

TASMANIA

---

**CROWN PROCEEDINGS AMENDMENT BILL 2016**

---

**CONTENTS**

1. Short title
2. Commencement
3. Principal Act
4. Section 13 amended (Service, &c.)
5. Section 14 amended (Service of subpoenas, &c., on Ministers)
6. Section 24 substituted
  24. Savings and transitional provisions consequent on *Crown Proceedings Amendment Act 2016*
7. Repeal of Act



# **CROWN PROCEEDINGS AMENDMENT BILL 2016**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*  
25 August 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.

---

\*No. 14 of 1993

*Crown Proceedings Amendment Act 2016*  
*Act No. of*

s. 4

---

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

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

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Section 24 of the Principal Act is repealed and the following section is substituted: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

*Crown Proceedings Amendment Act 2016*  
*Act No. of*

s. 6

---

(2) 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; 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

*Crown Proceedings Amendment Act 2016*  
*Act No. of*

s. 7

---

requiring a Minister to appear, in the Minister's official capacity, to give evidence or produce documents; and

(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.