



CDPP

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Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary,

Clarifications to Budget Estimates Hearing 31 May 2024

1. I refer to my evidence before the Legal and Constitutional Affairs Committee at the Budget Estimates hearing on Friday, 31 May 2024 and to the proof copy of the transcript.
2. On pages 64 and 65, in response to a question from Senator Scarr about the prosecution of Mr Doukoshkan, I stated that there was a presumption of bail in that matter.
3. To clarify, the *Bail Act 1982 (WA)* (the **Bail Act**) is neutral in relation to the offences for which Mr Doukoshkan was charged. This is contrasted with other provisions in the Bail Act which provide an “exceptional reasons” test for bail decisions for certain offences.
4. On page 65, in response to question from Senator Scarr about the matter of Mr Doukoshkan, I stated the following:

[Mr Doukoshkan] was on a visa and he breached some conditions of that visa. As a result, he was charged with breaching the conditions of his visa. He was then said to have committed further offences by staying out in breach of his curfew on two more occasions. Those breaches were of a short duration in time. One was for eight minutes—he left the house eight minutes before he was entitled to leave—and one was a period of time overnight when he was absent from the premises. They are two alleged breaches of the conditions.

5. To clarify my response, Mr Doukoshkan breached the conditions of his visa on a number of occasions for which he had not been charged. He was then charged, on a single occasion, with two offences of having breached the conditions of his visa.

Yours sincerely,

Raelene Sharp KC
Director