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Courts in sex crimes 'turf war'; Judges angry at plan to move trials

BYLINE: Karen Kissane, law and justice editor

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SOME County Court judges are believed to be angered by a plan to move certain sex-crime trials to a higher court, seeing it as part of a judicial system "turf war".

Supreme Court Chief Justice Marilyn Warren announced that some sex trials usually heard in the County Court would be moved to the Supreme Court. She said this was "to show judicial leadership in these difficult types of cases".

Her announcement follows a public outcry over comments by County Court reserve judge Michael Kelly who told a deaf boy who was assaulted over two years, starting when he was 13, that his victim impact statement was "a waste of time" and that "he wouldn't have done well in a British public school in the '30s".

Her move also follows public criticism by the director of the Office of Public Prosecutions, Jeremy Rapke, QC, who last week accused judges of insensitivity to sexual assault victims.

Justice Warren was unavailable for comment yesterday.

In a newspaper article in which she announced the change, she said sexual offences appeals were already regularly heard in the Court of Appeal.

"Under the guidance of senior judges, they are managed with the utmost dignity and sensitivity," she wrote.

County Court Chief Judge Michael Rozenes was unavailable for comment yesterday.

But The Age believes there is concern at the County Court that Justice Warren's comments could be interpreted as suggesting that County Court judges are not as competent to hear sensitive sex trials as Supreme Court judges.

Many County Court judges were unhappy with Judge Kelly's comments and his appointment was not renewed. The County Court has also introduced many changes to make the legal process less bruising to sex assault victims.

Under Justice Warren's plan, the OPP will consult the Supreme Court about whether particular sex cases should best be indicted in the higher court.

The move was welcomed by Premier John Brumby, women's advocates and legal bodies, who thought it would

prioritise sex assaults as serious crime.

Mr Brumby said Justice Warren's plan "will ensure that a senior judge is allocated to those cases so that hopefully we don't get this sort of inappropriate comments that were made in a recent case".

But some observers saw it as the latest salvo in a battle for business between the courts. The State Government recently released a discussion paper about whether to merge the County and Supreme Court criminal lists to reduce delays.

Law Institute of Victoria president Tony Burke said Justice Warren's initiative recognised community interest in cases that often involved the young and the vulnerable. But he said the Supreme Court would need to be resourced appropriately so that delays did not prolong victims' anguish.

A spokesman for the Criminal Bar Association, Peter Morrissey, said it had no objection to the change as long as the Supreme Court was appropriately resourced, with remote witness facilities, support people for victims and enough judges.

Justice Warren last month called on the Government to give the Supreme Court more judges and more courts, saying the court was under pressure.

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