

Thank you Don [Riddell].

Members of the South Australian Press Club, Parliamentarians present – the Honourable Kate Reynolds, the Honourable Nick Xenophon, Frances Bedford, Martin Hamilton-Smith and Kris Hanna – ladies and gentlemen.

I am most grateful for your invitation to speak to the South Australian Press Club.

For several reasons it seems to have turned out to be a most timely invitation.

This is a crucial period in the life and viability of South Australia's highly effective and professional criminal prosecution service.

Much has been said in recent weeks that naturally has attracted the interest of many of you here today. Much of it has come from the usual suspects... political populists with a lot to say, who see an advantage to be gained but contribute little. It will be my position today that they not only contribute little but that their words and actions do a positive disservice to this State and the provision of an effective prosecution service to South Australia.

Some of the comments are based on ignorance. Ignorance of who we are, why we exist, what we do and how we do it.

So, before I address recent matters, let me first provide you with some insight which is essential to an understanding of the Office of the Director Public Prosecutions...

It is important that I do this so as together we as a community can understand the DPP's role and the context of the remarks I am about to make.

The Office of the Director of Public Prosecutions (DPP) was established in 1992 to provide an effective, fair and independent criminal prosecution service for the people of South Australia. A lot has been said about the element of independence but people have skipped over the element of effectiveness and that is something that I want to emphasise today.

So our charter is to provide an effective, fair and independent prosecution service.

The rationale for the Office was comprehensively set out by the then Attorney-General, the Honourable Mr Chris Sumner, MLC in the Second Reading Speech on the introduction of the Director of Public Prosecutions Act.

Mr Sumner said, quote:

“Developments in recent years in England, the Commonwealth and in States such as New South Wales, Victoria, ACT and Queensland have seen the creation, in each of those jurisdictions, of an Office of Director of Public Prosecutions as part of the development of an independent professional prosecution service.

The creation of a statutory authority, headed by a Director, will mean that the Office of the Director of Public Prosecutions is independent and seen to be independent from political or ministerial influence or intervention and that the exercise of prosecutorial discretions is vested in an independent, professional office.”

In adopting this model, South Australia made a conscious and deliberate choice to include in its legal system an independent DPP, for the very good reasons I've just mentioned.

Our office is made up of some key functional areas. They are our solicitors, prosecutors, witness assistance officers and administrative support staff. They work in an environment which is stressful not only because of the amount of work that comes to us but also because the very nature of the work itself, in which we see on a daily basis statements, photographs, files that involve people who have been the victims of sometimes horrendous and always disturbing, crimes.

We see the carnage that we as a society wreak upon each other in the black and white of the statements of witnesses, in the colour of the photographs of the injuries of the victims and in the faces of the families that we deal with every day.

That's the nature of the working environment that my staff come to every day, day after day. It's the legal equivalent of the Accident and Emergency units at our hospitals.

Despite those stresses every person in our team strives to deliver to the people of South Australia an effective criminal prosecution service that is timely, efficient and just.

In doing this we endeavour to apply the highest ethical and professional standards in instituting or terminating proceedings, without fear or favour, in order to provide public confidence in the administration of justice within South Australia. We work hard to be recognised by our community for our independence, professionalism and standards of excellence.

I knew little about the personnel in my Office when I was appointed. I made my own inquiries. I was told by everyone that I spoke to that they were as impressive a group of people as worked in any DPP's office in our nation. They were right. The people of South Australia can rest assured that they are a class act.

An important part of our job is to always do our best to deal with victims of crime with sensitivity and to respect their special needs. This is something to which we attach the greatest priority... keeping victims informed throughout a process that they probably have never before encountered.

A common misconception is that the function of the DPP is to win at all costs. It is our job to present the evidence and the facts so as to help achieve a just outcome according to the law. It is not well known that a prosecutor who goes in too hard can be criticised for doing so and, in some cases the conduct of the prosecutor in seeking a conviction too vigorously, can be the subject of a successful ground of appeal.

So in doing our job the DPP has to be mindful of the clear duties we owe to the court, the community, the accused, the victims, witnesses and defence counsel.

As I have already said and make no apology for repeating, South Australia possesses a fantastic team of highly motivated, utterly dedicated and very competent prosecutors and professionals in the Office of the Director of Public Prosecutions. These people work long and hard hours to cope with case loads that exceed the resources of our Office. They work back at weekends as a matter of course, not exception.

We may discuss resources and budgets on another day but for now I will say this – last year's budget increase to the DPP improved the funding of the Office from *intolerably bad* to *plain bad*.

Over the past two weeks I have had the opportunity and the pleasure of meeting many of our staff individually. They love their work and share a deep sense of obligation and commitment to their role in the criminal justice system.

The viability of the DPP and its pivotal position in our criminal justice system is right now at risk and under siege largely because it stands between politicians, media and a headline.

A lot of the public comment over the past couple of weeks has been like a slap in the face of our good people and their excellent work.

In contrast to the contributions of many politicians and some in the media with respect to criminal justice commentary, the work of our prosecutors requires intellectual acuteness and precision and our prosecutors do not in any sense deserve what has been dished out to them over recent weeks and months.

It shouldn't come as a surprise to any of you that it is pretty hard to come into the office or go out to court day in and day out wondering if you're next on some opportunist's hit list. The integrity of my team is being attacked daily by people who have no understanding or who, for their own reasons, refuse to understand.

I am deeply concerned at the impact this will have on our people and our Office if it continues. But it can't continue. It has to stop. Hear me well, it will cause irreparable damage.

All of our leaders in the community have a responsibility to consider the issues carefully and to comment judiciously. But what has made this situation even worse is that included in those who have been most vocal are several who have legal training and profess to uphold its ethics and objectives.

Every self-interested political action and every ignorant political comment cuts good people down. If this legal witch-hunt continues, all of us need to understand that eventually we will end up without an effective prosecution service.

Why would anyone with our peoples' talents want to stick around for this sort of treatment? They don't do the job for the money to be made in government service. There's far better money and easier living to be had elsewhere.

I don't for a minute want anyone to think that we want to avoid criticism, scrutiny and accountability.

Far from it. We welcome it. It's a daily reality of our work. We are 100 percent accountable to the Courts, the Parliament and the Attorney-General. The greater the scrutiny and understanding of our work, the better we work and the better the outcome.

But our hard working lawyers have had enough of the baseless claims and ill-informed innuendo that masquerade as public discussion. I've only been here two weeks and I've seen more than enough. In fact, in all my experience interstate and overseas I have never seen anything like this.

The Eugene McGee matter is a defining moment in the relationship between politics and the criminal justice system.

Over the past couple of weeks, a number of politicians and commentators have engaged in a ploy that has been as unjust as it has been transparent.

Issues have been raised in the media in an attempt to attach credence to unsubstantiated claims. Why is the media the first port of call? If your intention is really to find an answer, why not pick up the telephone to the DPP or the Attorney-General.

Many of these stunts – in the guise of compassion for victims – were, on the face of it, coming very close to a contempt of court and it absolutely confounds me that one lawyer-politician – the Honourable Nick Xenophon MLC who is here with us today – did not understand that and actually had to be warned by the Acting DPP.

Now a Royal Commission has been established by the State Government. That is entirely within the prerogative of the Premier.

The Office of the DPP will, of course, cooperate to its fullest with Commissioner Gregory James QC and, consistent with its charter, strive to ensure that every fact is on the table. We have confidence in Commissioner James.

Some the questions which will be addressed in the Commission relate to the conduct of the police investigation. Others relate to the way in which the prosecution was conducted. Given that the Commission has been called I will make no comment about the answers to those questions.

I will however say two things on this subject. The first is that I was not consulted in relation to the calling of the Royal Commission. Again, that is a matter for the Premier. But either as a matter of courtesy or because I have just been appointed and it could not be said that I bring any baggage to the issue, I might have been at least consulted.

Second, in so far as the questions about the conduct of the prosecution go, the Government already has the answers. I was in almost daily contact with the Attorney-General last week, briefing him and giving him the answers to these and other questions involving the DPP. I assume that he told the Premier. I was given no indication that the answers provided were a cause of concern to anyone.

Why then have we have witnessed this spectacle over the last couple of weeks?

Given the environment in which the credibility of our institutions has been so assailed over the past few weeks, one might say, facetiously, that we now need a Royal Commission to clear up the hysteria and restore confidence.

I suggest to you that this Royal Commission – that some have said could become a *lawyer's frolic* – is, in fact, a consequence of a *politicians' picnic*.

I intend to do the job that South Australian Parliamentary Statute obliges me to perform.

It is important that as the Director of Public Prosecutions I keep the public informed wherever possible of what we do and why.

You in the media have my commitment to engage you positively to that end. I want the public to see inside the criminal justice system and to see inside the DPP.

There is nothing mysterious about what we do. We are a vital and considerable force for justice and that's the way I want the DPP and all of its tremendously professional people to be perceived and understood at all times.

I assure you all that I will leave no stone unturned in working with the media to raise public discussion and understanding beyond the level where some politicians might prefer it.

The Office of the Director of Public Prosecutions will, over the coming months, embark upon a series of initiatives to open its doors.

We are planning a DPP Open Day at which anyone who is interested can come along, speak to us, see what we do, ask questions, cross-examine a prosecutor, meet a witness assistance officer and find out how we work with victims of crime.

We will invite any question and welcome any scrutiny from the community... the community that we serve.

Unfortunately the DPP Open Day cannot be held in our offices because of security requirements with files and evidence and the like and will need to be conducted off-site.

I look forward to organising this event and other initiatives, for which I am seeking ideas from my team at the DPP and the public.

So, to sum up, my message is this:

The DPP fears no scrutiny. The DPP at all times welcomes fair, informed and constructive criticism. We expect and we embrace accountability. And when the predictable response comes that this is *just another* group of lawyers who don't want scrutiny, remember that any one of you can come into our courts and watch us. Remember that we are directly accountable to the community via the Attorney General.

And remember that we're not just any other group of lawyers. We're the guys who work long and hard to call to account those who offend against the community.

And when those in power in our Parliament speak out as they are entitled to do, we need them to avail themselves of the facts before publicly pillorying a decent bunch of South Australians

Our community cannot afford us to be made a plaything of the political process. This institution is too valuable, too fragile for such reckless pursuits.

So I am drawing a line in the sand on behalf of my team and your institution, the Office of the Director of Public Prosecutions. I want those who speak out unwisely to understand that there is a cost that must be paid.

The cost is that unless it stops, this State will not have an Office of the Director of Public Prosecutions for there will hardly be any practitioner left who would be willing not only to do a very tough job but to do it in the midst of the persistent barrage of abuse that we have seen in recent times. To those same people, you can no longer say that you didn't know what you were doing.

I want to finish now on a positive note.

I pay tribute to the contribution to the criminal justice made by my predecessor, the first South Australian Director of Public Prosecutions, Paul Rofe QC. Paul was a renowned and fearless prosecutor who willingly engaged the public in difficult and complex policy issues. He earned his reputation as a fine trial lawyer and a man of compassion and integrity in his 30 years in public service.

I also say well done and bon voyage to Wendy Abraham QC, a fine prosecutor who I believe will well serve the Commonwealth of Australia as Senior Counsel. I thank her for her gracious support and help in my vital first days in this job. I wish her good luck in her continuing career.

I would be pleased to respond to any questions that you might have and, if I am able, do my best to answer them.

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