



PROCEDURAL GUIDANCE MANUAL (PGM)

COMMUNICATION PARTNERS
WA DEPARTMENT OF JUSTICE

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Further copies may be accessed online at:

<https://www.wa.gov.au/service/community-services/counselling-services/court-counselling-and-support-services>

Any questions or feedback may be directed to the Communication Partner Program at CPPProgram@justice.wa.gov.au or 0458 263 567

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1. Acknowledgements

The WA Communication Partner Program in Court and Tribunal Services extends its thanks to the ACT Intermediary Program in the Human Rights Commission (ACT), and other stakeholders who generously contributed their knowledge towards the development of the WA Communication Partner Program, including this Procedural Guidance Manual.

Court and Tribunal Services engaged ACT Intermediary Program Senior Director Ms Laura Cilesio and Senior Intermediary Ms Sarah Cocco to assist with recruitment and training of the first cohort of WA Communication Partners in 2024, and ACT Intermediary Program colleagues, including Ms Kath Taplin, provided invaluable input and guidance in developing this version of the Procedural Guidance Manual. We thank them for their continued advice, guidance and support.

The Program thanks the Aboriginal and Torres Strait Islander peoples who continue to contribute to the development of the WA Communication Partner Program through sharing their knowledge and feedback. The Program recognises and respects all First Nations peoples' status and knowledge, their culture, history, diversity and immutable connection to country.

2. Procedural Guidance Manual

The purpose of the WA Communication Partner Program's Procedural Guidance Manual (PGM) is to outline the key aspects of the Communication Partner (CP) role, explain the legislation underpinning it, and outline important elements of CP practice. This manual is a reference guide for CPs regarding their role, including professional conduct they must adhere to and processes they must follow. It is made public and updated versions will be proactively shared with justice system stakeholders in the interests of transparency.

The manual is regularly updated to ensure its currency and accuracy. Feedback from stakeholders to continually improve the manual is encouraged. Feedback may be sent to the following email address: CPPProgram@justice.wa.gov.au

3. Background to the WA Communication Partner Program

Effective from 1 September 2024 the new *Criminal Law (Mental Impairment) Act* (CLMI Act) will replace the *Criminal Law (Mentally Impaired Accused) Act* 1996. Under the provisions of the new legislation, the WA courts and the newly formed Mental Impairment Review Tribunal (the Tribunal) can appoint a Communication Partner to assist accused¹ and supervised persons² with mental impairment to communicate with the courts or Tribunal (see section 21 of the CLMI Act).

Professional CPs (known in some jurisdictions as 'intermediaries' or 'witness intermediaries') are increasingly used in justice systems in Australia and elsewhere. CPs undertake rigorous training in order to be accredited to operate in WA. CPs are trained to effectively facilitate the communication of accused or supervised persons who have communication barriers. WA recognises that communication facilitation is needed for persons who have been charged with criminal offences and have a mental

¹ A mentally impaired accused person refers to a person who has not yet been subject to a court-ordered disposition (custody order, community supervision order or ordered to be unconditionally released) under Part 5 of the CLMI Act 2023.

² A supervised person refers to a person who is currently subject to a custody order, community supervision order or leave of absence order as defined under Part 1 of the CLMI Act 2023.

impairment and associated communication issues.

Under section 26 of the CLMI Act, an accused person is unfit to stand trial on a charge of an offence, if, because of mental impairment the accused person is unable to do one or more of the following:

- (a) understand the nature of the charge
- (b) give instructions to a legal practitioner representing them
- (c) understand the requirement to plead to the charge, or the effect of a plea
- (d) understand the purpose of a trial
- (e) understand or exercise the right to challenge jurors
- (f) follow the course of the trial
- (g) understand the substantial effect of evidence presented by the prosecution in the trial
- (h) decide whether to give evidence, or to give evidence if they wish to do so; or
- (i) properly defend the charge.

A CP may be appointed to facilitate the accused or supervised person's understanding of the criminal justice process and ability to understand facets of the criminal justice system directly relevant to the case brought against them.

The Communication Partner Program's overarching objective is to provide skilled communication facilitation within the criminal justice system so accused and supervised persons can communicate effectively when communicating in tribunal and court settings. Skilled, impartial communication facilitation increases access to justice and reduces trauma and strain. In the process, it assists people who struggle to communicate, thereby assisting the functioning of criminal justice processes.

CPs undertake rigorous training to become accredited in WA to facilitate communication in the justice system. To facilitate communication, CPs directly and practically assist by making specific, tailored communication recommendations. Once implemented, the recommendations improve communication and the process of eliciting of evidence, enabling their justice system participation.

CPs are impartial officers of the court who are subject to laws governing their conduct (see section 21 of the CLMI Act). For example, CPs are prohibited from engaging in discussions about, or giving opinions in respect of, the content of elicited evidence.

It is important to note that CPs strictly adhere to their communication facilitation role. CPs do not engage on issues outside of the communication facilitation role. For example, CPs do not engage on issues of whether the person has capacity, or whether the evidence elicited assists the case. Importantly, CPs are not expert witnesses and must not be asked to act as expert witnesses as it would be outside the realms of their legally prescribed role.

CPs do not discuss case merits with any persons and are not informed of case outcomes, as such information is not relevant to their role as impartial officers. The role of the CPs is to impartially facilitate communication and participation when required to do so by a court or tribunal.

4. Terminology

Throughout this Procedural Guidance Manual, there are frequent references to:

WA Communication Partner Program, sometimes referred to as 'the Program': this refers to the team engaged by the WA Department of Justice to facilitate program implementation across WA. The Program centrally manages case referrals and is the first point of contact for stakeholders and CPs with issues arising during their engagement with the Program.

Accused and supervised persons: references to accused and supervised persons refer to those persons as defined in the CLMI Act (2023). Note that in this manual, accused and supervised persons are occasionally interchangeably referred to, and are sometimes described as vulnerable persons or witnesses, depending upon the specific context referred to. For example, when giving evidence in a court the accused or supervised person is a witness. Furthermore, for the purposes of the Procedural Guidance Manual, references to 'accused' persons includes accused persons of any age charged with an offence, unless otherwise specified. Also, 'accused' may include an accused person with mental impairment, including a person who has not yet been subject to a court-ordered disposition (custody order, community supervision order or ordered to be unconditionally released). References may also refer to a person who is currently subject to a custody order, community supervision order or leave of absence order.

A *Glossary* is also provided to assist understanding of terms used in this manual and in the justice system. See **Appendix 2**.

5. Governance

The WA Communication Partner Program is implemented and monitored by Court and Tribunal Services. The implementation and monitoring process is overseen by a group convened by the Executive Director, Court Counselling and Support Services, which, in an oversight role, advises on issues arising during implementation that affect law and justice stakeholder organisations in WA.

6. Code of Conduct for Communication Partners

Communication Partners (CPs) must strictly abide by the following Code of Conduct. The Code of Conduct applies, without exception, to the CPs operating under the *Criminal Law (Mental Impairment) Act 2023*.

1. A CP must abide by the law, at all times.
2. A CP must act in accordance with the latest version of the Procedural Guidance Manual (PGM).
3. A CP has an overriding duty as an officer of the court and the Tribunal, to maintain impartiality. A CP's paramount duty is to the court and the Tribunal, and not to any other stakeholder engaged in a legal case or proceeding.
4. A CP must be familiar with, and cognisant of, the relevant legislation underpinning the role when performing their duties. This includes the statutory consequences associated with inappropriately performing CP duties, such as the consequences of making false or misleading statements which may lead to fines and/or imprisonment.
5. A CP is only to present themselves as a CP and is not to present themselves or otherwise act as a support person, advocate, witness or an expert witness.
6. A CP must conduct themselves in a professional, respectful and courteous manner with all witnesses, stakeholder representatives and others they

- professionally interact with, at all times.
7. A CP must respect case and the accused or supervised persons' confidentiality, at all times. A CP must, when required, clearly advise stakeholders of limitations upon their role and ability to discuss matters by explaining the limitations imposed by their strict legal obligation to maintain confidentiality (see the section of this manual titled *'Information Sharing and Confidentiality'* for further information).
 8. A CP must not use information obtained in their role for any other purpose, including, but not limited to, any personal or alternative professional purposes.
 9. If a CP intends to present or publish information regarding their role as a CP, whether in any formal or informal environment, the CP must obtain prior written permission from the Program, which may need to pre-clear the information to be presented or published.
 10. When in the presence of the accused or supervised person the CP must ensure they are accompanied by a Responsible Third Party (such as the accused's lawyer or a Program representative). A CP must never be alone with an accused or supervised person. Doing so causes risks contrary to the accused or supervised person's best interests. If this occurs, the CP must immediately inform the Program both verbally and in writing.
 11. A CP must never discuss evidence with the accused, supervised or any other person. If an accused or supervised person, or person associated with them such as a family member, inadvertently discloses evidence during a communication assessment or otherwise, the CP must immediately alert the Responsible Third Party e.g. the accused or supervised person's lawyer and Program staff.
 12. The CP must, at all times, accurately reflect their qualifications and professional experience to the court, the Tribunal, stakeholder representatives and otherwise.
 13. A CP must maintain such qualifications, training, experience or skills as prescribed by law to perform the CP role.
 14. A contracted panel CP must have sufficient relevant insurance, including professional indemnity insurance, for the entire period they are engaged as a CP.
 15. A CP should not accept, or continue to undertake, a referral to facilitate communication if the referral is not within their skillset and expertise. In such instances the CP must promptly notify the Program so the referral can immediately be allocated to a suitable CP.
 16. A CP must meet the minimum Continued Professional Development (CPD) requirements as required by the Program.
 17. A CP must only accept a request for their CP communication services through the Program. Requests may not be accepted from any other entities, including justice system stakeholders. If lawyers or others approach a CP for assistance, they should be directed to contact the Program.
 18. At lawyer interviews a CP must provide communication advice to the lawyer. The CP must abide by the lawyer's interview processes while continuously abiding by this Code of Conduct and the law governing CPs. In cases where CPs are unsure regarding their obligation at interview, they must contact the Program for direction.
 19. At courts or in the Tribunal, a CP is an officer of the court and must provide communication advice in accordance with the presiding judicial or the Tribunal member's directions, the Code of Conduct and the law governing CPs. In cases where CPs are unsure regarding their obligations in courts or the Tribunal, they

- must immediately contact the Program for direction.
20. A CP must not, at any time, provide opinions regarding the reliability or credibility of any accused person or other witness, or the content of their evidence.
 21. A CP must make genuine attempts to meet the needs of courts and the Tribunal, including being available for attendance as they stipulate. If the CP is unable to meet the needs of a court or the Tribunal the CP must immediately inform the Program.
 22. Prior to engaging as a CP with an accused or supervised person, a CP must ensure that appropriate informed consent is obtained (unless the Program advises the CP otherwise, which should be recorded in the CP's case notes).
 23. A CP must immediately inform the Program of any real or perceived conflict of interest relating to either the accused, supervised person or other stakeholders in accordance with the '*Conflicts of Interest*' section of this manual.
 24. A CP must immediately alert the Program to:
 - any criminal conduct they engage in, or it is alleged they have engaged in.
 - any police enquiry or investigation whatsoever being conducted in relation to them in their personal or professional capacity.
 - any anticipated or current court or tribunal proceedings or orders occurring in relation to them in their personal or professional capacity.
 - any activity, enquiry or investigation in relation to the status of the Communication Partner's National Police Check status or Working with Children Check status.
 - any other issue that could negatively affect their standing or reputation as a CP officer of the court or their ability to perform that role to the standard required.
 25. CPs should never publish information regarding the Program or CP work on personal or professional media accounts (social media or otherwise).
 26. CPs must, at all times, be mindful of their professional role as officers of the court.
 27. A CP must commit to practicing as a CP annually, should they receive a reasonable number of referrals from the Program annually. Failure to practice as a CP for an extended period may render their CP accreditation outdated. CPs may seek clarification regarding their accreditation status from the Program at any time.

If a CP requires clarification or direction regarding any aspect of the Code of Conduct, or the application of it, they must promptly contact the Program for guidance.

7. The Western Australian Justice System

In Australia, the criminal justice system is adversarial, which means parties (the prosecution and the defence) present their versions of the events, supported by evidence, before the court or tribunal. Their versions and evidence presented are carefully considered in accordance with applicable laws prior to any determination being made by the court or tribunal.

In WA, proceedings are presided over by a judicial officer in a court or tribunal setting. Whether the matter is before a court or tribunal depends on the stage and severity of the matter. For example, more serious criminal matters are generally before the Supreme Court or District Court, presided over by a judge. The Supreme Court hears matters such as homicide and related cases and serious breaches of Commonwealth drug enforcement laws. The District Court hears matters such as serious assaults, serious drug and serious sexual violence cases. Other cases are heard by lower courts

and tribunals.

Communication Partners (CPs) operate in both court and tribunal forums by virtue of the *Criminal Law (Mental Impairment) Act* (the CLMI Act) which came into effect 1 September 2024.

Under the CLMI Act, the WA courts and the newly formed Mental Impairment Review Tribunal (the Tribunal) can appoint a CP in a case.

The courts or the Tribunal may appoint a CP to facilitate the communication of:

- **mentally impaired accused** persons³; and
- **supervised** persons⁴

Accused or supervised persons with mental impairment may be required to give evidence in:

- **special proceedings**⁵ held in accordance with section 42 of the CLMI Act; or
- **extended order proceedings** under section 123 of the CLMI Act.

The CLMI Act applies to accused and supervised persons with mental impairment appearing in proceedings before the:

- Supreme Court - including the Court of Appeal
- District Court
- Magistrates Court
- Children's Court; and
- the Tribunal.

Therefore, CPs may be appointed to facilitate communication in any of these forums.

The CLMI Act requires the CP to **facilitate the person's communication** within the court or the Tribunal, or **otherwise communicate** with the court or the Tribunal.

The CLMI Act provides the precise legislative description of the role. Relevant sections 21(1) and (2) of the CLMI Act are copied below.

21. Appointment of communication partner for accused or supervised person

(1) If, during proceedings before a court or the Tribunal, an accused or supervised person is to give evidence or otherwise communicate with the court or Tribunal, the court or Tribunal may appoint a person (a communication partner) to perform the function described in subsection (2).

(2) The function of a communication partner is, when requested by the court or Tribunal, to —

(a) communicate and explain to the accused or supervised person, any questions put to the accused or supervised person; and

(b) communicate and explain to the court or Tribunal, the information given by the accused or supervised person.

³ A mentally impaired accused person refers to a person who has not yet been subject to a court-ordered disposition (a custody order, community supervision order or ordered to be unconditionally released) under Part 5 of the CLMI Act 2023.

⁴ A supervised person refers to a person who is currently subject to a custody order, community supervision order or leave of absence order as defined in the CLMI Act 2023.

⁵ These special proceedings will be heard by a judge or magistrate sitting alone i.e. no juries will be involved.

(3) The court or Tribunal can only appoint a person as a communication partner if it considers that the person is suitable and competent.

Therefore, in legislatively defined circumstances courts or the Tribunal may order that a CP assist an accused or supervised person to **communicate their evidence** in proceedings. They may also order that a CP assist an accused or supervised person to **understand and participate** in proceedings held under the CLMI Act.

The relevant courts and the Tribunal are briefly described following.

The Supreme Court

The criminal jurisdiction of the Supreme Court hears mainly homicide and related cases and serious breaches of Commonwealth drug enforcement laws.

The court is located at the David Malcolm Justice Centre, 28 Barrack Street, Perth with criminal proceedings being conducted in the original Supreme Court Building in Stirling Gardens corner of Barrack Street and St Georges Terrace Perth. The Supreme Court may sit in the District Court Building at 500 Hay Street, Perth, on occasion.

The Supreme Court judges periodically go on circuits to major regional courthouses in WA. This is because courts prefer to dispense justice nearest to where an alleged offence was committed.

The court's telephone number is 9421 5333 and further information about the Supreme Court, such as its daily court lists, can be found at its website: [Supreme Court of Western Australia](#)

The District Court

The criminal jurisdiction of the District Court hears serious criminal offences such as assaults causing bodily harm, sexual assaults, and significant fraud, commercial theft and burglaries.

The court is located at 500 Hay Street, Perth. The District Court also send its judges to the bigger regional courthouses to preside over major criminal proceedings.

The court's telephone number is 9425 2128 and enquiries about criminal proceedings can also be directed to Criminaldc@justice.wa.gov.au

Further information about the Court, such as its daily court lists, can be found on its website: [District Court of Western Australia](#)

The Magistrates Court

The criminal jurisdiction of the Magistrates Court hears relatively minor criminal offences (sometimes called 'simple' or 'summary' offences) such as common assaults, petty theft and drug misdemeanours. It can also preside over 'either way offences' which are more serious offences that can either be dealt with by a magistrate or a judge of the District Court, depending on the precise seriousness of the offence.

The Perth Registry is located in the Central Law Courts precinct at 501 Hay Street, Perth. The Magistrates Court has Registries in the metropolitan area and at regional courthouses throughout the state. See [Court Locations and Contacts](#)

The Perth Registry telephone number is 9425 2222 and enquiries about criminal proceedings (such as when they will be heard) can be directed to PerthMagistratesCourt@justice.wa.gov.au

Further information about the Court, such as the locations of metropolitan and regional courts and its daily court lists, can be found on its website: [Magistrates Court of Western Australia](#)

The Children's Court of Western Australia

The criminal jurisdiction of the Children's Court hears all types of criminal offences to have allegedly been committed by children and young persons aged between 10 to 17 years. Magistrates based in metropolitan and regional courthouses may also preside over Children's Court cases.

The court building is located at 160 Pier Street, Perth. The court's telephone number is 9208 0100 and enquiries can also be directed to childrenscourt@justice.wa.gov.au

Further information about the Court can be found on its website: [Children's Court of Western Australia](#)

The Mental Impairment Review Tribunal

The newly established Mental Impairment Review Tribunal is created by the CLMI Act on 1 September 2024. (The Mentally Impaired Accused Review Board is thereafter, abolished). The Tribunal hears all its matters in Perth.

The Tribunal's telephone number is 9423 8700 and email enquiries can be directed to prisonersreviewboard@justice.wa.gov.au

Further information about the Tribunal can be found on its website: [Mental Impairment Review Tribunal](#)

8. Communication Partners' Professional Requirements Checklist

Alongside other obligations and outlined in this PGM, CPs are typically required to meet and maintain the following requirements to undertake their role:

- A professional qualification in Speech Pathology, Social Work, Psychology or Occupational Therapy (or other relevant skills or expertise approved by the manager of the Communication Partner Program)
- A National Criminal History Check
- A Working with Children Check
- Registration with their professional association where applicable (unless otherwise agreed with the manager of the Communication Partner Program)
- A demonstrated capacity to attend any professional supervision provided
- Compliance with any professional development (CPD) requirements communicated by the Program
- Ability to maintain records continuously, appropriately and confidentially, as required by the CP role (this may include case notes, assessment notes, court and tribunal reports and notations of various communications such as with lawyers and court representatives as required by the Program).

Both 'in-house' CPs and 'panel' CPs who are contracted under the Communication Partner Panel must abide by these requirements, unless the manager of the Program

communicates otherwise in writing which would only occur in exceptional instances.

Note for completeness, the 'panel' CPs who are contracted under the Communication Partner Panel are also required to have the ability to independently prepare appropriate, legally compliant invoices for submission to the Communication Partner Panel in the format required by the Program.

9. Employed In-House Communication Partners and Panel Communication Partners

As mentioned above, for the purposes of implementing the WA Communication Partner Program, the Program employs in-house CPs plus a panel of contracted CPs. The panel of contracted CPs are often engaged to attend to ad hoc referrals beyond the capacity of in-house CPs.

Both in-house CPs and panel CPs complete the training and accreditation processes required to become CPs in WA. Both are expected to abide by all requirements, obligations, procedures and practices outlined in this Procedural Guidance Manual and abide by laws applying to CPs.

In-house CPs will be available Monday to Friday to attend to business hour referrals as directed by the Program.

Panel CPs are individually contracted service providers. The detail of their contractual engagement is contained in individual correspondence with each panel CP. Panel CPs typically attend to the referrals that in-house CPs are unavailable to attend or do not have the relevant area(s) of expertise required by the presenting case.

10. Data Privacy and Record Keeping

CPs must act in accordance with WA and national privacy laws as well as Program requirements to maintain accused persons' and supervised persons' privacy and confidentiality at all times (these privacy law obligations exist in addition to legal requirements imposed upon CPs as officers of the court). The collection, storage, use and disclosure of personal information is covered in CP training prior to their accreditation, and demands consistent careful CP practice to maintain legal abidance and CP accreditation.

11. Information Sharing and Confidentiality

As officers of the court, CPs must treat any information about accused, defendant or other vulnerable persons, received either verbally or in writing, with the utmost confidentiality in accordance with the law, the CP Code of Conduct and the training received in the CP accreditation course.

As a guiding principle, CPs understand that outside of lawyer discussions, the courtroom or the Tribunal, the CP should only discuss details of their engagements with Program staff as required. Even discussions with Program staff must be limited to the conversations necessary to perform the CP role.

Failure to strictly comply with confidentiality requirements in accordance with CP Code of Conduct, legal requirements and training risks divulging information or opinions that may compromise aspects of legal proceedings, with significant legal and other consequences. Consequences may include negative impacts upon the case as well as

the CP in question who will have breached the Code of Conduct.

As circumstances require, CPs should be confident to respectfully express to all stakeholders (individuals, police, lawyers and court officials) their strict legal obligation to remain impartial and maintain confidentiality as the CP role requires. If at any stage CPs require clarification regarding aspects of confidentiality, the Program will be available to provide detailed guidance directly relevant to the case or circumstances the CP is navigating.

The Program recognises that CPs often receive requests for information from criminal justice stakeholders and others. If a CP is uncertain regarding a request for information received, for example a request for information about a referred vulnerable person, they must respectfully decline to answer and refer the query to the Program for response.

This is particularly important when the request for information relates to the content of Communication Assessment Reports that CPs are required to write for the courts and the Tribunal's purposes. The content of reports is very carefully prescribed (see **Appendix 3**). The distribution of reports and their contents is restricted and is managed by the Program in accordance with applicable law and process. The CP has no authority or mandate to share report content in part or whole, outside of prescribed Program processes.

If a CP is concerned regarding any aspect of confidentiality or impartiality while undertaking their role, the CP must immediately inform the Program they require advice and guidance.

Examples of such circumstances can include:

- Where an accused or supervised person attempts to talk to a CP about their case
- Where a family member asks a CP about their views of the accused
- Where a lawyer asks what will be in a CP's report to the court.

The CP Code of Conduct makes clear there are strict professional obligations of confidentiality applicable in such instances. Any such questions should be responded to appropriately, protecting confidentiality. The CP must explain to the individual that the CP role precludes them from discussing or responding to the question. The individual may be directed to the Program instead. The Program will clarify confidentiality obligations.

12. Insurance Obligations

Panel CPs (those working under contract) are required to obtain and maintain adequate and appropriate insurances covering their CP work. The details of insurance cover obtained must be supplied to the Program prior to commencement in the role in the form required by the Program, so the Program has evidence insurance has been considered and obtained.

Advice on the levels of cover that may be received from an insurer should be discussed directly with that insurer. Product information cannot be obtained from the Program, as the Program does not collect detailed information regarding various insurers' products and services.

Some CPs who are allied health professionals may be guided by their professional body regarding insurance providers, if the CP's professional body offers this type of

service. If the CP has queries in relation to their insurance obligations generally, or related questions, they should contact the Program to discuss their questions and issues and possible ways to resolve them.

13. National Police and Working with Children Check

All CPs must provide evidence of a current National Police Check and current Working with Children Check to the Program before commencing work as a CP.

All CPs should maintain current versions of these checks for the duration of engagement with the Program.

If the CP becomes aware there are any enquiries, investigations or changes related to the status of these checks, the CP must immediately advise the Program, in accordance with the Code of Conduct.

The Program can discuss any issues individual CPs face relating to historical criminal records and engagement in criminal or legal proceedings and suchlike.

14. Curriculum Vitae (CV)

CPs must maintain an up-to-date CV including qualifications and work experience and provide the Program with a copy as required. Copies of CPs' CVs will be held securely by the Program and will only be shared with the court, the Tribunal and/or the Communication Partner government policy administrators or program governance stakeholder entities if formally requested to do so. CPs will be advised if a copy of their CV is requested by any stakeholder.

15. Registration with Professional Associations

CPs must provide the Program with evidence of their current registration with their professional association, where applicable. Details of professional registration will be held securely by the Program and will only be shared with the court, the Tribunal and/or the Communication Partner Program government administrators and governance entities if formally requested to do so. CPs will be advised if a copy of their registration is requested by any of these stakeholders.

16. Contact Details

CPs must advise the Program of any changes or updates to their telephone number/s, residential address and email address as soon as possible. This is of the utmost importance in cases where CPs are actively working on cases, which may require the Program to communicate with the CP at short notice or urgently.

17. Complaints and Feedback Process

The Program is committed to the continuous improvement of its implementation. This includes responsibly and respectfully managing complaints in accordance with the law, as well as receiving other feedback from users of the Program's services. All complaints arising in the course of CPs' work should be made to the Program for review and response. Complaints will be handled accordingly by the Department of Justice.

Should any feedback or complaint regarding an aspect of the Program or an individual CP become known to a CP, the CP must inform the Program as soon as possible. This

will allow the Program to respond appropriately in a timely manner.

The Program may receive feedback from court, the Tribunal or others regarding CP practice or performance. Sometimes the feedback is positive, sometimes it is negative and sometimes the feedback is based on a misunderstanding of the nature of the CP's communication facilitation role. The Program is adept at appropriately and respectfully responding to feedback. If the Program receives feedback regarding the performance of an individual CP, a member of the team will promptly contact the CP to discuss the feedback.

18. Conflict of Interest

The CP must immediately notify the Program if the CP was, is, or may become:

- a relative, kin, friend or acquaintance of the accused or supervised person
- somehow engaged with the accused or supervised person's family or with the person's broader networks (social, religious, educational, professional or otherwise)
- somehow engaged in a matter where the CP has previously assessed an accused or supervised person's communication or provided communication advice regarding an accused or supervised person in a capacity separately from their current proposed role as a CP
- professionally engaged in assisting the accused or supervised person other than as a CP, whether in a paid or unpaid capacity, or has been so engaged in the past
- a potential party to, or a potential witness in, any proceedings in which the accused or supervised person may be involved
- inappropriately informed of any issue regarding an accused or supervised person or their case; and/or
- aware of any other perceived, potential or actual conflict of interest arising.

If any of the above occur, the CP must not accept or continue the relevant referral allocation. The CP must immediately contact the Program to explain the issues arising. The Program will consider and appropriately resolve the issues.

19. Safety and Wellbeing

The Program is committed to working responsibly alongside CPs and other stakeholders (including police, lawyers and court staff) to assist the safety of CPs in the course of their work. As CPs work at various locations such as legal offices, the Tribunal and courts, the Program does not have control over safety and wellbeing at all locations. Such locations typically have existing security arrangements in place, and CPs are never expected to place themselves at risk. CPs should consider their own safety and well-being to be of the utmost importance.

Accordingly, if a CP has concerns about their personal safety and wellbeing whilst undertaking, or as a consequence of undertaking, their CP role, they should alert the Program at the first available opportunity for guidance and support. If a CP has concerns as to the wellbeing or safety of a CP peer, the CP should alert the Program at the first available opportunity.

Relevantly, the Program provides continued professional development (referred to as CPD, which is discussed below). CPD for CPs, and this PGM, include information about safety and wellbeing, trauma-informed practice and self-care.

20. Continued Professional Development

CPs work is technically complex and demanding. CPs must adhere to their training and any Continued Professional Development (CPD) requirements of the Program, as directed by the Program, to ensure their CP skills are maintained and developed in-line with professional and justice system expectations.

Some CPs will also undertake CPD provided by their relevant professional body (i.e. the professional body for psychologists or social workers). Whether the CPD provided by the various professional bodies may be counted towards the Program's CPD requirements should be discussed with the Program.

Regarding the Program's CPD offerings, the Program will provide opportunities for CPs to undertake activities such as attendance at various information sessions and presentations. CPs are strongly urged to engage in these activities wherever possible. Aside from providing free educational opportunities, engaging with CP peers allows the CP professional cohort to share their learnings with each other.

CPs must maintain a clear, easily accessible record of all the CPD activities they undertake, including the precise time spent engaging in CPD activities and the specific CPD events attended throughout each calendar year (i.e., between 1 January – 31 December each year).

From time to time, CPs will be requested to submit their CPD log to the Program for consideration. Failure to submit a CPD log when required may result in suspension or removal from CP duties.

21. Trauma-Informed Practice and Self-care

CPs must demonstrate their professional understanding of, and professional responsiveness to, the impacts of trauma upon individuals. This impact is directly relevant to individuals' communication and functioning.

CP engagement with vulnerable people must be guided by their knowledge of the importance of vulnerable persons' psychological safety. CPs' trauma-informed practice must be culturally and socially sensitive, in accordance with Program's expectations communicated during training, CPD sessions and materials.

Understanding this, CPs conduct themselves to genuinely respect and support the particular communication considerations of:

- children and young people
- people living with disabilities
- Aboriginal and Torres Strait Islander peoples and their communities
- culturally and linguistically diverse people and their communities
- lesbian, gay, bisexual, transsexual, queer and intersex people and their ally communities; and
- people living with health conditions, including mental health conditions.

In instances where CPs would like assistance or guidance analysing complex issues presented, including intersectional issues, they should not hesitate to contact the Program.

The Program actively collects resources and maintains networks with individuals and within professional and other communities to assist the provision of educated, sensitive professional engagement by all Program staff, including CPs. Please refer to some of the materials contained in this manual, for example the Advocate's Gateway Resources introduced below in this manual).

Understanding that a high proportion of Aboriginal and Torres Strait Islander people are involved in the criminal justice system due to intergenerational trauma, it is anticipated that CPs will be providing services for accused persons from this background. With respect to Aboriginal and Torres Strait Islander people's needs, CPs and justice stakeholders should note that many regional courts have Senior Aboriginal Liaison Officers (SALOs) who educate, support, and provide assistance to Aboriginal court users and inform judicial officers and court staff about Aboriginal matters and culture.

SALOs often travel on circuits to remote communities to support judicial officers and assist community members who attend court. CPs should contact the Program should they wish to engage with SALOs to develop their knowledge regarding communication skills relevant to any individual case or to relevantly improve their trauma-informed skill sets. See further information contained later this manual regarding a range of cohorts known to require close consideration of trauma-informed approaches.

It is imperative that CPs care for their emotional and physical health and well-being and actively practice appropriate self-care. This benefits both CPs and their practice. CPD and other materials provided by the Program will address self-care and related topics. Both in-house and panel CPs will have access to the Department's Employee Assistance Program ('EAP'), as well as other targeted self-care training.

22. Support Services in the Criminal Justice System

CPs skilfully provide communication facilitation. CPs do not provide support services. CPs should be aware that vulnerable persons can access support services in the WA and should not be tempted to offer support services themselves.

WA organisations provide a range of clinical and non-clinical services to individuals including support services providing information about court processes, court familiarisation and support attending court. If CPs find themselves considering the vulnerable person lacks support, the appropriate course is for the CP to raise the issue with the Program.

23. Ground Rules Hearings with Communication Partners present

CPs have received detailed training regarding the legislation creating their role, and the full scope of their role in legal, court, tribunal and other relevant contexts. CPs are trained in strictly applied CP processes as outlined in this manual.

One important aspect of the role is the CP's engagement in Ground Rules Hearings that courts and the Tribunal may conduct, which is summarised below.

By way of background, section 21(1) of the CLMI Act enables a court or the Tribunal to appoint a communication partner for an accused or supervised person with mental impairment. The Criminal Law (Mental Impairment) Regulations 2024 make a further allowance for a CP to be appointed upon the application of one of the following persons:

- an accused or supervised person
- an accused or supervised person's legal representative

- the DPP; and/or
- the WA Police Prosecution.

Once a CP is appointed, it is important to note that the courts and the Tribunal have the option to hold Ground Rules Hearings for the court and parties to consider important aspects of how the CP will engage in proceedings.

Under section 4 of the CLMI Regulations 2024, courts and the Tribunal may hold a Ground Rules Hearing to make any orders necessary as they relate to the Communication Partner or communication needs of the accused or supervised person.

Typically, the Ground Rules Hearings held by the court are attended by both the CP and the lawyers representing the party or parties. (The accused or supervised person does not attend.)

At the Ground Rules Hearing the CP's Communication Assessment Report, containing communication recommendations about the accused or supervised person, can be considered by all parties. The CP's Communication Assessment Report is typically provided to the court or the Tribunal registry weeks' prior and distributed to the parties for perusal.

The parties' lawyers attend the Ground Rules Hearing prepared to discuss the report (the accused or supervised person does not typically attend). The CP attends the Ground Rules Hearing prepared to answer any questions regarding their Communication Assessment Report and the communication recommendations it contains.

Aspects of the CP's report may be objected to. For example, the prosecution may object to a recommendation that the accused have access to a support animal each time they attend court, considering that it may risk causing delays to the timely progression of a case.

The Ground Rules Hearing provides the forum for their Honour to consider the parties' various viewpoints regarding the report and communication recommendations, and to hear directly from the CP regarding their reasoning regarding the communication recommendations. Their Honour will deliberate whether the recommendations will be followed and if so, how they will be implemented during proceedings.

At the Ground Rules Hearings, the court may make any rulings, directions or orders considered appropriate. For example, directions may be made that, in accordance with the CP's Communication Assessment Report, a support animal will be present while evidence is given, and that all questions put to the accused person must be in short, simple form with ample time provided for the accused to respond. It may also be directed that the accused person is to have a support person present, or access to aids, breaks, translation services or other means of communication facilitation the judicial officer or Tribunal member deems fit. Alternatively, having considered the information presented at the Ground Rules Hearing, their Honour may decide to disregard the CP's communication recommendations, or to direct amendments to them.

Further examples of the types of directions that may be made are provided following, although this list is by no means exhaustive, or necessarily representative of what will

be directed in WA. The following list should be considered simply a list of examples showing the types of directions made at Ground Rules Hearings held in Australian jurisdictions:

- A direction about how a witness⁶ may be questioned
- A direction about how long a witness may be questioned
- A direction about the types of questions that may or may not be asked of a witness
- A direction that the lawyers in proceedings must share their proposed questions, or a sample of proposed questions, for the accused person with the CP prior to questioning, to assist to ensure the questions are in a style / form that the accused person can understand
- A direction about the use of models, plans, body maps or other aids to help communicate a witness' question or answer
- A direction about the use of a support animal by the witness
- A direction that if a party intends to give evidence that contradicts or challenges the evidence of a witness or that otherwise discredits a witness, the party is not obliged to put that evidence in its entirety to the witness in cross-examination.

The courts or the Tribunal's directions at the Ground Rules Hearings are the key guidance for the CP at the trial or hearing. The directions make clear how the CP, as an officer of the court, will conduct their CP role during the proceedings. The Program assists the CP's preparation for the proceedings by ensuring that the CP fully understands the court or the Tribunal's directions and is equipped to abide by the directions in full during the proceedings. Any questions that the CP has regarding Ground Rules Hearings are directed to the Program, who will actively assist the CP including by engaging with the court Registry and, if necessary, judge's or Tribunal members' Associates or staff as required in preparation for proceedings.

24. The role of the Communication Partner explained

The WA courts and the Mental Impairment Review Tribunal (the Tribunal) can appoint a Communication Partner (CP) to assist accused⁷ and supervised persons⁸ with mental impairment to communicate with the courts or Tribunal (see section 21 of the CLMI Act, which is copied for ease of reference, below).

A CP appointed for an accused or supervised person is, under the CLMI Regulations 2024, an officer of the court and must act impartially when assisting communication with the accused or supervised person. A CP may be appointed to facilitate the accused person's understanding of the criminal justice process and ability to understand facets of the criminal justice system directly relevant to the case brought against them. The CP takes judicial or tribunal guidance on the communication facilitation required in court or tribunal proceedings.

Typically, CPs practically assist the accused or supervised person's face-to-face communications with members of the justice system such as lawyers, tribunal members and judicial officers.

⁶ A witness, in a criminal proceeding, includes the accused person in the proceeding in Section 4AA of the ACT Evidence (Miscellaneous Provisions) Act 1991.

⁷ A mentally impaired accused person refers to a person who has not yet been subject to a court-ordered disposition (custody order, community supervision order or ordered to be unconditionally released) under Part 5 of the CLMI Act 2023.

⁸ A supervised person refers to a person who is currently subject to a custody order, community supervision order or leave of absence order (2023).

For example, in a courtroom a CP appointed by the judge may sit beside an accused or supervised person when they give evidence in court. The judge may have appointed the CP to monitor communication of the accused or supervised person. The judge may ask the CP to intervene if the CP observes that communication has broken down, by the CP raising their hand.

In the courtroom example, the judge understands the CP may notice the signs of communication breakdown before others in the courtroom, for example if the accused or supervised person is not listening to questions but is agreeing with everything put to them – even when words are being used that the person does not understand. Or, if the accused or supervised person is exhibiting signs such as shaking, hand clenching or picking at their skin they may be too anxious to communicate accurately. The court may need to schedule a short break to allow the person to become calm, or take their prescribed dosage of medication, which will assist their communication. The CP understands more about the accused or supervised person's communication than others in the courtroom, because the CP has undertaken a detailed *communication assessment* of the person. The CP can provide impartial assistance to the court.

It is expected that - like in other Australian and international jurisdictions - courts and the Tribunal will regularly request communication facilitation services. CPs will likely need to directly facilitate accused and supervised peoples' communication in the justice system across WA.

Aside from the important role of facilitating communication face-to-face described in the example above, an important facet of the CP role is to undertake detailed *communication assessments* of both accused and supervised persons' communication. (Note that the *communication assessment* is mentioned briefly in the courtroom example provided above. There is also a dedicated '*Communication Assessment*' section included in this manual, below.)

In preparation for court or the Tribunal proceedings, the in-person communication assessment with the accused or supervised person may take 60-90 minutes (or longer in some cases as required). Undertaking a communication assessment typically includes assessing various aspects of the person's communication such as their spoken language capabilities, comprehension, perception of time, numeracy capabilities, ability to describe events chronologically, ability to answer complex multifaceted questions, and more. The CP assesses these aspects of communication because they are relevant to communication of clear evidence in courtrooms and the Tribunal.

The CP tailors the communication assessment to the individual person's needs. For example, an accused autistic person who is 17 years old will have a different communication assessment as compared to an elderly person who has experienced a stroke affecting their speaking abilities. Some accused and supervised people may require translators to communicate. CPs are trained to work side-by-side with translators, including during the process of undertaking their communication assessment.

After undertaking the face-to-face communication assessment, the CP writes up the results of their communication assessment in strict accordance with Program requirements.

For courtroom and the Tribunal's purposes, the communication assessment directly informs the *Communication Assessment Report* drafted by the CP and subsequently provided to the court or the Tribunal. (Note there is a dedicated '*Communication Assessment Report*' section below in this manual, and a template to aid drafting the report is provided in **Appendix 3**).

The report contains tailored *communication recommendations* for the court or the Tribunal to consider. These communication recommendations are designed to inform the court or the Tribunal of:

- how the accused or supervised person can understand the justice system processes being applied to them
- how they can communicate effectively in the justice system; and
- how to elicit the best possible evidence from the accused or supervised person (for example during cross-examination or 'questioning' of that person)

enabling their justice system participation, thereby assisting achievement of justice for all.

Information regarding the origins of the law introducing CPs to WA may be accessed here: [Western Australian Legislation - Criminal Law \(Mental Impairment\) Act 2023](#)

Relevantly, section 21(1-2) of the CLMI Act is copied below.

21. Appointment of communication partner for accused or supervised person

(1) If, during proceedings before a court or the Tribunal, an accused or supervised person is to give evidence or otherwise communicate with the court or Tribunal, the court or Tribunal may appoint a person (a communication partner) to perform the function described in subsection (2).

(2) The function of a communication partner is, when requested by the court or Tribunal, to

(a) communicate and explain to the accused or supervised person, any questions put to the accused or supervised person; and

(b) communicate and explain to the court or Tribunal, the information given by the accused or supervised person.

(3) The court or Tribunal can only appoint a person as a communication partner if it considers that the person is suitable and competent.

The above statement of the CP's role may be summarised as being to:

- communicate to the accused or supervised person giving evidence, the questions put to them, to the extent necessary for them to understand the questions; and
- communicate to the person putting questions to the accused or supervised person giving evidence, their answers to the questions, to the extent necessary for the person putting questions to understand the answers; and
- otherwise assist the court, and lawyers engaged in the proceedings, to effectively communicate with the accused or supervised person.

A CP is an officer of the court who must always act impartially when facilitating communication with the accused or supervised person in accordance with the provisions of the CLMI Act and other relevant laws.

Therefore, it is extremely important to clarify what CPs are not legally permitted to do.

- CPs are **not** support persons. They are impartial communication facilitators.
- CPs are **not** expert witnesses. They do not sit in courtrooms to provide opinions as experts in their professional field. They are communication facilitators.
- The CP **cannot**, for instance, give their opinion regarding the *accuracy* of an accused or supervised person's recall of facts in their evidence given in court. (The CP can only advise on how best to communicate, not provide their opinions on any evidence given.)
- The CP **cannot** comment on whether an accused or supervised person is *competent to give evidence* in a courtroom or tribunal. (The CP can only advise on how best to communicate, not give opinions on competency. In this instance, a CP may advise a judge on how that judge could effectively communicate the judge's own questions to assess an ac person's competency. Note that this manual has a section dedicated to issues of '*Competency*' below.)
- It is **not** the role of the CP to provide an opinion on the *reliability* of the evidence provided by an accused or a supervised person. It is not the role of a CP to assess a vulnerable suspect's *fitness to be interviewed*, or a vulnerable defendant's *fitness to stand trial or plead*. In each of these examples, the CP must remember that their role is to facilitate communication. The CP is not to give opinions on the evidence given by a witness and is not to give opinions. The CP's role is to facilitate communication.

The CP's paramount duty is to the court or tribunal. This duty requires that CPs must remain in their own mandated role of impartial communication facilitators abiding by processes and practices taught in CP training and reinforced in this manual. CPs must diligently maintain their role as impartial communication facilitators and never inadvertently assume other roles.

It is up to the court or the Tribunal to determine whether a CP is required to be appointed in a proceeding. The appointment of a CP is not a matter which may be merely 'agreed between parties' to a case. If a court or the Tribunal determines a CP will be appointed in a case, that court or the Tribunal will make appropriate directions regarding the nature of the CP's involvement in the case which the CP and others in the court must abide.

CPs should note that the court or the Tribunal may separately direct various other 'communication-related' measures it determines necessary regarding the accused or supervised person's proceedings. Examples of other measures a court or the Tribunal may direct include: directing that the accused person or supervised person being assisted by a support person or translator (who work alongside the CP's communication facilitation role); or directing that the accused or supervised person provide their evidence via a remote audio-visual link.

As an impartial officer of the court, the CP's communication recommendations may concur or add information for the court or the Tribunal to consider. The court or the Tribunal will typically consider the CP's similar or additional communication recommendations (whatever they may be) and then will make suitable directions in the interests of justice in accordance with applicable laws governing that court or the

Tribunal. These are matters ultimately decided by the court or the Tribunal and the CP must abide.

The CP must not interfere in any way with witnesses, police, legal, tribunal or court processes or procedures as this could place the CP at risk of contravening the legal scope of their role. Should the CP disrupt or derail legal proceedings, this would be in contravention of their Code of Conduct and the law.

CPs must conscientiously and continuously maintain impartiality, privacy, confidentiality and must always be perceived as professionally and diligently performing their role. CP training and accreditation processes teach CPs how to capably maintain the required professional standards. CPs who *misrepresent* communications in courts, tribunals or otherwise may be at risk of criminal penalties and other sanctions or consequences. CPs are made aware of this during their training.

The CP's role is tightly prescribed for good reason. Adherence to the law ensures CPs in WA properly perform their vital role, ensuring that courts, the Tribunal and lawyers are skilfully and professionally advised by CPs on how to effectively communicate with vulnerable people in the justice system. As they abide by their role, CPs make a significant contribution to the justice system.

Multiple evaluations, both in Australia and internationally, demonstrate that when effective communication facilitation occurs, it significantly improves engagement in the criminal justice system. Evidence shows justice system stakeholders have identified various important benefits resulting from appropriate engagement in accordance with proper processes, such as the processes outlined in this manual.

25. Courtroom Etiquette

The CP is an officer of the court and, as such, it is important the CP complies with courtroom etiquette and protocols. The court is a formal environment. The Tribunal is a slightly less formal setting, however CPs should be mindful of these protocols and be ready to follow them unless courtroom staff, judicial officers or tribunal members advise otherwise. CPs attending court for any reason relating to a referral should ensure they comply with the following:

- Ensure objects you carry will be considered safe and will not be removed during court security screening (e.g. no 'sharp items').
- Ensure all electronic devices (e.g. mobile phones) are turned off both in the courtroom and in remote witness suites.
- Do not eat or drink (except water) inside the courtroom.
- Remove sunglasses and/or hats when you are inside the courtroom.
- When you first enter the courtroom, let the court officer (Sheriff or Judicial Associate for example) who is in attendance know that you are present, and that you are the CP for the matter.
- If you enter the courtroom while the Judge, Magistrate or Tribunal member is present, bow your head as you enter.
- Stand when the Judge, Magistrate or Tribunal member enters and leaves the courtroom (court staff direct when this occurs). Remain standing until court staff indicate otherwise, or the member leaves the bench.
- If you leave while the Judge, Magistrate or Tribunal member is present in the

courtroom, slightly bow your head again before exiting the courtroom.

- Keep silent within the courtroom unless you are requested to engage in proceedings. Remain seated in the public sitting area of the courtroom until you are called forward to engage in proceedings, for example, to engage in the Ground Rules Hearing where your Communication Assessment Report is being considered.
- If you are asked to engage in proceedings, respectfully ask where you should be seated if you are unsure.
- Judges and Magistrates should be addressed as 'Your Honour'. Tribunal members and Registrars should be addressed as others in the room address them (e.g. Ms 'X', Mr 'X' or 'Registrar').
- Refer to lawyers as 'counsel', or by their preferred title and surname, as appropriate.
- Refer to the accused or supervised person by their full name, or first name if others are doing so, unless you are instructed otherwise.
- Be conscious of your behaviour in the court vicinity at all times. You are an officer of the court. Complainants, witnesses, defendants, jurors and potential jurors, lawyers, judicial officers and family members may be present in the vicinity.
- Be aware that others in the courtroom or remote witness suite may hear conversations with others in person and on mobile phones, may see documentation and view notes unless they are kept in a discrete file or folder as they should be at all times.
- Do not leave any materials whatsoever unattended in courts or court precincts. If this inadvertently occurs, immediately advise the Program.
- Do not discuss any aspect of the content of evidence given in proceedings, at any time.
- Do not discuss the accused or supervised person's 'performance' giving evidence with the accused or supervised person, or any other person. Do not say 'you did well' or 'that was good' or pass any other opinion as you are an impartial officer.
- Note that even when the court is vacated court recording equipment may remain on.
- Note that the parties' lawyers, family members, or other interested people, such as journalists, may be in your vicinity inside and outside of the court, including in waiting areas, cafes and bathrooms.
- Note that many matters may be protected by a non-publication or suppression order. Any breaching of protections may have significant consequences. If you have questions, the Program will guide you, including in relation to your preparation for Ground Rules Hearings.
- Maintain professionalism and impartiality when communicating with all parties such as lawyers in the case, whether inside or outside of the courtroom. This must be maintained regardless of any other person's behaviours.
- If you spend any time with a lawyer/s on one side of the matter, for example when introducing yourself to them as the 'Communication Partner the court has appointed in this case', be sure to actively attempt to do the same introduction with the other the lawyer/s on the other side of the matter. Such professional behaviours increase justice system and public perception of your role as an impartial officer of the court.

- At no time should the CP be in direct contact with a judge or magistrate, except at the judge or magistrate's invitation. If such an invitation is extended, inform the Program at soonest possible opportunity.
- Outside of the proceedings, any communications with judicial officers or others engaged in the proceedings should be promptly communicated to the Program. This includes informally communicating, for example unexpectedly being introduced at a social gathering. Note that CPs should not initiate any such communication as it risks being perceived as lacking appreciation of confidentiality, privacy and impartiality.
- Do not be alone with the accused or supervised person at any time, including in a court or the Tribunal. You may clearly, sensitively and respectfully explain to the person that your CP role is a court officer role that requires you to only be with them while other people are present with you both. Any individual time alone risks you, as CP, being reported as lacking requisite impartiality and professional judgement. It may result in you being removed from facilitating communication in the matter.

26. Dress Requirements

The processes and protocols that take place in the courtroom have evolved over many years and are in place so cases can be dealt with in a commonly understood, structured and effective manner. CPs are officers of the court, and as professionals in the court system are required to wear attire appropriate for the courtroom or the Tribunal they are appointed to work in.

Due to the formality of court processes and other factors, including the requirement to appear via video link, when in court CPs must wear neat, business-type attire in neutral colours that are not distracting in person or via video link (i.e. wear clothing that is not excessively colourful or bright). Counsel and judges typically wear dark clothing. Tribunals are typically less formal than courtrooms, however neat attire appropriate for a formal work setting is still required.

Whether the matter is an in-person or pre-recorded evidence hearing, and whether the CP will attend for a brief or lengthy period, it is important that CPs do not distract with their attire choices. For example, bright ties, metallic or see-through clothing, bright, shiny textiles or significant accessories may be distracting for people with communication difficulties, staff or when CPs appear on CCTV.

Additional health and safety issues might apply when working alongside a vulnerable suspect/defendant. Follow your professional knowledge and the advice of the custodial officer, dock officer, judicial or the Tribunal staff as required.

The following are some general points to assist CPs to meet dress requirements for courts and which may be appropriated adopted in a range of legal settings:

- professional attire such as collared shirts with a plain blazer are common
- ensure shirts have sleeves and can be buttoned high enough to appear professional. Avoid sleeveless shirts, thin straps, etc
- avoid tops and other clothing with distracting colours or patterns
- tops and other clothing with slogans or printed words are not permitted
- ensure clothing is not tattered or stained

- avoid watches, cufflinks, jewellery, etc that could provide distractions
- hair / facial hair should be neat and tidy and not styled in a distracting way
- bags and other items that are not relevant to proceedings should remain out of view of the camera when in the CCTV room (i.e. CPs should not store their bags and items behind the CP and accused or supervised person in view of the camera).

27. Competency – Communication Partners must not address

It is **not** the CP’s role to comment, advise or give evidence regarding the **competency** of any accused or supervised person to **give evidence in a proceeding**.

Occasionally a CP is asked to comment due to some justice stakeholders’ misconceptions about the CP’s role.

CPs should be aware they may on occasion be (incorrectly) asked whether the CP considers a person competent to give evidence in court. In response, the CP should respectfully advise the court that decisions about competency are **not matters that a CP may comment on**.

Competency is a matter for the court to ascertain. Lawyers, the Tribunal members and judges may ask the accused or supervised person questions to ascertain their competency. A CP may assist them to communicate these questions, as communication facilitation is the CP’s role. The CP is not, however, to provide opinions or comments on issue of the competency of a person to give evidence, even if requested to do so.

An example of the way CPs may be asked about competency is provided below, for absolute clarity:

Their Honour Smith J: “Do you think the accused is capable of understanding the question being put to them?”

Suggested Communication Partner responses:

“Your Honour, it is outside the scope of the Communication Partner role to say to you whether the accused is actually capable of answering the question. I can assist your Honour with suggesting ways the question can be rephrased to help communication with the accused.”

Or:

“Your Honour, my role as a Communication Partner does not allow me to provide opinions about a person’s capacity to answer questions. I can provide guidance and advice on how to ask questions that assist communication with the accused.”

Or

“If your Honour wishes to ask questions of the accused to assess their competency, I can assist your Honour to phrase those questions to them so that they may clearly understand.”

CPs may contact the Program at any time to discuss this issue further.

28. Communication Partner Procedural Steps in WA

The following section provides step-by-step guidance on procedural aspects of the role of the CP. Should CPs wish to clarify any issues regarding procedures, they should contact the Program.

A CP may be referred to a case at the court or the Tribunal stage, to assist communication of the accused or supervised person's evidence and participation during proceedings (see **Appendix 1**).

The explanation of the procedural steps at Court and Tribunal Proceeding stage is provided below, for clarity.

Court and Tribunal Proceedings

Process steps for CPs preparing for a court referral, attending a Ground Rules Hearing (if held) and the questioning of accused or supervised persons at court or the Tribunals.

1. Only the court/tribunal can appoint a CP in proceedings. Often a lawyer will request the appointment of the CP by an application to the court or the Tribunal.
2. At no point during the process can the CP be left alone with the accused or supervised person. This includes, but is not limited to:
 - the Communication Assessment
 - during questioning
 - during court breaks
 - any other time.
3. Where a CP has been appointed, the court or the Tribunal representative requesting the CP, submits the CP referral form to the Program.
4. The request for a CP should include all relevant information required by the referral form. Depending on the accused or supervised person's age, this may include details of a parent/guardian. Other details required include the matter name, matter reference number, anticipated date proceedings, date of any Ground Rules Hearing set down and person's communication issues.
5. The referral form should also include details of the accused or supervised person and their best way of being contacted, including via relevant lawyers, for example the defence lawyer.
6. The accused or supervised person's verbal consent provided to their lawyer is sufficient for the initial engagement of a CP. The CP can obtain signed consent from the accused or supervised person or their parent/guardian at the time the CP's communication assessment occurs.
7. Upon receipt of the referral, the Program will allocate a CP with the relevant skills according to the accused or supervised person needs as outlined in the referral form.
8. The Program will arrange a time and location for the CP to undertake a communication assessment (engaging with their parent/guardian where applicable).
9. The typical communication assessment with the accused or supervised person takes between 60 – 90 minutes, and may take place at an agreed location, office, court or any other suitable venue that is private and comfortable (and child-friendly where applicable).
10. The communication assessment informs the recommendations the CP will make in their communication assessment report (which is often referred to as the 'Court

- Report'). The recommendations in the communication assessment report are critically important and are presented to the court or the Tribunal and deliberated at any Ground Rules Hearing.
11. The communication assessment of the accused or supervised person does not include discussion of or reference to the alleged offence/s, evidence, the person's competence or details of the proceedings.
 12. To assist production of the communication assessment report, the CP may request to either view any recorded police interview or review the accused or supervised person's statement provided to police, to analyse communication in those justice system settings.
 13. Viewing of the interview or statement is arranged by the Program if considered appropriate and consented to (by the accused or supervised person, police and Program).
 14. CPs must ensure the accused or supervised person's understanding of the CP's role, commitment to confidentiality, strict impartiality and obligation to maintain the integrity of the communication assessment.
 15. Once the CP completes their communication assessment, they must produce a thorough communication assessment report including recommendations for the court or the Tribunal. The Program reviews the CP's report for quality and compliance purposes, and it is then submitted to the court or the Tribunal registry who distributes it to:
 - the Judge, Magistrate or Tribunal Member's Associate (whichever is applicable);
 - the prosecutor;
 - the defence lawyer; and
 - any other relevant entity, as determined by the court or the Tribunal.
 16. The communication assessment report is based on the findings of the communication assessment process and is solely focused upon communication. The report is *not* a diagnostic report and should not be treated as such.
 17. If considerable time passes between the undertaking of the communication assessment and the matter being heard at court or the Tribunal, the CP may need to conduct another assessment and provide an addendum to their report. For example, if a young person's age or developmental stage changes significantly due to the course of time passing. Whether an additional CP communication assessment is necessary is determined on a case-by-case basis.
 19. The Program may become aware that the accused or supervised person has a support person or translator allocated in preparation for proceedings. On a case-by-case basis, the Program may inform the CP.
 20. Prior to the accused or supervised person giving their evidence, a Ground Rules Hearing may be scheduled by the court or the Tribunal to set the ground rules regarding the CP's recommendations and involvement in the proceedings (see below steps regarding Ground Rules Hearings).
 21. Typically, the CP, defence lawyer and prosecutor attend the Ground Rules Hearing. (The accused or supervised person does not typically attend.)
 22. The CP must bring a hard copy of their court assessment report to the Ground Rules Hearing. It is also good practice for the CP to bring additional copies of the report for parties who may not have one at hand.
 23. During the Ground Rules Hearing, after deliberation, including deliberation of questions by lawyers and of verbal information provided by the CP at the hearing, the judicial officer or the Tribunal member may direct the parties to follow some, or all, of the recommendations outlined in the CP's communication assessment

report. If such recommendations are directed, these must be strictly followed by the CP and lawyers. The directions will form the basis of the CP involvement in the proceedings going forward. The CP should carefully note down the judicial officer's directions and report these back to the Program at the completion of the Ground Rules Hearing.

24. The judicial officer or the Tribunal member may also indicate the method the CP should use to intervene during court proceedings. They may also indicate where the CP will be seated during proceedings, for example if they are to be seated alongside the accused or supervised person as they are questioned. The CP is ideally seated near to the person (wherever they are) to allow them to closely monitor the person's communication and directly related issues such as stress and anxiety responses.
25. At the Ground Rules Hearing, the judicial officer or the Tribunal member may direct lawyers to seek advice from the CP prior to proceedings, to assist the lawyers' preparation formulating their questions for the accused or supervised person. The CP will advise lawyers on the communication of questions as directed. This may include reviewing and advising on written lists of questions provided to the CP prior to proceedings, maintaining the utmost confidentiality throughout in line with court directions and in accordance with legal requirements upon CPs as officers of the court. (The Program assists lawyers and CPs in this process in line with strict standards in place in other Australian jurisdictions.)
26. The CP may provide communication advice to lawyers in person or via email and the CP must make themselves equally available to all parties' lawyers in accordance with their legal obligations regarding impartiality.
27. The CP attends proceedings at the scheduled date/s to actively facilitate communication in accordance with court or the Tribunal's directions (for example, the directions made at a Ground Rules Hearing). The CP should ensure they are well aware of the precise court or the Tribunal location they are to attend, for example a courtroom, remote witness suite or any other location the witness will give their evidence from. In cases where CP travel to a remote location is required, the CP must liaise with the Program well in advance to ensure arrival on time. CPs must not delay court or the Tribunal proceedings.
28. The CP must bring a paper copy of their court assessment report when attending court or the Tribunal for any proceedings.
29. The CP must take an oath or affirmation prior to facilitating communication at court or the Tribunal (CLMI Act section 21(4).) If this step is inadvertently overlooked, the CP should respectfully alert the court or the Tribunal of the need.
30. During the legal questioning of the accused or supervised person in court or the Tribunal proceedings, the CP may only intervene if there are strong grounds to do so in accordance with the directions that have been made by the judicial officer or the Tribunal member (for example the directions made at Ground Rules Hearing) or if the CP deems communication has broken down. An example would be if there is a breakdown in communication between the lawyer and the accused because the accused is confused. Another example is if a lawyer does not abide by the directions made by the judicial officer during the Ground Rules Hearing, such as a direction to speak slowly. The CP intervenes to alert the judge or the Tribunal member that one of the Ground Rules Hearings directions is not being followed by the lawyer.
31. At all times the CP must follow the instructions of the judicial officer or the Tribunal member insofar as the CP (in their strictly defined role of communication facilitator) is able to do so.

32. A CP may be asked by the judicial officer or the Tribunal member to convey (or repeat) a communication by the witness. For example, if the judicial officer is uncertain about what words were said by the witness. The CP may repeat the words if they are clear. If the CP is uncertain as to what has been said by the witness, the CP must inform the court of this. The CP must never speculate or guess about what was said by a witness.
33. The CP may be required by the judicial officer or the Tribunal member to read out answers that are written down by a witness who is unable to speak clearly. The CP must follow the judicial officer's directions. The CP must read what is written verbatim, if the CP is able to. The CP must never speculate or guess about what is written.
34. At the completion of the CP's involvement in proceedings the judicial officer or the Tribunal member typically indicates the CP's role is concluded. If the CP is unsure, they may check with the judicial officer or the Tribunal member's Associate.
35. The CP will inform the Program they have completed their referral, return any documentation required for record keeping purposes and (in the case of panel CPs) produce their invoice for submission to the Program.
36. CPs are not informed of court proceeding outcomes, nor do they have any investment in what these are, as CPs are impartial.

29. Flowchart for Referrals

Please see **Appendix 4** of this Procedural Guidance Manual for flowcharts depicting the referral pathways for all vulnerable persons referred through the Program.

30. Management of Referrals

The Program arranges for most referrals to be attended to by in-house (employed) CPs.

If an in-house CP is not available to attend the referral, a panel (contracted) CP will be contacted by the Program to assist communication facilitation.

If a CP receives a request to facilitate communication directly, for example is asked by a court or the Tribunal representative, they must immediately refer the party making the request to the Program who will attend to the referral.

Once a referral is matched to a suitably qualified CP, the Program will confirm details relating to the accused or supervised person and arrange for the communication assessment and communication facilitation to take place at time(s) that suit all parties. Potential court or the Tribunal dates will be discussed. Note the selected CP will be confirmed as available for relevant court or the Tribunal dates.

If a CP becomes unavailable at any point for reasons beyond their control, they must notify the Program as soon as possible to allow for the matter to be reallocated to another suitable CP. Similarly, if a CP attends a referral and realises they do not have the requisite skills/expertise or there is an actual or possible conflict of interest, they must notify the Program immediately to arrange prompt reallocation of the matter.

31. Communication Assessments

Communication assessments are critically important in assessing the communication needs of the accused or supervised person. Therefore, specific information regarding the communication assessment process is provided below. The Program is also able to guide CPs during the communication assessment process to ensure a high quality assessment is undertaken.

The purpose of communication assessments (which may be short or lengthy, depending on the case) is to determine accused or supervised person's communication needs for the court or the Tribunal proceedings. The communication assessment is not a diagnostic assessment and as such full clinical tests are not appropriate and should not be performed. The CP's communication assessment process is undertaken in accordance with tailored CP training and accreditation processes and is unique to CPs.

A communication assessment is the CP's opportunity to assess the accused or supervised person's ability to communicate, including to:

- Describe – this may include describing furniture in the room, a toy the vulnerable person has, an outfit they are wearing
- Provide information in narrative form – this will provide insight into the vulnerable person's ability to develop a narrative and whether they can communicate detail in the process
- Comprehend and articulate a sequence of events – this may include using 'story cards' provided by the CP which the vulnerable person may be asked to put in appropriate order
- Understand time concepts – assessing how the vulnerable person perceives, reads and communicates time concepts will assist with determining the vulnerable person's ability to answer questions about times and timelines
- Comprehend tag questions – tag questions are difficult for many people to comprehend and accurately answer. The CP may ask tag questions (such as 'my shirt is red, *isn't it?*') to see if the vulnerable person understands tag question structures and answers such questions correctly or incorrectly
- Refute incorrect information – the CP may make statements during the assessment that are inaccurate. The CP does this to ascertain the vulnerable person's ability to refute inaccurate information presented to them
- Understand idioms and jargon – the CP may assess the vulnerable person's understanding of common English language idioms that are regularly used like 'break the ice' or 'time flew by'. The CP does so to assess whether the vulnerable person comprehends the true meaning of idioms and jargon or alternatively whether they will make clear when they do not understand what is said
- Concentration span – assessing concentration span guides the CP's advice regarding whether breaks will assist communication
- Management of emotional state – the CP may explore the way in which a vulnerable person's communication is impacted by stress and anxiety, and what strategies will assist in mitigating negative responses. This is so recommendations assisting communication may be made, which may include frequency of breaks or fidget items to assist with emotional regulation, focus and attention.

Each CP will use the Program approach to communication assessments, but, depending on the presenting client and the CP's, will have their own approaches and aids for completing the communication assessment, focusing on the communication needs and age of the vulnerable person they are assessing.

32. Communication Assessment and Report (Court and Tribunal Referrals)

If a court or the Tribunal requires a CP for communication facilitation, the Program is contacted and is responsible for allocating the matter to an available CP with relevant expertise and/or experience. This process is referred to as 'matching', as the appropriate CP is matched to the needs presented by the accused or supervised

person.

The Program makes arrangements for the accused or supervised person to meet with the CP and ensures that a Responsible Third Party is present at all times the CP and vulnerable person are together.

The Program makes any travel arrangements necessary if the accused or supervised person is located in another location (for example, if the CP is in Perth and the accused or supervised person is in a remote location).

The communication assessment typically takes place in the lawyers office or place of work with a Responsible Third Party present (typically the lawyer).

The CP is the person responsible for undertaking a communication assessment with the accused or supervised person and they do not take other professional's advice. The communication assessment forms the basis of the CP's recommendations to the court or the Tribunal and the CP must conduct their own assessment process.

The communication assessment process may take between 60-90 minutes (or longer in exceptional circumstances). After the assessment is undertaken the CP is responsible for developing a communication assessment report (see template at **Appendix 3**) which is provided to the court or the Tribunal. The communication assessment report includes detailed communication recommendations tailored to the needs of the accused or supervised person.

Depending on when the court or the Tribunal proceeding is scheduled to occur, the CP may have the opportunity to view the accused's police record of interview with police, or their written statement (if these exist). This is possible and appropriate in some communication assessment processes. It assists the CP to understand more about the accused or supervised person's communication in a justice system setting. If the CP seeks to view these materials, the CP must make a request to the Program.

Recordings of police interviews or written statements typically occur after the CP has conducted the face-to-face interview with the accused or supervised person. It is best practice to ensure the accused or supervised person (having received a lawyers' advice) consents to the CP viewing any such material prior to it being viewed.

At the completion of the communication assessment process and preparation of the communication assessment report with detailed recommendations the court or the Tribunal considers the report and considers making the recommendations into formal court or the Tribunal directions for all parties to follow. This is entirely up to the judicial officer or the Tribunal member. The court or the Tribunal may hold a Ground Rules Hearing (see the section '*Ground Rules Hearings*' in this manual).

At the Ground Rules Hearing the judicial officer or the Tribunal member and lawyers for the parties consider the CP's communication assessment report and ask the CP questions about the CP's recommendations. This assists the court or the Tribunal to decide whether to make directions saying some, or all, of the CP's recommendations must be followed during proceedings.

During the process described above, the CP does not access wide ranging materials, documentation or talk with persons familiar with the accused or supervised person for the purposes of preparing the communication assessment report. The only material the CP is allowed to access is material provided by the program (which is limited) and information gleaned through the CP communication assessment process. The CP does not talk with medical professionals about diagnoses, or families, or support people or others. Doing so would be in contravention of the processes outlined in this manual, in

the CP Code of Conduct and in the CP training and accreditation process.

If, at any time, for exceptional reasons, the CP believes they require further information to complete the communication assessment and report writing processes, they should contact the Program for guidance.

33. The Advocate's Gateway

The Advocate's Gateway ('TAG') is an internationally recognised and judicially endorsed source of research-informed best practice guidance on advocacy and case management when a witness or defendant in proceedings is vulnerable. TAG was founded and developed specifically to support communication in the criminal courts in England and Wales, and therefore reflects English law and procedure.

Vulnerabilities and resultant communication challenges may relate to childhood development, mental disorders or disabilities, physical disorders or disabilities, learning disabilities, and the effects of trauma. These are expounded upon in The Advocate's Gateway 'Toolkits' and these aspects are relevant and useful.

See www.theadvocatesgateway.org/

CPs should become familiar with The Advocate's Gateway 'Toolkits' and practice guides on engagement and questioning of vulnerable persons, for example:

Toolkit 1 Ground rules hearings and the fair treatment of vulnerable people in court.

Toolkit 1A Case management involving vulnerable witnesses and defendants.

Toolkit 2 General principles from research, policy and guidance: Planning to question a vulnerable person or someone with communication needs.

Toolkit 6 Planning to question a child or young person.

Toolkit 8 Effective participation of young defendants.

Toolkit 12 Planning to question someone with a suspected (or diagnosed) mental health disorder.

Toolkit 14 Using communication aids in the criminal justice system.

The CP may also refer lawyers to one or more of the toolkits, where relevant.

34. Aboriginal and Torres Strait Islander Accused or Supervised Persons

It is important that CPs make recommendations to lawyers and courts as required by the individual needs of the accused or supervised person, including careful consideration of the specific communication needs of individual Aboriginal and Torres Strait Islander peoples. CPs have received training in this regard and the Program maintains important networks and resources regarding specific communication considerations, recognising the importance of historic and cultural factors when undertaking communication assessments.

Senior Aboriginal Liaison Officers - SALOs

Understanding that a high proportion of Aboriginal and Torres Strait Islander people are involved in the criminal justice system due to intergenerational trauma, it is anticipated that CPs will be providing services for accused and supervised persons from this background. With respect to Aboriginal and Torres Strait Islander people's needs, CPs and justice stakeholders should note that many regional courts have Senior Aboriginal Liaison Officers (SALOs) who educate, support, and assist Aboriginal court users and inform judicial officers and court staff about Aboriginal matters and culture.

SALOs often travel on circuits to remote communities to support judicial officers and assist Community members who attend court.

CPs should contact the Program should they wish to engage with SALOs to develop their knowledge and skills regarding any individual case or to improve their trauma-informed skill sets. Note – CPs may not independently contact SALOs about a case allocated to them as this may constitute a breach of CP confidentiality requirements contained in the CP Code of Conduct. CPs must contact the Program if they seek contact with any SALO colleagues and the Program will assist.

Some Aboriginal and Torres Strait Islander accused and supervised persons may require an interpreter to assist them to participate in meetings with lawyers or when providing evidence. Under the direction of the Program, CPs may be required to meet with interpreters prior to the CP conducting the communication assessments. See the *'Working with Interpreters'* section below in this manual.

35. Accused or Supervised Persons from a Multicultural Background

The Program is developing practice guidance, in consultation with relevant agencies and community, to assist CPs when working with vulnerable persons who identify as being from a multicultural background.

Some people from multi-cultural backgrounds require an interpreter to assist them to participate in meetings with lawyers or when providing evidence. Under the direction of the Program, CPs may be required to meet with interpreters prior to the CP conducting the communication assessments. See the *'Working with Interpreters'* section of this manual.

36. LGBTQIA+ Accused or Supervised Persons

CPs know the law provides all people equal protection to eliminate discrimination on account of sex, sexual orientation, birth or other status.

It is important that CPs plan appropriately and make suitable recommendations regarding communication as is required in respect of LGBTQIA+ people, given issues various issues faced that may impact effective communication.

The Program can provide guidance, in consultation with other experienced programs such as the ACT Intermediary Program and relevant WA agencies and community. Guidance will assist CPs' skilful engagement when working with vulnerable persons who identify as being of the Lesbian, Gay, Bisexual, Transgender, Queer and Intersex community.

37. Working with Interpreters

An interpreter is an accredited professional who delivers a translation of words spoken in a different language to ensure accuracy regarding the meaning of words and communication between English and non-English speakers, or for people who use communication methods such as sign language.

Accredited interpreters must strictly abide by conduct expectations, including maintaining confidentiality, and may not act as an interpreter when a conflict of interest exists.

CPs may need to assess whether an interpreter is required in situations where:

- i. A vulnerable person has difficulty understanding English or is deaf or hard of hearing and this affects their capacity to:
 - a. provide informed consent for a CP;
 - b. understand what is said during communication assessments conducted prior to lawyer meetings or for the purpose of completing a court report;
 - c. understand and respond to questions asked of them by a lawyer or at court.
- ii. a parent or guardian who is providing consent for the provision of CP services on behalf of a vulnerable person, who has difficulty understanding English or is deaf or hard of hearing and this affects their ability to provide informed consent for a CP's engagement.

Where a person's proficiency in English is very limited, or they are deaf or hard of hearing, it is appropriate to secure the services of an interpreter rather than rely on the person's family member or support person to interpret communication. There is a risk associated with a person's family member or support person providing this kind of assistance, as there may be existing relational considerations impacting the individual's privacy, wellbeing, safety or ability to fully engage, which may impact the precision of the information provided in evidence-gathering settings.

Important considerations when working with an interpreter follow:

1. It is advisable that the CP introduces the interpreter to the vulnerable person. This helps create rapport. Be aware that on occasions the interpreter may have worked with the vulnerable person before.
2. Don't assume that the interpreter has worked with a CP before. It is important to be respectful of their experience when explaining how you would like the interpreter to work with you. Explain your CP role if necessary.
3. Ask the interpreter to clarify any speech or language features that you identify or have queries about, such as tonal features (these may vary across languages and cultures). Do not rely on the interpreter's tone in answers to reflect the vulnerable person's response.
4. Speak to the vulnerable person directly, don't say 'Can you ask....?'
5. If you need to check anything with the interpreter it can be helpful to say to the vulnerable person, 'Is it okay if I ask the interpreter about your answer?'

The Program is available to advise CPs when working with vulnerable persons who require the use of a language and/or signing interpreter.

Appendix 1: Communication Partner - additional detail regarding role

Communication Partners (CPs) for accused and supervised persons are appointed to help facilitate their participation in the justice system. This includes aiding them to give their best possible evidence and recognises the broader participatory role of the accused or supervised person in the process.

Communication Partner assisting an accused or supervised person to participate during court or the Tribunal proceedings

The CP will conduct a detailed, lengthy communication assessment specifically to advise on the accused or supervised person's communication in the context of the court or Tribunal proceeding. A Responsible Third Party must be present when the communication assessment occurs. Ideally this would be the accused or supervised person's legal representative but alternatively this could be a representative from the Program. The location of this communication assessment may be at a place of incarceration if the person is in custody.

When engaged in a court or the Tribunal to facilitate communication of an accused or supervised person, the CP will provide a Communication Assessment Report describing the person's communication in detail. This is highly important should the accused or supervised person choose to give evidence or communicate during proceedings. This report includes a list of communication recommendations for the court or Tribunal to consider and which are discussed at any Ground Rules Hearing held. This report may include recommendations about adjustments to support the accused or supervised person's participation in the proceeding more generally.⁹

This 'Communication Assessment Report' is sometimes referred to as a 'Court Report'. A report template is included at **Appendix 3**.

Communication Partner's Communication Assessment Reports

The Communication Assessment Report is informed by a detailed Communication Assessment the CP conducts with the accused or supervised person. The CP's recommendations contained within the report should be clearly based on the findings of the Communication Assessment.

The Communication Assessment Report may also include recommendations about adjustments to support the accused or supervised person's participation in the proceedings more generally.⁸

Note that if a lot of time passes between the CP's initial assessment and the court or Tribunal proceedings the CP should conduct a follow-up assessment closer to the date of the proceedings. This is particularly important if considerable time has passed between the initial assessment and the request for CP assistance at court or Tribunal proceedings. The CP should raise this issue with the Program, if concerned time has passed that may affect the assessment.

⁹ Participation is a multifaceted term and may be highly individualised. Factors which may be relevant to the participation of the suspect/defendant include: the provision and/or elicitation of information, being kept informed about proceedings, having legal representation, protection of wellbeing, minimisation of disruption for the individual and their presence at proceedings. For further information, see: Jessica Jacobson and Penny Cooper, *Participation in Courts and Tribunals: Concepts, Realities and Aspirations* (Bristol University Press, 2020) available open access: <https://bristoluniversitypress.co.uk/participation-in-courts-and-tribunals>.

Also note that the CP may consider it useful to observe other material to assist their communication assessment process, such as recordings of any police interviews undertaken, to learn more about the accused or supervised person's communication in a justice setting.

External material such as this must only be collected and provided by the Program, not the Communication Partner, who may not make any investigations or inquiries themselves (as to do so may breach the Code of Conduct). The Program may advise the Communication Partner that one or more of the following may assist the Communication Assessment:

- A Pre-Sentence Report (if applicable and leave is granted by the court or Tribunal)
- A written statement provided by the witness/accused/supervised person to police (if applicable).
- Viewing of the police record of interview (if it exists and is available).

Regarding the police Record of Interview - it may be preferable that the CP does not watch the police Record of Interview prior to carrying out their own communication assessment process face-to-face. This is so that the conclusions reached are based on what the CP has discovered from their own communication assessment of the accused. The CP must also be confident that they are able to build rapport and facilitate communication with the accused or supervised person based on the CP's own direct involvement with them (and not based on viewing recorded material).

The CP may therefore decide to watch/listen to any available police interview recording after undertaking their own assessment, preferably with the consent of the accused or supervised person (noting this may not always be possible). This should be facilitated by the appropriate party and the CP should clearly record their viewing of the interview, the date arrangements were made and who was present at the viewing for completeness and accuracy in their Communication Assessment Report. In the report, the CP must refer expressly to any additional observations as a result of watching the recording.

Communication Partner communication facilitation during evidence giving

At the court stage, CP assistance is likely most often provided when the accused or supervised person elects to give evidence. The CP is typically present alongside the accused or supervised person as they give their evidence from the witness box or another secure location.

The nature and scope of the CP's role during the evidence giving process will depend on the individual communication needs and abilities of the accused or supervised person and the court or Tribunal's directions including any ground rules set (which are typically set at a Ground Rules Hearing). Important practical matters, such as the CP's method of intervention during the evidence giving process, should typically be agreed at a Ground Rules Hearing.

Communication Partners and the accused or supervised person's participation in proceedings

When undertaking the Communication Assessment to assess the communication needs and abilities of an accused or supervised person, CPs should consider the

following additional factors when compiling their Communication Assessment Report and recommendations for a court or Tribunal:

- What proceedings adjustments may be made to ensure the participation of the accused (e.g. consider whether there is a need for regular breaks, use of language throughout the trial, use of focus items, visual aids depicting the stages of a trial, ensuring understanding of the layout of the courtroom, pictures of the participants in the courtroom for clarity of who is speaking, etc)?
- What other support may be necessary for the accused beyond the period of oral evidence (e.g. presence of a support person during proceedings when accused not giving evidence)?
- What would aid the accused to understand and follow the rest of the proceedings (e.g. how will the accused understand the evidence given by other witnesses)?

The CP may make a range of specific recommendations which may be considered for implementation by the court or Tribunal.

Appendix 2: Glossary of commonly used terms

Accused	For the purposes of the Procedural Guidance Manual references to 'accused' persons includes accused persons of any age, unless otherwise specified. 'Accused' may include an accused person with mental impairment, including a person who has not yet been subject to a court-ordered disposition (custody order, community supervision order or ordered to be unconditionally released). References to an 'accused' person may also refer to a person who is currently subject to a custody order, community supervision order or leave of absence order.
Actus Reus	A guilty act. Every crime must be considered in two parts - the physical act of the crime (<i>actus reus</i>) and the mental intent to do the crime (<i>mens rea</i>).
Adjourn	Court is to be resumed at a later date/time.
Admissible evidence	Refers to evidence that may be considered by a trial judge or jury.
Affidavit	A written statement of evidence made under oath or affirmation, given in the place of or to supplement verbal evidence.
Affirmation (taken by juror, witness, interpreter, communication partner)	Non-religious declaration made instead of taking an Oath (see <i>Oath</i> defined below).
Appeal	An application to a higher court to review a decision of a lower court or tribunal.
Appellate Court/Jurisdiction	Superior court or jurisdiction which hears matters including appeals or which has jurisdiction to hear matters not heard in a lower court.
Applicant	A person or body making an application.
Application	A request made to a court, for example, an 'application for bail' or an 'application for an adjournment'.
Arraign/Arraignment	At court, the reading of the charges to the defendant in a criminal matter and the recording of the defendant's plea.
Beyond reasonable doubt	The standard of proof required in criminal cases.
Burden of proof	The obligation to prove what is alleged. In a criminal trial the burden of proof is upon the prosecution to prove the elements of the alleged offence.
Charge/s	Offences alleged by police in writing served on the accused and then filed at court to commence criminal proceedings; also may require an indictment in the superior courts.
Charge (to jury)	Direction/s given to the jury by the trial judge regarding the law to be applied to the facts in the case.
Circumstantial	Evidence which does not directly prove a case, but from which an inference may be drawn.
Committal proceeding	A hearing where a judicial officer will hear evidence and decide whether a properly instructed jury would convict the defendant. If a defendant is committed, the matter will then be listed before the superior court.
Contested mention	The listing of a matter before a judicial officer, regarding a contested matter between the parties, to attempt to resolve the matter and/or identify the matters in dispute.
Counsel	A barrister representing a party in court and/or providing advice to parties.

Court of Appeal	A Court of Appeal hears appeals in civil matters and against criminal decisions made by juries, and rulings and sentences in criminal cases made by judges in the Supreme Court jurisdiction.
Cross-examination	After a witness has given evidence in response to questions asked by counsel for the party who has called the witness, the lawyer for the other party has the right to question (cross-examine) the witness.
Custodial/non-custodial	A custodial sentence is one served in prison or in a youth justice/detention centre (whereas a non-custodial sentence is one served in the community).
Deposition	A transcript of the evidence given by witnesses at a committal hearing including statements tendered.
Directions hearing	A pre-trial hearing before a judicial officer where orders are made (sometimes called 'directions') to assist the parties to prepare a case for trial.
Defendant	A person who has been charged with a crime.
De novo hearing	A de novo hearing is one that is heard over again from the beginning (i.e. 'freshly') and the court is not confined to the evidence or materials that were presented in the original hearing.
Evidence-in-chief	Evidence elicited by counsel for the party calling the witness.
Exhibit	Any item tendered in court as part of the evidence in a case.
Finding of fact	A determination by a judicial officer with respect to the facts of a case (the judicial officer makes findings of facts).
Ground Rules Hearing ('GRH')	Under section 4 (2) of the Criminal Law (Mental Impairment) Regulations 2024 Ground Rules Hearing may be held. A judge or tribunal member may decide to have a Ground Rules Hearing attended by the Communication Partner and lawyers for the parties, overseen by a judicial officer or tribunal member who makes directions regarding communication with a vulnerable witness (such as an accused or supervised person). The judicial officer or tribunal member's directions are based on the Communication Assessment Report written by the Communication Partner and explanation provided to the court by the Communication Partner. In the case of a vulnerable witness there should be a Ground Rules Hearing before the trial starts and, if the vulnerable witness chooses to give evidence, an additional Ground Rules Hearing may be held to determine how their questioning should be conducted should be considered.
Hand up brief	The hand up brief contains details of all the evidence the prosecution proposes to lead against the accused, such as witness statements and exhibits.
In camera	A reference to a court hearing where only those persons authorised by the court are present.
Indictable offence	An offence which can be heard before a judge and jury.
Legal practitioner	A person admitted to practice as a barrister or solicitor in a federal, state or territory court.
Mens rea	A state of mind required to be found to have committed a crime. A knowledge of the wrongfulness of an act.

Mention	A criminal proceeding is 'mentioned' when it is listed before the court. There may be multiple mentions in a matter.
Mental Impairment	Refers to any of, or a combination of, the following as defined in the Criminal Law (Mental Impairment) Act 2023: an intellectual disability; a mental illness as defined in The Criminal Code section 1(1); an acquired brain injury; dementia.
Minimum term (non-parole)	The term of imprisonment, which must be served before being eligible for parole (see also <i>Parole</i>).
Non-parole period	The term of imprisonment, which must be served before being eligible for parole.
Non-publication order	A court order preventing publication of certain information about a particular case.
Oath (taken by juror, witness, interpreter, communication partner)	A solemn promise made by a person before his/her God that he/she will say what is the truth or will do what he/she promises to do.
Parole	The release of a prisoner or detainee from custody after the completion of a minimum period of imprisonment or detention.
Perjury	A legislated offence whereby a person (such as a witness, or a Communication Partner) makes a false or misleading statement in the course of making a sworn statement before the court.
Perjury (Aggravated)	A legislated offence whereby a person (such as a witness or a Communication Partner) makes a false or misleading statement in the course of making a sworn statement before the court with the intention of procuring someone else's conviction for, or acquittal of, an offence.
Plea	The requirement that an accused person answer the charges made against him/her.
Police interview	Police questioning of a person in relation to an alleged crime.
To plead	To answer the charges, for example to plead 'guilty' or 'not guilty'.
For plea	Having pleaded guilty or been found guilty by jury verdict, the hearing of submissions prior to sentencing.
Relevant evidence	The evidence that is legally relevant in a court proceeding. Relevant evidence, if it were accepted, could rationally affect (directly or indirectly) the assessment of the probability of the existence of a fact in issue in the proceeding.
Remand	An order that the defendant be kept in custody.
Remote Witness Suite	A location where a witness can give evidence to the court or tribunal which is away from the court room itself. The witness may be in another room in the court building or another location entirely. Remote Witness suites are used for witness safety and/or wellbeing.
Respondent	The person responding to an appeal.
Retrial	A second or further trial on the same issues as previously considered at trial.
Special Proceedings	Refers to a Special Proceeding as described in Part 3, Division 3 of the Criminal Law (Mental Impairment) Act 2023.

Summons	A summons is a document issued by the court requiring a person to attend at the court for the purposes set out in the document.
Subpoena	A subpoena is presented to a person compelling a person to attend court to give evidence or to produce documents to the court.
Supervised Person	A person subject to a supervision order as defined under the Criminal Law (Mental Impairment) Act 2023.
Supervision Order	A community supervision order, a custody order, an extended supervision order, an extended custody order, an interim community supervision order, an interim custody order or an interim disposition as defined under the Criminal Law (Mental Impairment) Act 2023.
Suspect	A person suspected of committing a crime but not yet charged with an offence.
Trial	A formal examination of evidence by a judge and/or jury in criminal cases to decide if guilt regarding an alleged offence is proven.
Tribunal	Means the Mental Impairment Review Tribunal (MIRT) established by Division 2, Section 156 of the Criminal Law (Mental Impairment) Act 2023.
Unfavourable witness	A witness called by a party, who then gives evidence unfavourable to that party's case. The party can apply to cross examine the witness. Also known as a 'hostile witness'.
Unfit accused	An accused who is currently unfit to stand trial or in respect of whom the question of fitness to stand trial has been raised but has yet to be resolved as defined in the Criminal Law (Mental Impairment) Act 2023.
Victim impact statement	A statement made to the court by a victim/complainant of a crime setting out details of injury, loss or damage caused by the crime.
Voir dire	A voir dire is commonly referred to as a 'trial within a trial'. It is a hearing in the absence of a jury, in which a court may determine certain questions of fact and law.
Warrant	A legal document usually signed by a judge or magistrate authorising a specified person to perform certain acts, for example, to arrest a person and bring him/her before the court.
<i>Browne v Dunn (1893) 6 R. 67</i>	A case which presents the following principle: if a party intends to present evidence contradictory to a witness' testimony as part of their argument, they must put that version of events to the witness during cross examination of the witness (often described as 'the rule in <i>Browne v Dunn</i> ').

Appendix 3: Communication Assessment Report (Court and Tribunal Proceedings)

When a Communication Partner is appointed to a court or Tribunal matter, they will be required to write a report for that court or Tribunal regarding the communication needs of the accused or supervised person, facilitating that person's communication and participation in the hearing or trial.

The report, referred to as the Communication Assessment Report, is provided to the relevant court, Tribunal and legal representatives and should be of a very high standard. Communication Partners are provided with the following guidance regarding the content and structure of Communication Assessment Reports.

Communication Partners should be guided by their Communication Partner training, combined with their own areas of expertise and professional knowledge when undertaking an assessment of the accused or supervised person, keeping in mind it is **not** an opportunity to diagnose the vulnerable person. The report always reflects the findings of the assessment conducted by the Communication Partner and should relate to communication capabilities only.

The Communication Partner should only include personal confidential information in their report in so far as it is necessary for their assessment of the accused or supervised person's communication needs and abilities. Information that could compromise or endanger the person and/or members of their family must **not** be included. This might be for example, information identifying the person's precise location or residence. Communication Partners may check with the Program if they seek clarification regarding whether to include information in the report.

To ensure consistency, reports should be:

- One and a half line-spaced;
- Set out with wide margins;
- Printed double-sided;
- Font size 12 and font style Arial;
- Written in the first person;
- Written in plain English, containing no idioms or jargon;
- Written in short sentences with short paragraphs;
- Explanatory when detailing communication challenges of a technical nature or referring to terminology. For example: "X has aphasia. This means they have a language disorder and have difficulty using and understanding language...";
- Page numbered, for example "Page 1 of 5" on the bottom right-hand corner of the page;
- Headings and paragraphs numbered;
- Headed on each page with the case name, matter reference;
- The cover page should be headed *Communication Partner Communication Assessment Report*;
- Communication Partner name and contact details on the front page;
- Recommendations must be clearly supported in the body of the report by assessment findings;
- Signed and dated under the Communication Partner declaration;
- Edited and carefully proofread to ensure the recommendations are clear and the text is free from grammatical, spelling and typographical errors.

Suggested Structure of the Communication Assessment Report

- Front page
- Contents page
- Section 1: Summary of Communication Partner's qualifications and experience
- Section 2: Background, instructions and chronology
- Section 3: Assessment Summary and Recommendations
 - 3.1 Summary of Chronology and Assessment Findings
 - 3.2 Recommendations for Questioning/Participation
 - 3.3 Other Recommendations
 - 3.4 Communication Partner Declaration
- Appendices
 - Appendix 1: Communication Aids (if relevant)

Front page

R v [Name of accused or supervised person]
Case reference number:

Communication Partner Court Report and Recommendations in respect of
[Name of accused or supervised person]

Report prepared at the request of

[Court/Tribunal]

Author: [Communication Partner name]
Accreditation Number: [Number]

Contact details: [CPPProgram@justice.wa.gov.au]

[Date of report]

Confidential report

This report is addressed to the court or the Tribunal on the understanding that it will be provided to the parties and their respective legal advisors in this matter. In all other respects this report is confidential and may not be used, reproduced or circulated for any other purpose (whether wholly or in part) without the Communication Partner Program's prior written consent or order of the court or the Tribunal. This report is for advice only and is not evidence in the case. Once the Communication Partner's role in the matter has ceased, they will destroy their copy of the report and retain no remnant of it.

Contents page

For all reports it is important to have a contents page with page numbers to help the parties and the judicial officer or the Tribunal member to find their way around the report. All reports should be page and paragraph numbered whatever their length.

Section 1: Summary of Qualifications and Experience

There should be one or two paragraphs describing the Communication Partner's relevant qualifications and relevant experience. The Communication Partner's CV may be made available upon request of the court.

Section 2: Background and Communication Partner's Role

This section should set out clearly the role of the Communication Partner and what questions this report seeks to address. Suggested wording to include in this section follows:

2.1 The role of the Communication Partner was established by Criminal Law (Mental Impairment) Act 2023 (WA).

2.2 My role as a Communication Partner is to assist to:

- communicate to the accused or supervised person questions put to them, to the extent necessary for them to understand the questions; and*
- communicate to the person putting questions to the accused or supervised person, the answers to their questions, to the extent necessary for the person to understand the answers; and*
- otherwise assist the court and others engaged in the proceeding to communicate with the accused or supervised person, enabling their participation.*

2.3 I have been asked to:

- i. Indicate whether or not the accused or supervised person has the ability to communicate and, if so, how;*
- ii. Indicate whether the use of a Communication Partner is likely to assist with the communication of questions to the witness/accused/supervised person and of the answers given and, if so, how;*
- iii. Advise the parties on the most effective way of communicating questions to the witness/accused/supervised person; and*
- iv. Make any recommendations as to adjustments to enable the best communication and participation at hearing or trial.*

2.4 I am not instructed as an expert witness. I cannot give an opinion on the accuracy of the accused or supervised person's recall of the facts in this case nor can I give an opinion on whether a witness/accused/supervised person is telling the truth in their evidence. My role is limited to providing assistance to facilitate communication prior to, during and at finalisation of court proceedings as required, and advising how this can be best achieved.

Section 3: Assessment Summary and Recommendations

3.1 Summary of Chronology and Assessment Findings

This section should state who contacted the Communication Partner, key facts and dates including the name of the witness/accused/supervised person, their date of birth and the dates of the referral, the information stated on the referral form regarding communication concerns, and the preliminary assessment/s.

Details in this section may include the length of assessment, general location of

assessment without precise name (e.g., centre or legal office), who was present at assessment, age of witness/accused/supervised person, length of time police interview recording was observed (if applicable) and date of this recording, age of witness/accused/supervised person at time of police interview recording, paragraph listing the components of the assessment, paragraph stating precisely what the activities were designed to assess.

Also included in this section are any details about additional information the Program has provided to the Communication Partner to assist the Communication Assessment. For example, clearly refer to and include detail utilised from the:

- record of police suspect interview;
- other type of statement provided by the witness/accused/supervised person to police (if applicable).

It is important that this section gives details of the facts upon which the Communication Partner has based their conclusions regarding communication needs.

3.2 Recommendations for Questioning/Participation

All recommendations made by the Communication Partner should clearly relate to the witness/accused/supervised person and the communication assessment undertaken by the Communication Partner. For example, if the recommendation relates to avoiding the use of idioms, the Communication Partner should refer to the part of their assessment where it is apparent the witness/accused/supervised person did not understand their use.

This section should also provide details regarding how the parties are advised to put their questions to the witness/accused/supervised person. This advice may, for example, relate to various matters such as: the pace of questioning, signposting topics prior to opening up lines of questioning, using the witness/accused/supervised person's preferred name and avoiding complex language or specific words (etc).

The Communication Partner should also ensure this section provides practical examples on how to actively utilise the relevant recommendation. If, for example, a recommendation indicates the witness/accused/supervised person will not understand the use of 'tag questions', the report should provide options for the parties on how 'tag questions' could be rephrased to be understood by the witness/accused/supervised person. A rationale for why the Communication Partner's recommendation has been made should be included.

The Communication Partner should also keep in mind that recommendations should be specific and tailored to the witness/accused/supervised person. For example, if the Communication Partner has indicated the person requires frequent breaks, they should, at a minimum, provide details around:

- How often (in minutes) the breaks will need to take place (i.e., every 30 minutes, or every 60 minutes);
- How long (in minutes) the break should be;
- The reasoning (rationale) based on what they observed during the communication assessment process.

This is also relevant to providing practical examples on how parties will ensure the recommendations are implemented. For example, if a Communication Partner's recommendation includes the need for time for the witness/accused/supervised person to process a question being asked, the Communication Partner should outline how this

may be done. For example, they may recommend the parties allow a certain number of seconds (depending on the length of time determined during the assessment) before proceeding with a follow-up question.

For the ease of reading the recommendations in the Communication Assessment Report, recommendations should be set out as follows (note: the name 'Jane' used in the following table does not refer to a real person). Communication Partners should ensure that all the columns of the table are completed. There are no set limits to the number of recommendations that may be made.

Questioning Recommendation	Advice for Questioner	Rationale
<p>1 Signpost question topics and question forms</p>	<p>Parties can signpost changes in topics by saying, 'Jane, I am going to ask you questions about [insert topic],' and when they are ready to move onto the next topic, they can say, 'Jane, I have finished asking you questions about [insert topic], I am now going to ask you questions about [insert new topic]'.</p>	<p>During the assessment, Jane was asked a variety of question types. Verbal signposting was used to alert Jane to a transition between activities and tasks.</p> <p>This was observed to assist Jane's participation and ability to follow topic and question form changes.</p> <p>Signposting of question forms and topics will support Jane to have a clearer understanding during court proceedings.</p>
<p>2 For Jane to have a break every forty-five minutes.</p>	<p>Jane will need breaks to re-focus her attention and concentration.</p> <p>The Communication Partner can advise about the duration of breaks as directed and if required. Breaks will vary in length and may be as short as 3-5 minutes, or longer depending on the need for the break.</p>	<p>During the assessment, Jane took a break after approximately 40 minutes of activities. During her police interview, a short break was taken at approximately 45-minutes.</p> <p>When returning from the break during the assessment, Jane indicated her focus and attention had improved, and she was able to continue engaging for an additional 30 minutes before the conclusion of the assessment.</p> <p>As such, a break every 45-minutes is recommended to support Jane's communication during proceedings.</p>
<p>3 Ask questions at a slow speaking pace.</p>	<p>Parties should ask questions at a slow pace and allow Jane extra time to process the information.</p>	<p>During the assessment, Jane took longer to respond and asked for me to re-ask questions when I delivered them at a faster pace.</p> <p>As such, Jane will benefit from questions being asked at a slower pace during court proceedings and it</p>

			is therefore recommended.
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3.3 Other Recommendations

In addition to recommendations on formulating questions, the Communication Partner may also make other recommendations to support communication with the witness/accused/supervised person.

Various other recommendations may be appropriate, depending on the individual communication needs of the witness/accused/supervised person. Some examples follow:

- Parties should share the wording of their proposed questions with the Communication Partner to seek advice regarding effective communication of questions;
- The presence of a therapy dog;
- How the Communication Partner recommends they intervene to get the court or the Tribunal’s attention if a communication issue arises during proceedings;
- Whether the timing of questioning should take into consideration a witness/accused/supervised person’s medication regime (this may also be included in the recommendation table);
- How the use of an interpreter will best interact with the Communication Partner’s role;
- Whether concessions need to be made regarding appearances of those in court (for example, whether robes and wigs may be removed during cross-examination).

3.4 Communication Partner’s declaration

The declaration should read as follows.

I solemnly and sincerely declare that I will well and faithfully communicate questions and answers and make true explanation of all matters and things as may be required of me according to the best of my skill and understanding.

Signed & dated:

Appendices

Appendices should be used for relevant reference material that is too detailed for the main body or which would break up the flow of the main body of the report, for example pictures of the communication aids the Communication Partner recommends be used during the questioning process.

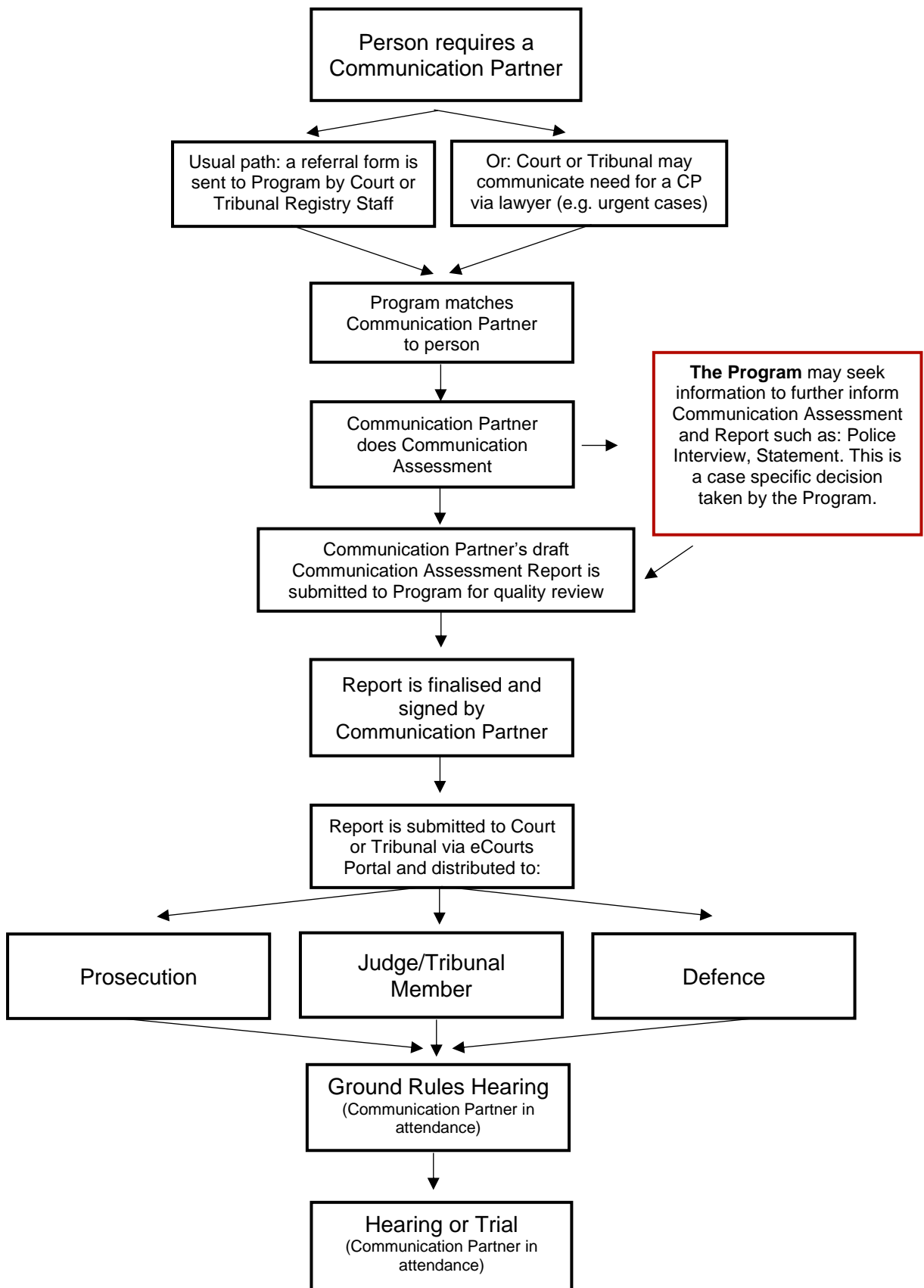
Appendix 4: Flowchart for referrals

COURT AND TRIBUNAL APPOINTMENTS OF COMMUNICATION PARTNERS

Courts and the Tribunal have existing processes by which Communication Partners are appointed in matters. The forums may adapt these processes, as they ultimately determine the appropriate CP appointment process. The following provides an outline of how engagement may occur in a superior court, to assist stakeholders.

1. An oral application is made in a court or the Tribunal proceedings for a communication partner to be appointed. In most cases the application will be made by the accused or supervised person's lawyer as they will be the first to know that their client needs this service. The court or the Tribunal may request a communication partner, particularly where an accused with a need for communication assistance is unrepresented.
2. Pre-trial applications stage - may be appropriate if a Communication Partner is appointed, if not already determined at previous stage.
3. Case conference occurs.
4. Call Over - may be determined a communication partner is required, if not already determined at previous stage. If at this stage, or any previous stage, a communication partner is appointed, a Ground Rules Hearing date may be set.
5. Ground Rules Hearing is held before the Judicial Officer or the Tribunal Member - legal representatives of parties and communication partner are present. Ground rules of participation in proceedings are directed.
6. Pre-trial evidence hearing.
7. Secondary Ground Rules Hearing may be held once the accused or supervised person decides to give evidence in their matter - revisit directions made at Ground Rules Hearing, so parties are re-familiarised with recommendations outlined in the Communication Partner's Report prepare for the court or the Tribunal.
8. Trial/hearing proceedings before Judicial Officer or Tribunal Member - communication partner is present to facilitate communication when the accused or supervised person communicates their evidence. Should the Judicial Officer or Tribunal Member believe the communication needs of the accused or supervised person are such that a communication partner is required for more than the evidence-giving component of the process, additional instructions may be given to the communication partner in accordance with the CLMI Act and relevant law and rules affecting trials/proceedings.

Communication Partners – Program Process Flowchart



COURT OR TRIBUNAL APPOINTMENTS - FLOWCHART

