

Question on Notice

No. 202

Asked on Tuesday 27 April, 2004

Mr Foley asked the Attorney-General and Minister for Justice (Mr Welford) -

QUESTION:

With reference to a constituent who has a friend who has been fined \$220 for moving a “switched off” mobile phone to the dashboard of her car and was deemed to be driving without due care and attention and to a recent news report that a Judge was let off a \$300 fine when the Director of Public Prosecutions (DPP) decided not to proceed with his case -

Has anybody else charged with this offence had their case dropped, or is it the case of the DPP being scared of the Judge?

ANSWER:

The prosecution of individuals charged under Section 83 of the *Transport Operations (Road Use Management) Act 1985* is conducted by the Queensland Police Service, not the Director of Public Prosecutions (DPP).

It is only when an accused person enters a plea of guilty in the Superior Courts in relation to an indictable offence, and asks that all outstanding offences in the Magistrates Court be dealt with at the same time, that the DPP would be involved in the prosecution of an offence under Section 83 of the *Transport Operations (Road Use Management) Act 1985*.

This question should more properly be referred to the Minister for Police and Corrective Services for a response.