

Case study 12

The Scott Volkens case

If it was anybody else it would be passed through the system and be finished with, but with me it goes on and on. Scott Volkens quoted in Roberts 2003.

In early 2002 the swim coach of then Australian Olympic and world champions including Sam Riley and Susie O'Neill faced court charged with sex offences against two teenagers he allegedly coached in the 1980s (Doneman & Smith 2002). Volkens, who was later to become Australia's head women's swim coach, strenuously proclaimed his innocence. The Australian swimming world was shocked. In September 2002, Volkens's lawyers made a submission to the Director of Public Prosecutions to discontinue proceedings against their client. The submission included what was termed 'new evidence' from other witnesses on aspects central to some of the charges, which cast doubt on the reliability of some of the girls' evidence (Barnes 2003). It showed that the defence team believed the case against their high-profile client would not pass the critical test of being 'beyond reasonable doubt' (Barnes 2003). The DPP accepted the statements from Volkens's lawyers and dropped the charges against the swim coach. Queensland's Crime and Misconduct Commission (CMC) investigated the DPP's handling of the case and was damning in its criticism. The DPP had accepted the Volkens's lawyers' new evidence 'on the condition that they would not interview those witnesses' (Barnes 2003). The findings of the CMC inquiry were welcomed by Volkens's accusers—Julie Gilbert, Simone Boyce, and Kylie Byrne—as vindication of their stand that the DPP had bungled the case (Thomas & Wardill 2003). The CMC said its investigation did not disclose any evidence of official misconduct by any police or anyone in the DPP, but it did find 'serious shortcomings' in the DPP's handling of the case before the charges were dropped. In its view, the decision not to proceed with any of the charges was 'unsatisfactory' (Thomas & Wardill 2003). The only people considered for disciplinary action were two police officers involved in the case alleged to have given the *Courier-Mail* a 'tip off' about Volkens's imminent arrest. The Queensland Police's own Ethical Standards Command had already found that the two

officers 'entered an arrangement' with the *Courier-Mail*, and a journalist and photographer were at police headquarters when Volkens arrived after his arrest (Thomas & Wardill 2003). The DPP announced later it was considering re-charging him. 'I would like for everything to be finished and over, but this is a never ending story,' Volkens said. 'It has stuffed my life' (Volkens 2003). It seemed that Scott Volkens would not get his wish, at least not just yet. Only a couple of months after he made this comment to the *Courier-Mail*, Volkens was to face new allegations and charges. In a statement at the time, Volkens told the *Weekend Australian's* Greg Roberts (2003) that he was the victim of 'media and politically driven' efforts to ruin his life.

The Queensland DPP announced in April 2004 that no charges would be laid against Volkens over the allegations. But the story did not end here. In May and June 2004 the *Courier-Mail* began agitating again for the case to be re-opened, claiming that the legal advice given to the Queensland DPP by the NSW DPP's office was flawed. The ABC's *Four Corners* program took up the cause with damning evidence in its 5 July 2004 edition titled 'A case to answer' (McDermott, 2004), but the authorities did not proceed against the high-profile swim coach. One of the women involved in the case, Julie Gilbert, tried to launch a private criminal prosecution against Volkens in 2004 over the sexual abuse claims, but failed. Queensland Supreme Court Justice Cate Holmes found that Mr Volkens should have faced that trial 'but publicity generated by both his lawyer and the alleged victim meant it would merely be an extension of a "media contest"' ("Publicity sinks Volkens case," 2004).

Issues and questions raised by case study 12

- 1 Every time anything is said about the case, the allegations against the swim coach are summarised. Is it fair to continuously draw attention to as yet unproven allegations?
- 2 There can be few more serious charges to level at a person; does it make any difference that the allegations concern incidents about 20 years ago?
- 3 What affect would the on-again off-again nature of the case have on Volkens's family?
- 4 What about the affect on the girls who are making the allegations?

5 Does it seem like the media is only 'doing its job', or can you detect a pattern in any of the cases presented here?

6 Was Scott Volkens ever likely to get a 'fair trial'?

7 Research the phenomenon of 'moral panic'. How can journalists avoid getting caught up in the emotion of sexual assault cases?

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