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In reply please quote:

## **MEDIA RELEASE**

### **An Evaluation of the NSW Child Sexual Assault Specialist Jurisdiction Pilot**

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In March 2003, a pilot program was established in the Sydney West District Court registry to try to alleviate some of the difficulties in prosecuting child sexual assault matters. The Attorney General directed the NSW Bureau of Crime Statistics and Research to evaluate the pilot program. This accompanying report presents the results of the Bureau's evaluation.

The key aims of the program were to:

1. Improve the physical environment of the court and to make it easier and less stressful for children to give evidence;
2. To increase the skills of legal professionals involved in the court process; and
3. To reduce delays associated with the prosecution of child sexual assault cases.

The intended initiatives included:

- (a) The construction of a child-friendly remote witness suite in Parramatta allowing children in child sexual assault cases to give their evidence via CCTV
- (b) Upgrading the CCTV technology
- (c) A presumption in favour of using special measures under existing legislation, i.e.
  - using CCTV and
  - admitting the child's pre-recorded investigative interview as the child's evidence-in-chief.
- (d) Specialist education for judges and prosecutors in child development and child sexual assault, including the distribution of a special judicial education package on child sexual assault to judicial officers involved in these matters
- (e) Case management and pre-trial conferences to minimise adjournments and to ensure that cases were ready to proceed.

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## **Findings:**

In interviews, children, their parents, and the professionals made positive comments about the remote witness suite, and their responses indicated that this suite is perceived as a child-friendly and more appropriate environment than some of the other less specialised CCTV and waiting areas.

The use of the pre-recorded investigative interview as the child's evidence-in-chief and the use of CCTV also had positive benefits for children but technical problems associated with the JIRT tapes<sup>1</sup> limited the efficiency and effectiveness of these measures. These included delays caused by the late editing of the tapes (which often occurred after legal argument), a lack of familiarity with the legislative provisions by some judicial officers and crown prosecutors, technical problems and difficulties with the equipment, and some court staff who were unable to operate the equipment.

It is unclear what effect, if any, the judicial education package had on the handling of child sexual assault cases by the judiciary. Court observation and the interviews with children, parents and professionals indicate that children are still being subjected to overly long, complex questioning which is unlikely to produce reliable evidence. Judicial intervention to clarify questions or control unduly aggressive questioning was variable and appeared to be unrelated to either the age or linguistic competence of child complainants.

While one of the courts in the specialist jurisdiction introduced some case management procedures and pre-trial mentions, these measures were limited by the failure to develop practice directions, the late appointment of crown prosecutors to specific cases, problems with the technology and an insistence on the part of some judicial officers and/or lawyers that child complainants/witnesses be at court long before they were required to give evidence.

**Further enquiries:** Dr Don Weatherburn 0419-494-408 (Director) or  
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<sup>1</sup> These are tape recordings of interviews conducted by police working in the Joint Investigation Response Teams.