

CROWN ADVOCATE AMENDMENT ACT 1986

No. 42 of 1986

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CROWN ADVOCATE AMENDMENT ACT 1986

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 No. 42 of 1986
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 AN ACT to amend the Crown Advocate Act 1973 for the purpose of reconstituting the Crown Advocate as the Director of Public Prosecutions, to consequentially amend the Statutory Salaries Act 1979, and to make other provision incidental thereto.

[Royal Assent 9 May 1986]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Crown Advocate Amendment Act* 1986. Short title.

2—This Act shall commence on the day on which it receives the Royal assent. Commencement.

3—In this Act, the *Crown Advocate Act* 1973* is referred to as the Principal Act. Principal Act.

* No. 11 of 1973. For this Act as reprinted as at 1st November 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 10 of 1982 (as amended by No. 12 of 1983), No. 29 of 1984, and No. 51 of 1985.

Title **4**—The title of the Principal Act is amended by omitting “ Crown Advocate, and to amend the *Statutory Salaries Act 1971* ” and substituting “ Director of Public Prosecutions ”.

Short title. **5**—Section 1 of the Principal Act is amended by omitting “ *Crown Advocate* ” and substituting “ *Director of Public Prosecutions* ”.

Substitution of section 2 of Principal Act. **6**—Section 2 of the Principal Act is repealed and the following section is substituted:—

Interpretation.

2—In this Act, unless the contrary intention appears—

“ Director ” means the person for the time being holding, or acting in, the office of Director of Public Prosecutions established by section 3 (1);

“ legal practitioner ” has the same meaning as in the *Legal Practitioners Act 1959*.

Amendment of section 3 of Principal Act (Office of Director of Public Prosecutions).

7—Section 3 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “ Crown Advocate ” and substituting “ Director of Public Prosecutions ”;
- (b) by omitting from subsection (2) “ Crown Advocate ” and substituting “ Director ”.

Amendment of section 12 of Principal Act (Functions of Director).

8—Section 12 of the Principal Act is amended by omitting paragraph (b) of subsection (1) and substituting the following paragraph:—

(b) to give advice and assistance to—

(i) a prescribed person; or

(ii) a person to whom, in a particular case, the Attorney-General or the Solicitor-General may direct or request the Director to give advice and assistance,

in respect of the conduct of any criminal proceedings in the conduct of which that person is concerned;

Repeal of section 17 of Principal Act.

9—Section 17 of the Principal Act is repealed.

10—The following provisions of the Principal Act are amended by omitting “Crown Advocate” (wherever occurring) and substituting “Director”:
Further amendments of Principal Act (Substitution of “Director” for “Crown Advocate”).

Sections 4 (1) and (2), 5 (1) and (2), 6 (1) and (2), 7 (1) and (2), 8 (1), (2), and (3), 9 (1) and (2), 10, 11 (1) and (2), 12 (1) (except paragraph (b)), (2), (3), (4), and (5), 13 (1), (2), and (3), 14 (1) and (2), 15 (1), and 16 (2).

11—Section 7 of the *Statutory Salaries Act* 1979 is amended by omitting “Crown Advocate” and substituting “Director of Public Prosecutions”.
Amendment of *Statutory Salaries Act* 1979 (Salary of Director of Public Prosecutions).

12—A reference in an Act or instrument to the Crown Advocate shall, in relation to any act required or permitted to be done, or any consent, approval, or permission required or permitted to be given, after the commencement of this Act, be read as a reference to the Director of Public Prosecutions.
References in other Acts to Crown Advocate to be read as references to Director of Public Prosecutions.

