



DPP

Commonwealth Director of Public Prosecutions

6 March, 2001

MEDIA STATEMENT

Dr Malcolm Colston

On 5 July 1999 the DPP presented a Notice Declining to Proceed Further in the prosecution of Dr Colston to the Supreme Court of the Australian Capital Territory. The decision to discontinue the prosecution was made in accordance with the Prosecution Policy of the Commonwealth and was based on expert medical advice that Dr Colston had a terminal illness, was unfit to stand trial, and there was no prospect that he would be fit to stand trial in the future.

The DPP has indicated publicly it was in the process of reviewing the position. This has now been completed. Medical evidence and independent expert medical advice have been obtained. The process took somewhat longer than had been anticipated.

Dr Colston's present medical condition and fitness to stand trial have been independently assessed. The medical evidence shows that Dr Colston's health has deteriorated since the prosecution was discontinued and this deterioration is expected to continue. His condition requires constant medical treatment and frequent hospitalisation. The review confirms Dr Colston is still unfit to stand trial and there is no prospect that he will become fit to stand trial.

The DPP discontinued the prosecution of Dr Colston because in the light of the medical evidence there was no prospect of this matter being able to proceed to trial. The review confirms this remains the position.

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