

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 3

Question No. 63

Senator Siewert asked the following question at the hearing on 24 February 2014:

What is the Commonwealth Department of Public Prosecutions doing to identify past prosecutions that may have led to wrongful convictions in light of the decision in *Director of Public Prosecutions v Keating* [2013] HCA 20 and communicating it to persons affected?

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

Following the decision in *Director of Public Prosecutions v Keating* (2013) 297 ALR 394, the CDPP discontinued 149 prosecutions and discontinued some charges in a further 37 prosecutions. The CDPP also notified the 24 persons who were under sentence in relation to convictions which may have been affected by the High Court's decision and suggested that they seek legal advice. The CDPP identified one person who was serving a sentence of imprisonment due to a conviction which was partially affected by the decision. This person was released from custody, following a decision by a delegate of the Attorney-General to release him early on licence.

In relation to past convictions where the sentence has been served, the CDPP considers each request from persons (or their legal representatives) who are concerned that a conviction may be affected by the decision. The CDPP does not rely at sentencing upon any prior convictions which are or might be affected by the decision and is not taking action on breaches of recognizance release orders or bonds imposed for matters where all or some of the counts are or might be affected. The CDPP is not able to identify all past prosecutions which are or might be affected by this decision.