



## QUEENSLAND POLICE SERVICE

GOLD COAST DISTRICT

Juvenile Aid Bureau/Child and Sexual Assault Unit,  
Level 4, Surfers Paradise Police Centre, 68 Ferny Avenue,  
SURFERS PARADISE QLD 4217

REDACTED

SE 99/31537

30 June 1999

**TO:** Officer in Charge, Gold Coast Juvenile Aid Bureau, Northern Investigative Group

**FROM:** Det Sgt N. PARKER

**SUBJECT:** Request for DPP advice regarding investigation of sexual abuse of intellectually impaired child.

### 1. Background

On the 29th March 1998, Maree Welch attended the Child Abuse Unit office with her intellectually impaired daughter Bobbie (DOB [REDACTED]). Mrs Welch had indicated that she believed her daughter had been sexually interfered with by a temporary carer, John O'Connor, on the 10th April 1995. Detective S/Const Brenda Ryan interviewed the child and the interview was recorded by video/audio device in the home look-a-like room. Although there was some disclosure made by the child, due to her handicap, she was difficult to understand.

Detective Ryan spoke with the suspect O'Connor who denied the allegations. On the face of the evidence it was considered that due to the impairment of the child, she would not be able to give evidence if the matter proceeded to court. Subsequently Mrs Welch was advised of this and the matter was filed.

Since this time Mrs Welch and her husband have continued to provide updated information of disclosures made by her daughter and subsequently she was again interviewed by myself on the 18th March 1999 where disclosures were recorded by video/audio.

### 2. Evidence

On the 10th April 1995 a carer employed by the Gold Coast Family Support Group, John O'Connor, picked up the child from her school and cared for her at his home until she was collected by her mother. The child has disclosed that whilst in the care of O'Connor, he has "hurt her bum". There is no specific information exactly stating what he has done to her, however there is a strong indication from her disclosure that he has indecently dealt with her to some degree.

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A statement has been obtained from the child's mother, Maree Welch, who can provide evidence of fresh complaint as the child made this disclosure to her to some degree at O'Connor's house and whilst being driven home. Mrs Welch has made numerous notes of the disclosures made by Bobbie since the event.

The child is a person who falls within the definition of an intellectually impaired person as contained within Sect 229F of The Criminal Code. A statement will be required with regards to providing evidence of this nature. Alternatively the child was at the time, a child under the age of sixteen years.

Subsequently there are two possible Sections of the Criminal Code that could be applied in this instance.

1. S. 216 Abuse of Intellectually Impaired Persons, or'
2. S. 210 Indecent Treatment of Children Under Sixteen

Ultimately, it is believed that any prosecution would be reliant upon the ability of this child to give evidence.

### 3. Request

It is requested that this matter be referred to Bernard Reilly of the Director of Public Prosecutions Office Southport. I have spoken to Mr Reilly previously regarding this matter. Advice is sought from DPP as to whether or not their office would be favourable in commencing prosecution in this instance

REDACTED

N. PARKER  
Det Sgt 5280

### *Attachments*

1. The original video taped interviews conducted with the child.
2. Copy of statement of Maree Welch.