

## ODPP welcomes statewide expansion of the CSOEP

The Office of the Director of Public Prosecutions has welcomed the announcement that the Child Sexual Offence Evidence Program will be expanded statewide.

The Program would be expanded to every District Court and police district in the state from July 2023, the Government announced on 1 February.

“This is excellent news for child complainants and witnesses throughout NSW,” the Director of Public Prosecutions, Sally Dowling SC, said. “The expansion of this important program will provide them with supports designed to reduce their trauma and allow them to give their best evidence.”

The ODPP strongly advocated for the statewide expansion of the Program, which aims to reduce the stress, distress and trauma of the trial process for child sexual offence complainants and child witnesses giving evidence for the prosecution. The Program supports them and facilitates their best evidence through the use of witness intermediaries and the pre-recording of their evidence at the earliest opportunity.

Former ODPP solicitor Amy Watts was closely involved in implementing the witness intermediary scheme for the pilot program, which launched in 2016. Amy, whose roles included Senior Legal Policy Officer (Sexual Assault) and Acting Assistant Solicitor (Legal) with the Solicitor’s Executive, had a strong desire to reform the court system to ensure justice for children. In 2013 she was awarded a prestigious Churchill Fellowship to conduct international research on the use of intermediaries for child victims and witnesses, [publishing her report](#) in 2014. When the procedural guidance manual for witness intermediaries was released in March 2016, the Department of Justice acknowledged Amy’s contribution and extensive work in the area.

Since its inception as a pilot, the Program has only applied to child sexual assault matters listed for trial before the Downing Centre and Newcastle District Courts. ODPP statistics showed that 60-65% of indictable child sexual assault cases fell outside the Program’s catchment, leaving children in most of Greater Sydney and regional NSW, and in every country area, without its procedural protections and supports.

The ODPP was able to extend the Program’s benefits to many vulnerable children by funding witness intermediaries in matters outside the Program catchment, but many were still excluded. The ODPP and the Sexual Assault Review Committee (SARC), chaired by the ODPP, expressed concerns that the geographic limitations of the Program created a system of unequal justice and caused unacceptable further hardship to vulnerable complainants, including those from Aboriginal and Torres Strait Islander backgrounds, and other children subject to socio-economic and social disadvantage.

Director Dowling wrote to the Attorney General in September 2022, advocating for the expansion of the Program to ensure the criminal justice system delivered a better service to child complainants, child witnesses, accused persons and the community. The SARC also wrote to the Attorney General, urging the government to prioritise the statewide expansion of the Program.

“The ODPP is pleased that the Program’s benefits will now be extended to all child complainants and witnesses, regardless of their location,” Director Dowling said.

The ODPP will work closely with the Chief Judge of the District Court to implement the changes as the Program is rolled out statewide.



*Former ODPP solicitor Amy Watts. Published with permission of the Churchill Trust website*