

DIRECTOR OF PROSECUTIONS ACT AMENDMENT ACT

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Queensland



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ELIZABETHAE SECUNDAE REGINAE

No. 82 of 1990

An Act to amend the Director of Prosecutions Act 1984-1988 to provide for the appointment of Crown Prosecutors as officers of the public service and for other purposes

[ASSENTED TO 29TH NOVEMBER, 1990]

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. This Act may be cited as the *Director of Prosecutions Act Amendment Act 1990*.

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

(2) Except as provided in subsection (1), the provisions of this Act commence on a day or on days appointed by Proclamation.

3. Citation. (1) In this Act the *Director of Prosecutions Act 1984-1988* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Director of Prosecutions Act 1984-1990*.

4. Repeal of s. 3. Arrangement. The Principal Act is amended by repealing section 3.

5. Repeal of s. 18. Appointment of Crown Prosecutors. The Principal Act is amended by repealing section 18.

6. Repeal of and new s. 23. Appointment of staff. The Principal Act is amended by repealing section 23 and substituting the following section:—

“**23. Appointment of officers.** (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 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 1988-1990*.”

7. Amendment of s. 32. Administrative and financial control. Section 32 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(1) The Director-General is to be the chief executive within the meaning of the *Public Service Management and Employment Act 1988-1990* 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.”

8. Miscellaneous amendments. The Principal Act is amended as set out in the Schedule.

9. Transitional provisions. (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.

SCHEDULE

[s. 9]

Heading to Division 2 of Part II:

Omit "Director and Crown Prosecutors", substitute "Directors of Prosecutions".

Section 19:

Omit "or Crown Prosecutor" (wherever occurring).

Section 20:

Omit "or Crown Prosecutor" (wherever occurring).

Section 21(1):

Omit "or Crown Prosecutor".

Section 21(2):

Omit "or Crown Prosecutor".

Section 22(1):

Omit "or, as the case may be, Crown Prosecutor" (wherever occurring).

Section 22(3):

Omit "or Crown Prosecutor".

Section 22(4):

Omit "or Crown Prosecutor".

Heading to Division 3 of Part II:

Omit "Other Staff", substitute "Crown Prosecutors and Other Officers".