

CONFERENCE ~ Wednesday 25/09/02

VOLKERS S A [CPA / W1549]

Present : Deputy Director Paul Rutledge
 Sonia Muller [VLO]
 Julie Gilbert [complainant]
 Shayne Gilbert [Julie's husband]
 Simon Tolhurst [Solicitor]

- Simon advised they couldn't understand that our office said it had prospects & defence came up with further evidence that blew prosecutions out of the water.
- Paul then gave a background of his employment & family background – member of victims groups.
- Advised that Volkerts didn't have to prove anything until the prosecution can prove beyond reasonable doubt.
- Advised that a jury have to be satisfied beyond reasonable doubt. It can't be "we think he did it . . . etc"
- Age of allegation [18 years ago]
- ODPP don't believe in their findings that Julie is lying.
- No recent complaint.
- No corroboration – her word against his.
- In reality there is approx 1000 girls [children] he has trained for 2 decades.
- Paul read a fax to The Courier Mail sent yesterday in response to charges being dropped & media report.
- Paul advised submission from defence that was hand delivered. He requested to see statements. Advised Julie that ODPP agreed wouldn't have Police interview those who had made the statements. Paul wanted further particulars. He also advised that he couldn't tell whether some statements were written by male or female - some were Olympians'.
- Paul advised that if defence knowingly provided fraudulent statements to ODPP they would be in strife.
- Some statements included people he had known for 20 years who hadn't heard anything re inappropriate conduct
- Sowing seeds of doubt – statements made.
- [REDACTED] was prepared to say she wasn't in room at the time in court.
- Julie gave a slightly different explanation in her evidence.
- ODPP spoke to [REDACTED] who said certain things.
- Some issues not covered by QPS.
- Paul advised he wonders how certain info is getting into the newspapers – questioned Det Sgt involved in case involvement.
- Re [REDACTED] – QPS never obtained psych records – ODPP did.
- ODPP tracked psych down – who didn't have independent recall of it.
- QPS should of chased up records re [REDACTED] if they had done Volkerts would never have been charged.
- [REDACTED]'s allegations get more extreme over time.
- [REDACTED] isn't a witness you could rely on.
- QPS should have obtained a statement from [REDACTED]

- Julie advised that QPS were told not to go anywhere near AEH because of her QPS family connection [partner?] – Simon asked if ODPP could take note of this.
- Julie’s word against Volkens – every time ODPP wanted to find a rock to support her case, it crumbled.
- Julie wanted to know why she wasn’t discredited re caravan incident. Paul advised that we couldn’t divorce caravan & sauna incidents.
- Julie can’t understand why we didn’t look at the big picture when discontinuing. 20 people made statements. 20 people from similar families. Eg, AEH statement & she bets her sister & father also made one.
- Paul advises that it comes down to reasonable doubt.
- Julie can’t believe 20 people have this effect on a case.
- AEH is significant.
- Simon stated that Julie could give a number of names of parents who saw swimmers go into the massage room all the time.
- Paul advised that no one is saying that it isn’t possible that Julie was in the room with Volkens.
- 2 separate days Julie has gone into the room with Volkens. One occasion her top pulled down – anyone could have walked in. Risk that Volkens was taking in middle of training session.
- Crown have 3 complainants’, ODPP attempted to find more complainants & did – Investigating officer had advised that he knew of another complainant. He spoke to her parents. Mother was certain daughter was touched & that it was significant. Crown contacted complainant who advised he had touched her [on leg] during driving lessons. She was 18 years old at the time & a swimmer.
- ODPP hasn’t stopped because it’s too hard or too expensive.
- Julie stated she thought the Crown had not made an informed decision.
- Crown does not know what role of Children’s Commission is as far as civil proceedings go.
- Paul advised that the Crown looked at everything we thought should be looked at & thought no prospects of convicting Volkens.
- Julie is upset that she had been branded a liar throughout the media.
- Paul advised that the Director had input into the decision.
- Crown is limited to what they can say.
- If someone is lying they would go sulking into corners rather than come out into media like Julie has.
- Julie doesn’t like the way defence has portrayed it as being categorically denied.
- Simon asked if anything mentioned in submission re caravan incident [Paul read relevant section of the submission]. Mentions in submission they walked down to sauna room together. Julie said that’s different to Volkens’ saying, “Julie go down to the sauna room.”
- Julie wanted to know why she wasn’t consulted to respond to the submission.
- She thought that Jason [DAVIES – CPA] spoke to her as more of an update rather than consulting her.
- There were no discussions with the Attorney General
- Paul stated that he has complete faith in what Mike Byrne tells him.

Julie then had series of questions :

1. The way the Crown spoke to Julie was to prepare her best for trial in case we were proceeding. Paul advised timeframe of events [ie. Submission, consideration of submission etc]
2. Previously canvassed in discussion.
Julie asked if Crown had not received statements what would have happened. Paul advised that the case re Rogers would have been discontinued & couldn't say re others. If we didn't know re AEH Crown would have proceeded with Julie's charges. Julie came across very well at the committal hearing. Julie stated that what she says in her statement re AEH wasn't what she meant.
3. more re Rogers pretext call
QPS didn't speak to AEH
4. Volk's hasn't been completely acquitted. The Magistrate decided there was enough evidence. Crown decided that it wouldn't be able to be proved beyond reasonable doubt.
7. Unless character was put in issue is not relevant in proving charges.
8. If Volk's put his character on issue it would have opened another door.
Evidence that someone is a sleaze ball isn't evidence – is not admissible.
9. Couldn't answer.
10. Previously canvassed in discussion.
11. Pointless to subpoena a hostile witness.
12. Crown asked comp - Julie agreed with that.
13. Irrelevant.
14. Accused of being coached [re being recorded]
15. The fact that who Volk's is.
16. Already canvassed.
17. -
18. -

Sonia Muller
Victim Liaison Officer