



### Allegations from a Private Individual

Last Update: July 2014

Where a person writes to the CDPP alleging that an offence has been committed, a decision must be made on whether the matter should be referred to the AFP for investigation.

Factors to be taken into account may include:

- the source of the allegation, which may include a judge or magistrate who refers a matter that has arisen out of judicial proceedings;
- whether any previous complaints have been made;
- whether there has already been an investigation;
- the nature and seriousness of the offence alleged; and
- the likely result if inquiries are made.

There may be no basis for investigation if:

- no offence is disclosed by the information and any supporting material provided; or
- the public interest is against prosecution.

In such cases, the complainant should be informed that there is no basis for an investigation and that the matter will not be sent to the AFP.

However, if there is some doubt, the appropriate course, depending on the degree of doubt, will usually be either to refer the matter to the AFP or to inform the complainant of the appropriate investigating agency and leave it to him or her to decide whether to take the matter further.

If a Branch Head would prefer not to deal with an allegation because it arises from a matter involving the region (eg an allegation of perjury by a prosecution witness), then the matter may be referred to the Practice Group Leader to decide whether a Branch in another region that conducts work of the Practice Group, should assess the allegation. If the Branch in the other region sits within a different Practice Group then the Practice Group Leader will consult with the other Practice Group Leader and if necessary the DCU.