

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
COMMONWEALTH DIRECTOR PUBLIC PROSECUTIONS

**Question No. 151**

**Senator Ludwig asked the following question at the hearing on 25 May 2006:**

- a) Is it correct that the CDPP has withdrawn charges against John Simpson and Stephen Randall in relation to the Olea Australis matter?
- b) Why was a certificate of Discontinuance of Charges filed in this case?
- c) How many certificates of Discontinuance of Charges in Indictments have been filed in 2001-02, 2002-03, 2003-04, 2004-05, 2005-06?
- d) Are you able to indicate why the charges were not pursued in this case?
- e) Are you able to indicate what the new information was that indicated to the CDPP that there was no longer a reasonable prospect of conviction?

**The answer to the honourable senator's question is as follows:**

- a) Yes.
- b) Once the CDPP had determined in accordance with the Prosecution Policy of the Commonwealth that the prosecution of John Simpson and Stephen Randall should not continue it was appropriate that Notices of Discontinuance be filed pursuant to section 25 of the Criminal Procedure Act 2004 (WA).
- c) The table below sets out the number of prosecutions against defendants that were discontinued after committal.

<b>Year</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06 (up to 14 June 2006)</b>
<b>Number</b>	32	21	15	13

- d) The DPP conducted a review of the available evidence against both accused. The matters were discontinued in accordance with the Prosecution Policy of the Commonwealth.
- e) see d) above.