



DPP

Commonwealth Director of Public Prosecutions

7 August 2003

MEDIA STATEMENT

Dr Malcolm Colston

The Director of Public Prosecutions, Damian Bugg QC said today:

“The DPP has recently completed its review of this matter. This review has included Dr Colston being further medically examined. Whilst I am mindful of Dr Colston’s privacy, it is necessary for some limited information about his condition to be provided. Dr Colston suffers from a terminal condition, namely proven cancer of the bile ducts. This diagnosis and its terminal nature have been confirmed in the recent review. Dr Colston’s condition has deteriorated since the DPP reviewed the matter in 2001 and is expected to continue to deteriorate.”

The prosecution of Dr Colston on charges of defrauding the Commonwealth was discontinued on 5 July 1999 based on expert medical advice. The matter was subsequently reviewed in 2001 and the medical evidence showed that Dr Colston’s health had deteriorated since the prosecution was discontinued. In conducting the current review, the DPP has considered all previous medical reports as well as obtaining a number of reports from a different independent expert and further reports from Dr Colston’s consulting specialist. The review has been delayed by Dr Colston’s recurring complications and other medical problems.

The independent expert was of the view that it was impossible to predict with accuracy Dr Colston’s life expectancy. The DPP has been advised that Dr Colston has benefited from modern medical therapy and exemplary treatment and prognoses given previously about his life expectancy were at the time quite reasonable and consistent with the published material on the cancer from which he suffers.

Mr Bugg QC said:

“After assessing all of the medical evidence in this matter and the legal issues involved, I have concluded that there is no prospect of Dr Colston facing trial.”

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