

GROUND RULES HEARING QUESTIONNAIRE

To be completed by the informant or prescribed person¹ prior to a ground rules hearing where no intermediary has been appointed.

IMPORTANT: Informants/prescribed persons **MUST NOT** attach any medical or psychological reports about the witness or provide information in answer to this questionnaire that may constitute confidential communications under s32B of the *Evidence (Miscellaneous Provisions) Act 1958* or that may breach the *Judicial Proceedings Reports Act 1958*, without the leave of a court.

¹ Police member who conducted the VARE

IN THE MAGISTRATES COURT OF VICTORIA AT:

COURT REFERENCE:

INFORMANT/PRESCRIBED PERSON:

ACCUSED:

DATE OF GROUND RULES HEARING:

	Issue	Notes	Where information obtained from²
1	Is the witness the complainant?		
2	What is the witness's full name? Does the witness prefer to be called by a different name?		
3	For a child witness – current age?		
4	Is the accused known to the witness? If so, what is the relationship between the accused and the witness?		

² Sources may include the witness, a parent, carer, case manager, the VARE, Child Witness Service, OPP Witness Assistance Service, Office of the Public Advocate.

	Issue	Notes	Where information obtained from³
5	What name does the witness use when referring to the accused?		
6	<p>Are there other people the witness will need to refer to?</p> <p>If so, what is their relationship to the witness and what name does he or she call them by?</p>		
7	<p>How does the witness refer to body parts? e.g. "bum", "doodle"?</p> <p>Will the witness be assisted by use of diagrams or pictures when referring to body parts?</p>		

³ Sources may include the witness, a parent, carer, case manager, the VARE, Child Witness Service, OPP Witness Assistance Service, Office of the Public Advocate.

	Issue	Notes	Where information obtained from⁴
8	<p>How many incidents are alleged?</p> <p>How should each incident be identified so that the witness will understand which incident is being referred to when being questioned?</p>		
9	<p>Does the witness have any suspected or diagnosed health issues (mental or physical) which may impact on their ability to give their evidence? (eg intellectual disability, autism spectrum disorder, learning disorder etc).</p> <p>** Any information must not disclose a confidential communication under section 32B of the <i>Evidence (Miscellaneous Provisions) Act 1958</i></p>		
10	<p>Is the witness likely to need to take medication? How will that affect the timing of the witness's evidence?</p>		

⁴ Sources may include the witness, a parent, carer, case manager, the VARE, Child Witness Service, OPP Witness Assistance Service, Office of the Public Advocate.

	Issue	Notes	Where information obtained from⁵
11	<p>Is the ability of the witness to give their evidence likely to be impacted by stress or anxiety?</p> <p>Can the witness, parent, carer or case manager advise what signs to look for and strategies to manage that stress or anxiety?</p>		
12	<p>What supports will assist the witness to give their best evidence, noting in particular if advice has been sought from the witness as to any special measures requested by them.</p> <p>e.g. witness support dog, stress ball, regular breaks?</p>		

⁵ Sources may include the witness, a parent, carer, case manager, the VARE, Child Witness Service, OPP Witness Assistance Service, Office of the Public Advocate.

	Issue	Notes	Where information obtained from⁶
13	Does the witness have any difficulties with reading or writing; telling the time; estimating times or estimating distances?		
14	Would the witness be assisted by meeting the judicial officer and the legal representatives prior to giving their evidence?		
15	Would the witness be assisted by having a support person beside them when they give their evidence? If so, who is that person and what is their relationship to the witness?		

⁶ Sources may include the witness, a parent, carer, case manager, the VARE, Child Witness Service, OPP Witness Assistance Service, Office of the Public Advocate.

	Issue	Notes	Where information obtained from⁷
16	<p>Will the witness require an interpreter?</p> <p>If so, which language?</p> <p>Will an Auslan interpreter be required?</p>		
17	<p>Are there any other relevant matters that will impact on the witness's ability to give their best evidence?</p>		

⁷ Sources may include the witness, a parent, carer, case manager, the VARE, Child Witness Service, OPP Witness Assistance Service, Office of the Public Advocate.