



Commonwealth Consolidated Acts

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JUDICIARY ACT 1903 - SECT 71

Discharge of persons committed for trial

(1) When any person is under commitment upon a charge of an indictable offence against the laws of the [Commonwealth](#), the Attorney-General or such other person as the Governor-General appoints in that behalf may decline to proceed further in the prosecution, and may, if the person is in custody, by warrant under his or her hand direct the discharge of the person from custody, and he or she shall be discharged accordingly.

(2) Nothing in [subsection](#) (1):

- (a) affects the power under [subsection](#) 9(4) of the *Director of Public Prosecutions Act 1983* of the Director of Public Prosecutions; or
- (b) affects, or shall be taken to have affected, the power under [subsection](#) 8(2) of the *Special Prosecutors Act 1982* of a Special Prosecutor.

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