

# Adverse Mentions List

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The Adverse Mentions List (AML) is a list of NSW Police Force officers who have been adversely mentioned in court (including ICAC, LECC or NSW Crime Commission). DPP solicitors are meant to check this list to see if any of their police witnesses are on it and then disclose the adverse mention to the Defence. Unfortunately, most practitioners in NSW are unaware of the list and do not make the appropriate enquiries.

## GIPA Application

In 2018 I applied under the GIPA Act to access the AML. This was the response:

*'Information is held by the ODPP about officers who have been the subject of adverse mentions at judicial or quasi-judicial proceedings. The information is official information and it may not be used for a purpose other than that for which its use is authorised. The use is limited to identifying matters in which disclosure may be required by the ODPP to an accused where an officer whose name appears on the list is a material witness. The ODPP is unable to disclose this information other than in the manner set out above.'*

I understand that the DPP may have good reasons not to publish the list itself. But they should be able to provide details such as how many names are on it and how many disclosures they have made in the past year, two years and three years. Ultimately, they said I couldn't get the list under GIPA as it was 'excluded information' because it was part of their 'prosecutorial function'. I would have thought all their information was related to their prosecutorial function.

## Conclusion

The GIPA lady advised me by telephone that DPP solicitors should search the list and disclose any information to the Defence. If the Defence has any doubts they should write to the prosecutor and ask them to check. I pointed out that this is unlikely to happen as most solicitors are unaware that the list exists.

Now that you are aware of the AML, you would be negligent if you didn't ask the prosecutor to search the list and make disclosure as part of your routine enquiries regarding prosecution disclosure. For more on disclosure requirements, click [here](#).

Chris Nowlan  
Barrister-at-Law  
Ph: (02) 8251 0066  
[chris@chrisnowlan.com](mailto:chris@chrisnowlan.com)