

MEDIA STATEMENT

1. This week, the Victorian Government introduced a Bill into Parliament that is designed to abolish committal hearings. The CBA strongly opposes these reforms and supports the retention of committal hearings and particularly having the ability to cross-examine witnesses.
2. A committal hearing has traditionally served an important role within the criminal justice system and continues to do so.
3. The committal test – to determine whether there is evidence of sufficient weight to support a conviction for the offence charged – is a fundamental safeguard in our justice system and ensures that charges where a finding of guilt at trial is highly unlikely or impossible do not proceed to the trial Court. This saves alleged victims, witnesses and accused from unnecessarily undergoing the trial process.
4. The strength of any prosecution case only becomes apparent once witnesses are required to face cross-examination. It is at that crucial point that deficiencies in the evidence become apparent.
5. Once the evidence has been tested through cross-examination, if the prosecution case is strengthened, this encourages accused persons to make earlier offers to resolve charges to pleas of guilty. If the prosecution case is weakened, the prosecution may accept a plea to a lesser charge or a withdrawal or discharge of some or all charges may occur at this early stage.
6. Overall, contested committals and the current committal test aid in the early resolution of criminal cases and play an important role in the administration of justice. They

increase both the efficiency and effectiveness of the justice system while maintaining fairness for all involved.