

AUSTRALIAN ADVOCACY INSTITUTE

DRAFT – AAI CASE STUDY

Regina v Chris

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INTRODUCTION

Charges

The accused, 'Chris', who is 16 years old, is charged with three offences: two counts of committing an act of indecency towards a person under the age of 16 years and one further count of inciting a person under the age of 16 to an act of indecency.

The first charge alleges an act of indecency towards 'Abby' a child aged 6 on 1 January two years ago. It is alleged that the accused pulled his pants down and exposed his bottom towards Abby.

The second charge alleges inciting Abby to an act of indecency on the same date. It is alleged that the accused, after pulling his pants down and exposing his bottom towards Abby, told Abby to kiss him on the lips.

The third charge alleges an act of indecency towards 'Atticus' a child aged 11, sometime before 1 January two years ago. It is alleged that the accused on a separate occasion, exposed his bottom towards Atticus.

Background

Abby and Atticus live with their parents Margaret and Rodger in a small three-bedroom house. The home has a small front yard with a driveway. It has a large backyard which is almost completely covered by grass.

In January three years ago, Chris came to stay with Margaret, Rodger, Abby and Atticus in their home. Rodger's brother, Paul, married a lady, Tracey, who had a son, Chris. Things weren't going too well for Chris in the new household so Rodger volunteered to have Chris come and stay for a time.

On 1 January two years ago, Margaret asked Chris to babysit Abby and Atticus while she went to the corner shop to buy some takeaway lunch. Rodger was mowing the backyard lawn. When Margaret left the house, Chris, Abby and Atticus were in the lounge room watching a movie on television. She was away from the house for about 30 minutes.

When she arrived home with lunch, Abby ran up to the car in the driveway. She was smiling and partially covering her mouth with her hand.

Margaret asked: *"What's so funny darling?"*

Abby said: *"Chris pulled down his pants and showed me his moon!"*

Margaret asked: *"What? Where is dad?"*

Abby said: *"I don't know. I think he is with Chris. Chris tried to kiss Atticus."*

Margaret put Abby in the car and went inside and got Atticus. She saw Atticus in the lounge room. She went out to the back yard and spoke with Rodger. The family drove directly to their local police station to report what Abby had said. Chris was left at home. Senior Constable Linda interviewed Abby right away.

Later that day, police arrested Chris and took him into custody. He participated in an interview with Senior Constable Linda in which he denied doing anything wrong. He claimed that he, Atticus and Abby never left the lounge room while Margaret was out and that Abby sat on the floor playing with her dolls and undressing them. He said that, at one point, he told Abby to shut up because she was playing too loudly and he couldn't hear the movie and offered this as a possible explanation for what she had told her mother.

About a week later, Atticus told Margaret that Chris also exposed himself to him while the two boys were alone in Atticus's bedroom. As a result, Atticus was interviewed by Senior Constable Linda. Before he was interviewed, Margaret told Senior Constable Linda that Atticus has a mild intellectual disability with a formal IQ of 68, with receptive and expressive language skills equivalent to that of a child aged five and a half years.

Legal Matters

The charges against Chris are to be heard together. A separation of counts argument was unsuccessful.

In preparation for the trial, witness intermediary reports have been prepared in relation to Abby and Atticus.

In relation to Atticus, the trial judge has ruled at the Ground Rules Hearing that questioning is to be conducted consistently with the Witness Intermediary Report (WIR).

In relation to Abby, an extract of the transcript of the Ground Rules Hearing (GRH) is included in the materials. The trial judge has ruled that questioning is to be conducted consistently with that transcript.

Index of Materials

Enclosed are the following brief materials:

1. Indictment;
2. Statement of Margaret;
3. Statement of Senior Constable Linda;
4. Relevant portions of Senior Constable Linda's recorded interviews with Abby, Chris and Atticus;
5. Copies of items referred to in Senior Constable Linda's interviews with Abby and Atticus;
6. A floorplan diagram of the house;
7. Witness intermediary reports for Abby and Atticus; and
8. Extract of the transcript of (that part of) the GRH concerning Abby.

[insert indictment]

STATEMENT OF MARGARET

My name is Margaret. My husband is Rodger, and together we have two children – Atticus who is 11 and Abby who is 6.

Our house is a small three-bedroom one. The children each have their own room which are directly opposite one another. There is a front yard and a driveway. We have a big backyard.

Sometime a few years ago, Chris, who is the son of Rodger's brother's partner, came to stay with us in our home. I found Chris, initially, to be a positive addition to our family home – he helped around the house, cleaned up after himself and was always willing to help look after Atticus and Abby. Over the last twelve months he has become lazy and doesn't do as much as he used to. He also eats a lot of food and we don't make a lot of money so that has made things hard. His parents don't give us any money to pay his board.

While he stayed with us, Chris initially slept in Atticus's bedroom, although after some time he began sleeping on the couch in the lounge room. Atticus's bedroom door is always left open at night because he is afraid of the dark and we keep a night light on for him in his room. Chris mentioned that he preferred to sleep in the lounge room because the night light made it hard for him to fall asleep.

On New Years' Day this year, I went down to the corner shop to buy fish and chips for lunch. When I left, Rodger was mowing the lawn, Chris and Atticus were sitting on the couch in the lounge room watching a movie and

Abby was sitting on the rug just in front of them playing with something, possibly her dollies but I'm not 100 percent sure. I don't remember which movie they were watching. I remember that Atticus was excited to be watching it.

I was away from the house for about 30 minutes. When I arrived home, Abby came running out through the front screen door and up to my car window. She was holding one of her dolls and was smiling and partially covering her mouth with her hand.

I said: *"What's so funny darling?"*

Abby said: *"Chris pulled down his pants and showed me his moon!"*

I said: *"What? Where is dad?"*

Abby said: *"I don't know. I think he is with Chris. Chris tried to kiss Atticus."*

She was giggling as she said this.

I immediately became anxious. I told Abby to get into the car which she did. I went inside and got Atticus who was in the lounge room. I went out the back and spoke to Rodger. He had finished mowing the lawn and was near the back of the house watering our vegie patch. Together the four of us went to the police station to report what Abby had told me. We left Chris at home. I did not speak to him at all. I was disgusted. I took Abby into the police station and spoke to Senior Constable Linda who then interviewed Abby.

About a week later I decided to talk to Atticus and Abby about why Chris wasn't staying with us anymore. For several days Abby had been talking about what had happened and I wanted to speak to them both together about the situation.

During my conversation with the two of them, I asked Atticus whether Chris had ever done anything inappropriate towards him and he told me that he had and more than once.

Atticus said: *"It was late at night and everyone was sleeping. Chris came in and I woke up. He asked me if I wanted to see his bum cheeks and I said no but then he showed me his bum cheeks anyway. He pulled down his pants and I just ignored him. I didn't say anything before because I didn't want to get into trouble."*

I said: *"Has he done that more than once?"*

He said: *"Um, I think so."*

I said: *"More than 5 times?"*

He said: *"Yes mum."*

I didn't know what else to say to Atticus as I was very upset. I just assured him that he hadn't done anything wrong and I took him to see Senior Constable Linda and he was interviewed.

I have not seen Chris since New Years' Day and never want to see him again.

STATEMENT OF SENIOR CONSTABLE LINDA

My name is Senior Constable Linda.

On 1 January at about 3:00 pm, Margaret brought her daughter Abby to the police station to see me. Margaret told me something and as a result I interviewed her daughter Abby.

Later that day, the young person Chris was brought into the police station under arrest. After being properly advised of his rights, he was offered the opportunity to be interviewed and he accepted. I conducted an interview with Chris, in the presence of a support person, about the allegations that had been made about him by Abby.

A couple of days later I attended Margaret and Rodger's house and prepared a rough sketch of the floor plan of their home.

I now produce a copy of my floor plan sketch.

On 9 January, Margaret brought her older son Atticus into the police station. Because of some things Margaret told me I interviewed her son Atticus. Before I did so, Margaret told me that Atticus has a mild intellectual disability with an IQ of 68. Margaret told me that Atticus's intellectual functioning in terms of expressive and receptive language was the equivalent of a five-and-a-half-year-old.

EXTRACT OF SENIOR CONSTABLE LINDA'S INTERVIEW WITH ABBY

Q OK. The time now is 3:30 pm on 1 January. My name is Senior Constable Linda and I'm here with Abby and Abby's dolly [*Abby is holding a dolly*].

A --

Q Abby, how old are you?

A Um, I'm six.

Q Six, OK great. Abby is it alright if I speak to you today without your mum?

A Uh-huh.

Q Abby, would you like to tell me why you're here today?

A Because Chrissy showed me his moon.

Q Who is Chrissy?

A Chrissy is my big brother. He stays with us sometimes.

Q OK. Now I wasn't there when Chrissy showed you his moon, so why don't you tell me everything that you remember about that.

A Well, Chrissy was talking and then I was talking and mum and dad had gone to the shop to buy lunch, fish and chips. And we were in

the lounge and I was on the floor and Chrissy was on the floor and Chrissy got up and pulled his pants down and showed me his moon and it was funny. He said hey Abby look at this, it's a moon, and I was like that's rude but it was also a bit funny. And then I told mum what happened and now I'm here. Oh, and, oh yeah, I almost forgot, he said Abby kiss me on the lips, Abby kiss me on the lips, and I said gross, cos it's gross to do that. He went to try and kiss me on the lips [*Abby motions to the dolly that gesture*].

Q OK. When did this happen Abby?

A Today.

Q Do you remember what time today?

A Um – 20 o'clock.

Q OK. Well, was it daytime or night time outside?

A It was nearly dark outside.

Q Nearly dark outside.

Q Now Abby when you say moon do you mean bottom?

A Um --

Q Do you mean –

A This [*pointing to the bottom on her dolly*].

Q What do you call that Abby?

A Bum moon.

Q OK. Was anyone else there when Chrissy showed you his bottom?

A I don't remember.

Q Were you on your own when Chrissy showed you his moon?

A Chrissy was there.

Q What about Atticus?

A Atticus had gone somewhere and I was playing. But then Atticus came back but I didn't say anything to Atticus. It was funny.

Q Where was your dad Rodger?

A Daddy was watering the back window.

Q Why didn't you say anything to Atticus?

A I don't know.

Q What were you, Atticus and Chrissy doing while your mum and dad were away?

A We were watching the tv.

Q What were you watching?

A I think it was Jumanji.

Q Jumanji, OK. Now you said that Chrissy was talking, do you remember what he was saying?

A Chrissy was talking about my dollies.

Q Were you playing with your dollies were you?

A No.

Q You said that you were talking, do you remember what you were saying?

A I don't remember.

Q How long have you known Chrissy for?

A About a day.

Q When Chrissy pulled his pants down which way was he facing?

A Um –

Q Which way was he –

A I could see his bum, I could see Chrissy's bum and moon and it was rude. Like nudie rudie.

Q What do you mean like nudie rudie?

A Like nudie rudie in the bath, nudie rudie everywhere, that's my favourite book. Mummy and daddy read me that book every night before bed time.

Q Now Abby do you remember you also told me that Chrissy asked you to kiss him on the lips?

A I don't remember.

Q Tell me about when Chrissy said kiss him on the lips?

A It happened the first time not the second time. It was first time. He said hey Abby kiss me on the lips like in the movies and I said that's gross Chrissy. But that happened the first time.

Q You've mentioned there a first time and a second time and that Chrissy asked you to kiss him on the lips on the first time, when was the second time?

A The second one was the moon. His face looked like a tomato.

Q Right –

A I don't want to do this anymore.

Q What do you mean?

A Can I go back to my mum now?

Q Soon Abby. Now, is there anything else that you can tell me?

A I don't want to do this anymore, I want to see mum [*gets up and walks towards the door to the interview room*].

Q OK. We might just end the interview there --

END OF INTERVIEW

EXTRACT OF SENIOR CONSTABLE LINDA'S INTERVIEW WITH ATTICUS

Q OK Atticus. The time is now 10:00 am 9 January. My name is Senior Constable Linda and I am going to ask you some questions do you understand.

A Yep.

Q Atticus, how old are you?

A 11.

Q Who is Chris?

A He is a brother I think. He is dad's boy or friend. Mum doesn't like him. Dad likes him but.

Q Atticus I'm going to start by asking you some questions about New Years' Day OK?

A OK.

Q Atticus do you remember on New Years' Day when your mum went out and left you and Abby with Chris?

A Yep. Mum went to get dinner.

Q OK. Now what can you tell me about what you did while your mum was out?

A Nothing really. We just watched telly. Abby was playing with her dolls as usual.

Q Is there anything else that you can tell me?

A I don't think so.

Q Do you remember going to the toilet at all?

A Oh yeah I remember I went to the toilet to do a wee. But that was before --

Q How long were you in the toilet for?

A About 10 minutes probably.

Q After you finished in the toilet, where did you go?

A I would have gone to the lounge room. But I'm not too sure if I went to the toilet before or after mum left. I think that it was after mum left.

Q OK. Did you go back to the lounge room did you?

A Yes.

Q When you got back to the lounge room where was Abby?

A She was on the floor with her dolls.

Q Where was Chris?

A He was sitting on the lounge where he always sits.

Q Did you notice anything about Abby?

A Just normal I suppose.

Q What do you mean by normal?

A I mean, I don't know, normal.

Q Did you notice anything about Chris?

A He was watching the telly, we were watching Jurassic World which is one of my favourite movies. I love that movie.

Q What happened after that?

A Well Abby went somewhere. I didn't see. She didn't say anything, she just went. And then the next thing was that dad came in and told me to go out and get in the car so I did.

Q OK. Now, do you know why you're here today?

A Yep because Chris showed Abby his bum cheeks and he showed me too.

Q How do you know that Chris showed Abby his bum cheeks?

A Because that's all she's been saying every day for the past week at least. She's been running around the house saying things like, I saw Chris' moon just like nudie rudie. It's been pretty annoying. Then I told mum that Chris showed me as well. It was like before.

Q What do you think Abby meant when she was talking about a moon?

A His bum or the dolly's bum.

Q Have you ever heard Abby use the word moon for bum before this week?

A No. I don't think so.

Q And you mentioned that you told your mum that Chris had exposed himself to you. Tell me about that?

A I just told her. I told her that one night he came into my room and he woke me up and he had a towel around him and he turned around and dropped his towel and he wiggled his bum cheeks at me. And he was laughing but I screamed. He would always do it. He'd laugh sometimes and sometimes wouldn't say anything. He got close to me. He is smelly.

Q How was it that you told your mum this?

A I just told her. I think she was talking to Abby about lunch. We were at home and it was just me and mum and I decided to tell. That's it. I didn't like when he'd do it.

Q OK. You mentioned that Chris woke you up, how did he do that?

A Oh he just like moved me like that [*indicating that he was pushed to the front of his shoulder*] and I woke up straight away.

Q How could you see him?

A I have a night light.

Q OK Atticus. Now, if I show you these pictures [*body diagrams front and back*] can you circle what part of Chris you saw when he pulled down his towel and wiggled his bum at you?

A [*Draws a circle on one of the diagrams*]

Q OK great. And I'll just get you to write your name on that. Thanks.

Q Now Atticus, when this happened, where were your mum and dad?

A They were asleep in bed, I think.

Q Where was Abby?

A She would've been asleep. She goes to bed earlier than I do and my bed time is 8 o'clock.

Q And what time was it?

A I don't know but it was late.

Q When did this happen?

A It happened, um, at Christmas time. I don't know. When did it happen?

Q Now, Atticus, you said earlier that this would always happen. What do you mean by that?

A Just like be annoying. Abby is annoying too but.

Q What happened after Chris did that?

A Well he just said like don't tell anybody about what I just did because we'll both get in trouble and then we went to sleep in our beds.

Q OK. Did you ever talk to Chris about what happened?

A No.

Q Did you tell your mum or dad about it?

A Yeah, I told mum today because like, it happened to Abby so –

Q Did you tell anyone else about it?

A No.

Q So, you hadn't said anything about this to anybody until you spoke to your mum today?

A Yep but I told mum today so –

Q And you obviously spent time with Chris after this happened?

A Yep. He was living with us. I saw him every day pretty much.

Q OK I'm going to suspend the interview now --

END OF INTERVIEW

EXTRACT OF SENIOR CONSTABLE LINDA'S INTERVIEW WITH CHRIS

Q OK. The time is now 10:30 pm on 1 January and I am conducting an interview with Chris. Chris, it is alleged that earlier today you exposed yourself to Abby while her parents were out of the house, did that happen?

A No, I didn't do that. I would never do that. I don't think their mum likes me. Rodger's alright.

Q Well, it has been alleged that after Abby's mum Margaret went to buy lunch, you we were in the lounge on the floor with Abby and you got up and pulled your pants down and exposed your bottom to Abby and you said hey Abby look at this, it's called a moon.

A Not true. I mean, Margaret did go to the shops to buy us fish and chips, and I was in the lounge room watching a movie, and Abby was there but that other bit about me exposing myself to her isn't true. Atticus was home as well. He was in the lounge with us the whole time. I thought Rodger was out the back. Did he go to the shops as well?

Q Why don't you tell us your side of the story.

A Well there's nothing to tell really. Margaret told me that she was going to go down to the shop to buy us all some lunch and asked if I could watch the kids, which was fine with me because we were going to watch a movie anyway. Atticus wanted to watch Jurassic World so that's what I put on. Abby wasn't interested in it but she played on the floor with her dolls so that's what we did. And then next thing I

know Rodger came in and grabbed Atticus and I was left in the house on my own.

Q Did you notice Abby leave the lounge room at any point?

A No, I didn't notice that. But I guess she must have because when Rodger came in and got Atticus she wasn't there.

Q OK. At some point did Atticus get up and leave the lounge room?

A I don't think so.

Q It has also been alleged that you told Abby to kiss you on the lips –

A That's not true either –

Q And that you then tried to kiss Abby –

A Not true.

Q Is there anything else that you'd like to say?

A I'm just trying to think why Abby might be saying this. All I can think of is that she always takes the clothes off her dollies. The ones that had clothes you could take off, she would take them off –

Q OK –

A And like her favourite book is this book called rudie nudie or nudie rudie or something like that, one of those. Her parents read it to her

every night. I mean she also runs through the house without clothes on all the time yelling nudie rudie, it's just how she is. She does it to Atticus.

Q Right.

A And I did get a bit angry with her while we were watching Jurassic World because she was talking loudly and rolling around and I told her to shut up.

Q Have you ever heard her use the word moon before?

A No.

END OF INTERVIEW

FURTHER INSTRUCTIONS FROM CHRIS

Chris instructs that in relation to the complaint that was subsequently made by Atticus, that it is also untrue – he didn't expose himself towards Atticus in his bedroom.

He only slept in Atticus's bedroom for a night or two when he first began sleeping at the home but then slept in the lounge room because Atticus's night light kept him awake.

Chris says that in the last twelve months he hasn't got on with Margaret at all. It's like she is jealous of him.

He also babysat Abby and Atticus several times before 1 January.

[insert photo of doll, body maps and plan of house]

WITNESS INTERMEDIARY REPORT- ATTICUS

Section 1: Summary of qualifications and experience

1.1 I am a Victims Services accredited Witness Intermediary. I am a qualified Speech Pathologist specialising in working with children with speech and language difficulties.

1.2 I assessed Atticus' communication abilities at the Police Station with Detective Senior Constable Linda. Atticus' evidence was not discussed during the assessment. I also watched Atticus' interview from 9 January.

Section 2: Witness Communication Needs Assessment

3.1 Atticus was 11 years at the time of assessment.

3.2 Atticus has a mild intellectual disability. He has an IQ of 68.

3.3 My assessment indicates that Atticus has a language profile that falls well below his chronological age. I have assessed Atticus' intellectual functioning to be that of a five-and-a-half year old. His language inefficiencies involve receptive skills (comprehension) and expressive skills (his ability to retrieve words and explain ideas).

3.4 Atticus has a slow speech style associated with his expressive language issues, and some minor articulation difficulty. Atticus' overall presentation is one of delayed information processing.

3.5 Despite these communication challenges, I anticipate that Atticus will be able to give evidence if provided with well-planned supports and appropriately structured questions. Atticus was a very compliant participant in my assessment – and he participated well during police interview. This degree of participation is likely to be replicated at court if communication supports are available.

3.6 Atticus may have difficulty identifying and verbalising his own communication and attentional needs and in my opinion a witness intermediary will facilitate his communication at court. I have established some rapport with Atticus and have insights into his communication and attentional needs that would be beneficial to the court at the time of questioning.

3.7 I have outlined a series of adaptations that will assist Atticus' communication during the trial process. I recommend that these adaptations are implemented and suggest that inclusion of myself as a witness intermediary at the time of trial will facilitate this process for the court. My specific recommendations for questioning are outlined below.

Section 3: Conclusions and Recommendations

3.1

Questioning Recommendation	Advice for Questioner	Rationale
Use simple open forms at the outset of questions	Commence with less linguistically challenging open questions (who, what, when, where etc.)	Atticus will comply well with simple open questions while familiarising himself with the situation.
Avoid tag questions	'He didn't say X did he' is better phrased directly. 'What did he say?	Atticus does not understand negatively phrased tag questions.
Avoid questions containing comparatives	'Did X happen before Y' is better asked as a direct question. ' <i>What happened first? Ok, what happened next?</i>	Atticus does not reliably understand before than/after than; bigger/smaller etc.
Use words with which the witness is likely to be familiar,	If unsure about familiarity with vocabulary, ask for an explanation e.g. " <i>I want to talk about X. Can you tell me what X means?</i> "	Atticus is not always likely to indicate if he does not understand a key word or phrase.
Use reference to life experiences in discussing dates and locations. Consider provision of visual references (photos, drawing materials)	If word finding for places/times appears to be problematic, ask for a life-event e.g. 'was this close to your birthday?'	Atticus has difficulty with names of suburbs/streets and will need these referenced to his experience. Atticus made good use of drawing to explain some locations during interview.
Pause before posing next question to ensure the response has been completed.	Maintain active listener eye contact and wait to see if there is a continued response	Atticus can be slow to respond and will not always say if he has finished.

3.2 **Other Recommendations**: The role of the witness intermediary will be to draw the court's attention to any potential misunderstandings as soon as practicable. I would suggest beginning any intervention by the witness intermediary raising their hand and addressing the judge saying "Your Honour", followed by asking if Counsel can rephrase or ask a different question. For example: "Your Honour, can Counsel please not use tag questions?". Where requested by the judge, the witness intermediary can also suggest a solution, for example: "Ask a direct question".

3.3 I recommend the court adjourning for a break every 30-45 minutes.

3.4 I recommend Counsel share the working of their proposed questions with the witness intermediary so they can offer advice on the structure of these questions if and where required. This will likely minimise the need for intervention in court.

Declaration, date and signature etc

WITNESS INTERMEDIARY REPORT- ABBY

Section 1: Summary of qualifications and experience

1.2 I am a Victims Services accredited Witness Intermediary. I am a qualified social worker with a Bachelor of Social Work with a specialty in trauma. I have extensive experience in working with complainants in a variety of Court systems.

1.2 I assessed Abby's communication abilities at the Police Station with Detective Senior Constable Linda. Abby's evidence was not discussed during the assessment. I also watched Abby's interview from 1 January.

Section 2: Witness Communication Needs Assessment

2.1 Abby is 6 years old. Socially and developmentally, Abby presents as typical for her chronological age.

2.2 Abby is a good communicator and was able to maintain concentration during the interview with Detective Senior Constable Linda.

2.3 Abby had her dolly with her during the interview with the police. This gave her some comfort and allayed her anxiety. The dolly was also used by Abby to demonstrate relevant body parts.

2.4 Abby can be prone to spontaneous outburst when she is under stress or is unsure. She is unlikely to recognise the signs and might need more regular breaks. She would also be assisted by reminders of the rules of communication, for example, if she doesn't know the answer she can say "I don't know".

Section 3: Conclusions and recommendations

3.1

Questioning Recommendation	Advice for Questioner	Rationale
Remind Abby of the communication rules	Abby would benefit from being reminded not to guess, to say if she doesn't understand, if she doesn't know and if she can't remember	Abby feels anxious in stressful environments and may feel she has to answer all questions even when she is unsure
Allow short breaks in the remote room when necessary	Abby is prone to spontaneous outbursts when she is under stress. She might not	A child who is experiencing stress may function at a lower level. This may impact

	be able to recognise the signs or articulate how she is feeling.	on the accuracy of her evidence
Allow the use of her dolly to assist Abby in feeling less anxious and to point out body parts	Have the dolly in the remote room with Abby	This helps her feel less anxious. She also used it to put out relevant body parts.

3.2 It is recommended that the Court uses a witness intermediary to assist with Abby's evidence. This will allow the witness intermediary to more readily identify signs that Abby is becoming stressed or anxious and to request a break.

3.3 The witness intermediary should sit next to Abby so they can see her face and any signs of stress she might be showing.

3.4 It would help if Abby could be shown the remote room and the court before her evidence so she is familiar with the environment before she starts answering questions.

Declaration, date and signature etc

Extract of the transcript of (that part of) the GRH concerning Abby.

KATE JONES Witness Intermediary, AFFIRMED

HER HONOUR

Q. For the record, your name is Kate Jones and you have prepared a witness intermediary assessment report and recommendations in respect of Abby and that report is dated 2 April and I'll have that report marked MFI 1.

MFI #1 INTERMEDIARY ASSESSMENT REPORT

Q. Can you please take us through the main recommendations and anything else that's pertinent to Abby?

A. I'll refer to the table with the recommendations

Q. Yes?

A. So the first recommendation is to remind Abby of the communication rules. If Abby is under stress she can sometimes have an outburst of anger so remind her that she is able to say things like "I don't know" and allow appropriate breaks within the AV room when she shows signs of distress or anger.

Q. Do you expect her to get angry or distressed?

A. Yeah. If she shows signs of becoming angry or distressed, we can deal with them pretty quickly, if we have some short breaks in the room.

Q. Thank you. So what do you recommend?

A. I will look out for any signs.

Q. And let me know. All right?

A. Allow use of communication aids. Abby had her dolly with her in the interview and during the assessment that I did with her. This made her more comfortable but was also a tool for her to be able to point out relevant body parts. She has it with her here today.

HER HONOUR: Madam Crown, is there any questions?

CROWN PROSECUTOR: No, thank you, your Honour.

<EXAMINATION BY DEFENCE COUNSEL

Q. You had a discussion with her Honour about using the doll?

A. Yeah.

Q. And you mentioned her pointing out body parts – if I ask her direct questions about her body parts should the doll be used every time or could I use a body map?

A. I tested out the use of the doll not the body map with her so I don't know. She seemed comfortable with that.

Q. If she becomes angry or you get that sense how will you let us know?

A. How do you want me to – what if I raise my hand and say that 'a break might be needed'?

....