

Information sheet: Victims' right to request a review of a decision not to prosecute

Who can request a review?

A review can be requested by:

- a victim of crime, including a close relative of a deceased person,
- a parent or guardian where the victim is under 16 years of age, or
- a carer or family spokesperson of a victim who is unable to communicate effectively due to injury, disability or illness, including mental illness.

What decisions can be reviewed?

You can only request a review of an ODPP decision not to commence proceedings or to discontinue all charges.

You cannot request a review of a decision to accept a plea to lesser or alternate offences.

You also cannot request a review if the ODPP ended proceedings at your request, with your agreement, or because you withdrew your support for the prosecution.

How long from being notified of the decision do I have to request a review?

You should lodge your request within 10 working days of being notified of the decision not to prosecute. Requests for review will be considered up to 3 months after the decision, but it is best if a review is conducted as soon as possible.

How do I request a review?

A request form is on the other side of this information sheet. You should fill it out and post, email to VRR@odpp.nsw.gov.au or take it to the ODPP office that made the decision not to prosecute. The contact details of the ODPP will be in the letter notifying you of the decision not to prosecute. The ODPP office or the Solicitor who handled your case can help you fill out the form, if needed.

If you have new information about the case, include that on the request form.

Who will review the decision?

A prosecutor who is more senior to the prosecutor who made the original decision will review the decision.

How long will the review take?

The review will usually take up to 20 working days. If the case is very large or complex it may take longer.

Request to the ODPP to review a decision not to prosecute

Your full name:

Name of the accused:

ODPP reference number of the case (if known):

How we can best contact you: (Please provide your preferred way to be contacted – phone number, email address, and/or postal address)

What concerns do you have with the ODPP's decision? If you have any further information about the case that you have not provided to the ODPP that might be relevant, please also include that here.

Signed

Date

