

**(vi) CHILDREN "P" AND "Q"**

---

P and Q were the Complainants in respect of the last three counts in the Indictment; Counts 26, 27 and 28. In respect of P, the Crown relied on his second interview; the first interview being inadmissible and the jury returned a verdict of not guilty.

P and Q were both aged 3 to 5 years for the period covered by the counts. Both were aged 6 years at the time of the evidential interviews.

In respect of Q, the Crown relied on her first interview of 9 March 1992, she having two subsequent interviews on 6 October and 9 December 1992.

The jury returned verdicts of guilty in respect of both counts 27 and 28.

**Support Group Meetings and Official Meetings**

The parents of P and Q were well aware of the dangers of contamination and the mother was questioned extensively about the matter at both Depositions and at Trial. Separate support groups (supervised) were established to minimise contact between parents of complainants and parents of non-complainants.

**Parent/Child Contamination**

The mother of P and Q accepted that she questioned the children and it is accepted that there was some direct questioning of the child. However, it is submitted as with the other cases where this took place it is important not only to look at the questions but also the answers given.

At Trial p.228 line 34 the mother's evidence was:

“When she came into the bedroom on this occasion she indicated she was scared, that there was something she needed to talk about but she was having trouble, she didn’t know where to begin and she didn’t know how to get it out. ~~She appeared far from relaxed; she was really very scared. She~~ was trembling and I have never ever ever seen her tremble with fear before. The only other time I have ever seen anyone that frightened was when I worked in a psychiatric hospital. I asked her some questions at that stage and she had trouble answering so we established that it would be easier for her if we asked a toy the questions and [Q] would whisper her answers back to Missy Bear who could relay them to us and [Q] said yes. It was a situation where we would ask Missy Bear a question, [Q] would whisper it to Missy Bear and then we would ask [Q] what Missy Bear had said. I said to my daughter other children had said Peter put his penis into her mouth. Eventually because [Q] was so very scared and was very clear indicating there was more she needed to tell us that she couldn’t get out, I didn’t know what to do and I knew I wasn’t supposed to give her specific information, she was absolutely stuck so in the end I told her another child, and named the other child, had mentioned she had seen Peter do that to [Q] and was that true and I remember [Q] instantly lightened and indicated that was correct. Her demeanour after that, she stopped trembling and was very subdued, quite vulnerable, she needed a cuddle. I asked her what would help her. After what she told me I stayed cuddling her for a while and then when she had relaxed I asked her what she needed to help her and she indicated she wanted a cuddle with me and a soak in a warm bath together with me to feel clean. When speaking to my daughter on that occasion, she was able to provide information without me having to ask questions. She named other children. There have been other occasions when I have spoken to my daughter about the Crèche. As best I can recall it is nearly always at her request. She is able to tell me things without my having to ask her questions....”

The exchange of information and the questioning by parents did not have the effect suggested by Counsel for Peter Ellis. In cases where questioning took place, the child’s demeanour or the answers given and information provided was such as to indicate the children were not simply adopting what their parents had said.

The mother’s evidence shows that care that was taken by her when discussing these issues with the children. Notes were taken recording as near as possible the exact conversations with the children. This shows the level of awareness of the parents of the need for care and shows the parents recognised the potential evidential implications of talking to the children. The notes were made available and referred to in cross-examination. As with the other parents, the parents of these children did not know the details of what other children had disclosed.

At page 373 of the Trial line 11 the following appears:

“Q. You wrote down a no. of conversations you had with your children over time?

A. I have written down some and my partner has.

Q. It seems to be indicative of your approach from the time they originally disclosed?

A. I would say so yes.

Q. When you questioned your children about these things you asked direct and leading questions?

A. I asked direct questions but not leading questions. Wherever I have talked with my children I have been very clear to give them the opportunity to disagree with any direct questions there might be. I consider questions to be leading when a child is clearly expected to give a certain answer and I have done my very best to make sure that hasn't happened.”

There has been a suggestion (at the Appeal) that the children did not exhibit the level of emotion during the interviews that would be expected. The first point to note in relation to that suggestion is that these children had already disclosed to their parents by the time they were interviewed. Further, the children had learnt to control their emotion. They all talked of their fear that something might happen to their parents if they told of the abuse.

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

It is accepted that P and Q have had contact with other children since leaving the Crèche on 3 February 1989 and continued to mix with R and one occasion in 1992 they happened to meet Z in the museum. As regards the contact with R, the mother of P and Q said in cross-examination (Depositions p.371 at line 39 to p.372 line 5):

“Q. Your children would have regular contact with Complainant R?

- A. They attended the same school different classes occasionally they would have out of school contact. We actually tried to let them have not a lot of contact with each other as their behaviour became quite excitable and hyperactive and it is behaviour adults find difficult to deal with. They need a lot of calming down.”
- 

At page 367 of the Depositions the mother of these children explained how cautious she was about leaping to conclusions when she said:

- “A. I had a very open mind. At that time I certainly thought my daughter had not been [abused]...”
- Q. You attended the first meeting. What was the information provided to you by the police about talking to your children?
- A. It was to be very cautious about talking to our children and to be careful about not asking them questions where they would feel obliged to give a certain answer.”