

APK11

Are these all inconsistencies? I think it is more akin to a drip feed disclosure. There are some inconsistencies I agree. But, I am not so concerned about the CPS non-disclosure given their intellectual disability: We can rely on disclosures to parents and teacher also under s34CA - if sufficiently probative. Direct inconsistencies or lack of specificity is another issue and how do we know if they are talking about different acts or the same acts.

I agree. The charges are a real problem.

Importantly it also does go to question of "sufficient probative value" re s34CA.

What he does and does not mention will depend on questions asked so not mentioning it is not as "fatal" in my view as a witness giving a full statement and not mentioning something. We and a jury would have to take into account their intellectual disability when looking at relevance of a "non-disclosure".

I agree giving different explanations is another matter.

The teacher and parents may be cross-examined but I'm not sure it means the children would have to be.

How would they know if their evidence has been contaminated?

Agreed, but does his lack of reliability impact on reliability of others?

I agree the way disclosures came out is not ideal - Questioning/leading by parents and in class with other victims present and sometimes one victim says x and then coincidentally another victim says x a day later. Is this coincidence or contamination?

Agreed.

Agreed.

