

|  |  |
| --- | --- |
| INSTRUCTIONS: Press F11 to complete the document.  28/08/2017 | Level 9, 570 Bourke Street  Melbourne VIC 3000  GPO Box 4380  Melbourne VIC 3001  DX 210646 Melbourne VIC  **t:** 03 9269 0234  www.legalaid.vic.gov.au  ABN 42 335 622 126 |

**An open letter to the community on representing serious offenders.**

I am often asked why Victoria Legal Aid represents some of the state’s most notorious criminals.

It seems incomprehensible to the community that someone would stand up in court and assist people accused of committing terrible crimes. Our decision to take on such cases is regularly questioned by the media, and sometimes even by the friends and family of our professional staff who undertake this work.

There are many reasons why Victoria Legal Aid (VLA) arranges representation for people accused of serious crimes. The first is a practical one. Without both sides of a case being put before the court, these cases could not and would not proceed. The brave victims who have come forward to the police would forever remain in limbo, without their day in court, because the court didn’t get to hear both sides of the case. There is High Court authority to this effect and the Victorian Parliament has enabled the court to order VLA to arrange representation to avoid these exact circumstances from occurring.

Everyone who works in the criminal justice system knows this to be true.

As difficult as it may seem, not only is it our job to arrange representation, it is in the interests of justice, victims and the community that we do so. It is also ethically and legally the right thing to do. Although our work in serious crime is often uncomfortable, we do it willingly, because we know that the mark of a civil society is the way we treat the most reviled amongst us.

It can be easy to lose sight of the importance of how the legal system works when faced with an overwhelmingly emotional case. As much as the community may be united in their condemnation of our clients, we still have a job to do. In the court, our role is not to agree with the public or with the prosecution, but to represent the person accused. This is not the same thing as condoning their actions. This naturally puts us at odds with the public sentiment on many occasions. But in doing so, we ensure fair and robust decision-making processes that allow juries to return verdicts and judges to hand down appropriate sentences.

The practice of criminal law is a skill and many criminal lawyers have experience defending and prosecuting cases. In fact, many barristers at the Victorian Bar will prosecute some cases and the next month will defend other cases. All lawyers who practice in criminal law have unbelievably tough jobs. They display empathy, skill and professionalism every day when advising judges on the difficult and unenviable task of sentencing. We know that judges are as equally challenged as the legal professionals involved in these cases, by the often horrific nature of the offending and that they draw some comfort from having to sentence according to legal principle, not emotion.

The task of dispensing justice in cases of serious criminal offending is not easy. It is conducted in line with strict procedures by a team of professionals, each of whom is fulfilling their different role, all of whom are doing their best to preserve their humanity in the face of considerable hurt, despair and suffering.

Our work with serious offenders is an important but relatively small part of what we do.

Our work with serious offenders makes up just over eight per cent of the cases we take to court. In fact, we assist over four times as many parents and children in cases involving allegations of child neglect and removal, and how children will be cared for.

Almost every serious criminal case in the County or Supreme Court involves untold human suffering.

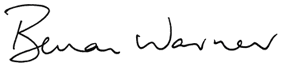
We see the impact of life long trauma, self-harm and addiction up close, first hand every day. We see it in serious criminal cases and in the other important work we do.

I encourage community members to take an interest in what VLA does. We are not perfect, but no organisation is. We want your informed support. Without it we won’t attract the investment we need to help more people to obtain the safety and protection of the law and to turn their lives around.

I also encourage transparent reporting on cases that come before the court. But, I urge people not to conflate blame for the harm offenders have caused, with the criminal law professionals who are simply carrying out their public duty. That would be unfair.

I am proud of what we at Victoria Legal aid do on behalf of the community and I believe you can be too.

Kind regards



**BEVAN WARNER**

Managing Director