

interoffice

MEMORANDUM

To: MICHAEL BYRNE QC
DEPUTY DIRECTOR OF PUBLIC PROSECUTIONS

From: Simone Bain - SCP/LPM - ROCKHAMPTON

Subject: NEERKOL - CONSIDERATION OF JOINDER

Date: March 28, 1999

i have already briefly discussed with you the issue of joinder for the remaining 6 complainants for the matter of DURHAM. When I spoke with you, you agreed that there was no basis for joining the complainants, [or any combination of the complainants]. This memo and the attached summary and schedules should further clarify matters. I thought that I should formalise your agreement [or disagreement] with my joinder [or lack of joinder] given the difficult background of this matter. It may be that the complainants may take any disagreement with my decision, further.

As you are aware the matter of BAKER is also being mentioned next week for the Prosecution to provide the court with the proposed trial indictment. The matter of BAKER involves a total of 12 complainants. The charges for the various complainants cover the years from [approximately] 1961 - 1974. Although the year span for the offences for this accused is less than for the accused DURHAM [approximately 1948 -1975], the types of offences and manner in which the offences are committed are very diverse.

It will be my suggestion at the end of this memo that each of the complainants, for each of the accused, should be run as separate trials.

There is no issue of the joinder of the accused: they will remain separate from each other.

This potentially means a total of 18 trials. I also suggest that the complainants REDACTED [DURHAM] and REDACTED [BAKER] should be proceeded with as the next trial matters for each accused as these are the most serious charges. Since the matter involving the complainant AYB [DURHAM] has been completed, there remains no matter that should be recommended as the next case for reasons of the strength of the case.

... "Bain, I suggest you consider. I would
as indicated. 29.3.99