



DPP

Commonwealth Director of Public Prosecutions

Damian Bugg AM QC

23 March 2006

MEDIA STATEMENT

The Commonwealth DPP, Damian Bugg QC, today responded to a media statement from Senator Joe Ludwig issued yesterday in which the Senator raised questions about the decision of the DPP to not prosecute “four members of the mafia” over an alleged conspiracy to import large quantities of cocaine into Australia, suggesting that the DPP’s reasons for “writing off the prosecution” on the grounds that “it would be too complex” were “spurious”.

“Senator Ludwig’s claims are based on recent media comments.” Mr Bugg said.

“My Office did receive some material from the AFP on this matter and provided some advice and suggestions on that material.

“However my Office did not decline to prosecute the matter because it was “too complex” Mr Bugg said. “The conclusion of my Office, at that time, was based on the available material, as outlined to us, and not any reluctance to prosecute on evidence which established the commission of the crime but may have constituted a case which was “too complex”” Mr Bugg said.

“Senator Ludwig also mentions matters in his media statement in support of his criticism of my Office and his reference to those matters disappoints me” Mr Bugg said.

“One matter is currently before the courts and I cannot comment about it, I have already told Senator Ludwig that in Senate Estimates.

Another matter (the Chen Long case) involved concerns about fishing activities where there was no evidence of the commission of an Australian offence and my Office carefully explored every available option. To be criticised for “rejecting the prosecution of that case” (to use the Senator’s words) is unfortunate and unhelpful to an objective consideration of the issues of this matter” Mr Bugg said.

“I would like to think that in this country we have not reached the stage where people in positions of responsibility expect my Office to sanction the apprehension and prosecution of someone when, after proper investigation, there was no evidence of the commission of an offence” Mr Bugg said.

“The other cases, to which the Senator referred in support of his argument, “the Viarsa” and the “Pong Su” prosecutions were both cases where juries, in two States, after long deliberations were not satisfied beyond a reasonable doubt of the guilt of the accused persons. To claim, as the Senator seems to, that these outcomes are “failed prosecutions” and a waste of public money and at the same time claim that prosecutions should be commenced in circumstances where there is no evidence of the commission of an offence appears to point to an internal inconsistency in the Senator’s statement. It may also imply criticism of the deliberation of juries in two cases where courts in this country have determined there was sufficient evidence of guilt for the matters to be left to those juries to consider verdicts.

Mr Bugg concluded by saying that “the Prosecution Policy of the Commonwealth, a Policy, which has been accepted by successive Governments for two decades, is applied consistently to all matters where a brief of evidence is presented to the Office of the DPP for consideration. The comments made by the Senator in his media release, were unfortunate and reflect unfairly on the hard work and dedication of the staff of my Office”.