



# Inquiry into Annual and Financial Reports 2024–25

## Answer to question taken on notice

---

Asked by: Mr Shane Rattenbury MLA

Addressed to: Ms Victoria Engel SC

In relation to: Public Interest Test

Hearing: 12 November 2025

Uncorrected Proof Transcript pp 9–10

Transcript provided: 18 November 2025

Answer Due: 25 November 2025

Ms Engel SC took on notice the following question(s):

**MR RATTENBURY:** I want to come back to your observations around the public interest test and the revised approach to that. I am interested if any particular themes have emerged for you in that period. I accept that you are not getting specific data, but has it identified issues in the justice system that warrant further consideration?

**Ms Engel:** I might—to do justice to that question, I will take that on notice. There are—I think what it has identified is that it is in everybody’s best interest that interacts with the justice system for us to be looking at that test closely. Ideally, I would like our office and my office to have resources to be able to consider those sort of issues earlier.

Part of the issue is that public interest considerations do not always—are not always looked at until matters are already going through the system for some time. By that stage, as we all know, any interaction with the criminal justice system, especially if, for example, for a young person that is charged or any sort of delay for a victim is—creates additional stress.

So ideally, I would like to be able to have the resources to put in so my staff consider that part of the prosecution test in every single matter in an early stage. We do not currently have the resources to do that. There are probably themes that have emerged, but I will take that on notice and I will speak to my two deputies, the three of us are the ones who consider those the most, so I will come back to you on that.

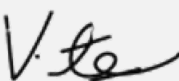
Victoria Engel SC: The answer to the Member's question is as follows:

Initial themes which have emerged, anecdotally, are:

- a. In the lead up to raising the age of criminal responsibility on 1 July 2025, the office considered public interest representations relating to young persons charged with criminal offending, where their charges would not continue following the raising of the age. The office considered each of these individually and made determinations based on the relevant factors set out in the Prosecution Policy on whether it was in the public interest to proceed. Several matters were taken out of the criminal justice process ahead of 1 July 2025.
- b. Since the raising of the age of criminal responsibility, the office continues to consider matters involving juvenile accused, particularly those interacting with the criminal justice system for the first time, and whether consistent with the Prosecution Policy, the matter should proceed through the Courts.
- c. Requests for discontinuance, both self-initiated within the office as well as from defence practitioners, of matters involving relatively low-level allegations, such as low value theft, as well as discontinuance for more minor offending where the alleged minor offence were alleged to have been committed several years prior. Again, the office approaches these requests on a case-by-case basis consistent with the relevant matters set out in the Prosecution Policy.
- d. Requests for discontinuance, both self-initiated within the office as well as from defence practitioners, of matters in the family violence space.

The broader theme that has emerged is a desire to have matters considered at an earlier stage. Regrettably, due to a serious ongoing funding deficit, the office is hampered in its ability to do so without appropriate base funding correction.

Approved for circulation to the Standing Committee on Legal Affairs

Signature: 

Date: 25 November 2025

Victoria Engel SC, Director of Public Prosecutions (ACT)