

TASMANIA

CROWN PROCEEDINGS AMENDMENT BILL 2016

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CROWN PROCEEDINGS AMENDMENT BILL 2016

*(Brought in by the Minister for Health, the Honourable
Michael Darrel Joseph Ferguson)*

A BILL FOR

An Act to amend the *Crown Proceedings Act 1993*

Be it enacted by Her 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. Short title

This Act may be cited as the *Crown Proceedings Amendment Act 2016*.

2. Commencement

This Act commences on a day to be proclaimed.

3. Principal Act

In this Act, the *Crown Proceedings Act 1993** is referred to as the Principal Act.

4. Section 13 amended (Service, &c.)

Section 13(4) of the Principal Act is amended as follows:

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- (a) by omitting “Director of Public Prosecutions” first occurring and substituting “Solicitor-General”;
- (b) by omitting from paragraph (b) “Director of Public Prosecutions” and substituting “Solicitor-General”.

5. Section 14 amended (Service of subpoenas, &c., on Ministers)

Section 14(2) of the Principal Act is amended by omitting “Director of Public Prosecutions” and substituting “Solicitor-General”.

6. Section 24 substituted

Section 24 of the Principal Act is repealed and the following section is substituted:

24. Savings and transitional provisions consequent on *Crown Proceedings Amendment Act 2016*

- (1) In this section –

commencement day means the day on which the *Crown Proceedings Amendment Act 2016* commences.

- (2) If before the commencement day –

- (a) the Director of Public Prosecutions has been given notice under section 14(2), as in

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force immediately before the commencement day, of an application for leave to issue a subpoena or other process requiring a Minister to appear, in the Minister's official capacity, to give evidence or produce documents; but

- (b) the Director of Public Prosecutions has not been provided with an opportunity to be heard by the court, tribunal or other authority in relation to the matter –

that notice is taken, on and after the commencement day, to have been given to the Solicitor-General under section 14(2), as in force on and after the commencement day.

- (3) If before the commencement day –

- (a) the Director of Public Prosecutions has been given notice under section 14(2), as in force immediately before the commencement day, of an application for leave to issue a subpoena or other process requiring a Minister to appear, in the Minister's official capacity, to give evidence or produce documents; and

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- (b) the Director of Public Prosecutions has been provided with an opportunity to be heard by the court, tribunal or other authority in relation to the matter; and
- (c) that court, tribunal or other authority has not determined the matter –

that court, tribunal or other authority, on or after the commencement day, may continue to determine the matter and, if appropriate, issue the subpoena or other process.

7. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.