

R E G I N A

v.

PETER HUGH MCGREGOR ELLIS

DIRECTIONS UNDER S.23E(3) EVIDENCE ACT 1908
FOR CLOSED CIRCUIT TV

1. At the conclusion of the Crown's opening the first relevant complainant will be announced as the first witness. I will then advise the jury of the manner in which her evidence is to be given and direct them in accordance with s.23H(a) of the Evidence Act 1908.
2. The complainant will be accompanied to the witness room in which the TV equipment has been set up. She may be accompanied by the person nominated as her friend but that person is to be instructed by the court officer not to communicate with the witness while the evidence is being given.
3. Also in the witness room there is to be a court officer to ensure that the directions given are complied with and to communicate with the court if for any reason that step should be necessary. A more detailed note of the court officer's duties is attached to these directions.
4. Once it has been established between myself, as the Judge, and the court officer that the witness is ready and that the equipment is working satisfactorily, only the witness will be within camera range and the friend and court officer, while being in the witness room, will not be on screen.
5. The audio link will be open between the court room and the witness room with a master switch that can be operated at my direction. Further examination in chief, cross-examination and re-examination will proceed in the normal manner but if there is to be any objection counsel will stand but refrain from saying anything until the sound transmission to the witness room is disconnected.

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EVIDENCE BY CLOSED CIRCUIT TV
COURT OFFICER'S DUTIES

1. When directed, enter witness room with the witness and (any) friend requested by the witness and approved by the Judge. Close the door. Check no other person is present. Hand to the friend in Court a card which says:

"From the time anyone speaks on the screen you must not speak to the witness, or answer the witness, or make any sign to the witness, until the witness's evidence is finished and you are told you may do so. Following the playing of these videotapes you must not discuss the witnesses' evidence with any future witness or the parents of any such witness."

2. Sit yourself in front of the screen in the chair later to be used by the witness. Await instructions from the Judge on the screen. The screen will be live and need not be touched. Seat the witness in the seat which you later will occupy nearer to the witness chair, and the friend in court in a chair further away to the side and rear of the witness.

3. The Judge will ask you:

- (a) Whether you can see and hear him. Reply.
- (b) Whether there is anyone else in the room except yourself, the witness and any friend in Court. Reply.

2.

4. The Judge then will ask you to change seats with the witness. Do so. The witness then will be seated facing the screen, and you will be in the seat nearer to her. Any friend in Court will be seated to the side and rear of the witness. You will not be in the courtroom picture. Any friend in Court will not be in the courtroom picture. Watch the witness's screen, and listen for further instructions to you from the Judge.

5. The Judge may then question the witness as to fitness to take an oath or make a s.13 declaration. The Judge then will call for you over the screen and either:

- (a) Ask you to administer an oath, or declaration, in which case do so, with the witness still facing the screen, from the card; or
- (b) Will tell you to stand by, in which case the screen will go dead and you will wait in the witness room with the others present for further instructions.

6. Once the witness is sworn, watch the screen and listen for any further instructions to you from the Judge.

7. If items are brought to the door by the crier to be shown to the witness, take them and do so, watching and listening for instructions from the Judge over the screen as to what to do.

8. Otherwise, unless instructed by the Judge over the screen to do so, do not allow any person to enter the witness room, other than the crier.

9. The witness is not to leave the witness chair, having begun evidence, without permission from the Judge. If the witness disobeys, whether through distress or otherwise, do not attempt to use force but seat yourself in the witness chair and await instructions from the Judge over the screen or from the crier who will enter.

10. If the friend in court despite instructions speaks or attempts to intervene, or if some other matter occurs which concerns you, lean over the witness and say ***"Your Honour, I have a matter to report."*** Do not say what that matter is at that stage. Then await instructions from the Judge over the screen or from the crier who will enter.

11. In the event of fire, earthquake or like emergency you are in charge of the witness room and are to see to its being vacated.

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