



DPP

Commonwealth Director of Public Prosecutions

28 November 2000

MEDIA STATEMENT

The Commonwealth Director of Public Prosecutions today discontinued the part heard prosecution of Bruno and Rino Grollo and Bruce Dowding for conspiracy to defraud the Commonwealth of income tax. The charge arose out of the construction of the Rialto Building in Melbourne in the 1980's. The reasons for the decision given in court today by senior counsel for the DPP, Lionel Robberds QC were:

Last week I drew to the attention of the Director of Public Prosecutions evidence which has been given by witnesses in the trial which had not been given at the committal hearing, and which was not contained in witness statements.

On Saturday I advised the Director that in my view the Crown could no longer exclude a reasonable hypothesis consistent with innocence.

The Director has now reviewed evidence given in the trial and last night came to the same view and concluded that there is no longer a reasonable prospect of a conviction being secured.

In those circumstances, I have been instructed to lead no further evidence and to request Your Honour to invite the jury to return a verdict of not guilty in respect of each accused.

The DPP said that he appreciated the careful and professional way which Mr Robberds QC had weighed the effect of the new evidentiary issues upon the prospects of continuing with this complex and technical trial. "A difficult task but a necessary one if the Prosecution Guidelines are to be applied consistently and without exception in the trial process in this country" Mr Bugg said.

The change in the evidence was not and could not have been anticipated, and was such that the Crown could no longer prove the case beyond a reasonable doubt. That being the case I agreed with Mr Robberds QC that there is now no longer a reasonable prospect of conviction and, in accordance with the Prosecution Guidelines of the Commonwealth and all State and Territory jurisdictions, the prosecution cannot continue.

The three accused men have now been acquitted and I consider that it is inappropriate to canvas in detail the evidence given in the trial and that which was to be given.

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