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DPP SPEECH

Speech: By the Director of Public Prosecutions John Champion S.C

Launch: Sexual Offences Interactive Legal Education Program

Date: 20 April 2012

Venue: RACV Club

The Honourable Attorney-General Robert Clark, Justice Marcia Neave, Legal Services Commissioner Michael McGarvie, distinguished guests, ladies and gentlemen. Representing the Chief Justice may I also welcome Justice Paul Coghlan, past Director of Public Prosecutions for Victoria, and may I also acknowledge the presence of Gavin Silbert SC, the Chief Crown Prosecutor, and Craig Hyland, the Solicitor for Public Prosecutions.

Today we are here to launch a significant training program that demonstrates how important participants in our criminal justice system, even those on opposite sides of the bar table, can work together to deliver on an important and shared aim. That aim is to strive for professional excellence and contribute to a more effective criminal justice system - one that consistently delivers best practice in its handling of sexual offence matters.

Professional development on an individual and collective level can offer more than just opportunities for busy lawyers to accrue CPD points. It can, when delivered in a committed and sustained way alongside other initiatives, contribute to the reduction of delay and appellable error. Retrial rates in the area of sexual offences continue to be high. Unacceptable delay in the resolution of criminal cases continues to be an issue.

The criminal justice system faces many long standing and emerging challenges. Working together to deliver solutions and trying new and innovative ways of improving professional standards is but one effort among many that we can work towards in meeting some of these challenges.

The funding assistance that the Legal Services Board provided for this project represented powerful encouragement for the OPP and other agencies to think in an inspired way about what can be achieved in training, and the improvement of professional standards.



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As with many things new, initially there was some scepticism that the natural adversaries – prosecutors and defenders – could actually work together to undertake training in such a complex area of the law.

Together with the OPP, a number of representatives from key criminal justice agencies – many of whom are here this morning – have contributed their time and expertise generously to make this education program the best it can be. This has included representatives from the Department of Justice, the Judicial College of Victoria, Victoria Legal Aid, Law Institute of Victoria, the Criminal Bar Association, Victorian Bar, Victoria Police and the judiciary. I particularly thank the judges and magistrates who have unhesitatingly given their time and advice, and I acknowledge the presence this morning of Appeal Justice Marcia Neave, Her Honour Judge Pullen, and Deputy Chief Magistrate Felicity Broughton in this regard.

In the end we are all working towards delivering just outcomes to the community, whether it be affording victims a dignified voice in the criminal justice system, or ensuring accused persons receive a fair trial. This can only be done through constant nurturing and development of the legal profession so that we have the best possible advocates delivering justice to the community in this most sensitive area of the criminal law.

What has been achieved is an innovative, three stage pilot training program that will use the most up-to-date technology and modern adult learning principles to advance excellence in this complex area of the criminal law.

An example of the innovation is the use of avatar-based technology to create an on-line simulation of the cross examination of a child complainant – enabling an interactive learning experience about the most effective way to question vulnerable victims. The OPP has worked with one of the very few companies in the country who develop and deliver such training to high level professionals. The Stage One on-line learning module and supplementary manual is mobile device compatible so it can be accessed easily on an iPad.

We are now looking forward to the Stage Two workshops and the robust interactions that will be encouraged during those workshops through some challenging practical exercises.

These are some reasons why we have included a feedback stage in this program – it being designed to support barristers in their trial development.

There is even a 20 question quiz – I dare you to try it. I am not sure I have the courage to give it a go – at least until I have fully navigated the training package.

Prosecuting and defending sexual offence trials can be a challenging task and at times it can be emotionally testing even for the most robust of professionals. We should therefore pause and reflect briefly on how



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difficult it can be for victims and accused, and their families, moving through the criminal trial process. In this regard there is a high cost, emotionally and financially, in having to re-visit cases allowed on appeal.

Thus, it is hoped by those involved in its development that the outcomes of this training package will include:

- adoption of a best practice approach to advocacy and case preparation
- increased knowledge, skills and confidence of both prosecution and defence lawyers
- more awareness and consistent application of the sexual offence legislation and procedures
- an increased awareness, sensitivity and responsiveness to the needs and experiences of victims.

One of the great accomplishments of leading this initiative is that so many professionals across many fields and organisations have come together as a multi-disciplinary team to bring this program to life. We should all be pleased that co-operation of this kind can be achieved between what are frequently competing agencies in the forensic sense, while not causing compromise to just outcomes.

The next step is encouraging solicitors, barristers and police prosecutors to make the most of what is on offer. This training is free of charge for the duration of the pilot program. The pilot will be evaluated thanks to the additional and important funding of the Victoria Law Foundation. We hope that evaluation will provide the pathway to future support for this sort of intensive training.