

Queensland



ANNO TRICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

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**No. 9 of 1986**

An Act to amend the Director of Prosecutions Act  
1984-1985 in certain particulars

[ASSENTED TO 26TH MARCH, 1986]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title and citation.** (1) This Act may be cited as the *Director of Prosecutions Act Amendment Act 1986*.

(2) In this Act, the *Director of Prosecutions Act 1984-1985* is referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Director of Prosecutions Act 1984-1986*.

**2. Commencement.** (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

The day so appointed is in this Act referred to as the commencement of this Act.

**3. Amendment of s. 21. Suspension and removal from office.** Section 21 of the Principal Act is amended by omitting subsection (5).

**4. Amendment of s. 22. Authority of Governor in Council to remove etc.** Section 22 of the Principal Act is amended by adding the following subsection:—

“(4) Removal from the office of Deputy Director or Crown Prosecutor under this section shall be by way of notification in writing signed by the Minister and given to the office holder in question personally or by post.”.

**5. Amendment of s. 28. Retention of rights as public servant.** Section 28 of the Principal Act is amended by—

(a) in subsection (1)—

(i) inserting after the words “takes effect and to” in the first paragraph the words “other rights including”;

(ii) adding the following paragraph:—

“A person who applies for an office within the Public Service of Queensland pursuant to this subsection shall for that purpose be deemed to have seniority in the Public Service of Queensland as if, in respect of any period of continuous service in an office or offices provided for by this Act, he were employed for that period in the position (with such variation, if any, in classification or maximum salary as may from time to time be applicable to a similar position) to which he was permanently appointed and which he held within the Public Service of Queensland immediately prior to the commencement of that period of service.”;

(b) in subsection (3)—

(i) inserting after the word “Queensland” where it thirdly occurs the words “and, subject to the next succeeding paragraph, his seniority in the Public Service of Queensland”;

(ii) adding the following paragraph:—

“For the purpose of determining the seniority in the Public Service of Queensland of a person referred to in this subsection, he shall be deemed to have held during any period of continuous service in an office or offices provided for by this Act the position (with such variations, if any, in classification or maximum salary as may from time to time be applicable to a similar position) to which he was permanently appointed and which he held in the Public Service of Queensland immediately prior to the commencement of that period of service.”.

**6. Amendment of s. 29. Entitlement of certain persons to appointment under Crown.** Section 29 of the Principal Act is amended by—

(a) inserting in subsection (1) after the words “the entitlement conferred by this subsection,” the words “or if within 7 days after such termination he has informed the Under Secretary in writing of his desire to exercise forthwith the entitlement conferred by this subsection,”;

(b) adding the following subsection:—

“(3) Where a person is appointed as an officer within the Public Service of Queensland pursuant to this section, for the purposes of this Act, his continuous employment in a prescribed office or in offices each of which is a prescribed office shall not be taken to be broken by reason only that his employment as an officer of the Public Service of Queensland pursuant to an appointment under this section did not commence immediately upon the termination of his tenure of an office provided for by this Act.”.

**7. Application.** The provisions of the Principal Act as amended by this Act apply in respect of a person appointed to an office provided for by the Principal Act notwithstanding that he was appointed before the commencement of this Act.