

POLICE — TUNG TRAN

5355. Ms M.M. Quirk to the Minister for Police:

I refer to the recent withdrawal of charges against Mr Tung Tran shortly due to go to trial, and I ask:

- (a) what was the reason for discontinuing the case;
- (b) when was the CCTV of the incident obtained by police;
- (c) when was the CCTV of the incident first viewed by WA Police;
- (d) when was the prosecution brief first referred to the Director of Public Prosecutions;
- (e) when was the CCTV footage first viewed by DPP officer/s;
- (f) were representations made to police or the DPP or directly to yourself to discontinue the case on the basis that Mr Tran was a victim and not an offender; and
- (g) if so, when were these representations received and when were they responded to?

Mrs L.M. Harvey replied:

- (a) A review by the WA Police Senior Solicitor and Prosecuting Services Division made the decision the prosecution would be discontinued due to no prospect of conviction as the charges could not be proved beyond a reasonable doubt.
- (b) 7 April 2015.
- (c) 6 April 2015.
- (d) The Office of the Director of Public Prosecutions (DPP) was not involved in the prosecution. The matter was conducted by WA Police, Police Prosecuting Division.
- (e) Not applicable
- (f) Yes
- (g) Prosecuting Services Division received correspondence from Mr Tran's legal representative, Nigams Legal – Barristers and Solicitors, dated 10 August 2015. The Senior Solicitor, Prosecuting Services Division, responded to Nigams Legal on 20 November 2015.