



# DPP

## Commonwealth Director of Public Prosecutions

19 November 2010

### **MEDIA STATEMENT**

The Commonwealth Director of Public Prosecutions has considered a brief of evidence provided by the Australian Federal Police relating to alleged unlawful conduct of Mr Godwin Grech.

The allegations relate to an email that Mr Grech claimed to have received in connection with the “Ozcar” scheme as well as unauthorised disclosures of Commonwealth information.

The Director has released the following statement:

“This matter has involved complex factual, technical and legal issues. These have included issues relating to the rights and privileges of Parliament and matters personal to Mr Grech, including his state of health. For a prosecution to succeed all elements of any offence or offences under consideration must be capable of proof beyond reasonable doubt by admissible evidence. The Prosecution Policy of the Commonwealth requires that the evidence establish a prima facie case with reasonable prospects of conviction for a prosecution to be commenced. Where there are reasonable prospects of conviction, the Policy then requires consideration of public interest factors to determine whether the public interest requires a prosecution.

In coming to my own conclusions in this matter I have also had the benefit of advice from senior counsel from the private bar and from lawyers within my Office. This advice has addressed legal issues relating to criminal law, law relating to the Parliament and complex evidentiary issues.

I am satisfied that there are some alleged disclosures which meet the evidentiary requirements of the Prosecution Policy of the Commonwealth. These have been considered along with public interest factors including significant medical material relating to Mr Grech’s physical and mental health, both at the time of the alleged conduct and subsequently. The impact that this matter has already had on Mr Grech in terms of his health, employment and prospects has also been taken into account. I am not satisfied that there are reasonable prospects of proving criminality in relation to the other alleged conduct to the standard required by the criminal law.

In all the circumstances I have decided that the prosecution of Mr Grech is not warranted under the Prosecution Policy of the Commonwealth. I have advised the Australian Federal Police accordingly.”

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