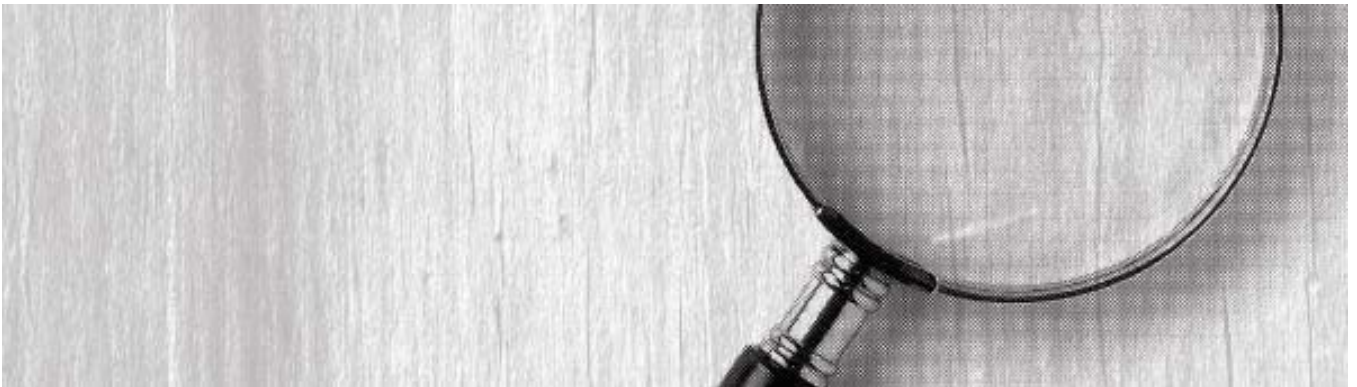


MASTERCLASS: INVESTIGATORS

PARTICIPANT INFORMATION PACK



Date:	Friday 2 August 2019
Time:	9am – 5pm
Venue:	Level 11 Victoria University, City Flinders Campus 300 Flinders Street, Melbourne

Contents

Welcome from Professor Kathy Laster	2
Training schedule	3
Facilitators and presenters	4
Got a burning question about government investigations?	5
Bullet lectures (9.30am-1.10pm)	6
“Practice makes perfect” breakout session (2pm-3.50pm)	7
“You Can’t Ask That!” Q&A Panel (4.00pm-4.45pm)	8
Photography and filming notice	8
List of participating agencies	9

Welcome from Professor Kathy Laster

Director, Sir Zelman Cowen Centre, Victoria University

I am delighted to welcome you to the Sir Zelman Cowen Centre's inaugural Masterclass for Victorian government investigators.

The Masterclass brings together over 70 investigators and lawyers from 13 agencies across Victoria. The presenters and facilitators for the day are senior practitioners drawn from regulatory agencies, the Office of Public Prosecutions Victoria and Victoria Police.



The Courts and Tribunal Academy at the Sir Zelman Cowen Centre seeks to provide innovative training opportunities for law-related public sector agencies, with a view to enhancing the operation of the justice system. As a Centre, we are excited to see the growing appetite for increased collaboration, resource-sharing and professional development across Victorian regulatory agencies.

As the formation of the Agencies Prosecution Network last year recognised, there is much to be gained from Victoria's regulators coming together and pooling their collective knowledge, experience and expertise. This is particularly so as a number of regulators work to implement significant reforms, including increases in their powers and/or responsibilities, over the coming months and years.

Though the matters regulated by agencies differ, there are significant commonalities in the core skills and capabilities required by investigators across agencies. It is exciting to see government investigations increasingly recognised as an important, stimulating and dynamic professional career path. We encourage you to take the opportunity throughout the training day to build connections with investigators from other agencies, and to learn more about the work they do.

On behalf of the Sir Zelman Cowen Centre, I extend my sincere thanks and gratitude to the many individuals who have assisted with this day. Thank you to all of our presenters and Brains and Practice Trust members, who have contributed their expertise to the day. Luisa Di Pietrantonio and Stephen Payne of Victoria Police have played a particularly vital role, assisting with program planning and sourcing training resources.

Most significantly, staff from the Office of Public Prosecutions Victoria, in particular Nonie McGregor, have devoted significant time and resources to this day. We are very grateful for your considerable assistance, without which this day would not have occurred.

A handwritten signature in black ink, appearing to read 'Kathy Laster'.

Professor Kathy Laster
Director, Sir Zelman Cowen Centre

Training Schedule

START TIME	EVENT
8.30am	Coffee and registration
9.00am	Welcome and overview – Luisa Di Pietrantonio, Legal Practice Manager, Legal and Prosecutions Specialist Branch, Victoria Police
9.10am	The prosecution process: Top tips and traps – John Cain, Solicitor for Public Prosecutions
9.30am	<p>First things first: Interviewing skills and collecting evidence</p> <p>9.30am “Overview of interviewing techniques” – Chris O’Connor APM, Interview Consultant and Trainer, Strategic Questions</p> <p>10.10am “Gathering evidence” – Stephen Payne, Principal Advocate, Legal and Prosecutions Specialist Branch, Victoria Police</p>
10.45am	Morning Tea
11.00am	The victim perspective – Brendan Kissane QC, Chief Crown Prosecutor
11.30am	<p>A brief overview of briefs:</p> <p>11.30am “Best practice e-briefs” – Mark Vella, Senior Solicitor, Office of Public Prosecutions</p> <p>12.05pm “Analysing a brief” – Luisa Di Pietrantonio, Legal Practice Manager, Legal and Prosecutions Specialist Branch, Victoria Police</p> <p>12.40pm “Disclosure obligations” – Jeremy McWilliams, Crown Prosecutor</p>
1.10pm	Lunch
2.00pm (includes working afternoon tea)	<p>Practice makes perfect break-out session</p> <p>Participants will split into small, breakout groups and apply the skills learnt in the bullet lectures to a mock brief (or briefs, depending on time). Participants will discuss common problems, traps and best practice when compiling and analysing briefs. The sessions will be facilitated by members of our Brains and Practice Trust – senior practitioners drawn from regulatory agencies, the legal profession and Victoria Police.</p>
4.00pm	<p>“You can’t ask that!” – <i>Sli.do</i> Q&A panel session</p> <p>Participants will have the opportunity to submit any questions they have about government investigations throughout the day, to be answered by the expert panel.</p> <p>Panellists:</p> <ul style="list-style-type: none"> • Moderator: Luisa Di Pietrantonio, Legal Practice Manager, Legal and Prosecutions Specialist Branch, Victoria Police • Greg Elms, General Counsel, Legal Services & Major Investigations, Environment Protection Authority Victoria • Brendan Kissane QC, Chief Crown Prosecutor, Office of Public Prosecutions Victoria • Senior Sergeant Wesley Lawson, Victoria Police • Nonie McGregor, Legal Prosecution Specialist – External Agencies, Office of Public Prosecutions Victoria • Julie Nilsson, Senior Lawyer – Enforcement Group, WorkSafe Victoria
4.45pm	Return of evaluation forms and Close of Day

Facilitator



Luisa DiPietrantonio (“Dipper”) is presently Legal Practice Manager for the Senior Advocacy Team of the Legal and Prosecutions Specialist Branch of Victoria Police. She brings more than 30 years’ experience as a lawyer to the role, including over 20 years at the Office of Public Prosecutions. There, she held positions including Manager of the Committals Advocacy Section, Principal Advocate and Associate Crown Prosecutor. Throughout her career Dipper has delivered numerous lectures and seminars to OPP and Victoria Police on advocacy and criminal procedure and has been a casual lecturer in law and advocacy at RMIT University since 2007.

Presenters



John Cain was appointed Victoria’s Solicitor for Public Prosecutions in November 2015. John brings to this role extensive experience in both public and private sector. In the private sector John was Managing partner of mid-tier law firms Maurice Blackburn and Herbert Geer. In the public sector as Victorian Government Solicitor. In addition John also served as CEO of the Law Institute of Victoria.



Brendan Kissane QC was appointed Victoria’s Chief Crown Prosecutor (CCP) in March 2018. He brings more than 30-years’ advocacy experience to the role, including more than 20 years as a barrister at the Victorian Bar, and more 10 years as a Crown Prosecutor and then Senior Crown Prosecutor. Before going to the bar, Mr Kissane was a solicitor for the Victorian Aboriginal Legal Service.



Jeremy McWilliams was appointed as a Crown Prosecutor in June 2015. He has been a barrister since 2009. Prior to signing the bar roll, he worked as Crown Counsel at the Office of the Director of Public Prosecutions in Tasmania, and as a solicitor advocate with Maddocks Lawyers.



Chris O’Connor APM is a nationally and internationally recognised expert on investigative inter- viewing and effective communication. In 2013, after 36 years’ service, he retired from the Victoria Police Force at the rank of Detective Sergeant; at the time of his retirement he was the Crime Command Interview Adviser and Trainer. He is the owner of Strategic Questions (Melbourne), an independent international interview training & investigation consultancy.



Stephen Payne has been a Principal Advocate in the Senior Advocacy Team of the Legal and Prosecutions Specialist Branch of Victoria Police since 2018. He has practiced criminal law since his admission to practice in 1992. His past roles include partner at Warren Graham and Murphy, advocate at the Office of Public Prosecutions, Senior Public Defender at Victorian Legal Aid and Principal Decision-Maker at the Victorian Building Authority.



Mark Vella is a Senior Solicitor at the Office of Public Prosecutions, having joined the Office in 2008. He has taken an active role in the OPP’s use of electronic briefs and other technology, presenting numerous sessions on the use of technology in prosecutions and assisting fellow solicitors to run their files electronically. Mark was also involved in the first jury trial in Victoria utilising touch screens to present visual evidence.

Got a burning question about government investigations or prosecutions?



Submit your question for our “You Can’t Ask That!” Q&A Panel

The Q&A plenary panel gives you the opportunity to our expert panel questions about content covered during the training day, or about investigations and prosecutions generally.

Please submit your questions throughout the day using *Sli.do*. Question submissions are anonymous.

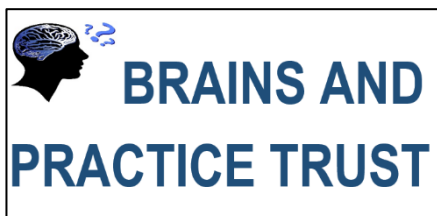
To join, go to www.sli.do and enter code: **#SZCC**.

You can also chat to a member of our Brains and Practice Trust

The members of our Brains and Practice Trust (BPTs) are senior practitioners drawn from regulatory agencies, the legal profession and Victoria Police.

Throughout the day, the BPTs will be available to discuss any questions you have about government investigations, within their fields of expertise. The BPTs will also lead the practice makes perfect breakout sessions.

Finding our BPTs amongst the crowd is easy – just look for this label:



Our BPTs are:

1. **Dallas Clowes**: Manager – Major Investigations, Environment Protection Authority Victoria
2. **Luisa Di Pietrantonio**: Legal Practice Manager, Legal and Prosecutions Specialist Branch, Victoria Police
3. **Greg Elms**: General Counsel, Legal Services & Major Investigations, Environment Protection Authority Victoria
4. **Senior Sergeant Wes Lawson**: Victoria Police
5. **Brendan Nichols**: Investigations Manager, Forensics Group, Transport Accident Commission
6. **Stephen Payne**: Principal Advocate, Legal and Prosecutions Specialist Branch, Victoria Police
7. **Detective Inspector Bob Thomson**: Victoria Police

Bullet Lectures (9.30am-1.10pm)

Overview of interviewing techniques – Chris O’Connor APM (9.30am)

Chris O’Connor APM considers the three key elements of competent interviewing, irrespective of interviewee status:

1. Interviewer mindset;
2. Effective communication;
3. Practice and procedures.

Gathering Evidence – Stephen Payne (10.10am)

Stephen Payne considers:

1. The types of things that can be evidence; and
2. What the *Evidence Act* tells us as to what types of evidence are actually admissible, when and how.

Particular rules considered include: (a) Relevance; (b) Hearsay Rule, First Hand Hearsay and Exceptions to the Rule; (c) Opinion Evidence; and (d) Admissions.

The Victim Perspective – Brendan Kissane QC (11.00am)

Brendan Kissane QC canvases key obligations imposed on investigators and prosecutors concerning victims, including:

1. Identifying whether there is a victim;
2. Complying with the *Victims Charter*, particularly in the light of research into victims’ experiences and communication needs;
3. Victim Impact Statements.

Best Practice e-Briefs – Mark Vella (11.30am)

Mark Vella considers best practice when compiling e-Briefs by reference to a mock model e-Brief, including:

1. Statutory requirements;
2. Stylistic tips and tricks to produce a user-friendly e-Brief.

Analysing a Brief – Luisa Di Pietrantonio (12.05pm)

In this session, your facilitator will provide top tips and traps for analysing a brief – or, as she puts it, “How Dipper dissects a brief”.

Disclosure Obligations – Jeremy McWilliams (12.40pm)

As Jeremy McWilliams notes in this session, there is no practical distinction between investigators, in house legal or external prosecutors (i.e. the OPP or VGSO) in the context of disclosure. All must comply with disclosure obligations.

Jeremy considers the sources of the duty of the disclosure, and best practice to ensure all persons involved in a prosecution comply with their continuing disclosure obligations.

“Practice makes perfect” breakout session (2pm-3.50pm)

Objectives:

1. Provide participants with an opportunity to apply key skills in government investigations, particularly those related to conducting an investigation, gathering evidence and producing a high-quality and compliant brief;
2. Enable participants to meet, work with and learn from investigators and prosecutors from other agencies;
3. Provide a forum for more experienced participants to share their knowledge and expertise with less-experienced participants, and for less-experienced participants to learn from their more-experienced colleagues.

Groups and Location:

You will complete the session in small breakout groups. There are seven breakout groups each with an allocated facilitator – your name badge indicates your group number.

The assigned breakout room for each group is below:

Group	Room
1	11.01
2	11.05
3	11.06
4	11.07
5	11.09
6	11.10
7	11.24

The session:

Working as a team, you will consider a mock case (or cases, if there is time).

Contingent on time, you will:

1. Map out the investigation you would conduct in response to the initial complaint, and the evidence you would need to gather.
2. Analyse a mock “bad brief” compiled in response to the complaint, in the light of the offence charged.
3. Consider the transcript of an interview conducted with the accused, and strategies for effectively interviewing the accused.

The training briefs relate to offences that you may not have encountered before, and that sit outside the jurisdiction of your agency. The aim of the session is not for you to master the nuances of the law applying to the offence. Rather, it is for you to practice core investigative and prosecutorial skills, while having the opportunity to work in a team with investigators from other agencies.

Training materials will be provided at the start of the breakout session.

“You Can’t Ask That!” Q&A Panel (4.00pm-4.45pm)

The Session:

This is your opportunity to ask a panel of experts everything you every wanted to know about government investigations or the prosecution process, but did not know how.

The panel will start by presenting their top tip or takeaway from the training day, before diving in to answer the questions you have submitted during the day through *Sli.do*.

The Panel:

Moderator: Luisa Di Pietrantonio, Legal Practice Manager, Legal and Prosecutions Specialist Branch, Victoria Police

Panellists:

- Greg Elms, General Counsel, Environment Protection Authority Victoria
- Brendan Kissane QC, Chief Crown Prosecutor, Office of Public Prosecutions Victoria
- Senior Sergeant Wesley Lawson, Victoria Police
- Nonie McGregor, Legal Prosecution Specialist – External Agencies, Office of Public Prosecutions Victoria
- Julie Nilsson, Senior Lawyer – Enforcement Group, WorkSafe Victoria

Sli.do:

Slido is an easy-to-use online Q&A Platform. Question submissions are anonymous.

To submit your question for the Q&A panel, go to www.sli.do and enter code: #SZCC.

Photography and filming notice

Event photography and filming will take place during the day.

Please be aware that by entering this area or registering for this event, you may be photographed or filmed, and that this content may be used for marketing or advertising purposes, including on websites, social media channels, and publications.

Please notify us if you do not wish to be included.

List of participating agencies

Agriculture Victoria

Australian Health Practitioner Regulation Agency (AHPRA)

Commercial Passenger Vehicles Victoria

Consumer Affairs Victoria

Department of Environment, Land, Water and Planning (DELWP)

Environment Protection Authority Victoria

Independent Broad-based Anti-Corruption Commission (IBACC)

Victorian Legal Services Board and Commissioner

RSPCA Victoria

Transport Accident Commission

Victorian Building Authority

Victorian Government Solicitor's Office

WorkSafe