

ACT Intermediary Program

Information for Families

What is an intermediary?

An intermediary is a skilled and accredited professional who has been trained to facilitate the communication of witnesses with communication difficulties. The intermediary provides specific guidance to the police and the court about the witness's communication, based on an assessment of that witness.

The intermediary is an impartial Officer of the Court facilitating the communication of evidence. (Note - the intermediary is not a support person or an advocate for the witness.)

What is the ACT Intermediary Program?

The ACT Intermediary Program was introduced in early 2020 with a focus on assisting child witnesses to communicate their best evidence at police interview and during the court trial process. Adults with communication difficulties may also be eligible.

Who can be involved?

Intermediaries are made available for most children interviewed by police officers where sexual assault and/or homicide have been alleged. Intermediaries will also be available to assist in these types of court matters.

An intermediary may be appointed in other types of cases depending upon police, court and ACT Intermediary Program decisions about the case.

How will this assist?

Participation in police interviews or the court process can be highly stressful for children. Stress, alongside other communication difficulties, may prevent clear and accurate evidence from being communicated.

Intermediaries are experienced in assessing and advising on communication issues and impairments including (but not limited to):

- Language Delays
- ADHD & ASD
- Mental Health Issues
- Trauma
- Learning Disabilities
- Cognitive Issues

The intermediary is able to recommend tailored strategies assisting questioning, allowing for improved communication of evidence.

How does an intermediary become involved?

Individuals, parents, guardians and carers will usually be advised of the possibility of using an intermediary by the interviewing police officer. If you think that a child witness may have any communication difficulties, due to their age or any other reason, it is important to tell the police officer handling the matter as soon as possible.

Where an intermediary is not allocated by police at the police interview stage, it may still be possible for an intermediary to be allocated to a child who will give evidence at court. Ask the lawyer involved in the child's case about this.

What does the intermediary do at court?

After the police finalise their investigation, the matter may proceed to trial, at court. If this happens, the court may choose to allocate an intermediary. The intermediary will then conduct an assessment of the child witness's specific communication needs. The intermediary will provide some recommendations to the court, based on their assessment of the child's needs.

The judicial officer considers the intermediary's recommendations during a 'ground rules hearing' at court. The judicial officer may direct lawyers to follow the recommendations when questioning the child witness at trial. The intermediary will usually sit next to the child in the remote witness suite when the child gives evidence, to make sure the court approved recommendations are followed and clear communication occurs.

Can I speak to the intermediary about the court proceedings?

No. The intermediary is an impartial Officer of the Court. The intermediary only assists the process of communication. Any information you or the child wish to share about: the police investigation; their evidence or the court proceedings must be directed to the police or the lawyer appointed to the case. The intermediary is not allowed to talk about these things at all.

For further information relating to the Intermediary Program please contact the Intermediary Program Team, ACT Human Rights Commission:

Phone: (02) 6205 2222

Email: intermediaryprogram@act.gov.au

Address: Level 2, 11 Moore Street CANBERRA CITY ACT 2600



ACT HUMAN RIGHTS
COMMISSION

Australian Capital Territory