IN THE MAGISTRATES’ COURT OF VICTORIA AT:

COURT REFERENCE NUMBER:

INFORMANT/PRESCRIBED PERSON:

ACCUSED:

DATE OF GROUND RULES HEARING:

**Ground Rules Hearing Questionnaire**

**Child or cognitively impaired witnesses**

**NOTE:** This form is only to be used for a witness who is under the age of 18 years[[1]](#footnote-1) or who is cognitively impaired in a criminal proceeding referred to in section 389A of the *Criminal Procedure Act 2009* and where no intermediary has been appointed.

The purpose of the questionnaire is to obtain *relevant* information to enable the court to consider the witness’ communication, support or other needs to ensure that the proceedings are conducted fairly and effectively.

**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 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 the leave of a court.

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| --- | --- | --- | --- |
|  | Issue | Notes | Where information obtained from[[2]](#footnote-2) |
| 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? |  |  |
| 5. | What name does the witness use when referring to the accused? |  |  |
| 6. | Are there other people the witness will need to refer to?  If so, what is their relationship to the witness and what name does he or she call them by? |  |  |
| 7. | What words does the witness use for body parts? e.g., vagina, penis?  Will the witness be assisted by use of diagrams or pictures when referring to body parts? |  |  |
| 8. | How many incidents are alleged?  How should each incident be identified so that the witness will understand which incident is being referred to when being questioned? |  |  |
| 9. | Does the witness have any other issues e.g. physical or other health issues, that impact on their ability to give their evidence? (eg intellectual disability, autism spectrum disorder, learning disorder etc).  \*\* Any 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* |  |  |
| 10. | Is the witness likely to need to take medication? How will that affect the timing of the witness’s evidence? |  |  |
| 11. | Is the ability of the witness to give their evidence likely to be impacted by stress or anxiety?  Can the witness, parent, carer or case manager advise what signs to look for and strategies to manage that stress or anxiety? |  |  |
| 12. | 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.  e.g. witness support dog, stress ball, regular breaks? |  |  |
| 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 being familiarised with the court rooms and the participants, via the remote link or in the courtroom, 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? |  |  |
| 16. | Will the witness require an interpreter?  If so, which language? Will an Auslan interpreter be required? |  |  |
| 17. | Are there any other relevant matters that will impact on the witness’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. or who was under 18 years of age when the proceedings commenced. [↑](#footnote-ref-1)
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. [↑](#footnote-ref-2)