

Submission

Child Abuse Cases Treatment of Witnesses by the Media and the Prosecution

In 2011 and 2012 I became involved, as a witness, in a case of sexual abuse of a minor. This case was, ultimately, brought before the District Court in Adelaide.

The entire experience was a distinctly unpleasant one, made all the more so by my treatment at the hands of the media - notably the Adelaide Advertiser, Channel 7 (Adelaide) and ABC Radio.

I am aware that the Royal Commission is examining the functioning of the justice system overall with respect to its handling of CSA matters. I relate this story in the hope that it will contribute to the Commission's consideration of these matters.

The case in question involved two men, one of whom had worked for my band, Redgum, as a driver and a lighting operator for a short period of time in 1981, around the time of the alleged abuse. Initially, I was sought out by the police to confirm the identity of the person and that he had worked for the band. I hasten to add I was quite happy to do this.

In April 2012 I was named in court by the prosecutor as an incidental witness for the prosecution, even though I was to do no more than identify this person. This greatly excited the media and the Adelaide Advertiser, Channel 7 (Adelaide) and ABC Radio considered it necessary and in the public interest to associate my name and Redgum's name with the case. From that point on, every time the case resurfaced in the media, Redgum and I were mentioned. Channel 7, notably, found it necessary to run vision of me performing with Redgum over its voice-over.

Redgum has an honourable record of drawing injustices to the attention of the general public and for raising money for a wide range of causes including, but not limited to, Australian veterans and environmental issues. This quite unnecessary association with the activities of an alleged paedophile, however tenuous and incidental, only served to diminish this reputation – and indeed my own. Indeed, for the entire time this case was the subject of media attention I continued to receive calls from friends and acquaintances asking if I or one of the other band members had been charged.

As a parent myself, I consider that I behaved responsibly in agreeing to assist, especially as I predicted correctly that media outlets would seize the opportunity to associate my name and Redgum's with this distinctly unpleasant case. Frankly, while I expected this sort of behaviour on the part of the Adelaide Advertiser and Channel 7, I expected better of the ABC.

With specific regard to the ABC, I note that its editorial guidelines include the following:

1. *Privacy is necessary to human dignity and every person reasonably expects that their privacy will be respected. But privacy is not absolute.*

The ABC seeks to balance the public interest in respect for privacy with the public interest in disclosure of information and freedom of expression.

2. *Intrusion into a person's private life without consent must be justified in the public interest and the extent of the intrusion must be limited to what is proportionate in the circumstances.*
3. *Content that is likely to cause harm or offence must be justified by the editorial context.*

In this context and despite a response from the ABC, I still fail to see how the broadcast of my name and Redgum's in ABC news items was in any way consistent with these and other ABC editorial guidelines.

Inevitably, and despite my misgivings expressed to both the Brevet Sergeant and the prosecutor, I was subpoenaed to appear as a witness for the prosecution. Given I was to do no more than confirm the identity of one of the accused, I was advised by friends in the legal profession that there was absolutely no need for the prosecutor to name me in her opening remarks or, indeed, call me as a witness. Yet she did.

Furthermore, prior to the trial I was interviewed by the accused's lawyer who advised me that my evidence was uncontroversial, that he would accept my statement as tendered, that there was no need for me to appear and that he would advise the prosecutor of this.

Nevertheless, the prosecutor pressed ahead with my appearance, despite having had all this reiterated to her by my own legal adviser.

Given all this, it's hard not to conclude that the prosecutor was simply playing for media attention at my expense.

The unpleasantness of my appearance in court was exacerbated by a photographer from the Adelaide Advertiser poised outside the District Court who, after my appearance, scampered around me with his whirring motor-driven camera.

My legal adviser wrote to all the media outlets in question. The responses were fatuous exercises in self-justification. Channel 7 was concerned enough to have its lawyer draft a terse reply. I had neither the resources nor the inclination to take the matter further.

I also complained to the Director of Public Prosecutions in writing. His response was also fatuous and marked by what I considered to be arrogance and offhandedness, without a shred of understanding or empathy.

In handing down its findings and its recommendations, the Commission might consider addressing these issues with a view to protecting well-intentioned witnesses from the attention and the inevitable damage that flows from salacious media reporting. And prosecutors with an eye on their own media profiles.

