

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mr Elferink to Minister for Police, Fire and Emergency Services

Failed Prosecutions Review Panel

In relation to the Failed Prosecutions Review Panel:

1. From 1 July 2010 to 31 May 2011 there were 1042 failed prosecutions and there are 2 cases are currently before the Panel. What are these cases? What were the reasons that these cases were submitted to the Panel and who submitted them to the Panel?
 2. What criteria must be met before a case is referred to the Failed Prosecutions Review Panel?
 3. What is the process for referral of cases to the Prosecution Review Panel?
 4. How many cases have been referred to the Panel since its inception?
-

ANSWER

In relation to the Failed Prosecutions Review Panel:

1. **From 1 July 2010 to 31 May 2011 there were 1042 failed prosecutions and there are 2 cases are currently before the Panel. What are these cases? What were the reasons that these cases were submitted to the Panel and who submitted them to the Panel?**

There were three matters listed at the last Panel held on 5 July 2011. One matter was referred to Police by Correctional Services (the Department of Justice) and involved issues surrounding the responsibility for collecting evidence for Breach of Parole matters.

The second matter was referred to the Panel by the Northern Territory Police Ethical and Professional Standards Command and dealt with the perceived sub-standard nature of a prosecution file.

The third matter was referred to the panel by the Director of Public Prosecutions in relation to a possible appeal regarding the leniency of the sentence received by a prisoner.

2. What criteria must be met before a case is referred to the Failed Prosecutions Review Panel?

The Panel is guided by the Terms of Reference. It succinctly states “In the small number of cases where there are some issues that may require remedial action or highlight deficiencies in the system or require corrective action at the workplace”. The brief for the Panel is set as wide as possible to allow for the examination of any and all matters relating to unsuccessful prosecutions.

3. What is the process for referral of cases to the Prosecution Review Panel?

Any matter can be referred to the Panel by any stakeholder in the prosecution process, either by email or written correspondence to the Panel Chair, being the Superintendent of the Police Prosecutions Division. The file and associated documentation is listed for the next Panel meeting and documentation forwarded to the panel members.

4. How many cases have been referred to the Panel since its inception?

There have been six matters referred to the Panel for review since inception in April 2011. It was never envisaged that the Panel would review all prosecution cases, as in most unsuccessful prosecutions the reasons are quite obvious and the remedies readily implemented. However, for a small number of cases where the issues require further examination, referral to the Panel is the best outcome in the interests of continuous improvement of the prosecutorial process to ensure a consistently high level of successful prosecutions.