

2002-2003-2004

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**National Security Information (Criminal  
Proceedings) (Consequential  
Amendments) Bill 2004**

**No.     , 2004**

*(Attorney-General)*

**A Bill for 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**



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1     **A Bill for an Act to amend certain Acts as a**  
2     **consequence of the enactment of the *National***  
3     ***Security Information (Criminal Proceedings) Act***  
4     **2004, and for related purposes**

5     The Parliament of Australia enacts:

6     **1 Short title**

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

9     **2 Commencement**

10                    (1) Each provision of this Act specified in column 1 of the table  
11                    commences, or is taken to have commenced, in accordance with  
12                    column 2 of the table. Any other statement in column 2 has effect  
13                    according to its terms.

1

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**Commencement information**

<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.	
2. Schedules 1 and 2	Immediately after the commencement of sections 3 to 44 of the <i>National Security Information (Criminal Proceedings) Act 2004</i> .	

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3  
4

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.

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6  
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(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.

8

**3 Schedule(s)**

9  
10  
11  
12

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1  
2 **Schedule 1—Amendment of the**  
3 **Administrative Decisions (Judicial**  
4 **Review) Act 1977**  
5

6 **1 Subsection 9A(4) (definition of *related criminal justice***  
7 ***process decision*)**

8 Repeal the definition, substitute:

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

- 11 (a) a decision (other than a decision to prosecute) made in the  
12 criminal justice process in relation to the offence, including:  
13 (i) a decision in connection with the investigation,  
14 committal for trial or prosecution of the defendant; and  
15 (ii) a decision in connection with the appointment of  
16 investigators or inspectors for the purposes of such an  
17 investigation; and  
18 (iii) a decision in connection with the issue of a warrant,  
19 including a search warrant or a seizure warrant; and  
20 (iv) a decision requiring the production of documents, the  
21 giving of information or the summoning of persons as  
22 witnesses; and  
23 (v) a decision in connection with an appeal arising out of  
24 the prosecution; or  
25 (b) a decision of the Attorney-General to give a certificate under  
26 section 24 or 26 of the *National Security Information*  
27 *(Criminal Proceedings) Act 2004* before or during a federal  
28 criminal proceeding (within the meaning of that Act) in  
29 relation to the offence.

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

32 **2 After paragraph (d) of Schedule 2**

33 Insert:

- 34 (da) decisions of the Attorney-General to give a certificate under  
35 section 24 or 26 of the *National Security Information*  
36 *(Criminal Proceedings) Act 2004*;

1  
2 **Schedule 2—Amendment of the Judiciary Act**  
3 **1903**  
4

5 **1 Subsection 39B(3) (definition of *related criminal justice***  
6 ***process decision*)**

7 Repeal the definition, substitute:

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

- 10 (a) a decision (other than a decision to prosecute) made in the  
11 criminal justice process in relation to the offence, including:  
12 (i) a decision in connection with the investigation,  
13 committal for trial or prosecution of the defendant; and  
14 (ii) a decision in connection with the appointment of  
15 investigators or inspectors for the purposes of such an  
16 investigation; and  
17 (iii) a decision in connection with the issue of a warrant,  
18 including a search warrant or a seizure warrant; and  
19 (iv) a decision requiring the production of documents, the  
20 giving of information or the summoning of persons as  
21 witnesses; and  
22 (v) a decision in connection with an appeal arising out of  
23 the prosecution; or  
24 (b) a decision of the Attorney-General to give a certificate under  
25 section 24 or 26 of the *National Security Information*  
26 *(Criminal Proceedings) Act 2004* before or during a federal  
27 criminal proceeding (within the meaning of that Act) in  
28 relation to the offence.