

1980-81-82

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Special Prosecutors Bill

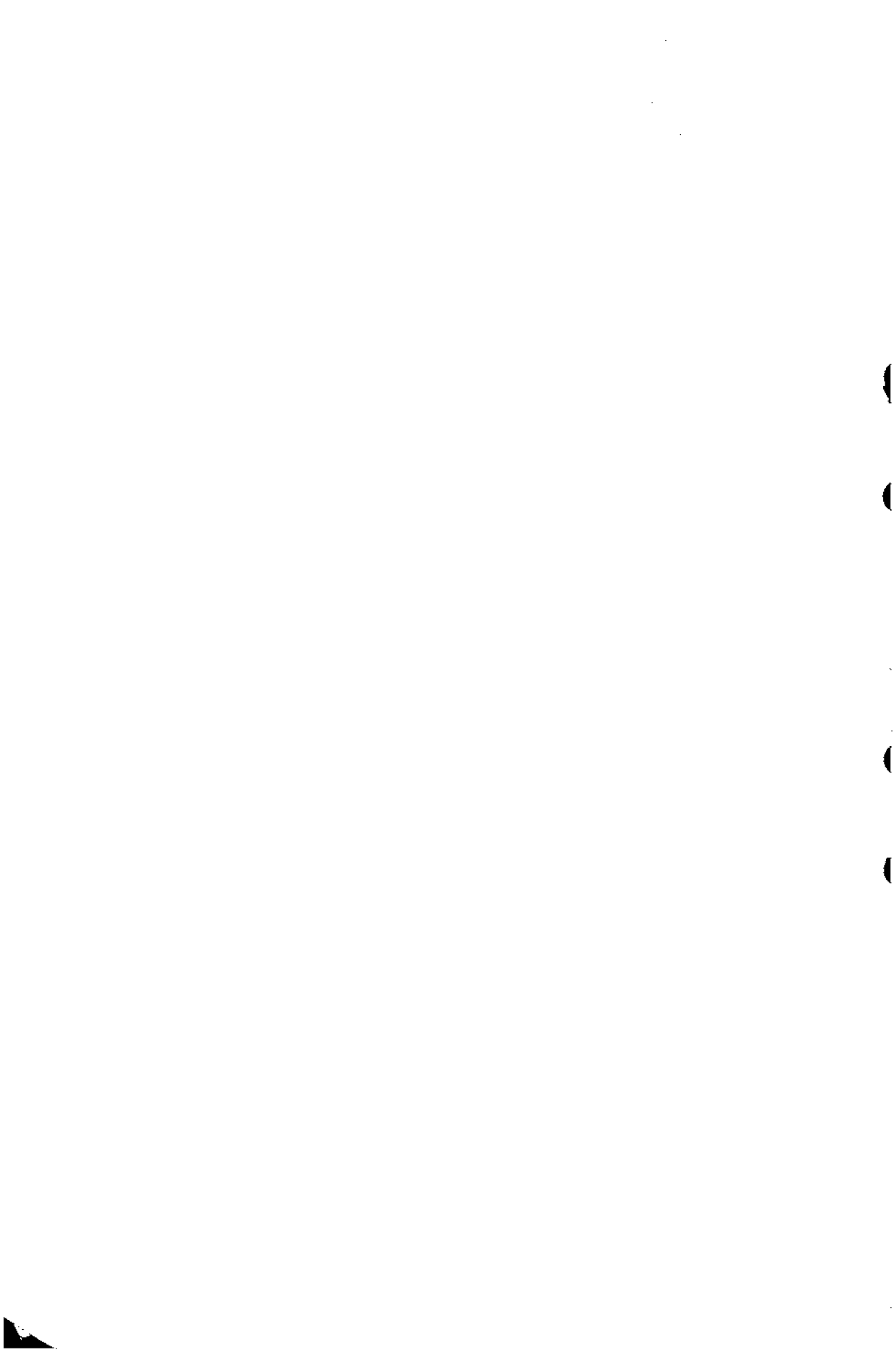
Explanatory Memorandum

Circulated by authority of the  
Attorney-General Senator Durack

Outline

This Bill provides for the appointment of Special Prosecutors with the function of instituting undertaking or carrying on prosecutions for offences against laws of the Commonwealth or a Territory. They may also be given the function of co-ordinating civil remedies by the Commonwealth in particular matters.

Special Prosecutors may also deal with prosecutions under State laws when so authorized by State law.



### Detailed Description

- Clause 1 - This states the name of the Bill
- Clause 2 - The date of operation is dealt with
- Clause 3 - Interpretations
- Clause 4 - Extension of the Act to all external Territories.
- Clause 5 - Sub-clause (1) provides that, in relation to Commonwealth and Territory offences, Special Prosecutors shall deal with prosecutions in respect of matters specified by the Attorney-General. A Special Prosecutor may also be given responsibility for taking or co-ordinating civil remedies on behalf of the Commonwealth and its authorities.
- Sub-clause (4) will enable Special Prosecutors to conduct prosecutions for offences against State law where authorized by State law.
- Clause 7 - While the Attorney-General will be enabled under this provision to give general directions and guidelines, he will not be entitled to give directions or guidelines in relation to a particular case
- Clause 8 - This will give to Special Prosecutors the same powers and functions as are now given by commissions granted by the Attorney-General under sections 69 and 71 of the Judiciary Act 1903 for the purpose of prosecuting offences against Commonwealth law
- Clause 9 - This will enable a Special Prosecutor to appear either personally or by Counsel or solicitor in any case instituted or carried on by him
- Clause 10 - This deals with the terms and conditions of appointment of Special Prosecutors
- Clause 11 - The remuneration and allowances to be paid to Special Prosecutors are dealt with in this clause
- Clause 12 - Leave of absence of Special Prosecutors is provided for in this clause
- Clause 13 - This makes provision for resignation of office by Special Prosecutors
- Clause 14 - This provides a requirement for disclosure of interests

- Clause 15 - This sets out the circumstances in which the appointment of Special Prosecutors may be terminated
- Clause 16 - This provides for appointment of persons to act as Special Prosecutors
- Clause 17 - Employment of staff and consultants is regulated in this clause
- Clause 18 - Provision is made in this clause for secondment of Commonwealth and State officers to assist Special Prosecutors
- Clause 19 - This provides for possible administrative arrangements with the States and the Northern Territory for making available State officers to assist Special Prosecutors
- Clause 20 - This provides for the making of an annual report to Parliament by Special Prosecutors
- Clause 21 - This provides for the making of necessary regulations