IN THE MAGISTRATES’ COURT OF VICTORIA AT:

COURT REFERENCE NUMBER:

NAME OF PROCEEDING:

GROUND RULES HEARING DATE:

**Ground Rules Hearing Questionnaire**

**Adult Complainants (without a cognitive impairment) in Sexual Offence Proceedings**

**NOTE:** This form is only to be used for a complainant who is aged 18 years or over[[1]](#footnote-1) and who is not cognitively impaired. The purpose of the questionnaire is to obtain *relevant* information to enable the court to consider the complainant’s communication, support or other needs to ensure that the proceedings are conducted fairly and effectively.

**IMPORTANT:** Informants MUST NOT attach any medical or psychological reports about the complainant or provide information in answer to this questionnaire that may constitute a confidential communication or protected health information under section 32B of the *Evidence (Miscellaneous Provisions) Act 1958* or that may breach the *Judicial Proceedings Reports Act 1958*, without leave of a court.

Name of complainant:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Question | Notes | Origin of information |
| 1. | Complainant’s age  How old is the complainant? |  |  |
| 2. | Preferred name & pronoun  Does the complainant prefer to be called by a particular name or pronoun? |  |  |
| 3. | Place of giving evidence  The complainant has the right to give their evidence remotely via closed-circuit television and with the accused removed from their line of vision but may choose to give evidence in the court room.   * If the complainant does not wish to testify remotely, and would prefer to give their evidence in the courtroom,  does the complainant wish a screen to be used to remove the accused from their line of vision? |  |  |
| 4. | Introduction to judicial officer & legal representatives  Would it assist the complainant to be familiarised with the court room and its participants, via the remote link or in the courtroom, prior to giving their evidence? |  |  |
| 5. | Supports  Would the witness be assisted by the presence of a support person when giving their evidence? If yes:   * who is that person and what is their relationship to the complainant   Are there other supports sought that will assist the complainant to give their best evidence? e.g., stress ball, witness support dog (if available) |  |  |
| 6. | Breaks:  Would the scheduling of regular breaks assist the complainant to give their best evidence? |  |  |
| 7. | Relevant health issues:  Does the complainant have any other issues e.g. physical or other health issues, that may impact on their ability to give evidence? E.g., physical injury affecting ability to sit for extended periods; anxiety/stress; medication that may affect concentration.  Will this affect the timing of the complainant’s evidence or the need for breaks?  \*\*Information must not disclose a confidential communication or protected health information in breach of Part II, Division 2A of the *Evidence (Miscellaneous Provisions) Act 1958* |  |  |
| 8. | Communication needs  Are there other relevant communication issues or needs to be considered when questioning the complainant, such as:   * Difficulties with reading or writing; telling the time; estimating times; estimating distances? |  |  |

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| --- | --- | --- | --- |
| 9. | Referring to the accused:  Is the accused known to the complainant? If yes:   * what is the accused’s relationship to the complainant? * what name does the complainant use when referring to the accused?   If no:   * what name will the complainant use when referring to the accused? |  |  |
| 10. | Referring to other witnesses:  Are there other people the complainant will need to refer to? If yes:   * what is their relationship, if any, to the witness? * what name will the complainant call them by? |  |  |
| 11. | Use of diagrams or pictures  Would it assist the complainant to refer to diagrams or pictures when referring to intimate body parts? |  |  |
| 12. | Number of incidents:  Is more than one incident alleged?  How should each incident be identified to distinguish it from another? E.g.: by location, date, time? |  |  |
| 13. | Any other relevant matters:  Are there any other relevant matters that may impact on the complainant’s ability to give their best evidence?  \*\*Information must not disclose a confidential communication or protected health information in breach of Part II, Division 2A of the *Evidence (Miscellaneous Provisions) Act 1958* |  |  |

1. And who was not under 18 years of age when the proceedings commenced. [↑](#footnote-ref-1)