

Media Statement

22 June 2023

Statement from the DPP in response to reporting in *The Australian*

In response to recent reporting in *The Australian* newspaper about the prosecution of sexual assault matters, the NSW Director of Public Prosecutions, Sally Dowling SC, makes the following comments:

The independence of the ODPP means the decision to prosecute is made free from any influence of political, individual or sectional interests, including media coverage or public sentiment.

The ODPP makes decisions in accordance with the Prosecution Guidelines, which were developed in consultation with all stakeholders in the NSW criminal justice system. They are consistent with those applied by prosecution services in all jurisdictions throughout Australia and in the common law world.

The Guidelines have been and continue to be applied with diligence and care by prosecutors within the ODPP. Each matter is assessed on the strength of the available evidence – including the reliability and credibility of witnesses – with the paramount consideration being whether the prosecution is in the public interest. While the views of relevant stakeholders are taken into account when assessing the public interest, they are not determinative.

At the same time, the ODPP recognises that all members of the community, including the most vulnerable, are equally entitled to the full protection of the law. It is well known that many people who come into contact with the criminal justice system, including complainants in some sexual assault matters, have experience of mental ill health. That does not make them inherently unreliable.