



The Place To Be

Media release

From the Acting Premier and Attorney-General

Thursday, 17 December, 2009

Queen to be removed from legal proceedings

Criminal legal proceedings will no longer be brought in the name of the Queen and instead be brought in the name of the Director of Public Prosecutions under changes to come into effect on 1 January, 2010.

Acting Premier and Attorney-General Rob Hulls said the change was part of the Brumby Labor Government's commitment to modernise and simplify laws.

"Referring to the Queen is outdated," Mr Hulls said. "Substituting the Director of Public Prosecutions (DPP) for the Queen or Regina reflects the legal and political independence from the United Kingdom and its monarch that has been achieved by Australia."

Mr Hulls said the change followed the removal of the requirement for new lawyers to swear an oath of allegiance to the Queen in 2000 and the substitution of 'Senior Counsel' for 'Queens Counsel' nine years ago.

"This is a further step to bring our legal system into the 21st century," Mr Hulls said.

"It is also consistent with the passage of the *Australia Acts* which terminated the power of the United Kingdom Parliament to legislate for Australia, removed the ability of the Queen to disallow or suspend federal or state laws, and abolished appeals from the High Court to the Privy Council."

Mr Hulls said the change followed the passage of the *Criminal Procedure Act 2009*, which removed the legislative requirement for proceedings to be brought in the name of the Queen. The Act comes into effect on 1 January.

"The purpose of this new Act is to modernise and simplify Victoria's criminal procedure laws, including using plain English and clear and consistent terminology," Mr Hulls said.

"To this end, Latin and Norman French words have been replaced by modern English words and concepts now regarded as outdated, such as indictment by grand jury, have been abolished.

"Removing reference to proceedings being brought in the name of the Queen is consistent with the spirit and purpose of the *Criminal Procedure Act*."

Mr Hulls said there were no constitutional impediments to substituting the DPP for the Queen in criminal proceedings.

"The DPP institutes, prepares and conducts indictable criminal proceedings on behalf of the Crown in the High Court, Supreme Court and County Court and this will not change," Mr Hulls said.

"The independence of the DPP and the judiciary from Government also still remains."

References to the Queen in legal proceedings have already been removed in Tasmania and Western Australia.

Media contact: Meaghan Shaw 9651 5799 or 0409 536 652 www.premier.vic.gov.au