

(v) CHILDREN "U" AND "W"

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Child U was interviewed on six occasions between 18 June and 7 October 1992. Child W was interviewed on two occasions on 16 and 23 July 1992.

U's evidence, was the basis for counts 14 and 15. W's evidence was the basis for count 13.

In respect of all counts relating to these two complainants Mr Ellis was discharged pursuant to s347 immediately following the completion of the complainants' evidence at Trial.

As a consequence, the complainant's mother, who gave evidence at Depositions, did not give evidence at trial.

U was aged 2  $\frac{3}{4}$  to 5 years old for the period covered by counts 14 and 15. U was 6  $\frac{1}{2}$  at the time of the evidential interview. W was aged 2  $\frac{1}{4}$  to 3  $\frac{3}{4}$  years at the time of the period covered by count 13. W was 3  $\frac{1}{2}$  at the time of the evidential interview.

Importantly, neither complainant was cross-examined regarding contamination issues. The submission in respect of these complainants is that the allegations stand alone as complaints of child sexual abuse free from any suggestion of contamination of any nature.

Reference is made to the direction to jury (No. 2) and direction to jury (No. 3) of Justice Williamson dated 5<sup>th</sup> and 6<sup>th</sup> May respectively. Those rulings set out the reasons for the s347 discharges. By way of summary, W was just four years old at the time of the trial and in her evidence said that allegations she had made in the evidential interview were wrong or in the words of Justice Williamson

“perhaps more correctly she has just not been capable of giving evidence about these matters in Court”.

As to U, His Honour concluded that there were aspects of U's evidence which appeared to indicate substantial confusion on her part about times and places as well as the extent of the vital allegations, raising significant doubts sufficient to warrant a s347 discharge.

The first the complainants' mother heard about the inquiry was at the end of 1991. Her husband attended a public meeting at that time. (Depositions p.599, line 33).

At that time neither parent felt they needed to do anything further. They did not consider the investigation had much relevance to them. They were busy shifting house.

Both parents attended the meeting at the Knox Hall (Depositions p600, line 1).

After that meeting the complainant's mother spoke to the parent of complainant P and as a result made a connection between U's previous fascination with dying and the crèche inquiry. (Depositions p600, line 6). U's mother requested an interview for her children because she felt (Deposition p.600 line 10):

"that if there was something I owed it to my children to let them have the chance to say something but it was not a worry for me".

The mother did not question her children herself at all. (Depositions p.600, line 14).

"I simply told them we were going to talk about the crèche and anything they wanted to tell these people it was okay and it was up to them to just be free to speak".

### **Support Group Meetings**

The complainant's father went to one parent support meeting. Their mother did not attend any. (Depositions p.600, line 35).

### **Contact with Other Parents and Sharing Information**

It has not been suggested that this family had any contact with '

There has been no suggestion that these parents shared any information with any other parents. At Depositions p.600, line 33, the mother noted:

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“Between June 1992, the first of the disclosure interviews, through to October 1992 my children have had no contact with any of the complainants on the list. In fact I have had very little contact. I have had two telephone conversations with parents and that is the total contact”.

#### **Attendance at Official Meetings**

The father attended the initial meeting in December 1991. Both parents attended the meeting at Knox Hall in February 1992.

#### **Parent/Child Contamination**

These parents did not question their children at all. After the evidential interviews were concluded the children did, in small amounts, continued to disclose things to their mother (Depositions p.600, line 24). But they did not talk about it very much.

#### **Child/Child Contamination**

There is no suggestion that these complainants spoke with any other complainant children, or indeed each other, regarding the allegations.

#### **Summary**

This family had extremely limited contact with any other complainant families. There was not and could not have been any suggestion of contamination in respect of these two complainants.