

TASMANIA

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**DIRECTOR OF PUBLIC PROSECUTIONS AMENDMENT BILL 2008**

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**CONTENTS**

1. Short title
2. Commencement
3. Principal Act
4. Section 10 substituted
  10. Removal or suspension of Director only by Parliament

# **DIRECTOR OF PUBLIC PROSECUTIONS AMENDMENT BILL 2008**

*(Brought in by The Honourable William Michael Hodgman)*

## **A BILL FOR**

**An Act to amend the *Director of Public Prosecutions Act 1973* to ensure that the Director of Public Prosecutions may not be removed from office except by the Governor on an address from both Houses of Parliament**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### **1. Short title**

This Act may be cited as the *Director of Public Prosecutions Amendment Act 2008*.

### **2. Commencement**

This Act commences on the day on which it receives the Royal Assent.

### **3. Principal Act**

In this Act, the *Director of Public Prosecutions Act 1973*\* is referred to as the Principal Act.

### **4. Section 10 amended (Removal of Director from office)**

Section 10 of the Principal Act is amended by deleting the section and inserting the following section:

#### **10. Removal or suspension of Director only by Parliament**

- (1) The Director shall not be suspended or removed from office except by the Governor on an address from both Houses of Parliament, praying for such suspension or removal on the ground of proved misbehaviour or incapacity.
- (2) Except as provided by subsection (1), the Governor shall not suspend the Director or remove the Director from office.

- (2) The Director shall be deemed to have vacated office if –
- (a) he or she becomes bankrupt, applies to take the benefit of any laws for the relief of bankrupt or insolvent debtors, compounds with his or her creditors, or makes any assignment of his or her remuneration or estate for their benefit; or
  - (b) he or she becomes unable to perform competently the duties of the office.

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\*No. 11 of 1973