

Queensland



# **DIRECTOR OF PUBLIC PROSECUTIONS ACT 1984**

**Reprinted as in force on 14 December 1994  
(includes amendments up to Act No. 87 of 1994)**

**Reprint No. 2**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 14 December 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A Table of previous reprints is included in the Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current legislative drafting practice (s 27).

**Also see Endnotes for information about—**

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

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**DIRECTOR OF PUBLIC PROSECUTIONS  
ACT 1984**

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# **DIRECTOR OF PUBLIC PROSECUTIONS ACT 1984**

[as amended by all amendments that commenced on or before 14 December 1994]

## **An Act to provide for the office of Director of Public Prosecutions and for related purposes**

### **PART 1—PRELIMINARY**

#### **Short title**

1. This Act may be cited as the *Director of Public Prosecutions Act 1984*.

#### **Commencement**

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

(2) Except as provided by subsection (1), this Act or the provisions thereof specified in the proclamation shall commence on the date or dates to be fixed by proclamation.

#### **Interpretation**

4. In this Act—

“**criminal proceedings**” means—

- (a) proceedings on indictment for an offence defined in the Criminal Code; and
- (b) other proceedings on indictment; and
- (c) proceedings in the Supreme Court commenced by a person

charged with an indictable offence in connection with the offence before the presentation of an indictment that charges the commission of the offence.

“**Director**” means the Director of Public Prosecutions appointed under this Act.

## **PART 2—OFFICE OF DIRECTOR OF PUBLIC PROSECUTIONS**

### *Division 1—Director of Public Prosecutions and Office*

#### **The Director of Public Prosecutions and Office**

**4A.(1)** There is to be a Director of Public Prosecutions.

**(2)** An office called the Office of the Director of Public Prosecutions is established.

### *Division 1A—Provisions about Director of Public Prosecutions*

#### **Appointment of Director**

**5.(1)** The Governor in Council may appoint a person to be the Director of Public Prosecutions.

**(1A)** The person must be a lawyer who has been admitted to practise for not less than 10 years.

**(2)** The Director—

- (a)** shall be appointed for such term as the Governor in Council determines and specifies in the instrument of appointment; and
- (b)** shall be paid salary and allowances at such rate and be employed under such conditions of employment, including conditions as to leave entitlements, as the Governor in Council, upon the recommendation of the Minister, determines; and

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- (c) shall be eligible for reappointment upon the expiration of the Director's term of appointment; and
- (d) shall not be subject to the *Public Service Management and Employment Act 1988*.

### **Termination of Director's appointment**

**6.(1)** The Director may resign office by writing signed by the Director and delivered to the Minister.

**(2)** The Governor in Council may terminate the appointment of the Director for misbehaviour or physical or mental incapacity.

**(3)** The Governor in Council shall terminate the appointment of the Director if—

- (a) the Director becomes bankrupt or takes advantage of the laws in force relating to bankruptcy; or
- (b) the Director is absent from duty, except on leave of absence to which the Director is entitled under the conditions of the Director's employment or granted by the Minister, for 14 consecutive working days, or for 28 working days in any period of 12 months; or
- (c) the Director contravenes section 7.

**(4)** Termination of the appointment of Director shall be by way of notification in writing signed by the Minister and given to the Director personally or by post.

### **Other employment curtailed**

**7.** The Director shall not, without the consent of the Minister—

- (a) engage in the practice of the Director's profession except in the exercise of the functions of the Director's office; or
- (b) engage in paid employment outside the duties of the Director's office.

**Division of legal profession inapplicable**

8. For the purposes of this Act, the Director and a barrister or solicitor appointed to assist the Director shall, in any matter, be entitled to act as both barrister and solicitor.

**Functions of Director**

10.(1) The Director—

- (a) shall prepare, institute and conduct on behalf of and in the name of Her Majesty—
  - (i) criminal proceedings;
  - (ii) proceedings in the Court of Appeal;
  - (iii) proceedings in the High Court of Australia that arise out of criminal proceedings;
- (b) shall prepare, institute and conduct on behalf of and in the name of Her Majesty or on behalf of and in the name of a complainant proceedings in the Court of Appeal being appeals against convictions before justices or penalties imposed by justices;
- (c) shall, upon the direction of the Minister or of the Director's own motion—
  - (i) prepare, institute and conduct an examination of witnesses in relation to an indictable offence before justices;
  - (ii) take over and conduct proceedings in respect of a simple offence or in respect of an indictable offence being taken in a summary manner;
- (d) shall, upon the direction of the Minister, assist on behalf of the Crown a coroner or instruct counsel assisting a coroner in an inquest under the *Coroners Act 1958*;
- (e) shall perform such duties as the Director may be charged with by or under this Act or any other Act;
- (f) shall perform such duties of a legal nature as the Minister may direct.

(2) In the discharge of his or her functions the Director shall be



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responsible to the Minister but nothing in this section shall derogate from or limit the authority of the Director in respect of the preparation, institution and conduct of proceedings.

(3) In proceedings with which the Director is concerned the Director may appear in person or by counsel or solicitor, whether from within the Director's own office or in private practice.

**Powers of Director**

**11.(1)** The Director, from time to time—

- (a) may furnish guidelines in writing to—
  - (i) Crown Prosecutors and other persons acting on the Director's behalf; or
  - (ii) the Commissioner of the Police Service; or
  - (iii) any other person;with respect to prosecutions in respect of offences;
- (b) may give directions to the Commissioner of the Police Service and other persons with respect to the offences or classes of offences that are to be referred to the Director for the institution and conduct of proceedings.

(1A) The power conferred by subsection (1)(a) does not authorise the Director to furnish guidelines of a description referred to therein in relation to a particular case.

(2) The Director—

- (a) shall give to the Minister a copy of each guideline or direction furnished or given by the Director under subsection (1); and
- (b) shall include in a report furnished under section 16—
  - (i) a copy of each guideline or direction furnished or given by the Director under subsection (1) during the period to which the report relates; and
  - (ii) a copy of each guideline or direction furnished or given by the Director under subsection (1) as in force at the end of the period to which the report relates.

(3) A guideline furnished under subsection (1) shall not prevent or hinder the discharge of any function or the exercise of any power by a Crown Prosecutor pursuant to the Criminal Code.

### **Referral of charge to Director**

**12.** Where a person has been charged with an offence and—

- (a) the offence is one in respect of which a direction has been given under section 11(1); or
- (b) the Director directs that the matter be referred to the Director; or
- (c) the complainant or person bringing the charge considers that the matter should be referred to the Director—

the complainant or person bringing the charge shall provide to the Director—

- (d) a full report of the circumstances of the offence; and
- (e) copies of the statements of all witnesses; and
- (f) copies of all material documents; and
- (g) such other information and material as the Director may require.

### **Police assistance for Director**

**13.(1)** Where, in relation to any criminal proceedings under consideration or conducted by the Director, a matter arises which requires further investigation, the Director may, in writing, request the Commissioner of the Police Service for the assistance of police officers in the conduct of that investigation.

(2) The Commissioner of the Police Service shall, as far as possible, comply with any request made to the Commissioner under subsection (1).

### **Judicial notice of Director's signature**

**15.** All courts, Judges and persons acting judicially shall take judicial notice of—

- (a) the signature of any person who is or has been the Director of

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Public Prosecutions or an acting Director of Public Prosecutions on any document; and

- (b) the fact that that person is or was the Director of Public Prosecutions or the Acting Director of Public Prosecutions, as the case may be.

### **Annual report of Director**

**16.(1)** As soon as practicable after the end of each financial year, but not later than 31 October, the Director must give to the Minister a report of the operations of the Office of the Director of Public Prosecutions during the year.

(2) However, the report for the financial year ending 30 June 1995 need only be about the operations of the Office from 1 January 1995 to 30 June 1995.

(3) Subsection (2) and this subsection expire on 1 November 1995.

(4) The Minister shall cause every report furnished to the Minister under subsection (1) to be laid before the Legislative Assembly within 14 sitting days after the Minister receives the report.

### ***Division 2—Deputy Directors of Prosecutions***

#### **Appointment of Deputy Directors of Public Prosecutions**

**17.** The Governor in Council may appoint a person who is a lawyer to be a Deputy Director of Public Prosecutions.

#### **Conditions of appointment**

**19.(1)** A Deputy Director—

- (a) shall, subject to subsection (2), be appointed for such term, not exceeding 5 years, as the Governor in Council determines and specifies in the instrument of appointment; and
- (b) shall, subject to subsection (2), be paid salary and allowances at such rate and be employed upon such conditions, including

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conditions as to leave entitlements, as the Governor in Council, upon the recommendation of the Minister, from time to time determines; and

- (c) shall be eligible for reappointment upon the expiration of the Deputy Director's term of appointment or reappointment; and
- (d) shall not be subject to the *Public Service Management and Employment Act 1988*.

(2) In the exercise of the powers and authorities of the Governor in Council referred to in subsection (1) it shall not be mandatory that all appointments or reappointments to the office of Deputy Director should be for the same term or upon the same conditions as to salary or allowances.

### **Termination of appointments**

**20.(1)** A Deputy Director may resign office by writing signed by the Deputy Director and given to the Minister.

(2) A person's appointment as Deputy Director shall terminate upon the taking effect of the person's appointment to any position in which the person is subject to the *Public Service Management and Employment Act 1988*.

### **Suspension and removal from office**

**21.(1)** A Deputy Director is liable to be suspended without payment of salary or allowances (if any) or removed from office, in accordance with this Act, if the Deputy Director commits a breach of the conditions upon which the Deputy Director is for the time being employed in that office.

(2) The Minister may, by notice signed by the Minister and given to the person to whose suspension it relates, suspend without payment of salary or allowances (if any) from office any Deputy Director who is liable thereto under subsection (1).

(3) Where the Minister has given a notice of suspension under subsection (2) the Minister shall, within 14 days after the giving of the notice—

- (a) furnish to the Governor in Council notification of the suspension and a statement setting out clearly and fully the grounds for the suspension; and

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- (b) cause a copy of the statement referred to in paragraph (a) to be given to the person who has been suspended from office and invite that person to show cause in writing to the Minister (in accordance with subsection (4)) why the person should not be removed from office or otherwise dealt with in accordance with section 22.

(4) The person suspended from office is entitled to show cause as referred to in subsection (3) within 14 days after the person has received the copy statement referred to in that subsection or within such longer period as the Minister may allow in a particular case.

**Authority of Governor in Council to remove etc.**

**22.(1)** If, having regard to the statement of grounds furnished to the Governor in Council in accordance with section 21(3)(a) and the cause (if any) shown in accordance with section 21(4), the Governor in Council is satisfied—

- (a) that all or any of the grounds have or has been established and are or is such that the person suspended from office should be removed from the office of Deputy Director; or
- (b) that all or any of the grounds have or has been established and are or is such that the person suspended from office should be penalised but should not be removed from the office of Deputy Director; or
- (c) that none of the grounds has been established, or that all or any of the grounds have or has been established but are or is such that no further action should be taken in respect of the matter;

the Governor in Council shall—

- (d) in the case referred to in paragraph (a)—direct that the person concerned be removed from the office of Deputy Director;
- (e) in the case referred to in paragraph (b)—direct that the suspension in question be terminated and further direct—
  - (i) that the salary of the person concerned be reduced from a date and to a rate specified by the Governor in Council but so that, where a minimum rate of salary is payable to the holder

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of the office in question, the rate specified shall be not less than that minimum rate; or

- (ii) that the person concerned be required to pay a sum specified by the Governor in Council not exceeding \$1 000, by way of deduction from that person's salary or in such other way as that person nominates; or
  - (iii) that the person concerned be reprimanded or cautioned;
- (f) in the case referred to in paragraph (c)—direct that the suspension in question be terminated.

(2) A direction given by the Governor in Council under subsection (1) shall be given effect as soon as is practicable and in accordance with law and the Minister shall take or cause to be taken all such steps as are appropriate for that purpose.

(3) Where a suspension of a person from the office of Deputy Director has been terminated, otherwise than by the person being removed from the office—

- (a) the continuity of the person's service in that office shall be taken to have not been broken by reason of the suspension; and
- (b) subject to giving effect to any direction of the Governor in Council that affects the person's salary or allowances, the person shall be entitled to be paid all salary and allowances (if any) to which the person would have been entitled had the person not been suspended.

(4) Removal from the office of Deputy Director 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.

*Division 3—Crown Prosecutors and other officers assisting Director***Appointment of officers**

**23.(1)** The following officers may be appointed to assist the Director in the discharge of the Director's functions—

- (a) so many barristers and solicitors of the Supreme Court as

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necessary to be Crown Prosecutors;

(b) so many other officers as necessary.

(2) An officer appointed for a purpose referred to in subsection (1) is to be appointed under the *Public Service Management and Employment Act 1988*.

## **PART 3—MISCELLANEOUS**

### **Appointees to offices authorised to present indictments**

24. A person appointed to the office of Director, Deputy Director or Crown Prosecutor shall be taken to be, by virtue of that appointment and for so long as the person holds that office, an officer appointed by the Governor in Council to present indictments in any court of criminal jurisdiction.

### **Protection of persons executing Act**

25. No act or thing done or omission made by the Minister, the Director or any person assisting the Director for the purpose of giving effect to this Act or discharging, exercising or performing any function, power, authority or duty under this Act shall subject the Crown, the Minister, the Director or any person to liability at law in respect thereof.

### **Assumption of responsibility by Director**

26. On and from the commencement of this section—

- (a) the Director shall take over from the Crown Solicitor the conduct of all criminal proceedings in being immediately before such commencement;
- (b) all acts and things done or omissions made by, on behalf of or in the name of the Crown Solicitor in connection with criminal proceedings referred to in paragraph (a) shall be deemed to have been done or made by, on behalf of or in the name of the Director;

- (c) a reference to the Minister, Solicitor-General or Crown Solicitor in any order or document made in relation to criminal proceedings referred to in paragraph (a) shall, unless it be inconsistent with the context or subject matter, be deemed to be a reference to the Director;
- (d) all documents served on or on behalf of or in the name of the Attorney-General, Solicitor-General or Crown Solicitor in connection with criminal proceedings referred to in paragraph (a) shall be deemed to have been served on, on behalf of or in the name of the Director.

### **Director's professional involvement no bar**

**27.(1)** Subject to subsection (2), the Director shall not be prevented from or limited in discharging the Director's functions under this Act by reason that before the Director's appointment to the office of Director took effect the Director had been involved, in the practice of the Director's profession, in a matter that at the time the Director's appointment took effect had not been finally determined.

**(2)** The Director—

- (a) shall not disclose information that came to the Director's knowledge before the Director's appointment to the office of Director took effect, in the practice of the Director's profession, concerning a matter that at the time the Director's appointment took effect had not been finally determined to any person except—
  - (i) the person for whom the Director was acting in the matter in the practice of the Director's profession; or
  - (ii) a legal representative of that person; or
  - (iii) a person duly authorised by the person or legal representative referred to in subparagraph (i) or (ii) to receive the information;
- (b) shall not act personally in respect of any matter in which the Director had been involved in the practice of the Director's profession before the Director's appointment to the office of Director took effect and that had not been finally determined at the



time the Director's appointment took effect.

(3) Where the Director is by this Act precluded from acting personally in respect of any matter a Deputy Director shall discharge the functions of the Director in respect of that matter.

### **Retention of rights as public servant**

**28.(1)** Where an officer of the public service is appointed to an office provided for by this Act the officer shall, subject to subsection (2), retain the officer's entitlement to rights that have accrued to the officer as such an officer at the time the officer's appointment takes effect and to other rights including rights in respect of long service leave that would have accrued to the officer had the officer remained such an officer.

**(1A)** The rights to which a person retains the person's entitlement pursuant to subsection (1) includes the right to apply for and to be appointed to any office within the public service as if the person were then an officer within the public service, if since the person's first appointment to an office provided for by this Act the person has been in continuous employment in an office that is a prescribed office or in offices each of which is a prescribed office.

**(1B)** A person who applies for an office within the public service pursuant to subsection (1A) shall for that purpose be deemed to have seniority in the public service as if, in respect of any period of continuous service in an office or offices provided for by this Act, the person 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 the person was permanently appointed and which the person held within the public service immediately prior to the commencement of that period of service.

**(2)** An officer of the public service who is appointed to an office provided for by this Act may, within 6 months after the officer's appointment takes effect, elect in writing given to the Minister to be paid the cash equivalent of all or part of the officer's entitlements to annual recreation leave that have accrued to the officer at the time the officer's appointment takes effect whereupon the officer shall no longer retain the officer's entitlements to such leave to the extent to which the officer has so elected but—

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- (a) if the officer does not so elect; or
- (b) if the officer so elects in respect of part only of the officer's entitlements to such leave;

the officer shall exercise the officer's entitlements to annual recreation leave or, as the case may be, the balance thereof in accordance with the conditions of employment upon which the officer holds the office provided for by this Act.

(3) Where a person who immediately before the person's appointment to an office provided for by this Act was an officer of the public service again becomes such an officer, if the person has been in continuous employment in a prescribed office or in offices each of which is a prescribed office since the person's first appointment to an office provided for by this Act, the person's service in an office provided for by this Act shall be treated as service in a permanent capacity in the public service for the purpose of determining the person's rights as an officer of the public service and, subject to subsection (4), the person's seniority in the public service.

(4) For the purpose of determining the seniority in the public service of a person referred to in subsection (3), the person 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 the person was permanently appointed and which the person held in the public service immediately prior to the commencement of that period of service.

**Entitlement of certain persons to appointment under Crown**

**29.(1)** Where in respect of a person who, immediately before the person's appointment to an office provided for by this Act, was an officer of the public service and who has been in continuous employment in a prescribed office or in offices each of which is a prescribed office since the person's first appointment to an office provided for by this Act—

- (a) the person's tenure of an office provided for by this Act that is held by the person has been terminated by the person's resignation; or
- (b) the person's tenure of an office provided for by this Act that is

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held by the person has been terminated by the expiration of the term of the person's appointment or reappointment to the office;

then, subject to subsection (2), if before the termination of the person's tenure of the office the person has informed the chief executive in writing of the person's desire to exercise forthwith upon such termination the entitlement conferred by this subsection, or if within 7 days after such termination the person has informed the chief executive in writing of the person's desire to exercise forthwith the entitlement conferred by this subsection, the person is entitled to be appointed to an office in the employment of or under the Crown with a rate of salary and, if that office is within the public service, a classification that are equivalent to the rate of salary and classification to which, in the opinion of the chief executive, the person would have attained in the ordinary course as an officer of the public service if the person had not been appointed to an office provided for by this Act, and in any case with a rate of salary and, if that office is within the public service, a classification that are at least equivalent to the rate of salary and classification of the office the person held in the public service before the person's appointment to an office under this Act or, if there be more than 1 such appointment, the person's last such appointment.

(2) If, at the time when tenure of an office provided for by this Act is terminated in a manner referred to in subsection (1) in respect of a person such as is referred to in that subsection, the person is under suspension from office and the Governor in Council has not decided with respect to the person as is prescribed by section 22, then notwithstanding that the tenure of office has been terminated the Governor in Council shall proceed as required by that section and—

- (a) if the Governor in Council directs that the person ought to have been removed from office—the person shall not have the entitlement prescribed by subsection (1);
- (b) if the Governor in Council directs as in the case referred to in section 22(1)(b) or (c)—the person shall be entitled as prescribed by subsection (1) subject, if the direction is made as in the case referred to in section 22(1)(b), to the direction of the Governor in Council, which shall be given effect as if the person had been restored to the office provided for by this Act and previously held by the person.

(3) Where a person is appointed as an officer within the public service

pursuant to this section, for the purposes of this Act, the person's 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 the person's employment as an officer of the public service pursuant to an appointment under this section did not commence immediately upon the termination of the person's tenure of an office provided for by this Act.

### **Meaning of expression "prescribed office"**

**30.** In sections 28 and 29—

**"prescribed office"** means an office within the application of the *Public Service Management and Employment Act 1988* or an office provided for by this Act.

### **Provisions concerning superannuation**

**31.(1)** A person who immediately before the person's appointment to an office provided for by this Act was an officer within the meaning of the *State Service Superannuation Act 1972* shall, while the person continues in an appointment to an office provided for by this Act, be deemed to be employed by or under the Crown in a permanent capacity for the purposes of that Act and the *Public Service Superannuation Act 1958*.

**(2)** Where—

- (a) a person who while the person held an office provided for by this Act was a contributor within the meaning of the *State Service Superannuation Act 1972*; and
- (b) the tenure of the office of that person has been terminated by reason of the person's resignation from the office or the expiration of the term of the person's appointment or reappointment to the office; and
- (c) that person is entitled to be such a contributor by reason that the person has duly exercised the person's entitlement conferred by section 29(1);

the termination of the person's tenure of office shall not be taken to be a resignation or dismissal referred to in section 35 of the *State Service Superannuation Act 1972*, the person shall not be taken to have ceased to be

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a contributor for the purposes of the *Public Service Superannuation Act 1958* by reason of that termination and the person shall be deemed to have continued to be an officer within the meaning of those Acts at all times since that termination.

(3) A person who holds an office provided for by this Act and who, immediately before the person's appointment to the office, was not an officer within the meaning of the *State Service Superannuation Act 1972* may elect to be a contributor to a superannuation scheme determined by the Governor in Council.

**Administrative and financial control**

32.(1) The chief executive is to be the chief executive within the meaning of the *Public Service management and Employment Act 1988* in respect of matters of an administrative nature associated with the discharge of the Director's functions and in respect of officers appointed under section 23.

(2) For the purposes of the *Financial Administration and Audit Act 1977* the chief executive shall be the accountable officer in respect of the discharge of the Director's functions.

(3) The Director shall do all such things as the chief executive, in the proper performance of the chief executive's duties as such accountable officer, may require for the purposes of that Act.

**Regulations**

33. The Governor in Council may make regulations not inconsistent with this Act for and with respect to all matters necessary or convenient for the administration of this Act or for achieving the objects and purposes of this Act.

**Transitional**

34. A reference in an Act or document to the office or holder of the office of—

- (a) Director of Prosecutions is taken to be a reference to the office or holder of the office of Director of Public Prosecutions; and

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- (b) Acting Director of Prosecutions is taken to be a reference to the Acting Director of Public Prosecutions; and
- (c) Deputy Director of Prosecutions is taken to be a reference to the office or holder of the office of Deputy Director of Public Prosecutions.

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 14 December 1994. Future amendments of the Director of Public Prosecutions Act 1984 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Table of previous reprints

Reprint No.	Amendments included	Reprint date
1	to Act No. 82 of 1990	1 July 1994

### 4 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

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## **5 List of legislation**

### **Director of Prosecutions Act 1984 No. 95**

date of assent 6 December 1984

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 17 January 1985 (proc pubd Gaz 19 January 1985 p 165)

as amended by—

### **Director of Prosecutions Act and Justices Act Amendment Act 1985 No. 25 Pt 2**

date of assent 15 April 1985

s 7 commenced 17 January 1985 (see s 4)

remaining provisions commenced on date of assent

### **Director of Prosecutions Act Amendment Act 1986 No. 9**

date of assent 26 March 1986

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 1 January 1988 (proc pubd Gaz 19 December 1987 p 1665)

### **Public Service management and Employment Act 1988 No. 52 s 44 Sch 3**

date of assent 12 May 1988

commenced 18 July 1988 (proc pubd Gaz 16 July 1988 p 2876)

### **Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 Sch 1**

date of assent 14 November 1990

commenced on date of assent

### **Director of Prosecutions Act Amendment Act 1990 No. 82**

date of assent 29 November 1990

ss 1–2 commenced on date of assent (see s 2(1))

remaining provisions commenced 1 January 1991 (proc pubd Gaz 22 December 1990 p 2271)

### **Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 s 3 Sch 1**

date of assent 1 December 1994

commenced on date of assent (see s 2)



## 6 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

### Long title

amd 1994 No. 87 s 3 Sch 1

### Short title

s 1 amd 1994 No. 87 s 3 Sch 1

### Arrangement

s 3 om 1990 No. 82 s 4

### Interpretation

s 4 def “**Director**” amd 1994 No. 87 s 3 Sch 1  
 def “**Director-General**” ins 1990 No. 80 s 3 Sch 1  
 om R1 (see RA s 39)  
 def “**Minister**” sub 1990 No. 80 s 3 Sch 1  
 om R1 (see RA s 39)  
 def “**Public Service Board**” om 1988 No. 52 s 44 Sch 3  
 def “**Under Secretary**” amd 1988 No. 52 s 44 Sch 3  
 om 1990 No. 80 s 3 Sch 1

## PART 2—OFFICE OF DIRECTOR OF PUBLIC PROSECUTIONS

Pt hdg amd 1994 No. 87 s 3 Sch 1

### Division 1—Director of Public Prosecutions and Office

Div hdg sub 1994 No. 87 s 3 Sch 1

#### The Director of Public Prosecutions and Office

s 4A ins 1994 No. 87 s 3 Sch 1

### Division 1A—Provisions about Director of Public Prosecutions

Div hdg ins 1994 No. 87 s 3 Sch 1

**Appointment of Director**

s 5           amd 1988 No. 52 s 44 Sch 3; 1994 No. 87 s 3 Sch 1

**Termination of Director's appointment**

s 6           amd 1985 No. 25 s 5

**Acting appointment**

s 9           om 1994 No. 87 s 3 Sch 1

**Functions of Director**

s 10          amd 1994 No. 87 s 3 Sch 1

**Director is a Crown Law Officer**

s 14          om 1994 No. 87 s 3 Sch 1

**Judicial notice of Director's signature**

s 15          amd 1994 No. 87 s 3 Sch 1

**Annual report of Director**

s 16          amd 1994 No. 87 s 3 Sch 1  
(2)–(3) exp 1 November 1995 (see s 16(3))

**Division 2—Deputy Directors of Prosecutions**

Div hdg     amd 1990 No. 82 s 8 Sch

**Appointment of Deputy Directors of Public Prosecutions**

s 17          sub 1994 No. 87 s 3 Sch 1

**Appointment of Crown Prosecutors**

s 18          om 1990 No. 82 s 5

**Conditions of appointment**

s 19          amd 1988 No. 52 s 44 Sch 3; 1990 No. 82 s 8 Sch

**Termination of appointments**

s 20          amd 1990 No. 82 s 8 Sch

**Suspension and removal from office**

s 21          amd 1985 No. 25 s 6; 1986 No. 9 s 3; 1990 No. 82 s 8 Sch

**Authority of Governor in Council to remove etc.**

s 22          amd 1986 No. 9 s 4; 1990 No. 82 s 8 Sch

**Division 3—Crown Prosecutors and other officers assisting Director**

Div hdg     amd 1990 No. 82 s 8 Sch

**Appointment of officers**

s 23          sub 1990 No. 82 s 6

**Retention of rights as public servant**

s 28          amd 1986 No. 9 s 5

**Entitlement of certain persons to appointment under Crown**

s 29          amd 1986 No. 9 s 6; 1988 No. 52 s 44 Sch 3; 1990 No. 80 s 3 Sch 1

**Administrative and financial control**

s 32          amd 1990 No. 80 s 3 Sch 1; 1990 No. 82 s 7

**Transitional**

- s 34**      prev s 34 amd 1985 No. 25 s 7  
              prev s 34 om R1 (see RA s 40)  
              pres s 34 ins 1994 No. 87 s 3 Sch 1

## **7                    Transitional and savings provisions**

### **Director of Prosecutions Act Amendment Act 1990 s 9 provides— Transitional provisions**

**9.(1)** Despite the amendments of the Principal Act made by this Act, the Principal Act continues to apply in relation to a Crown Prosecutor holding office under the Principal Act at the commencement of this section until the day the Crown Prosecutor's contract of employment expires or is terminated in accordance with law.

**(2)** Where a Crown Prosecutor—

- (a) was not an officer of the Public Service of Queensland immediately before being appointed under the Principal Act; and
- (b) is appointed as a Crown Prosecutor under section 23 of the Principal Act as amended by this Act on or with effect from the day immediately after the day the Crown Prosecutor's contract of employment under the Principal Act terminates;

the Crown Prosecutor is to retain all leave entitlements (including long service leave entitlements) that accrued during employment as a Crown Prosecutor under the Principal Act.

**(3)** For the purposes of the accrual of long service leave, the period of employment as a Crown Prosecutor under the Principal Act and service as an officer of the Public Service of Queensland is to be taken to be continuous service as an officer of the Public Service of Queensland.