



External Territories Prosecutions

Last Update: December 2017

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Introduction

1. Pursuant to the *Director of Public Prosecutions Act 1983*, the Commonwealth Director of Public Prosecutions (CDPP) has the statutory function of prosecuting offences against the laws of the Commonwealth including external territories.
2. This direction is for the assistance and use of:
 - a. members of the police forces of the external territories;
 - b. officers of the relevant Department administering the Territory; and
 - c. the Office of the CDPP.
3. This direction applies to the:
 - Territory of Christmas Island;
 - Territory of Cocos (Keeling) Islands;
 - Australian Antarctic Territory (AAT);
 - Territory of Heard Island and McDonald Islands (HIMI);
 - Territory of Ashmore and Cartier Islands; and
 - Norfolk Island.

AAT, HIMI and the Territory of Ashmore and Cartier Islands

4. Where an offence is committed in the AAT or the HIMI and a prosecution is commenced it would normally be conducted in the Australian Capital Territory by the CDPP International Assistance and Specialist Agencies (IASA) Practice Group, Canberra. Accordingly, where an offence is suspected of having been committed in the AAT or the HIMI, the officer-in-charge of the base in those territories should prepare a brief report outlining the circumstances and forward it to the CDPP IASA Practice Group, Canberra Office. The purpose of such a report will be to determine whether prosecution or further investigation is appropriate. In the latter event the matter will be referred to the Australian Federal Police (AFP).

5. Where an offence is committed in the Territory of Ashmore and Cartier Islands, the prosecution would normally be conducted in the Northern Territory by the CDPP Revenue and Benefits Fraud (RBF) Practice Group, Darwin. Accordingly, where an offence is suspected of having been committed there, a brief report outlining the circumstances should be forwarded to the CDPP RBF Practice Group, Darwin Office. The purpose of such a report will be to determine whether prosecution or further investigation is appropriate. In the latter event the matter will be referred to the Australian Federal Police (AFP).
6. Court proceedings are not conducted in AAT, HIMI or the Territory of Ashmore and Cartier Islands.

Christmas Island and Cocos (Keeling) Islands

7. All prosecutions on Christmas Island and Cocos (Keeling) Islands are conducted by lawyers from the CDPP Perth Office.
8. The role of police officers on Christmas Island includes charging matters and arranging to have them listed on dates that a magistrate intends to attend the island. A lawyer from the CDPP Perth Office also attends at that time.
9. Police officers may also appear before a JP when no magistrate is on the island to adjourn the matter to a circuit date (with circuits scheduled quarterly).

Norfolk Island

10. The *Director of Public Prosecutions Regulations 1984*, provides the CDPP with the appropriate powers to conduct prosecutions in relation to 'continued Norfolk Island laws'.¹
11. Norfolk Island prosecutions are conducted by the RBF Practice Group Brisbane. A prosecutor will attend Norfolk Island, or appear by video link, once a month or as otherwise required, to deal with matters referred.

Coronial Proceedings

12. Coronial proceedings from which criminal charges may arise should be referred to the CDPP as soon as possible.

Advice to police officers

13. The CDPP will advise police officers, as requested, on any legal matters arising in the course of the investigation and prosecution process. For example, advice may be sought on:
 - a. the framing of charges;
 - b. evidence; or
 - c. the lodgment of appeals against sentence.
14. Requests for advice shall, unless time limits for prosecution render it impracticable, be forwarded through the relevant Department.
15. Where a request for advice is made direct to the CDPP the relevant Department will be informed as soon as is practicable.

¹ 'Continued Norfolk Island law' is defined as a law that was continued in force in Norfolk Island by virtue of section 16 of the Norfolk Island Act 1979 (the Norfolk Island Act), or a Legislative Assembly law, or a law made under a Legislative Assembly law, that was continued in force in Norfolk Island by section 16A of the Norfolk Island Act, including any amendments that are made to those laws.