



## Policy framework for the conduct of prosecutions

Last Updated: September 2012

### Contents

1. Director of Public Prosecutions Act 1983.....	1
2. Prosecution Policy of the Commonwealth .....	1
3. Victims of Crime Policy and Statement on Prosecution Disclosure.....	2
4. Guidelines and Directions Manual .....	2
5. Director's Litigation Instructions.....	2
6. Other national positions .....	2
7. Regional policies and manuals .....	2

CDPP prosecutors are to conduct all prosecutions within the following framework and in accordance with these statutes and policies:

### 1. Director of Public Prosecutions Act 1983

The *Director of Public Prosecutions Act 1983* (the DPP Act) sets out the powers and functions of the Director of Public Prosecutions. Prosecutions conducted by the CDPP must be in accordance with the DPP Act.

A number of the powers and functions have been delegated or authorised to certain members of staff of the office. Some powers and functions cannot be delegated and must only be performed by the Director or Acting Director. Before attempting to exercise any powers or functions under the DPP Act, the member of staff must ensure that they hold an appropriate delegation or authorisation.

Other statutes may also contain specific powers and/or functions held by the Director of Public Prosecutions. These may also only be exercised by members of staff if they hold the appropriate delegation or authorisation.

### 2. Prosecution Policy of the Commonwealth

The *Prosecution Policy of the Commonwealth* (the Prosecution Policy) is the seminal statement of the ethical and effective prosecution practices to which the Office is committed. It provides guidance for the making of a number of decisions in the prosecution process, including the decision to prosecute. It applies to all Commonwealth prosecutions and is a public document that informs the public and other agencies of the manner in which the Office conducts its functions and responsibilities.

The Prosecution Policy, as amended over time and including the Forward by the Attorney General, has been tabled in Parliament. The most recent iteration of the Policy was tabled in 2009.

The Prosecution Policy must be complied with in all prosecutions conducted by the CDPP.

### **3. Victims of Crime Policy and Statement on Prosecution Disclosure**

The Prosecution Policy refers specifically to the Victims of Crime Policy and the Statement on Prosecution Disclosure and makes it clear that both these policies are to be complied with by the CDPP in conducting prosecutions. The Office regards respect for the interests of victims as an important aspect of our work. The obligation to comply with the prosecution's obligations in relation to disclosure is crucial to the role of the CDPP in contributing to a fair system of criminal justice.

### **4. Guidelines and Directions Manual**

The Guidelines and Directions Manual (the GDM) is the compilation of guidelines and directions issued by the Director on specific issues in the prosecution process. The GDM must be complied with in all prosecutions conducted by the CDPP.

### **5. Director's Litigation Instructions**

The Director's Litigation Instructions (DLIs) are instructions issued by the Director in relation to specific areas of the Office's practice arising from time to time. The DLIs form part of the GDM and must be complied with in all prosecutions involving the specified area of practice the subject of DLI conducted by the CDPP.

### **6. Other national positions**

National positions may be agreed and promulgated within the Office in relation to a specific area of practice, while not being included in the DLIs or GDM. Such a position must be complied with in all prosecutions involving that specific area of practice conducted by the CDPP.

### **7. Regional policies and manuals**

Various regional offices produce regional policies and manuals concerning jurisdictional issues involved in the prosecution of Commonwealth offences in that particular State or Territory. These policies and manuals are to be read subject to the DPP Act, the Prosecution Policy, the Victims of Crime Policy, the Statement on Prosecution Disclosure, the GDM and the DLIs. These regional policies and manuals must be complied with in prosecutions conducted in the particular State or Territory to which they apply. If it is proposed to not comply with a regional policy or manual, approval must be given by the relevant Deputy Director before such action is taken.