law Officer"
Section 414(4)	"Attorney-General" (wherever occurring)	"Crown Law Officer"
Section 421	"the Attorney-General"	"a Crown Law Officer"
Section 424	"an Attorney-General's reference"	"a Crown Law Officer's reference"
Section 426(5)	"an Attorney-General's appeal"	"a Crown Law Officer's appeal"
<i>Electoral Act</i>		
Section 128	"Attorney-General"	"Attorney-General, the Director of Public Prosecutions"
<i>Evidence Act</i>		
Section 57(3)	"Solicitor for the Northern Territory"	"Director of Public Prosecutions"
<i>False Advertising Act</i>		
Section 3(5)	"Solicitor for the Northern Territory"	"Director of Public Prosecutions"
<i>Flag and Emblem Act</i>		
Section 12	"Attorney-General"	"Attorney-General or the Director of Public Prosecutions"
<i>Juries Act</i>		
Sections 37(2), 38 and 43	"Crown Prosecutor"	"Crown"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Justices Act</i>		
Section 116(1)	"for trial or"	"for trial"
Sections 116(1), (2) and (3), 139, 141(1) and (3) 162A(2) and (6) and 188(3)	"Solicitor for the Northern Territory" (wherever occurring)	"Director of Public Prosecutions"
<i>Legal Practitioners Act</i>		
Section 6 Subparagraph (b)(ii) of the definition of "legal practitioner"	"Solicitor-General of the Northern Territory"	"Solicitor-General of the Northern Territory, the Director of Public Prosecutions,"
Section 21(1)	"and of the Solicitor- General"	", the Solicitor- General and the Director of Public Prosecutions"
Section 36(1)(b)	"or"	"(ba) the Director of Public Prosecutions; or"
Section 43	" <i>Law Officers Act</i> ,"	" <i>Law Officers Act</i> , the Director of Public Prosecutions"
<i>Maintenance Act</i>		
Section 117(2)	"Minister"	"Director of Public Prosecutions"
<i>National Crime Authority (Territory Provisions) Act</i>		
Section 19(1)	"the Crown Law Officer"	"the Director of Public Prosecutions"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
	"or Crown Law Officer"	"or the Director of Public Prosecutions"
<i>Ombudsman (Northern Territory) Act</i>		
Section 22(2)	"Solicitor for the Northern Territory"	"Director of Public Prosecutions"
<i>Parole of Prisoners Act</i>		
Sections 4(4) and 5(9A)	"Solicitor for the Northern Territory"	"Director of Public Prosecutions"
<i>Prices Regulation Act</i>		
Section 8(4) (a)(i)	"Attorney-General"	"Attorney-General or the Director of Public Prosecutions"
Section 8(4) (a)(ii)	"the Attorney-General"	"to the Attorney-General or to the Director of Public Prosecutions"
Section 36(5)	"Solicitor for the Northern Territory"	"the Director of Public Prosecutions"
Section 58(4)	the whole subsection	"(4) Proceedings for an offence against this Act shall not be commenced except by, or with the written consent of, the Attorney-General or the Director of Public Prosecutions"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Sexual Offences (Evidence and Procedure) Act</i>		
Section 5(1)(c)	the whole paragraph	"(c) the Director of Public Prosecutions or a person authorized by the Director of Public Prosecutions;"
Section 9(1)(c)	"Department of Law"  "Department"	"Department of Law, the Director of Public Prosecutions"  "Department, the Director".