Dealing with allegations of sexual assault

Sexual Offences

The Law in Victoria

What You Should Know

Written by Bill Doogue and Kristina Kothrakis
Index

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Introduction</td>
</tr>
<tr>
<td>4</td>
<td>The Authors</td>
</tr>
<tr>
<td>5</td>
<td>Fundamental Rights</td>
</tr>
<tr>
<td>5</td>
<td>Beyond Reasonable Doubt</td>
</tr>
<tr>
<td>6</td>
<td>The Position of the Accused in a Sex Offence Case</td>
</tr>
<tr>
<td>7</td>
<td>Implications For Teachers</td>
</tr>
<tr>
<td>8</td>
<td>Types Of Sexual Offences</td>
</tr>
<tr>
<td></td>
<td>8  Rape</td>
</tr>
<tr>
<td></td>
<td>8  Sexual Assault</td>
</tr>
<tr>
<td></td>
<td>8  A Case Study - Sexual Penetration of a Child Interview</td>
</tr>
<tr>
<td>9</td>
<td>Child Sex Offences</td>
</tr>
<tr>
<td></td>
<td>9  Sexual Penetration of a Child under the age of 16</td>
</tr>
<tr>
<td></td>
<td>9  Sexual Assault of a Child under the age of 16</td>
</tr>
<tr>
<td></td>
<td>9  Child Abuse Material Offences</td>
</tr>
<tr>
<td></td>
<td>9  Supervision Offences</td>
</tr>
<tr>
<td>10</td>
<td>Investigative Techniques - Pre Interview</td>
</tr>
<tr>
<td></td>
<td>10  Pre-Text Calls</td>
</tr>
<tr>
<td></td>
<td>10  Phones</td>
</tr>
<tr>
<td></td>
<td>10  Computers</td>
</tr>
<tr>
<td></td>
<td>10  Forensic Procedures</td>
</tr>
<tr>
<td>11</td>
<td>Investigative Techniques - The Interview</td>
</tr>
<tr>
<td></td>
<td>11  Police Officer Training</td>
</tr>
<tr>
<td></td>
<td>11  DVD Footage</td>
</tr>
<tr>
<td></td>
<td>12  Historic Cases</td>
</tr>
<tr>
<td></td>
<td>12  Attending a Police Station</td>
</tr>
<tr>
<td></td>
<td>13  Arrested or Questioned Regarding a Sex Offence - Your Rights</td>
</tr>
<tr>
<td></td>
<td>14  Interview Advantages and Disadvantages</td>
</tr>
<tr>
<td></td>
<td>14  Advantages</td>
</tr>
<tr>
<td></td>
<td>14  Disadvantages</td>
</tr>
<tr>
<td></td>
<td>14  A Case Study - Sexual Assault Interview</td>
</tr>
<tr>
<td></td>
<td>15  Information That May Assist You in Making a Decision</td>
</tr>
<tr>
<td></td>
<td>15  A Case Study - Sexual Penetration of a Child Trial</td>
</tr>
<tr>
<td>16</td>
<td>The Importance of Witnesses - Their Rights</td>
</tr>
<tr>
<td></td>
<td>16  Compulsory Examination</td>
</tr>
<tr>
<td></td>
<td>17  A Case Study - Witness Statement in a Sexual Assault</td>
</tr>
<tr>
<td>18</td>
<td>The Criminal Procedure Act</td>
</tr>
<tr>
<td></td>
<td>18  Committals</td>
</tr>
<tr>
<td></td>
<td>18  Evidence Concerning the Complainant’s Sexual History</td>
</tr>
<tr>
<td></td>
<td>18  Use of Pre-Recorded Evidence</td>
</tr>
<tr>
<td>20</td>
<td>Compensation Claims</td>
</tr>
<tr>
<td></td>
<td>20  Victims Of Crime Assistance Act 1996</td>
</tr>
<tr>
<td></td>
<td>21  Sentencing Act Application</td>
</tr>
<tr>
<td></td>
<td>22  Civil Claim For Damages For Pain And Suffering</td>
</tr>
<tr>
<td></td>
<td>22  Restraining Orders</td>
</tr>
<tr>
<td>22</td>
<td>The Sex Offender Registration Act</td>
</tr>
<tr>
<td></td>
<td>22  What is the Purpose of the Register?</td>
</tr>
<tr>
<td></td>
<td>22  The Classes of Offending</td>
</tr>
<tr>
<td></td>
<td>22  Who Gets Registered?</td>
</tr>
<tr>
<td></td>
<td>23  Reporting Obligations</td>
</tr>
<tr>
<td></td>
<td>23  A Case Study - Breaching Sex Offenders Registry Act Obligations</td>
</tr>
<tr>
<td></td>
<td>24  What Are Reporting Obligations?</td>
</tr>
<tr>
<td></td>
<td>24  Failure to Comply</td>
</tr>
<tr>
<td></td>
<td>24  Employment Restrictions</td>
</tr>
<tr>
<td></td>
<td>24  Travel Restrictions</td>
</tr>
<tr>
<td>25</td>
<td>Preparation of Defended Sex Offence Cases</td>
</tr>
<tr>
<td>26</td>
<td>Appearance Before Royal Commissions</td>
</tr>
<tr>
<td>27</td>
<td>What Will Happen at Court</td>
</tr>
<tr>
<td>28</td>
<td>Pleading Guilty to Sexual Offending</td>
</tr>
<tr>
<td></td>
<td>28  What are the Issues on a Plea of Guilty to Sexual Crimes?</td>
</tr>
<tr>
<td></td>
<td>28  What is the Point if I am Pleading Guilty?</td>
</tr>
<tr>
<td>29</td>
<td>Standard Sentencing For Sexual Offences</td>
</tr>
<tr>
<td></td>
<td>29  How Does it Work?</td>
</tr>
<tr>
<td></td>
<td>29  What Are The Standard Sentences For a Single Charge?</td>
</tr>
<tr>
<td>30</td>
<td>Legal Advice</td>
</tr>
</tbody>
</table>
Introduction

Defending sexual offences can be very complex. Each case is diverse and distinct to each individual’s circumstances. One common element is that it is a stressful time for everyone involved and the accused must seek advice from legal professionals who understand how the law applies to their situation.

The information contained within this document is designed to give an accused person specific knowledge about the law in Victoria regarding allegations of a sexual nature.

It is intended to provide a broad overview and does not constitute legal advice. Anyone facing allegations should seek immediate legal advice, in person, from a criminal lawyer.

The Authors

Bill Doogue  Partner
Accredited Criminal Law Specialist

“We’re not here to be bystanders, we’re here to win for our clients and unless you have that drive to succeed for your client, you can’t help them properly.”

Bill Doogue has over 25 years experience as a defence Lawyer and has been an Accredited Criminal Law Specialist for almost 20 years. He was awarded a Law Institute of Victoria Service Award in 2013 and has been listed by Doyles Guide as a pre-eminient criminal lawyer for a number of years.

Bill oversees most of the major criminal trials and has appeared for and advised current and former Liberal and Labour Politicians from both State and Federal parliaments ans has acted for high ranking church officials at a number of hearings at the Royal Commission into Institutional Responses to Child Sexual Abuse.

Bill particularly enjoys the strategic challenges that come from being involved in matters before any charges are laid and where the aim is to make sure the client’s narrative is clearly expressed.

Kristina Kothrakis  Partner
Accredited Criminal Law Specialist

“We listen to what our clients want to achieve, understand their objectives and work tirelessly to achieve the best outcome. That, along with a strong case theory, well supported by evidence is absolutely fundamental to success.”

Kristina Kothrakis works closely with her clients to understand what their objectives are and works tirelessly to try and achieve that end goal.

Kristina has great success in having charges withdrawn and with achieving non-conviction outcomes at Court. She understands that being charged by police and appearing at Court can be very daunting, so good communication, sound advice and being well prepared are crucial.

When representing clients with jury trials, she believes that a strong case theory, well supported by evidence, is absolutely fundamental to success. Kristina works closely with Counsel who are briefed based on their suitability for the particular case,utilising both our in-house Counsel and also barristers from the Victorian Bar.
Please note that the contents of this document may be difficult to process due to the sensitivity and gravity of the subject matter. It is not intended as light reading but may contain information that could change the course of an investigation for the accused.

Not every allegation is true. The experience of Courts and lawyers is that false and mistaken allegations are made and come before the Courts all the time.

Some people commit offences and accept responsibility for what they have done.

Others deny responsibility. Innocent people are wrongly accused.

All require and deserve proper legal representation.

Fundamental Rights

Our legal system functions under certain rules. One of those rules is that our system is an accusatory system: Those that accuse must prove. The accusatory system means that we never have the unfair situation where someone must prove their innocence.

What is special about our system, making it quite different from other systems is that we recognize that things can go wrong. Our legal system has developed historically to ensure the balance of risk falls in favour of the accused person – if our system is going to go wrong it is better that no innocent person be convicted.

**Our system is designed to protect the innocent person.**

**The benefit of the doubt must go to the accused.**

One aspect of this is the presumption of innocence. An accused is presumed innocent until guilt is proven beyond reasonable doubt by the prosecution. Practically speaking, jurors should act as if someone they knew – a loved one or a friend – was accused of a crime. They should hold a firm, unshakeable view that the person was innocent until they have heard all of the evidence and change that view if, and only if, proof beyond reasonable doubt was presented that the person was guilty.

The presumption of innocence is a principle of which we as a society can be proud. Our society and its freedoms are built on the back of a legal system that has that principle as its foundation.

Beyond Reasonable Doubt

Beyond Reasonable Doubt (BRD) is the standard of proof that the prosecution must meet in criminal cases. It is the highest standard known to the law and it only makes sense that this standard is applied in criminal trials. It is a serious business to decide the guilt or innocence of a person.

This standard ensures that innocents are not found guilty.

Beyond Reasonable Doubt can be distinguished from the other legal standard, the balance of probabilities. This is the standard in civil cases. In those cases 51%, more likely than not, is enough.

**In a criminal trial, much more is required.**

Possibly guilty, probably guilty is not enough.

**Proof beyond reasonable doubt is required.**

If a jury thinks there is even a possibility that someone is innocent then they must acquit.
The Position of the Accused in a Sex Offence Case

Despite these fundamental protections, someone accused of committing a sexual offence is in a very difficult position. Almost without fail, a conviction for a sexual offence will result in a term of immediate imprisonment and likely registration as a sex offender.

Make no mistake, the Police are determined to secure a conviction and imprisonment in almost all of these cases.

Sexual offence allegations carry a great deal of social stigma. Many people are judged and ostracized before they have even been charged by the Police – let alone have their cases heard by the courts.

While there is a formal presumption of innocence, there is often a social presumption of guilt. These kinds of allegations can be hard to defend because of the stigma that they carry.

Sometimes allegations are made about events that are said to have happened years ago, sometimes decades. An accused facing such allegation is at a serious disadvantage. Often all they can do is deny the events. They have lost the chance to answer the charges in detail and to make their own investigation of the surrounding circumstances.

Historically sexual offences have been under-reported. The Police and the law have done much to change the culture of how these offences are investigated and dealt with. There are now specialist Police units who are trained in and specialise in dealing with sexual offences.

While these changes are worthwhile, a result of the new Police culture is that complainants are rarely challenged or questioned. When an allegation is brought to Police, in many cases they do not investigate to uncover the truth, but to build a case around the allegations they are presented with. In those circumstances it is vital that your own legal team makes their own enquiries about the surrounding events and investigates as thoroughly as possible.

Discuss the allegations with your employer.

Contact your union representative and discuss your situation.

Seek legal advice immediately.

Your lawyer will advise and support you.

These cases can be successfully defended but they are complex, intricate and stressful matters. You need the best possible legal team on your side.
Implications For Teachers

The implications for a teacher who has an allegation of committing a sexual offence made against them are immense and life shattering. The teacher will be suspended from their job. The fact of the allegation will be communicated to the school and the Department of Justice (who deal with Working With Children Checks) by the Police.

A person is likely to receive an interim negative notice from the Working With Children Check authorities and be asked to explain why they should not receive a negative notice. Following an explanation being offered, ordinarily a person will then receive a negative notice lasting 5 years, just on the basis of the allegation.

If a person successfully defends the charges this is considered a change of circumstances that will allow them to reapply for a check.

If you have been charged or interviewed it is generally wise to contact your principal and advise them immediately of your situation.

As a teacher it would be expected and understandable that the institution you work for will have to suspend you until the trial is over.

In essence a person's life is put on hold until they have successfully defended the charges. If they are not successful, their career is over. These drastic consequences mean that a person must keep their attention on the most important part of the process – the determination of the charges through the criminal case.

If a registered teacher is charged with a sexual offence as defined in the following section (generally offences involving children under 18), the Victorian Institute of Teaching may suspend the registration of the teacher without inquiry.

Registered teachers are required to advise the VIT if they are committed for trial within 30 days.

A teacher's employer and the Chief Commissioner of Police must notify the VIT upon becoming aware that a teacher has been charged with, committed for trial, found guilty or convicted of a sexual offence.
Types Of Sexual Offences

Major sexual offences in Victoria are contained in the Crimes Act 1958. The major sex offences are:

Rape
Rape is the intentional sexual penetration of a person without their consent. The penetration must be done while aware that the other person is not or might not be consenting or without giving the matter any thought. Rape may also occur when a person fails to withdraw upon becoming aware that a person is not consenting.

The maximum penalty for the charge of rape is 25 years imprisonment. Standard sentencing now applies to this offence. The standard sentence is 10 years. This is a category 1 offence which means that a term of imprisonment must be ordered unless special reasons exist.

Sexual Assault (formerly Indecent Assault)
A person commits sexual assault if they touch another person in sexual circumstances, while the other person is not consenting and without a reasonable belief that the other person is consenting.

“Touching” may be done with any part of the body or with anything else or through anything including anything worn by the person doing the touching or by the person touched.

Touching may be “sexual” due to the area of the bod touched or used in the touching, the fact that the person doing the touching seeks or gets sexual arousal/sexual gratification or any other aspect of the touching, including the circumstances in which it is done.

The maximum penalty for the charge of indecent assault is 10 years imprisonment.

A Case Study - Sexual Penetration of a Child Interview

In a case that resolved in 2013, our client was investigated for the charge of Sexual Penetration of a Child.

He discussed the matter with us, then proceeded with the interview, answering all questions.

The client was highly articulate and astute, however this course was only taken after much discussion.

After the interview, we were able to dissect what had been asked and provide a list to the investigators of material they should pursue if the investigation was to be fair. To their credit they took on board our suggestions and the matter concluded without proceeding to charges.

Due to the nature and sensitivity of sexual allegations, it can seem like a good idea to omit certain details in an interview, in fear of judgement or embarrassment. You should always seek legal advice prior to the interview to ensure you are well-prepared.
Child Sex Offences

Sexual Penetration of a Child under the age of 16

This is the offence for committing an act of intentional sexual penetration of a child under the age of 16. The maximum penalty differs depending on the age of the child.

If the child is aged under 12, the maximum penalty is 25 years imprisonment. The standard sentence is 10 years. This is a category 1 offence which means that a term of imprisonment must be ordered unless special reasons exist.

If the child is aged 12-16 years and is under the care, supervision or authority of the accused, the maximum penalty is 15 years imprisonment.

If the child is aged 12-16, the maximum penalty is 10 years imprisonment. The standard sentence is 6 years.

Sexual Assault of a Child under the age of 16

As per the definition of sexual assault, where it is committed against a child under the age of 16. There is one additional element with this offence which is that the sexual touching is contrary to community standards of acceptable behaviour. Whether or not the touching is contrary to community standards of acceptable behaviour depends on the circumstances including the purpose of the touching and whether the person seek or gets sexual arousal/sexual gratification from the touching.

The maximum penalty for indecent act with a child under 16 is 10 years imprisonment.

The standard sentence is 4 years.

Child Abuse Material Offences

Child Pornography constitutes a film, photograph, publication or computer game that describes or depicts a person who is, or appears to be, a minor engaging in sexual activity or depicted in an indecent sexual manner or context. A minor is anyone under the age of 18.

The maximum penalty for the charge of production of child abuse material is 10 years imprisonment.

The maximum penalty for the charge of possession of child abuse material is 5 years imprisonment.

The maximum penalty for the charge of access child pornography material using a carriage Service is 15 years imprisonment.

The maximum penalty for the charge of make available child pornography material using a carriage service is 15 years imprisonment.

Supervision Offences

There are increased penalties for circumstances where someone is under the care, supervision or authority of an accused. Without limiting the definition, a child is under care, supervision or authority if the accused is:

- The child's teacher;
- The child's foster parent;
- The child's legal guardian;
- A minister of religion with pastoral responsibility for the child;
- The child's employer;
- The child's youth worker;
- The child's sports coach;
- The child's counsellor;
- The child's health professional;
- A member of the Police force acting in the course of his or her duty in respect of the child;
- Employed in, or providing services in, a remand centre, youth residential centre, youth justice centre or prison and is acting in the course of his or her duty in respect of the child.

The maximum penalty for the charge of sexual assault of a 16 or 17 year old child who is under care, supervision or authority is 10 years imprisonment.

The maximum penalty for the charge of indecent act with a 16 or 17 year old child who is under care, supervision or authority is 5 years imprisonment.
Investigative Techniques - Pre Interview

The Police use a number of investigative techniques in order to build their cases. It is important to be aware of these techniques.

Pre-Text Calls

One technique commonly used in sex offences cases is known as the pre-text call.

Police provide the complainant or another person with a recording device and leave them in a room to call the accused. The complainant confronts the accused with a view to having them make admissions to the offences. Sometimes an accused is told – “just say sorry,” or “just admit what you have done and things won't go any further.”

Natural human reaction is to talk to someone and try and find out what they are alleging and discuss the details. This process can often be damaging or misunderstood. It is crucially important if falsely accused to be insistent and forceful in your denials.

Pre-text calls occur in the majority of cases.

Your phone may contain relevant data including GPS locations, text messages and images.

Often, the Police will have a subpoena and take your computers and digital files.

Phones

Information and data obtained from mobile phones can be important in many ways. Call Charge Records (outgoing calls) and Reverse Call Charge Records (incoming calls) can prove contact between people. A person’s rough location at a point in time of making a call can be determined by checking which mobile phone tower the call has been processed through.

Police can obtain warrants to intercept a person’s phone calls. Sometimes a person is arrested or interviewed and then their calls are monitored afterwards to see if they talk to others about the offence.

Data recovered from phones – text messages, deleted messages, images and GPS locations could all be relevant to a case. In these circumstances a phone might be seized from a person and held for the duration of the case.

Computers

Wherever they can Police will also seize all of the computers in your house looking for relevant material or child pornography. When this happens the computers can take a long time to be analyzed and are often held for the duration of a case. When a person has important personal information or financial records on computers this material can be lost or unavailable for a long period of time, causing great inconvenience.

Make sure you keep a back up copy of important data where you will continue to have access to it.

Forensic Procedures

Forensic evidence indicating the presence of saliva or semen as well as fingerprint and DNA analysis can also be highly important in sex offence cases.
Investigative Techniques - The Interview

The interview is one of the most important parts of the process in a sexual charges investigation. Most people mistakenly believe that it is a search for the truth of the alleged events. **It is not.**

The Police have an allegation and they are trying to find admissible evidence to use in mounting a successful prosecution and therefore putting you in gaol. That is how it will be. Do not confuse giving evidence to the Police with any obligation you might feel to your employer.

After the matter has been referred to the Police your obligation is to deal with your matter in the way that gets the best outcome whether it is as a plea of guilty or as a plea of not guilty. A Police officer or lawyer would not be confused by this process. They would get legal advice and then decide on the best course of action.

Often the Police will try to get a person to talk as much as possible. They know what they can already prove and they want a mistaken answer so they can prove to a jury that you are a liar.

The fact may seem of no importance (i.e. the type of car you were driving that year) but by the time it is dressed up for a jury, it will be used by the prosecution to try to prove your dishonesty. **This is why the decision about what you say in an interview is so important.**

There is nothing to stop you not answering questions and then taking the time to think about the allegations and then returning to give a statement. Anyone who tells you this is your only chance to answer the allegations is lying to you.

**Police Officer Training**

Sexual Offence Crime Investigators are highly trained in interview techniques. They understand how you take a small factual mistake and build it into a big point. They are accustomed to interviewing people and do it on a very regular basis.

They will ask you questions that they know will not be allowed in evidence against you, and that you are not required to answer such as, “Why would she make it up?”.

The aim of those questions is just to make you uncomfortable. Obviously you do not know what is running around in someone else’s mind.

**DVD Footage**

The interview will be on DVD. If you provide answers to questions, this DVD will ultimately be played before a Jury. It is worth thinking about how you are dressed and, if you are a man who is usually cleanshaven, having a shave before an interview. Wear formal clothing as it will be played to a jury if you talk in the interview and the jury will be assessing your demeanour and appearance.

Unfortunately, the interview process is harder for people with speech impediments and/or extreme anxiety about the allegations. This might be a factor in deciding whether to provide answers in an interview.

**Always remember the bottom line is that they are charging you.**

You do not have to say or do anything that can be used against you. The Police have enormous resources that they will bring to bear against you, so do not help them to convict you.
Historic Cases
This is a subset of allegations where you would, by and large, never talk in an interview.

Often, the allegations are so hazy and wrong that people think they should explain the problem, "But, I didn’t even live in Melbourne in 1982!".

Then they are very surprised when there is a further statement from the complainant by the Police, where it is said, that on reflection, the alleged event occurred in 1983.

All an interview would serve to accomplish is to help the Prosecution. Remember if they make the allegations, then they must prove them. They are not bound by what they initially allege against you and can change the nature of the allegations at any stage. Don’t give them a reason to change them.

You will not find a specialist criminal lawyer who has not seen the above happen on many occasions.

The very unfortunate nature of this statement moving is that it is naive people who have had no previous involvement with the Police who do not see it coming.

Attending a Police Station
If you are attending an interview at a Police station for a sex matter, then take note of the following points, this information might just change the outcome for you:

- **Prepare to wait around!**
  The Police will make you wait. Often in the interview room and often for hours. Some because they know it will stress you further. Some because they don’t like you. Some because they genuinely do have other matters to attend to.

- **Having a lawyer does help.**
  These tactics are often moderated when you are accompanied by a lawyer. It is harder to bully someone with a lawyer.

- **Your commentary in the interview does not affect your prospects of bail.**
  Countless times we find that clients have been advised that if they don’t talk in the interview they won’t get bail. If you attend with a lawyer that sort of comment is never made, primarily because it isn’t true.

- **Your lawyers will hear and notice things that you won’t.**

Having a lawyer with you at an interview introduces us to the investigators and we can often pick up interesting information about the allegations.

There is one downside of having a lawyer with you and that is simply expense. Only you alone can justify the expense of legal representation versus the cost and consequences of the allegations being brought against you.

Even if you are going to do a **no comment** interview, bear the above in mind when determining whether to have a lawyer accompany you to an interview.

There can be no question that you need proper advice prior to the interview.

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You will need **proper legal representation** if you are charged with a sexual assault.
Arrested or Questioned Regarding a Sex Offence - Your Rights

Normally, you will be placed under arrest prior to the interview process beginning. Once you have been detained, the Police are required by law to comply with the following safeguards:

- As soon as practicable after you have been detained, the Police are to caution you and provide you with a summary of your rights and certain Police powers;
- Before any investigative procedure starts, they must inform you orally and in writing that you are able to communicate with a friend, relative, independent person or legal practitioner. In certain circumstances they can refuse to let you make a call.
- The Police must provide you with reasonable facilities to communicate with a friend, relative, independent person or legal practitioner if you request. Police should defer any investigative procedure which you are to participate until the independent person or legal practitioner arrives at the Police station;
- You should be advised that a friend, relative, independent person or legal practitioner is seeking information about the whereabouts of the detained person.
- You have the right to an interpreter.
- You have the right to medical attention.
- You have the right to reasonable refreshments and facilities.
Inter​view Advantages and Disadvantages
The decision as to whether to take part in an interview is often a difficult one to make and there are often advantages and disadvantages of doing so. Each case is unique and our advice often varies from case to case whether someone should take part in an interview or not.
There are no unfavourable inferences in Court from a no comment interview.
No unfavourable inference can be drawn from a person asserting their right to silence by not answering questions in the course of official questioning. That is where no comment is stated to every question. Selective answering of questions (i.e. answering some and not others) can be used against you.
What that means is should you answer no comment to all questions asked, the record of interview has no evidentiary value and will ultimately not be played to a jury. It is essentially neutral.

Advantages
- Your denial, if accepted, may mean that Police do not charge you with a criminal offence. In sexual offence cases this is not generally the case. It generally comes down to one person making an allegation and that being enough evidence to prosecute on.
- Your version may be more readily accepted by the Court because you told the Police what you knew at the time of your arrest and before seeing the witness statements.
- The Court must take into account your remorse when sentencing you.

Disadvantages
- Police often don’t have substantial evidence against a suspect to prove the offence at the time of questioning. You may say something that will help the Police prove the case against you.
- Providing a version of events to Police often will not influence the Police Officer’s decision to issue a Court attendance notice or not.
- The interview process can often be very stressful and this may lead you to be confused or mistaken about what actually occurred. Often, suspects who are interviewed will give an incorrect version of events and after reading the witness statements they remember what occurred. It is always difficult for an accused person to convince a Court that they were mistaken about the facts and have not changed their evidence to support their case.
- If you are going to implicate others in the crime, there may be repercussions. Especially if you are likely to remain in custody.

A Case Study - Sexual Assault Interview
Our client was being interviewed for a Sexual Assault. We discussed, at length, his rights and how the interview could impact the outcome of the matter. It was decided in this case that the client should answer all questions.

At the end of the process we then handed the investigators a chronology of the events and a number of documents that referred to the complainant and her behaviour.

This provided the investigators with a number of other witnesses who would substantiate that it was believed the complainant had serious mental health issues and was a liar.

This was a rare case where it was deemed favourable to answer questions in an interview. This decision was made after much consideration and strategic preparation.
Information That May Assist You in Making the Decision

You or your solicitor may be able to obtain information from the Police Officer investigating your matter. Details in respect of the following matters may assist you making this decision:

- Whether participation in a record of interview will effect their decision re issuing charges.
- The evidence the Police have against you.
- Whether you are likely to be granted bail.
- Authorisation process for a brief

Because of the increasing focus on sexual offence allegations the Police are handling them differently from most allegations.

The Informant from a Sexual Offences Unit will compile a brief of evidence with all the admissible statements and other evidence. This will normally include;

- The complainant’s statement;
- The complaint witnesses (i.e. the person they told their allegations to);
- The informant;
- Other investigating officers;
- A transcript of the questions and answers in the interview.

The brief will then be given to a Senior Officer to authorize. They will make suggestions about who else to get statements from or how statements should be changed. This may result in another round of statements being taken from people.

Once that process is completed the brief is given to a different Senior Officer to finally authorize. That Officer will also will make suggestions about who else to get statements from or how statements should be changed. Again this may result in amended or different statements being taken from people.

If nothing else, an accused person should look at this process as an indicator of the amount of effort the Police are going to put into convicting them of an offence.
The Importance of Witnesses - Their Rights

Sexual offence allegations often arise within family or social environments. People who might be witnesses in a case are often well known to each other.

**It is important to understand that there is no general obligation upon people who might be witnesses to provide information to Police or make witness statements.**

When taking witness statements from people, Police confine witnesses to matters that the Police think are relevant to the case – that is matters that support their case and are to be used against the accused.

A person may choose not to make a statement or may choose to obtain their own legal advice before making a statement. We can organize for potential witnesses to receive legal advice from independent solicitors who can also help a witness prepare their witness statement on issues that the witness thinks are relevant to the case, free of the influence of the Police. A spouse or family member of an accused may have a right not to give evidence against an accused. It is important to receive advice about these rights before giving a witness statement.

**Compulsory Examination**

If a person refuses to make a statement to Police, the Police can apply for an order that the person attend Court and be questioned by Prosecutors about what they know. This whole process is recorded and transcribed and this can often be a superior way to provide information to Police. In this process a person can give the evidence they want and it is obvious what is being avoided and not asked about by Prosecutors.

The Police informant must provide the following information to the Court when applying for a compulsory examination order:

- Whether the person sought to be examined has been asked by the prosecution to make a statement and has refused to do so; and
- Whether the informant is aware of whether the person sought to be examined has obtained legal advice concerning the proposed examination; and
- Whether the person sought to be examined is or has been a suspect with respect to the matters to which the proposed examination relates; and
- Whether the person sought to be examined has been made aware of the application; and
- Any other information prescribed by the rules of court (CPA 2009 s103)
The power to order a compulsory examination hearing is not one to be exercised merely on the request of the informant. He or she must satisfy the Court that it is in the interest of justice to make the order. This process is designed to safeguard the use of coercive examination powers, which are not to be exercised lightly. The accused is not a party to the application. The information should demonstrate the relevance of the evidence he or she seeks, the scope and purpose of the proposed questions and how those questions relate to the facts in issue. An application may be made with or without notice to the accused person.

If a hearing is granted, the informant must give notice of the hearing to the accused. The accused is entitled to be present when the compulsory examination hearing takes place but is not entitled to cross-examine the examinee and is not entitled to address the court unless the Court finds that there are exceptional circumstances.

The examinee must attend a compulsory examination hearing as if he or she was validly served with a witness summons. He or she is entitled to be represented at the hearing, and his or her counsel may address the Court.

If a thorough statement has been provided by a witness through a solicitor it would be difficult for the prosecution to obtain an order for their compulsory examination.

Witnesses cannot be forced to give a statement to the Police **straight away**.

Witnesses can give a statement to **their own lawyer**.

It is important that witnesses **do not sign anything they do not 100% believe to be true**.

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**A Case Study - Witness Statement in a Sexual Assault**

A client was being investigated for a Sexual Assault. His wife had evidence that the allegations were not true. She had expressed concerns about giving a statement, fearing that the Police would twist her words to use them against her husband.

It was our advice that she should see a lawyer independent of us and give them her statement of the truth.

She saw a lawyer from another firm and presented her evidence.

The charges against our client did not proceed. It is our belief that the witness statement provided to the independent lawyers contributed to the evidence in favour of the accused.
The Criminal Procedure Act

The Criminal Procedure Act (the CPA) contains special provisions for cases involving charges of sexual offences.

Committals

When adult complainants give their evidence at a committal hearing the Court must be closed. If a complainant (the person making the allegation) was a child when the proceeding commenced or is a person with a cognitive impairment then an accused no longer has a right to cross-examine them at committal.

One of the purposes of a committal hearing is to test the evidence of a witness and to record a version of their allegations. The consistency of the evidence given by a witness can then be used by the jury in assessing the witness' truthfulness.

This assessment proceeds from the principle that someone telling the truth continues to tell the same story. The loss of opportunity to cross-examine a complainant at committal, in effect the loss of the ability to test evidence by requiring a person to tell their story more than once, is a significant disadvantage for an accused person.

Evidence Concerning the Complainant's Sexual History

Courts must not admit evidence or allow any questions regarding the complainant's general reputation for chastity. Unless the Court grants leave, the complainant must not be cross-examined and the Court must not admit evidence regarding sexual activities of the complainant other than those relating to the offences charged.

Evidence to suggest promiscuity; or that the complainant was accustomed to engaging in sexual activities; or had freely engaged in other sexual activity with the accused or another person is not admissible to support an inference that the complainant was the kind of person who is more likely to have consented to the sexual activity in the offences charged.

Use of Pre-Recorded Evidence

Pre-recorded evidence is often used in sexual offence cases:

VARE Procedure:
The evidence-in-chief of a child or cognitively impaired complainant in a proceeding for a sexual offence or an indictable offence involving assault, injury or threat of injury. Evidence is given in the form of a recording of the witness answering questions put to them by a prescribed person, usually a Police officer. This means the witness does not need to make their allegations in evidence at Court. The recording of them talking to Police is used instead. The recording is played to the witness and they are simply asked if it is true. The result is that a witness only needs to make their allegations once.

Special Hearing Procedure:
This procedure is used for the whole of the evidence of a witness who was a child when the proceeding commenced or of a cognitively impaired complainant in a proceeding for a sexual offence. This procedure incorporates the VARE procedure. Evidence in chief is given through the VARE and then the cross-examination of the complainant is recorded. The recording is played to the Jury as the evidence. The Act also now allows for the Court to order that the special hearing be recorded during the trial. The trial court must hold the special hearing within 3 months of the day on which the accused is committed for trial if the complainant is a child or is cognitively impaired. The court may extend this time if it is in the interests of justice to do so because of exceptional circumstances.

The Court may extend the time limit on multiple occasions.

During a special hearing:
- The complainant must give evidence by closed-circuit television or other similar facilities;
- The room where the complainant gives evidence is taken to be part of the courtroom while the complainant is giving evidence;
- The accused must not be in the same room as the complainant when the complainant is giving evidence;
- The accused and his or her legal practitioner must be present in the courtroom;
- The accused must be able to see and hear the complainant while the complainant is giving evidence;
- The accused must be able to communicate with his or her legal practitioner;
- Only people authorised by the court may be present in the courtroom or the room where the complainant is giving evidence during the special hearing;
The Court may waive the use of the special hearing procedure and direct that the complainant give evidence in person on the application of the prosecution if the Court is satisfied the complainant is aware of the right to use the special hearing procedure, is able and wishes to give evidence in person.

**Previous Trial Evidence:**
Division 7 of Part 8.2 of the CPA allows a Court to admit a recording of a complainant who gave evidence in other criminal proceedings regarding a sexual offence. This provision operates as an exception to the hearsay rule. It was introduced to complement the special hearing process and reduce the trauma on adult complainants if there are a number of separate trials or if a new trial is ordered due to an appeal or a mistrial.

**Alternative Arrangements for the giving of evidence:**
The CPA specifies that the Court may direct that a witness give evidence in accordance with alternative arrangements, such as:

- Giving evidence from outside the Courtroom by closed-circuit television;
- Using a screen to remove the accused from the witness’ line of vision;
- Allowing a person to be beside the witness while he or she is giving evidence to provide emotional support;
- Closing the court to everyone except specified people while the witness is giving evidence;
- Requiring legal practitioners not to robe; or
- Requiring legal practitioners to remain seated during examination and cross-examination.

This also makes certain alternative arrangements mandatory if the witness is the complainant in a criminal proceeding that relates wholly or partly to a charge for a sexual offence. The court must direct that the complainant give evidence using closed-circuit television unless:

- The prosecution applies for the complainant to give evidence in Court; and
- The court is satisfied that the complainant is aware of the right to give evidence using closed-circuit television and is able and willing to give evidence in the Court.

There are now specific provisions in the CPA for sexual offence trials where the complainant is a child at the time that they give their evidence. An intermediary can be appointed to assist the child when they give their evidence. An intermediary is appointed, a ground rules hearing must be held to determine how questioning will be conducted by both the prosecution and defence of the child witness.

If, in a criminal proceeding relating to a charge for a sexual offence, the complainant does give evidence in the Court, the Court must direct that a screen be used to remove the accused from the complainant’s line of vision, unless the Court is satisfied that the complainant is aware of the right to use a screen and does not wish a screen to be used.

Finally, whether the complainant in a criminal proceeding that relates to a charge for a sexual offence gives evidence by closed-circuit television or in the Courtroom, the Court must permit a person to be beside the complainant to provide emotional support unless it is satisfied that the complainant is aware of the right to have a person for emotional support and does not wish to do so.

Whenever the Court makes an alternative arrangement for a witness to give evidence during a trial, the trial Judge must warn the jury not to draw an inference adverse to the accused or give the evidence greater or lesser weight because the Court made the arrangement.

**Compensation Claims**
The standard of proof in a criminal case is different to a civil compensation claim and so a claim can be made even when a person is found not guilty of charges. The applicant for compensation has several avenues to try and obtain an award. Either they can make an application under the Victims of Crime or an application under the Sentencing Act or even lodge an application in the Civil Courts.

In terms of a person’s liability, it largely depends in part on which approach the complainant will pursue. The varying figures that the County Court are awarding mean that lawyers can not accurately estimate a figure until the end of a case.
The three ways of making a claim for compensation are as follows:

**Victims of Crime Assistance Act 1996**

The Victims of Crime Assistance Tribunal (VOCAT) is a state government funded tribunal that awards compensation to persons who allege that they have suffered an injury as a result of a violent crime. If someone makes a VOCAT application then you do not personally pay, the government does.

In order to be eligible for compensation a person has to have been directly injured as the result of a crime. This suffering can be physical or psychological.

Generally the crime has to have occurred within 2 years of the application. This is not the case for child sexual assault. The Tribunal may accept an application for financial assistance made out of time if it is satisfied (in the circumstances) that the application should be allowed.

In determining whether to accept the application, the Tribunal may have regard to a range of considerations, including the age of the applicant at the time of the alleged act of violence; whether the applicant is intellectually disabled or mentally ill; or whether the person who committed/is alleged to have committed the act of violence was in a position of power, influence or trust in relation to the applicant.

Before the tribunal can make an award, it must be satisfied that an act of violence has occurred and that the applicant is eligible to receive the assistance. All of these are easily made out after a finding of guilt in sex offences.

As a consequence of this act of violence, one must have suffered injury. This may include actual bodily harm, pregnancy, mental illness or disorder (such as anxiety, stress, depression), or a combination of any of these. This act of violence must have occurred in Victoria.

Either the victim can make an application or someone else who experienced pain and suffering but wasn’t the primary victim to make an application. In order to make an application as a secondary victim either the person would have needed to be present at the time an act of violence was committed against someone else and that person was injured as a result, or if the primary victim was that persons child, or in the event of someone’s death the applicant was closely related to the person who died.

Generally a person can be awarded compensation for the following:

- Lump sum compensation recognising the effect the violence has had on the person (up to $10,000);
- Reasonable medical expenses, including for physical injury, rehabilitation or anti-depressant medication;
- Reasonable counselling services;
- Loss of earnings (limited to 2 years after the act of violence and a total maximum of $20,000);
- Loss or damage to clothing worn;
- Safety related expenses (self defence classes, security doors at home);
- Expenses to assist recover (in exceptional cases);
- The maximum payout is around $60,000, however it is a rarity that this quantum is even approached;
- Generally victims are awarded between $2000 - $10,000;
- Usually this is the only compensation course followed if the alleged offender does not have significant assets.

**Sentencing Act Application**

If the accused has been found guilty or pleaded guilty, then an application for compensation can be made under the Sentencing Act. This is intended to be an uncomplicated way for the complainant to secure some quick money to cover expenses associated with the injury directly stemming from the offending. It involves the Sentencing Judge or Magistrate, who was supposed to be in the best position to make an assessment as to the extent of the pain and suffering and award costs accordingly. Issues can clearly arise when the facts are disputed in situations where the accused has pleaded not guilty, there has been a trial or contested plea.
The application must be lodged within 12 months of the finding of guilt. The court may allow an extension of time if it is in the interests of justice to do so. A Sentencing Act application entitles a victim to claim compensation for pain and suffering but any award takes into account the respondent’s capacity to pay.

Historically, amounts being awarded under this provision were limited, as the Criminal Courts were guarded against awarding sums similar to common law damages. This position has shifted considerably in the last 10 years. Courts are now awarding amounts in sex offence cases of between $15,000 and $150,000 and in cases where someone has died amounts around $75,000 - $100,000.

Any amount awarded must be reduced by sums already received under VOCAT.
The Act isn’t limited to people who are the direct victims of the offending, and others may also make applications, for example, the parents of someone who was murdered, or the mother of a boy who had been molested by a relative.

Once an award has been made under this provision, a person is not precluded from making an application in the Civil Courts. That means that there can be a second bite of the cherry. It is important that if these matters are negotiated or settled, proper terms are drafted, protecting against these second bites.

**Civil Claim For Damages For Pain And Suffering**

A person who claims to have experienced pain and suffering at the hands of someone else may always sue the other party through the Civil Courts. A common law claim seeks damages for pain and suffering, lost income and other related expenses, such as for psychiatrists and doctors.

**What constitutes ‘pain and suffering’ is a broad concept and can arguably cover most things.**

There are certain limitations on the amount of time that can lapse between the making of the application and the event. Generally, any claim for pain and suffering ought to be instituted within 3 years of the injury or when the injury first came to light, or within 6 years of your injury if you are a minor or under a disability. In cases of child sexual assault by a close relative or person close to them, the complainant would have 12 years from the date of their 25th birthday.

One of the greatest barriers to instituting proceedings of this nature are the costs involved. However, the amounts that are generally awarded if the Courts are satisfied of the pain and suffering can be great – in the nature of hundreds of thousands of dollars.

It is often the case that respondent does not have sufficient assets to satisfy any judgement made in your favour. Therefore a common law claim against a person is normally only launched if complainant knows they have significant assets.

**Restraining Orders**

If you own your own home, have cash in the bank or other assets, it is the usual practice of the Prosecution once a person is charged (or even before charging) to restrain any assets for the purpose of compensation to the complainant should the person be found guilty.

This means that you are not able to sell, encumber or otherwise deal with these properties in any way whilst they are restrained. It is important to receive proper advice about restraining orders and what can be done to access your assets.
The Sex Offender Registration Act

When a person is charged with a sex offence, the ramifications upon a finding of guilt are immense.

This can include the prospect of a custodial sentence in a high security prison. The longer term consequences include being placed on the Sex Offenders Register. In essence, the Sex Offender Register exists to allow Victoria Police to keep tabs on registered offenders. This emphasises the significance of being properly defended in sex matters. The Register may be an issue for both those who serve a prison term and are then released into community, as well as those who receive sentences which don’t involve an immediate custodial term.

What is the Purpose of the Register?
Section 1 of the Sex Offender Registration Act 2004 (the SORA) sets out the purpose of the Act:

(a) to require certain offenders who commit sexual offences to keep Police informed of their whereabouts and other personal details for a period of time-
   (i) to reduce the likelihood that they will re-offend; and
   (ii) to facilitate the investigation and prosecution of any future offences that they may commit;
(b) to prevent registered sex offenders working in child-related employment;
(c) to empower the Police Ombudsman to monitor compliance with Part 4 of this Act.

The Classes of Offending
The SORA establishes 4 classes of offence for which a finding of guilt can result in sex offender registration:

- **Class 1** – offences of sexual penetration against children (e.g. incest, sexual penetration of a child and sexual penetration of a child under 16)
- **Class 2** – non-penetrative sexual offences, mostly against children (e.g. indecent acts with children, facilitating the prostitution of children, possessing and producing child pornography. Class 2 also includes other miscellaneous sex offences such as bestiality).
- **Class 3** – sexual penetration against adults (e.g. rape)
- **Class 4** – non-penetrative sexual offences against adults (e.g. indecent assault, assault with intent to rape, burglary with intent to commit a sexual or indecent assault, aggravated burglary with intent to commit a sexual or indecent assault).
Who Gets Registered?

Any adult who is sentenced for a Class 1 or 2 offence is on the list. This is automatic, and the Sentencing Judge/Magistrate has no discretion.

A Judge/Magistrate has a discretion to order someone onto the SORA if

- An adult is sentenced for a class 3 or 4 offence, and that person has previously been convicted of 2 or more sexual offences, either at the same hearing or in the past;
- A child is sentenced for a class 1 or a class 2 offence;
- Where the court deems it appropriate because a person poses a risk to the sexual safety of one or more persons in the community.

Significantly, where two or more charges for sexual offending arise out of the one set of circumstances, the law provides that those charges can be treated as a single charge for the purposes of the SORA.

If a person is listed as a registrable offender, the two main consequences are reporting obligations and employment restrictions.

Reporting Obligations

The length of time for which a person is obligated to report depends on the class of offence of which they have been found guilty:

- Single Class 1 offence or Two Class 2 offences – 15 years
- Single Class 2 offence – 8 years
- 2 x Class 2 offences – 15 years
- Combination of Class 1 and 2 offences – Life
- 3 or more Class 2 offences – Life
- Persistent sexual abuse of children – Life

For a person sentenced to an immediate term of imprisonment, reporting obligations commence once the offender has been released from custody.

A Case Study - Breaching Sex Offenders Registry Act Obligations

A client was charged with multiple sexual penetration offences alleged against the 15 year old friend of his daughter. He confessed to the Police in his interview, that the allegations were true.

For some reason it took more than a year to charge him. During that time he received extensive treatment with a forensic psychologist. He was sentenced to 27 months imprisonment with 18 months suspended for 3 years. This meant he had to serve 9 months of imprisonment. Our client became a registered sex offender for 15 years.

Upon his release from prison, his reporting obligations commenced. He complied with all obligations until he registered a motor cycle that he owned. Police were aware of the motorcycle. Our client was loaned the money to register it and forgot to tell the Police within 14 days that he had done so. He was charged with breaching his obligations under the act.

The Police indicated that they had an inflexible policy – they charge every breach no matter how inadvertent or minor.
What are Reporting Obligations?
A Registered Sex Offender must report (among other things), in person, to a Police station providing full details of:
- Name and aliases;
- Date of birth;
- Residential address;
- Employment details;
- Club affiliations where child participation;
- Motor vehicle details;
- Permanent/distinguishing marks;
- Travel intentions;
- The names and ages of children generally residing with (‘residing generally’ being any 14 days in 12 months), or in unsupervised contact (‘unsupervised contact’ being unsupervised contact with the child for at least 3 days in any period of 12 months) with the offender (s14);
- Email addresses;
- Mobile phone numbers;

Sex Offender registration follows automatically after conviction for most sexual offences. There is no discretion.

Sex Offender registration lasts for 8 years, 15 years or life depending on the number of charges.

Reporting obligations are extensive and the punishments for failure to comply can be severe.

Annually, the registered person is obligated to report their details to the Chief Commissioner of Police and any changes to the above details within 14 days of the change occurring. The offender must also report any change in permanent mark/feature or any tattoo as well as any absence from Victoria.

Failure to Comply
It is an offence for a Registered Sex Offender to fail to comply with reporting obligations. The maximum penalty for this offence is 5 years imprisonment.

There is no statutory limitation when proceedings can commence on a charge of failing to comply with reporting obligations. People often get gaol terms for fairly technical breaches of the SORA.

Employment Restrictions
It is also an offence for a Registered Sex Offender to apply for or engage in child related employment. The maximum penalty for this offence is 2 years imprisonment.

Child related employment includes:
- Education institutions;
- Community services, YTC, youth supervision units;
- Paediatric wards of public hospitals;
- Clubs, associations or movements (including cultural, recreational or sporting nature);
- Religious organisations;
- Baby sitting;
- Coaching or private tuition

These provisions apply for life, not just for the period of the reporting condition. There is much debate in legal circles about the utility of orders under the SORA. As defence lawyers, we observe their capacity to stigmatize people and result in a proportion of Court cases where clients are not willing to plead guilty if the likely outcome is being placed on the Register.

Obviously, the ramifications of the Sex Offender Register are immense. Being placed on the SORA ends the possibility of practicing in many chosen professions.

Travel Restrictions
It is necessary to apply to the Sex Offender Registry to travel overseas. Even a dying relative is not an automatic justification for travel and the majority of requests are rejected.
Preparation of Defended Sex Offences Cases

Success is where preparation and opportunity meet.

The more you prepare and the more laterally you consider the issues the better your position at trial. Most of the time sexual offences occur where there are only two people. So often they are proved in the surrounding circumstances. While it is clearly very difficult for victims to make statements about people, it is incredibly easy for a liar to make an allegation. “Four years ago he did this to me”.

The liar will not move on the central allegation and it is expected that you will deny the allegations. It is the surrounding circumstances and credibility of the complainant and their witnesses that are crucial. How do you examine those issues?

- Use Private Investigators to find information.
- Subpoena telephone records.
- Download social media of the complainant.
- Analyse computers or telephone.
- Bank records.

All of those techniques are often and rightly used.

Preparation is the key to success.
Cases have to be investigated thoroughly.
Cases are usually won on evidence about the surrounding circumstances.

In one case, as an example, we had a case where we had to establish what our client had done for a year. Through a combination of the above and work records we were able to generate a spreadsheet that showed that he could not have done what was alleged in a very wide allegation. The jury acquitted.

The key to these cases is to work out what might help at trial and using the mechanisms available to provide you with a fair trial. Judges and Magistrates are almost always very fair and reasonable. If you can prove a genuine forensic purpose (and it is not disallowed by legislation) then they will allow you to obtain material.
Appearance Before Royal Commissions

If you are summonsed to appear at a Royal Commission, you must attend to give evidence or to produce documents or things, depending on the terms of the summons. You have a right to be legally represented. You should instruct a lawyer to ensure that your rights and interests are properly protected.

In giving evidence at a Royal Commission, you are not afforded the privilege against self-incrimination which attaches to criminal and other Court proceedings. However, witnesses are provided with a use immunity, which means that the evidence given cannot be used in court proceedings against you.

If you fail to appear in response to a summons, a warrant may be issued for your arrest. You should also be aware that it is an offence to fail to answer the summons or to give false and misleading evidence (whether directly or by omission) and you may otherwise be held in contempt of the Commission for various acts or omissions.

Evidence before a Royal Commission can be given in private or during the course of a public hearing. Hearings are not held in private as of right. Your lawyer will assist you to seek a private hearing in appropriate circumstances.

For more information, read our information book, *Appearing before a Royal Commission.*

If you are summonsed to attend you must attend.

You have a right to legal representation.

There is no privilege against self-incrimination, however you can obtain a use immunity meaning the testimony cannot be used against you in Court proceedings.
What Will Happen at Court

Cases may be determined in many different ways. In exceptional cases, the judge may inform the jury that they are entitled to return a verdict of not guilty at any time after the close of the Prosecution case and invite them to do so. This is an unusual course and is only taken when there is a serious weakness in the prosecution case.

In one of our cases, a young man was charged with sexual penetration of a 14 year old girl. The girl had lied to the accused about her age in order to have sex with him. The accused’ defence was that he had a reasonable belief that the girl was 16 or older. All the witnesses in the case, including the girl, were absolutely clear that she had done everything in her power to convince him that she was much older than she was.

At the close of the Prosecution case the trial Judge invited the jury to return a verdict of not guilty.

If a Magistrate determines that there is insufficient evidence to support a conviction, a case can be thrown out at a pre-trial hearing known as a committal.

In another, the complainant alleged that she was raped by the client, who was a former co-worker. The two had spent the afternoon and night together, drinking and watching TV. The complainant alleged that after retiring to bed she awoke, without pants to find the accused naked above her.

In his record of interview with Police, the accused admitted having sexual intercourse with the complainant but said that it was consensual and stopped when she became upset.

In representing the accused at the committal, extensive preparation was undertaken, including the interview of potential witnesses who had worked with the accused and the complainant.

At the committal cross-examination of the other witness present in the house on the night revealed that the complainant was either mistaken or lying about many of the events of the evening. The complainant denied previous sexual contact with the accused and her flirtatious behaviour on the evening. The independent witness had witnessed some of this conduct or been told about it by the complainant.

Ultimately, it emerged that the complainant had engaged in a lot of behaviour whilst drunk that she could not remember. The complainant conceded that the accused stopped any sexual contact as soon as it was requested, was confused about what was happening and asked the complainant why she had to leave.

Following evidence and submissions the Magistrate ruled that there was insufficient evidence that the accused was aware that the complainant was not consenting. The accused was discharged and the Police were ordered to pay the costs of his defence.
Pleading Guilty to Sexual Offending

A plea of guilty to sex crimes is an admission to the Court that you have committed the offences. Once you have decided to plead guilty, the aim is to make sure that you receive the most appropriate penalty that is available.

The sentencing hearing is known as ‘the plea’ or the ‘plea in mitigation’. There is a world of difference between a well run plea of guilty and a poorly run plea of guilty. The difference can often be measured in the extra years of imprisonment imposed following a poorly run plea.

The starting point for any effective plea is to develop a strategy. As soon as you have decided that you are pleading guilty, a clear plan needs to be decided upon. There is often negotiation about what the appropriate charges are and whether, as one example, there will be between dates charges.

What are the Issues on a Plea of Guilty to Sexual Crimes?

How is your case going to be presented?
What documents do you need to provide for your lawyers?
What psychologist or psychiatrist will be providing a report? Will they also be attending to give evidence?
The character witnesses who will be called on your behalf will need to be proofed and ready to give evidence.
All your reports need to be gathered and assessments made about what will be relied on before the Court.

The plea of guilty is where all the work that you and your lawyers have done comes together.

What is the Point if I am Pleading Guilty?

Generally, in sex offence cases the penalty imposed is an immediate gaol term. The aim is to make sure that you do not serve any more time in gaol than you should.

The aim on a guilty plea is to place your offending into context and explain how it came about. It is not to excuse any behaviour but to explain why your life came to this point.

The Court needs to know who you are not just what you have done.

People make mistakes, but they also lead complicated and multi-faceted lives. The Court needs to be fully informed about the person they are sentencing.

Obviously, the more positive things that can be put on your behalf the better result you will get.

It is important to get all the necessary documents and materials together to present to the Judge such as character witnesses and expert reports (doctors, psychologists etc.).

Well before this date we will have determined how you are putting your case to the Judge. You need to know what is being said on your behalf so that you can decide if there are other issues that should be raised with the Judge.

This will also be the time when we may call people who know you well to give evidence. They can talk about your positive characteristics.
Standard Sentencing for Sexual Offences

Sentencing decisions in Victoria are now subject to a ‘standard sentencing scheme’ which constrains judicial discretion when imposing sentences for certain offences such as rape and sexual assault.

The Sentencing Amendment (Sentencing Standards) Act 2017 (Vic) took effect on 1 February 2018 and applies to the sentencing of offences alleged to have been committed on or after that date.

How Does it Work?

A standard sentence for an offence is the sentence that falls in the middle of the range of seriousness for that offence, taking into account only ‘objective factors’ (such as the nature of offending) and excluding subjective features of a particular offender (such as age, mental health etc).

Standard sentences, prescribed under various offences in the Crimes Act 1958 (Vic), must now be taken into account by judges during sentencing and will provide a ‘guidepost’ for the determination of the seriousness of an offence.

The standard sentencing scheme doesn’t mandate a particular sentence be imposed, but requires a judge to take into account this guidepost during sentencing.

It also requires judges to explain the extent to which any sentence imposed differs from the standard sentence and to provide reasons why it differs by referencing other sentencing considerations.

What Are The Standard Sentences For a Single Charge?

A number of sexual offences now have standard sentences attached to them which must be taken into account when sentencing.

The table below outlines the relevant offences, the maximum sentence for that offence and their standard sentence:

<table>
<thead>
<tr>
<th>Standard Sentence Offence and Offence Section</th>
<th>Maximum Penalty</th>
<th>Standard Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape, Crimes Act 1958 s38</td>
<td>25 years</td>
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<td>Sexual Penetration of a Child Under 12 Years, Crimes Act 1958 s49A</td>
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<td>Sexual Penetration of a Child Under 16 Years, Crimes Act 1958 s49B</td>
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<td>Sexual Assault of a Child Under 16 Years, Crimes Act 1958 s49D</td>
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<td>Sexual Activity in the Presence of a Child Under 16 Years, Crimes Act 1958 s49F</td>
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<td>Cause a Child Under 16 Years to be Present During Sexual Activity, Crimes Act 1958 s49H</td>
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<td>Persistent Sexual Abuse of a Child Under 16 Years, Crimes Act 1958 s49J</td>
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<td>Sexual Penetration of a Child or Lineal Descendant Under 18 Years, Crimes Act 1958 s50C</td>
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<td>Sexual Penetration of a Step-Child Under 18 Years, Crimes Act 1958 s50D</td>
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Legal Support
A sexual assault allegation has serious consequences and everything must be done properly to give you the best chance of winning your case.

Sex offences are very complex and rely on versions of events. For those pleading guilty there is a lot of preparation that can be done that will help to put your offending in proper context.

Doogue + George defence lawyers have extensive experience defending sexual offence charges, having run many successful jury trials on sex cases. Our experience is that the key to fighting sex charges is preparation.

If you need expert advice regarding sexual offences, visit www.dogb.com.au or call 03 9670 5111 for more information.
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<th>Address</th>
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<th>Heidelberg</th>
<th>Moorabbin</th>
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