



# **National Security Information (Criminal Proceedings) (Consequential Amendments) Act 2004**

**No. 151, 2004**

**An Act to amend certain Acts as a consequence of the enactment of the *National Security Information (Criminal Proceedings) Act 2004*, and for related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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# **National Security Information (Criminal Proceedings) (Consequential Amendments) Act 2004**

**No. 151, 2004**

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**An Act to amend certain Acts as a consequence of the enactment of the *National Security Information (Criminal Proceedings) Act 2004*, and for related purposes**

*[Assented to 14 December 2004]*

The Parliament of Australia enacts:

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## 1 Short title

This Act may be cited as the *National Security Information (Criminal Proceedings) (Consequential Amendments) Act 2004*.

## 2 Commencement

(1) Each provision of this Act 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.

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	14 December 2004
2. Schedules 1 and 2	Immediately after the commencement of sections 3 to 49 of the <i>National Security Information (Criminal Proceedings) Act 2004</i> .	11 January 2005

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Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

(2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

## 3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Amendment of the Administrative Decisions (Judicial Review) Act 1977**

### **1 Subsection 9A(4) (definition of *related criminal justice process decision*)**

Repeal the definition, substitute:

*related criminal justice process decision*, in relation to an offence, means:

- (a) a decision (other than a decision to prosecute) made in the criminal justice process in relation to the offence, including:
  - (i) a decision in connection with the investigation, committal for trial or prosecution of the defendant; and
  - (ii) a decision in connection with the appointment of investigators or inspectors for the purposes of such an investigation; and
  - (iii) a decision in connection with the issue of a warrant, including a search warrant or a seizure warrant; and
  - (iv) a decision requiring the production of documents, the giving of information or the summoning of persons as witnesses; and
  - (v) a decision in connection with an appeal arising out of the prosecution; or
- (b) a decision of the Attorney-General to give a certificate under section 26 or 28 of the *National Security Information (Criminal Proceedings) Act 2004* before or during a federal criminal proceeding (within the meaning of that Act) in relation to the offence.

Note: A decision to prosecute a person for an offence is not reviewable under this Act: see paragraph (xa) of Schedule 1.

### **2 After paragraph (d) of Schedule 2**

Insert:

- (da) decisions of the Attorney-General to give a certificate under section 26 or 28 of the *National Security Information (Criminal Proceedings) Act 2004*;

## **Schedule 2—Amendment of the Judiciary Act 1903**

### **1 Subsection 39B(3) (definition of *related criminal justice process decision*)**

Repeal the definition, substitute:

*related criminal justice process decision*, in relation to an offence, means:

- (a) a decision (other than a decision to prosecute) made in the criminal justice process in relation to the offence, including:
  - (i) a decision in connection with the investigation, committal for trial or prosecution of the defendant; and
  - (ii) a decision in connection with the appointment of investigators or inspectors for the purposes of such an investigation; and
  - (iii) a decision in connection with the issue of a warrant, including a search warrant or a seizure warrant; and
  - (iv) a decision requiring the production of documents, the giving of information or the summoning of persons as witnesses; and
  - (v) a decision in connection with an appeal arising out of the prosecution; or
- (b) a decision of the Attorney-General to give a certificate under section 26 or 28 of the *National Security Information (Criminal Proceedings) Act 2004* before or during a federal criminal proceeding (within the meaning of that Act) in relation to the offence.

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[Minister's second reading speech made in—  
Senate on 17 November 2004  
House of Representatives on 7 December 2004]

(211/04)

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