



Australian Capital Territory

# **Director of Public Prosecutions Act 1990**

**A1990-22**

**Republication No 14**

**Effective: 1 July 2011 – 30 August 2011**

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Last amendment made by A2011-22

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Director of Public Prosecutions Act 1990* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 July 2011. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 1 July 2011.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Director of Public Prosecutions Act 1990

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Australian Capital Territory

# **Director of Public Prosecutions Act 1990**

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An Act to establish an Office of the Director of Prosecutions, and for related purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Director of Public Prosecutions Act 1990*.

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 2A Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act s 127 (1), (4) and (5) for the legal status of notes.

### 3 Prosecutions etc begun by other people

A provision of this Act that gives the director a function in relation to a prosecution or proceeding (including a civil proceeding) instituted by someone else applies in relation to the prosecution or proceeding.



## **Part 2                      Office of the Director of Public Prosecutions**

### **Division 2.1              Establishment and control**

#### **4                      Establishment**

- (1) There is established by this section an office by the name of the Office of the Director of Public Prosecutions.
- (2) The office shall consist of the director and the members of the staff of the office.

#### **5                      Control**

The director shall control the office.

### **Division 2.2              Functions and powers of director**

#### **6                      Functions**

- (1) The director has the following functions:
  - (a) in relation to indictable offences:
    - (i) instituting prosecutions on indictment or summarily;
    - (ii) conducting prosecutions on indictment or summarily, whether instituted by the director or not;
  - (b) in relation to the commitment of persons for trial in respect of indictable offences:
    - (i) instituting proceedings;
    - (ii) conducting proceedings, whether instituted by the director or not;
  - (c) in relation to summary offences:

- (i) instituting prosecutions;
  - (ii) conducting prosecutions, whether instituted by the director or not;
- (d) assisting a coroner in inquests and inquiries;
- (e) in relation to proceedings for contempt of a court or for an order requiring a person to enter into a recognisance, with or without sureties, to keep the peace or be of good behaviour—
  - (i) instituting proceedings; or
  - (ii) conducting proceedings, whether instituted by the director or not;
- (f) in relation to forfeiture orders or the recovery of pecuniary penalties:
  - (i) instituting proceedings;
  - (ii) conducting proceedings, whether instituted by the director or not;
  - (iii) coordinating or supervising the institution or conduct of proceedings;
- (g) in relation to civil remedies in connection with specified matters:
  - (i) instituting proceedings;
  - (ii) conducting proceedings, whether instituted by the director or not;
  - (iii) coordinating or supervising the institution or conduct of proceedings;on behalf of the Territory or a Territory authority;
- (h) making applications for orders to review under the *Magistrates Court Act 1930*, section 219C, and conducting such proceedings;

- (i) for prosecutions or other proceedings mentioned in paragraphs (a) to (h)—causing the proceedings to be brought to an end;
- (j) for appeals in relation to matters mentioned in paragraphs (a) to (i):
  - (i) instituting or responding to appeals (including appeals against sentence);
  - (ii) conducting appeals (including appeals against sentence) as appellant or respondent, whether instituted or responded to by the director or not;
- (k) the functions of the director under the *Crimes (Sentence Administration) Act 2005*;
- (l) representing or acting as agent for the Commonwealth director;
- (m) making statements or providing information to particular persons, to the public or to particular sections of the public (whether about decisions taken and the reasons for those decisions, or otherwise) relating to the exercise of powers or the performance of functions or duties under this Act;
- (n) functions given to the director under another provision of this Act or any other Territory law;
- (o) such other functions as are prescribed by the regulations;
- (p) doing anything incidental or conducive to the performance of another function.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity the powers necessary and convenient to exercise the function (see Legislation Act, s 196 (1) and dict, pt 1, defs of *entity* and *function*).

- (2) To remove any doubt and without limiting subsection (1), the functions of the director include the following:
  - (a) appearing before a board of inquiry under the *Crimes Act 1900*, part 20 (Inquiries into convictions);

- (b) for civil proceedings (including appeals) connected with or arising out of the exercise by the director of a function under this Act or a proceeding in relation to which the director has a function—
  - (i) beginning proceedings; or
  - (ii) conducting proceedings, whether begun by the director or not; or
  - (iii) responding to proceedings.
- (3) In subsection (1) (g):  
*specified matter* means—
  - (a) the recovery or ensuring the payment of an amount of tax; or
  - (b) a prosecution, whether instituted or conducted by the director or not; or
  - (c) an alleged or suspected offence, whether a prosecution has been instituted or not.

## **7 Prosecutions on indictment**

- (1) The director may prosecute by indictment in his or her official name indictable offences, but nothing in this subsection prevents the director from prosecuting an offence in any other manner.
- (2) Where the director institutes a prosecution on indictment, the indictment shall be signed—
  - (a) by the director; or
  - (b) for and on behalf of the director, by a person authorised in writing by the director to sign indictments.

- (3) The director may, with the consent of the person concerned, institute a prosecution of a person on indictment for an indictable offence in respect of which the person has not been examined or committed for trial.
- (4) Where a person has been committed for trial in respect of an indictable offence, the director may, whether or not the director institutes a prosecution on indictment for the offence for which the person was committed for trial—
  - (a) institute a prosecution of the person on indictment for an offence for which the person was examined but not committed for trial without the person having been committed for trial in respect of that offence; or
  - (b) institute a prosecution of the person on indictment for any other offence founded on facts or evidence disclosed in the course of the committal proceedings without the person having been examined or committed for trial in respect of that offence.
- (5) In any other case where the director considers it appropriate to do so, the director may institute a prosecution of a person on indictment for an indictable offence in respect of which the person has not been examined or committed for trial.
- (6) Where a person is under commitment or has been indicted for an indictable offence, the Attorney-General or the director may decline to proceed further in the prosecution of the offence and may cause the prosecution to be brought to an end.
- (7) Where—
  - (a) a person is under commitment but has not been indicted for an indictable offence; and
  - (b) the director causes the prosecution for the offence to be brought to an end; and

(c) the person is in custody;

the director shall, by warrant signed by the director, direct the discharge of the person from custody and the person shall be discharged accordingly.

## **8 Taking over the conduct of general proceedings**

- (1) The director may take over the conduct of general proceedings instituted by another person (other than the Attorney-General) whether or not the person consents.
- (2) The director shall not take over the conduct of general proceedings instituted by the Attorney-General unless requested in writing by the Attorney-General to do so.
- (3) Where the director takes over the conduct of general proceedings instituted by another person, the director may—
  - (a) continue to conduct the proceedings in his or her official name; or
  - (b) cause the proceedings to be brought to an end.
- (4) Nothing in subsection (3) (a) prevents the director from continuing to conduct the general proceedings in the name of the person who instituted those proceedings.

## **9 Undertakings**

- (1) The director may give to a person an undertaking that—
  - (a) an answer that is given, or a statement or disclosure that is made, by the person in the course of giving evidence in applicable proceedings; or
  - (b) the fact that the person discloses or produces a document or other thing in applicable proceedings; or

- (c) any information, document or other thing that is obtained as a direct or indirect consequence of an answer that is given, a statement or disclosure that is made, or a document or other thing that is disclosed or produced in applicable proceedings;

will not be used in evidence against the person.

- (2) Where the director has given to a person an undertaking under subsection (1)—

- (a) an answer that is given, or a statement or disclosure that is made, by the person in the course of giving evidence in the applicable proceedings; or
- (b) the fact that the person discloses or produces a document or other thing in the applicable proceedings; or
- (c) any information, document or thing that is obtained as mentioned in subsection (1) (c);

as the case may be, is not admissible in evidence against the person in any civil or criminal proceedings, other than proceedings in respect of the falsity of evidence given by the person.

- (3) In subsections (1) and (2):

***applicable proceedings*** means—

- (a) a prosecution for an offence; or
- (b) proceedings by way of a coronial inquest or inquiry; or
- (c) proceedings in respect of a forfeiture order or the recovery of a pecuniary penalty; or
- (d) proceedings in respect of civil remedies in connection with a specified matter referred to in section 6 (1) (f).

- (4) The director may give to a person an undertaking that—
- (a) an answer that is given, or a statement or disclosure that is made, by the person in the course of giving evidence in interstate proceedings; or
  - (b) the fact that the person discloses or produces a document or other thing in interstate proceedings; or
  - (c) any information, document or thing that is obtained as a direct or indirect consequence of an answer that is given, a statement or disclosure that is made, or a document or other thing that is disclosed or produced in interstate proceedings;

will not be used in evidence against the person in any civil or criminal proceedings.

- (5) Where the director has given to a person an undertaking under subsection (4)—
- (a) an answer that is given, or a statement or disclosure that is made, by the person in the course of giving evidence in the interstate proceedings; or
  - (b) the fact that the person discloses or produces a document or other thing in the interstate proceedings; or
  - (c) any information, document or other thing that is obtained as mentioned in subsection (4) (c);

as the case may be, is not admissible in any civil or criminal proceedings.

- (6) In subsections (4) and (5):

*interstate proceedings* means—

- (a) a prosecution for an offence against a law of the Commonwealth or of a State or another Territory; or



- (b) proceedings in respect of a coronial inquest or inquiry under a law of the Commonwealth or of a State or another Territory; or
  - (c) proceedings for the recovery of a pecuniary penalty under a law of the Commonwealth or of a State or another Territory; or
  - (d) proceedings in respect of a forfeiture order under a law of the Commonwealth or of a State or another Territory.
- (7) The director may give to a person an undertaking that the person will not be prosecuted—
  - (a) for a specified offence; or
  - (b) in respect of specified acts or omissions that constitute or may constitute an offence.
- (8) Where the director has given an undertaking under subsection (7), no criminal proceedings shall be instituted in respect of the offence or the acts or omissions, as the case may be.
- (9) An undertaking under subsection (7) may be given subject to such conditions (if any) as the director considers appropriate.

## **10 Appeals**

- (1) The director may, in respect of a prosecution or proceedings conducted by the director, exercise such rights of appeal (if any)—
  - (a) as are exercisable by the Attorney-General; or
  - (b) in the case of a prosecution or proceedings the conduct of which the director has taken over from a person other than the Attorney-General—as would have been exercisable by that person if the director had not taken over the conduct of the prosecution or proceedings.

- (2) The rights of appeal conferred on the director under subsection (1) are in addition to such rights of appeal (if any) as are exercisable by the director otherwise than under that subsection.
- (3) In this section:  
*right of appeal* includes—
  - (a) a right to apply for a review or rehearing; and
  - (b) a right to institute proceedings in the nature of an appeal or of an application for a review or rehearing; and
  - (c) a right to appeal against sentence.

## **11 Representation of Territory and Territory authorities**

- (1) For the purposes of the performance of the function referred to in section 6 (1) (e), the director may institute proceedings in the name of the Territory or a Territory authority.
- (2) For the purposes of the performance of a function referred to in section 6 (1) (f), the director may take civil remedies in the name of the Territory or a Territory authority.
- (3) Where a Territory authority is a party to a proceeding in respect of a matter—
  - (a) that has arisen out of or is connected with the performance of a function of the director; or
  - (b) that may result in the performance by the director of such a function;the director, or a person who is entitled to represent the director under section 16 (1) (a), (b) or (c), may act as the legal practitioner for the authority.

## **12        Directions and guidelines by director**

- (1) The director may, in writing, give directions or furnish guidelines in relation to prosecutions or proceedings to—
  - (a) the chief police officer; or
  - (b) a person authorised under the *Government Solicitor Act 1989*, section 5 (5); or
  - (c) any other person—
    - (i) who conducts investigations in relation to offences; or
    - (ii) who institutes or conducts prosecutions for offences; or
    - (iii) who institutes or conducts proceedings for the recovery of pecuniary penalties; or
    - (iv) who institutes or conducts proceedings for civil remedies in connection with a specified matter referred to in section 6 (1) (f).
- (2) Without limiting the generality of subsection (1), the director may specify in a direction or guideline an offence or class of offences which is to be referred to the director for the purpose of instituting or conducting a prosecution.
- (3) A direction or guideline may be of a general nature or in respect of a particular case.
- (4) The director—
  - (a) must give the Attorney-General a copy of each direction or guideline; and
  - (b) must include in a report prepared by the director under the *Annual Reports (Government Agencies) Act 2004* for a financial year—
    - (i) a copy of each direction or guideline given during the year; and

- (ii) a copy of each direction or guideline given that is in force at the end of the year.

*Note* **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

### **13 Provision of information to director**

Where general proceedings have been instituted by a person other than the director and—

- (a) the director informs the person that the director is considering taking over the conduct of the proceedings; or
- (b) the director takes over the conduct of the proceedings; or
- (c) the person requests the director to take over the conduct of the proceedings;

the person shall furnish to the director—

- (d) a full report of the circumstances of the matter; and
- (e) a copy of the statements of the witnesses (if any); and
- (f) the material documents (if any) in the possession of the person; and
- (g) such other information as the director requires.

### **14 Police assistance**

- (1) Where the director—

- (a) is considering instituting or taking over, or has instituted or taken over, the conduct of a prosecution for an offence; and
- (b) is of the opinion that a matter connected with or arising out of the offence requires further investigation;

the director may in writing request the chief police officer for the assistance of police officers in the investigation of that matter.

- (2) The chief police officer shall, as far as practicable, comply with a request under subsection (1).

## **15 Obligation to inform court**

- (1) Where the director takes over the conduct of general proceedings instituted by another person, the director shall, as soon as practicable—
- (a) by notice in writing, inform the registrar or other proper officer of the court in which the proceedings are to be heard; or
  - (b) if the proceedings are being heard—in such manner as the director thinks appropriate, inform the judge or magistrate;
- that the director has taken over the conduct of the proceedings.
- (2) A failure by the director to comply with subsection (1) does not affect the director's powers in relation to the proceedings.

## **16 Appearances by director**

Where, for the purposes of the performance of his or her functions, the director is required to appear before a court, the director may appear in person or may be represented by—

- (a) a member of the staff of the office who is a legal practitioner; or
- (b) a person who is authorised under the *Government Solicitor Act 1989*, section 5 (5); or
- (c) any other person who is entitled to practise in that court; or
- (d) for an appearance in a Magistrates Court callover list—a member of the staff of the office, other than a legal practitioner, whose functions include the appearance.

## 16A Commonwealth prosecutions by director and staff of office

- (1) This section applies to the director, or a member of the staff of the office who is a legal practitioner, if the director or member is authorised to prosecute offences against Commonwealth laws under—
  - (a) a Commonwealth law; or
  - (b) an instrument issued by or on behalf of the Commonwealth under an agreement between the Territory and the Commonwealth; or
  - (c) an agreement with the Commonwealth director.
- (2) The director or member may institute or conduct prosecutions against Commonwealth laws in accordance with the Commonwealth law, instrument or agreement.
- (3) Without limiting subsection (2), the director or member may do any of the following in relation to offences against Commonwealth laws:
  - (a) make applications for orders to review under the *Magistrates Court Act 1930*, section 219C, and conduct such proceedings;
  - (b) cause prosecutions and other proceedings to be brought to an end;
  - (c) institute or respond to appeals (including appeals against sentence);
  - (d) conduct appeals (including appeals against sentence) as appellant or respondent, whether instituted or responded to by the director or member or not.
- (4) In this section:  
***prosecution*** includes a proceeding for the commitment of a person for trial for an indictable offence.

**17 Delegation by director**

The director may delegate the director's functions to a member of staff of the office.

*Note* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

**Division 2.3 Attorney-General**

**19 Consultation**

- (1) The director shall, if requested to do so by the Attorney-General, consult with the Attorney-General with respect to matters relating to the performance or exercise by the director of his or her functions or powers.
- (2) The Attorney-General shall, if requested to do so by the director, consult with the director with respect to matters relating to the performance or exercise by the director of his or her functions or powers.

**20 Directions and guidelines by Attorney-General**

- (1) The Attorney-General may, in writing, give directions or furnish guidelines to the director in relation to the performance or exercise by the director of his or her functions or powers.
- (2) Without limiting the generality of subsection (1), a direction or guideline may relate to—
  - (a) the circumstances in which the director should institute or conduct prosecutions for offences; or
  - (b) the circumstances in which undertakings should be given under section 9.
- (3) A direction or guideline shall be of a general nature and shall not refer to a particular case.

(4) The Attorney-General shall not give a direction or furnish a guideline unless he or she has consulted with the director.

(5) A direction or guideline is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

(6) The Minister must present a direction or guideline to the Legislative Assembly within 5 sitting days after the notification of the direction or guideline.

## **21 Preservation of functions and powers**

Nothing in this Act shall be taken to affect the performance or exercise by the Attorney-General of a function or power conferred on the Attorney-General by or under a law of the Territory.



## **Part 3                      Director and members of the staff of the office**

### **Division 3.1              Director**

#### **22                      Appointment**

- (1) The Executive may appoint a person as the director.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

- (2) Subject to this Act, the director must not be appointed for more than 7 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

- (3) Subject to this Act, the director holds office on such terms and conditions as are—

- (a) determined by the Executive; and
- (b) specified in the instrument of appointment.

- (4) A person shall not be appointed as the director unless—

- (a) the person is a legal practitioner and has been for not less than 5 years; or
- (b) the person is admitted as a legal practitioner in a State or another Territory and has been for not less than 5 years.

- (5) A person shall not be appointed as the director—

- (a) if the person has attained the age of 65 years; or

- (b) for a period that extends beyond the date on which the person will attain the age of 65 years.

**24 Leave of absence**

The Attorney-General may grant leave of absence to the director on such terms and conditions as to remuneration or otherwise as the Attorney-General determines.

**25 Preclusion from other employment**

The director shall not, without the consent of the Attorney-General, engage in—

- (a) practice as a legal practitioner; or
- (b) paid employment;

otherwise than in the performance of the functions of the office of director.

**26 Disclosure of interests**

The director shall give notice in writing to the Attorney-General of all direct or indirect pecuniary interests that he or she has or acquires—

- (a) in a business, whether in the Territory or elsewhere; or
- (b) in a body corporate carrying on such a business.

**28 Termination of appointment**

- (1) The Attorney-General may terminate the appointment of the director for—
  - (a) misbehaviour; or
  - (b) physical or mental incapacity; or

- (c) failure to comply with section 25.

*Note* The director's appointment also ends if the director resigns (see Legislation Act, s 210).

- (2) The Attorney-General shall terminate the appointment of the director if the director—

- (a) becomes bankrupt or personally insolvent; or

*Note* **Bankrupt or personally insolvent**—see the Legislation Act, dictionary, pt 1.

- (b) is absent, without leave under section 24, for 14 consecutive days or for 28 days in any 12 months; or

- (e) fails, without reasonable excuse, to comply with his or her obligations under section 26.

## **Division 3.2**                      **Members of the staff**

### **30**                      **Staff**

- (1) The staff assisting the director shall be employed under the *Public Sector Management Act 1994*.
- (2) The *Public Sector Management Act 1994* applies in relation to the management of the staff assisting the director.
- (3) The director has the powers mentioned in the *Public Sector Management Act 1994*, section 25 (3) in relation to the staff assisting the director.

### **31**                      **Consultants etc**

- (1) The director may, on behalf of the Territory, engage persons having suitable qualifications and experience as consultants to, or to perform services for, the director.
- (2) The terms and conditions of engagement of persons engaged under subsection (1) are as the director, with the approval of the Attorney-General, in writing determines.

- (3) Nothing in this section shall be read as conferring on the director a power to enter into a contract of employment.

## **32 Other staffing arrangements**

- (1) The director may make arrangements with a director-general for the use of the services of public servants, or the use of facilities, in the administrative unit under the director-general's control.
- (2) The *Public Sector Management Act 1994* applies in relation to the management by the director of public servants who, or facilities that, are the subject of an arrangement under subsection (1).

## Part 4                      Miscellaneous

### 33                      Preservation of rights

Nothing in this Act shall be taken to affect the right of a person to institute general proceedings.

### 33A                      Legal immunity

- (1) No action, suit or proceeding lies against a person who is or has been—

- (a) the director; or
- (b) a member of the staff of the office; or
- (c) a person acting under the direction or authority of the director or a member of the staff of the office;

in relation to an act done or omitted to be done in good faith in the exercise or purported exercise of a power, or the performance or purported performance of a function or duty, of the director under this Act or any other law.

- (2) Subsection (1) does not affect any liability that the Territory would, but for that subsection, have in respect of an act or omission referred to in that subsection.

### 35                      Regulation-making power

The Executive may make regulations for this Act.

*Note*       Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- bankrupt or personally insolvent
- chief police officer
- director-general (see s 163)
- exercise
- function
- judge
- legal practitioner
- magistrate
- Magistrates Court
- notifiable instrument (see s 10)
- person
- proceeding
- territory law.

***Commonwealth Act*** means the *Director of Public Prosecutions Act 1983* (Cwlth).

***Commonwealth director*** means the Director of Public Prosecutions appointed under the Commonwealth Act.

***director*** means the Director of Public Prosecutions appointed under section 22 (1).

***general proceedings*** means a prosecution, proceedings or appeal referred to in section 6 (1) (a), (b), (c), (e), (f) or (g).

***member of the staff***, of the office, means—

- (a) a member of the staff mentioned in section 30 (Staff); or
- (b) a person engaged under section 31 (Consultants etc); or

- (c) a person whose services are made available to the director in accordance with section 32 (Other staffing arrangements).

***office*** means the Office of the Director of Public Prosecutions established by section 4 (1).

***Territory authority*** includes a person—

- (a) who holds an office or position established by or under an Act;  
or
- (b) who holds an appointment made under an Act.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

**Director of Public Prosecutions Act 1990 No 22**

notified 25 June 1990 (Gaz 1990 No S32)  
s 1, s 2 commenced 25 June 1990 (s 2 (1))  
ss 3, 6-18, 33, 35 commenced 1 July 1990 (Gaz 1990 No S44)  
remainder (ss 4, 5, 19-32, 34) commenced 1 July 1991 (Gaz 1991 No S57)

as amended by

**Director of Public Prosecutions (Amendment) Act 1992 No 51**

notified 1 September 1992 (Gaz 1992 No S148)  
commenced 1 September 1992

**Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 26**

notified 30 June 1994 (Gaz 1994 No S121)  
s 1, s 2 commenced 30 June 1994 (s 2 (1))  
sch 1 pt 26 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

**Annual Reports (Government Agencies) (Consequential Provisions) Act 1995 No 25 sch**

notified 5 September 1995 (Gaz 1995 No S212)  
commenced 5 September 1995 (s 2)

**Director of Public Prosecutions (Amendment) Act 1995 No 29**

notified 5 September 1995 (Gaz 1995 No S212)  
commenced 5 September 1995 (s 2)

**Remuneration Tribunal (Consequential and Transitional Provisions) Act 1995 No 56 sch**

notified 20 December 1995 (Gaz 1995 No S313)  
commenced 21 December 1995 (s 2 and Gaz 1995 No S315)

**Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997  
sch 1 commenced 1 June 1998 (s 2 (2))

## Endnotes

3 Legislation history

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**Justice and Community Safety Legislation Amendment Act 2000  
(No 3) No 17 sch 1**

notified 1 June 2000 (Gaz 2000 No 22)  
commenced 1 June 2000 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 102**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 102 commenced 12 September 2001 (s 2 and see Gaz 2001  
No S65)

**Rehabilitation of Offenders (Interim) Act 2001 No 82 sch 1 pt 1.2**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
sch 1 pt 1.2 commenced 24 September 2001 (s 2 and CN2001-4)

**Justice and Community Safety Legislation Amendment Act 2003  
(No 2) A2003-47 pt 4**

notified LR 31 October 2003  
s 1, s 2 commenced 31 October 2003 (LA s 75 (1))  
pt 4 commenced 1 November 2003 (s 2)

**Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1  
pt 1.11**

notified LR 19 March 2004  
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))  
sch 1 pt 1.11 commenced 13 April 2004 (s 2 and see Annual Reports  
(Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

**Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.13**

notified LR 18 May 2006  
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))  
sch 1 pt 1.13 commenced 2 June 2006 (s 2 (1) and see Crimes  
(Sentence Administration) Act 2005 A2005-59 s 2, Crimes  
(Sentencing) Act 2005 A2005-58, s 2 and LA s 79)

**Legal Profession Act 2006 A2006-25 sch 2 pt 2.5**

notified LR 21 June 2006  
s 1, s 2 commenced 21 June 2006 (LA s 75 (1))  
sch 2 pt 2.5 commenced 1 July 2006 (s 2)

**Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.28**

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.28 commenced 12 April 2007 (s 2 (1))

**Court Legislation Amendment Act 2008 A2008-42 pt 3**

notified LR 8 September 2008

s 1, s 2 commenced 8 September 2008 (LA s 75 (1))

pt 3 commenced 8 March 2009 (s 2 and LA s 79)

**Justice and Community Safety Legislation Amendment Act 2010****(No 2) A2010-30 sch 1 pt 1.7**

notified LR 31 August 2010

s 1, s 2 commenced 31 August 2010 (LA s 75 (1))

s 3 commenced 1 September 2010 (s 2 (1))

sch 1 pt 1.7 commenced 28 September 2010 (s 2 (2))

**Administrative (One ACT Public Service Miscellaneous Amendments)  
Act 2011 A2011-22 sch 1 pt 1.53**

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.53 commenced 1 July 2011 (s 2 (1))

**4 Amendment history****Name of Act**

s 1 sub A2007-3 amdt 3.137

**Dictionary**s 2 om R5 (LA s 89 (4))  
ins A2007-3 amdt 3.140**Notes**

s 2A ins A2007-3 amdt 3.140

**Prosecutions etc begun by other people**s 3 defs reloc to dict A2007-3 amdt 3.139  
sub A2007-3 amdt 3.140  
def *chief police officer* om A2007-3 amdt 3.138**Establishment and control**

div 2.1 hdg (prev pt 2 div 1 hdg) renum R5 LA

**Functions and powers of director**

div 2.2 hdg (prev pt 2 div 2 hdg) renum R5 LA

## Endnotes

4 Amendment history

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### Functions

s 6 am 1992 No 51 s 3; 1995 No 29 s 4; 2000 No 17 sch 1; 2001 No 82 sch 1 pt 1.2; R6 LA (see 2001 No 82 amdt 1.4); A2003-47 s 13; ss renum R7 LA (see A2003-47 s 14); A2006-23 amdt 1.172; A2007-3 amdt 3.141

### Appeals

s 10 am 2000 No 17 sch 1

### Representation of Territory and Territory authorities

s 11 am 1997 No 96 sch 1; A2008-42 s 6

### Directions and guidelines by director

s 12 am 1995 No 25 sch; 2001 No 44 amdt 1.1113; A2004-9 amdt 1.14

### Appearances by director

s 16 am 1997 No 96 sch 1; A2006-25 amdt 2.6; A2008-42 s 7

### Commonwealth prosecutions by director and staff of office

s 16A ins 1992 No 51 s 4  
am 1997 No 96 sch 1  
sub 2000 No 17 sch 1

### Delegation by director

s 17 sub A2007-3 amdt 3.142

### Additional powers

s 18 om A2007-3 amdt 3.143

### Attorney-General

div 2.3 hdg (prev pt 2 div 3 hdg) renum R5 LA

### Directions and guidelines by Attorney-General

s 20 am 2001 No 44 amdt 1.1114, amdt 1.1115

### Director and members of the staff of the office

div 3.1 hdg (prev pt 3 div 1 hdg) renum R5 LA

### Appointment

s 22 am 1992 No 51 s 5; 1997 No 96 sch 1; A2007-3 amdt 3.144

### Remuneration and allowances

s 23 am 1992 No 51 s 6  
om 1995 No 56 sch

### Leave of absence

s 24 am 1992 No 51 s 7

### Preclusion from other employment

s 25 sub 1992 No 51 s 8

### Additional powers

s 27 om A2007-3 amdt 3.145

**Termination of appointment**

s 28 am 1992 No 51 s 9; A2007-3 amdt 3.146, amdt 3.147;  
A2010-30 amdt 1.23

**Acting director**

s 29 am 1992 No 51 s 10  
om A2007-3 amdt 3.148

**Members of the staff**

div 3.2 hdg (prev pt 3 div 2 hdg) renum R5 LA

**Staff**

s 30 sub 1992 No 51 s 11; 1994 No 38 sch 1  
am A2011-22 amdt 1.165

**Consultants etc**

s 31 am 1994 No 38 sch 1

**Other staffing arrangements**

s 32 sub 1994 No 38 sch 1  
am A2011-22 amdt 1.166

**Legal immunity**

s 33A ins 1995 No 29 s 5

**Annual report**

s 34 om 1995 No 25 sch

**Regulation-making power**

s 35 sub 2001 No 44 amdt 1.1116

**Dictionary**

dict ins A2007-3 amdt 3.149  
am A2008-42 s 8; A2010-30 amdt 1.24; A2011-22 amdt 1.167  
def **Commonwealth Act** reloc from s 3 A2007-3 amdt 3.139  
def **Commonwealth director** reloc from s 3 A2007-3  
amdt 3.139  
def **director** reloc from s 3 A2007-3 amdt 3.139  
def **general proceedings** reloc from s 3 A2007-3 amdt 3.139  
def **member of the staff** ins A2007-3 amdt 3.149  
def **office** reloc from s 3 A2007-3 amdt 3.139  
def **Territory authority** reloc from s 3 A2007-3 amdt 3.139

## Endnotes

### 5 Earlier republishings

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## 5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1991 No 22	31 October 1991
2	Act 1992 No 51	31 October 1992
3	Act 1994 No 38	31 January 1995
4	Act 1995 No 56	1 January 1996
5	Act 2001 No 44	12 September 2001
6	A2001-82	19 October 2001
7	A2003-47	1 November 2003
8	A2004-9	13 April 2004
9	A2006-23	2 June 2006
10	A2006-25	1 July 2006
11	A2007-3	12 April 2007
12*	A2008-42	8 March 2009
13	A2010-30	28 September 2010

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