



OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

MEDIA RELEASE

July 17, 2013

Decision from the Director of Public Prosecution in the matter of R v B

The Pre-Trial Diversion of Offenders Act 1985 permitted the referral of the offender for assessment in relation to his suitability for participation in the Pre-Trial Diversion of Offenders Program (“the Cedar Cottage program”). The legislation applied to various “child sexual assault offences”, including the aggravated offences with which the offender was charged. At the time of acceptance into the program diversion was part of the criminal justice policy of this state.

Following the referral of an offender by the prosecution, the program Director at Cedar Cottage must conduct further assessment in accordance with the Act and Regulations to determine whether the offender is a suitable person to participate in the program. In this matter, the program Director determined that the offender was suitable for inclusion in the program.

A referral to Cedar Cottage or the decision to admit an offender to the program is not capable of being appealed. The regulations underpinning the pre-trial diversion program have expired and are not being renewed. No new referrals are being accepted to the program. There is no possibility of a similar matter being diverted in the future.

The program encourages offenders to take full responsibility for the sexual abuse they have committed. The offender was sentenced by Judge Ellis in the District Court at Gosford on 4 April 2013 in relation to offences disclosed by him after being told at Cedar Cottage that he was required to make a complete disclosure about the abusive conduct. The offending had never been raised by the victim and would not have come to the attention of authorities without the confession of the offender to the counsellor and then to the NSW Police. The offences were against the same victim and occurred in the same time period as the other offending.

I have declined to direct an appeal against the decision of Judge Ellis after considering the unique history of this matter, including the fact that the additional charges were only disclosed at the behest of Cedar Cottage staff.

No further comment will be issued.

MEDIA CONTACT: Anna Cooper
Mobile: 0409 327 499

