



Government of South Australia
Director of Public Prosecutions

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Memorandum

To: Dominic Petraccaro
From: Helen Papakonstantinou
Date: 4 March 2011
Subject: Allocation
File:

I refer to our discussions about this matter. The brief facts are that the accused is the driver of a smaller, van-style bus and drives children with special needs to school. The current information alleges counts of indecent assault and aggravated assault against 3 separate complainants and . The file currently contains transcriptions of records of interview with 4 child complainants and ; only two of those are charged on the current information. There is also a further complainant who is not reflected in the charges, nor do I have a transcription, but his name is . In essence, that means that there are currently 6 complainants on this file. We are yet to receive the transcription of interview with or though we do have declarations from their parents and school. We are also yet to receive the dvds from CPS, though I was informed today that the majority of them have been received and can be picked up this Tuesday from SXCJS.

The delays, I am told, were due to the interviews with the children being very difficult to understand and thus transcribe. I was unable to attempt any proofings as I did not have any of these transcriptions until last week, and in my view, these proofings certainly cannot proceed without first showing the complainants the dvds of the interviews.

Fabiana Vielle has been allocated as WAO on file for the 3 charged complainants. I did not know about the other two until the transcripts were received last week. They will need to be WAS referred- I do not have their contact details as yet. There is a possibility that 2 other children have made some disclosures. CPS have not provided police with those transcriptions, but I have asked the I/O to get the dvds so that they can determine if they are witnesses to the conduct.

The court is being understanding and accommodating about the matter, given the difficulties with the complainants, however we have been given significant time to date. I have requested medical evidence about the special needs of each of the complainants, so that we have this to help make a decision about their ability to be called as witnesses and whether this is an appropriate matter in which to utilise section 34CA of the Evidence Act.

The first port of call on this matter is to pick up the dvds on Tuesday, and organise proofings with each of the complainants to determine what charges, if any, can proceed. The parents have been kept informed of the court dates and reason for the delays by police- essentially the file has only just got to a state where we are in a position to start proofing.

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I would recommend that the matter be assigned to someone who is experienced, and preferably has experience in the proofing of children with special needs. I suspect some of these proofings may take more than one attempt.

The next in court date is the 19th of April 2011 at 11:30am to answer the charges. We were given an order to provide further documents on which we are to rely within 29 days of the 1st of March hearing (so the end of March). I doubt we will have everything by then, but if we can say we've proofed everyone and lay a fresh information as the case may be, we should be allowed further time for other important materials.

Further to that, I have not responded to a letter received on the 2nd of March from defence. They have requested certain documents, which I have requested, however they have received the transcripts of interview of the children (bar ^{CDI} as I said above) as they were provided at the court hearing on the 1st of March 2011. That would have been after the letter was posted.

A sensitive materials notice will also need to be served in respect of the dvds from CPS once they are received and their identification numbers are known. The transcripts are yet to be verified by the I/O, and so a declaration introducing them, and the dvds, will need to be sought from the I/O (he knows about it and may have been waiting for the dvds prior to submitting it).

The investigating officer is Dean Millman however Steve Albon is assisting in the investigation, and Bob Arbon is keeping an eye on it and will ask other members to help out if need be.

If I can be of any assistance on this matter, please do not hesitate to contact me.

Kind Regards,

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Helen Papakonstantinou
Solicitor