



Director of Public Prosecutions Regulations 2019

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 07 February 2019

Peter Cosgrove
Governor-General

By His Excellency's Command

Greg Hunt
Minister for Health
for the Attorney-General

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1 Name

This instrument is the *Director of Public Prosecutions Regulations 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	16 February 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Director of Public Prosecutions Act 1983*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

Act means the *Director of Public Prosecutions Act 1983*.

State or Territory authority means an agency of a State or Territory government that:

- (a) conducts investigations into offences against State or Territory laws; or
- (b) is responsible for the conduct of prosecutions for breaches of those laws.

6 Other functions of the Director of Public Prosecutions

- (1) For the purposes of paragraph 6(2)(b) of the Act, the other functions of the Director are:
- (a) to carry on proceedings instituted by:
 - (i) an officer of, or a person employed by, the Commonwealth or a body established by an Act or a law of a Territory; or

- (ii) a person holding office under an Act or a law of a Territory; or
 - (iii) a person who performs services for the Australian Crime Commission under an arrangement under subsection 58(1) of the *Australian Crime Commission Act 2002*; or
 - (iv) the Australian Securities and Investments Commission;
- being proceedings instituted for:
- (v) the commitment of persons for trial in respect of indictable offences against the laws of a State; or
 - (vi) the summary conviction of persons in respect of offences against the laws of a State; and
- (b) to perform, in respect of matters arising under laws made under, or continued in force by, the *Australian Capital Territory (Self-Government) Act 1988*, the functions conferred on the Director of Public Prosecutions of the Australian Capital Territory by the *Director of Public Prosecutions Act 1990* (ACT), during any period when no person holds office, or is acting, as Director of Public Prosecutions under that Act; and
 - (c) to institute proceedings, or to carry on proceedings (whether instituted by the Director or not), under section 112AH of the *Family Law Act 1975*; and
 - (d) to institute proceedings, or to carry on proceedings (whether instituted by the Director or not), under the *Confiscation of Proceeds of Crime Act 1989* (NSW); and
 - (e) to give, to an authority of the Commonwealth, legal advice on law enforcement or a matter relating to law enforcement, whether or not the advice is for the purposes of a particular investigation; and
 - (f) to give, to a State or Territory authority, legal advice on the investigation or prosecution of an offence against a law of the Commonwealth or a matter relating to the investigation or prosecution of such an offence, whether or not the advice is for the purposes of a particular investigation; and
 - (g) to institute proceedings, or to carry on proceedings (whether instituted by the Director or not), or to coordinate or supervise the institution or carrying on of proceedings, for the recovery of:
 - (i) an amount payable by a person to the Commonwealth or a Commonwealth authority under a superannuation order made under the *Crimes (Superannuation Benefits) Act 1989*; or
 - (ii) an amount payable by a person to the Commonwealth or a Commonwealth organisation under a superannuation order made under Part VA of the *Australian Federal Police Act 1979*.
- (2) Nothing in paragraph 6(1)(e) affects the power of the Director (or a person entitled to represent the Director) under subsection 9(11) of the Act.

7 Additional powers of the Director of Public Prosecutions

The Director has the power, during any period referred to in paragraph 6(1)(b), to exercise the powers conferred on the Director of Public Prosecutions of the Australian Capital Territory by the *Director of Public Prosecutions Act 1990* (ACT), in respect of matters referred to in that paragraph.

8 Prescribed bodies

For the purposes of paragraph 9(6C)(c) of the Act, the following bodies are prescribed:

- (a) the New South Wales Crime Commission established under the *Crime Commission Act 2012* (NSW);
- (b) the Independent Commission Against Corruption established under the *Independent Commission Against Corruption Act 1988* (NSW);
- (c) the Crime and Corruption Commission established under the *Crime and Corruption Act 2001* (Qld).

Schedule 1—Repeals

Director of Public Prosecutions Regulations 1984

1 The whole of the instrument

Repeal the instrument.