

Western Australia

**Director of Public Prosecutions Amendment  
Bill 2004**

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CONTENTS

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1.	Short title	1
2.	The Act amended	2
3.	Section 11 replaced	2
4.	Section 12 repealed	3
5.	Section 13 amended	3
6.	Section 19 amended	3
7.	Section 23 amended	3



Western Australia

LEGISLATIVE ASSEMBLY

**Director of Public Prosecutions Amendment  
Bill 2004**

**A Bill for**

**An Act to amend the *Director of Public Prosecutions Act 1991*.**

The Parliament of Western Australia enacts as follows:

**1. Short title**

This Act may be cited as the *Director of Public Prosecutions Amendment Act 2004*.

**s. 2**

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**2. The Act amended**

The amendments in this Act are to the *Director of Public Prosecutions Act 1991*\*.

[\* Reprinted as at 1 June 2001.

5       For subsequent amendments see *Western Australian Legislation Information Tables for 2003, Table 1, p. 104-5.*]

**3. Section 11 replaced**

Section 11 is repealed and the following section is inserted instead —

10    “

**11. Prosecutions**

(1) It is a function of the Director —

- 15       (a) to commence and conduct the prosecution of any offence, whether indictable or not, and whether on indictment or not; and
- (b) at any stage of the proceedings, to take over a prosecution commenced by another person of an offence, whether indictable or not, and whether on indictment or not.

20       (2) The function under subsection (1) may be performed despite any other written law that —

- (a) requires the consent or approval of a person for a prosecution to be commenced;
- (b) prescribes who can commence a prosecution;
- 25       (c) prescribes a manner in which a prosecution may be commenced; or
- (d) does more than one of those things.

”.

**4. Section 12 repealed**

Section 12 is repealed.

**5. Section 13 amended**

Section 13 is amended as follows:

- 5 (a) in paragraph (a) by deleting “or 12”;
- (b) in paragraph (b) by deleting “brought —” and subparagraphs (i) and (ii) and inserting instead —
- “
- 10 brought, to take over the appeal from that person whether as appellant or respondent.

”.

**6. Section 19 amended**

Section 19(1) is amended by deleting “, 12”.

**7. Section 23 amended**

15 Section 23(2) is repealed and the following subsection is inserted instead —

“

- (2) A direction under subsection (1) may at any time be amended or revoked by the Director.

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”.

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