



**DEPARTMENT OF
JUSTICE AND ATTORNEY- GENERAL**

**WITNESS INTERMEDIARY SCHEME FOR QUALIFIED
COMMUNICATION SPECIALISTS**

SCHEME RULES

JUNE 2021

Document History

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CONTACT DETAILS

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1 INTRODUCTION

The Department of Justice and Attorney-General (DJAG), in response to recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, has established an intermediary scheme to assist witnesses in child sexual offence investigations and prosecutions to give their best evidence.

Their role is to facilitate communication between the witness and police and/or the witness and courts.

Intermediaries are not advocates, expert witnesses, legal advisors or language interpreters, but are independent officers of the court. They are professionals who will be provided upon request to police and/or the courts through a matching service operated by Court Services Queensland (CSQ), Department of Justice and Attorney-General.

2 DEFINITIONS

Applicant means a person who has submitted an application for admission to the Scheme.

Application means a written application for admission to the scheme.

Assessment committee means the committee responsible for determining the membership of the panel to be formed under the scheme.

Intermediaries Program operates within the Department of Justice and Attorney-General (DJAG) to create and provide a list of Intermediaries from a variety of professions to police and courts upon request

Intermediary for the purpose of this scheme is a person who assists police and courts to obtain best evidence from witnesses with a communication difficulty.

Occupational Therapist for the purpose of this scheme means a person who is an accredited Occupational Therapist with evidence of accreditation, including tertiary degree and membership of relevant Professional Society.

Panel means the list of panel members assessed as suitable for engagement by DJAG.

Panel member means a person who has applied for, and been granted admission to, the panel by DJAG.

Performance report means a report submitted in accordance with clause 12.

Psychologist for the purpose of this scheme means a person who is an accredited Psychologist with evidence of accreditation, including tertiary degree and membership of relevant Professional Society.

Scheme means the Intermediary Scheme owned by the Intermediaries Program and administered by DJAG.

Speech Pathologist for the purpose of this scheme means a person who is an accredited Speech Pathologist with evidence of accreditation, including tertiary degree and membership or eligibility for membership of relevant Professional Society.

Social Worker for the purpose of this scheme means a person who is an accredited Social Worker with evidence of accreditation, including tertiary degree and membership of relevant

Professional Society.

Supreme, District and Land Courts (SD&LC) operates within Courts Services Queensland (CSQ).

3 CONFIDENTIALITY

- 3.1 Confidential information submitted with an application will be treated as confidential unless otherwise required by law. Information submitted with an application may be subject to investigation, reference checking, criminal history checks, searches, interviews, enquiries and confirmation. Applicants are deemed to have authorised any such action in the lodgement of their application.
- 3.2 Courts Services Queensland (CSQ) officers seeking to engage a panel member can view the panel member's CV submitted with the application to assist in determining a panel member's suitability for a specific engagement.

4 APPLICATIONS FOR PREQUALIFICATION

- 4.1 Applications must be completed in the prescribed application form.
- 4.2 Applications must be delivered in accordance with the delivery instructions set out in the application form.
- 4.3 Only those applications which satisfy the requirements set out in these scheme rules and the application form will be considered by the assessment committee.

5 REMUNERATION

5.1 Panel members engaged via this scheme will be remunerated at the rates outlined in clause 5.2 below. These rates are fixed for the life of the scheme.

5.2 The rates applicable are:

Activity	Payment	Maximum payment (ex-GST)
<i>Provision of services</i>		
• Witness assessment	\$160/hr	\$320
• Attendance at police interview	\$160/hr	\$960
• Viewing a police interview	\$160/hr	\$960
• Attendance at directions hearing	\$160/hr	\$640
• Attendance at evidence hearing	\$160/hr	\$960/day
• Attendance at trial	\$160/hr	\$960/day
• Other (e.g. Attendance at police station to assist a witness in reviewing their typed witness statement)	\$160/hr	\$960
<i>Court Report</i>	\$660/report	\$660
<i>Travel Reimbursement</i>	<u>Per PSC directive</u>	
<i>Cancellation fees</i>		
• Cancellation made within 24 hours of a scheduled police interview or witness assessment	\$160	\$160
• Cancellation made within 24 hours of a scheduled directions hearings	\$160	\$160
• Cancellation made within 24 hours of a scheduled court day where a witness gives evidence	\$320	\$320

5.3 CSQ may also request a quote on a lump sum, fixed price, maximum fee or other basis from a panel member with respect to long or complex engagements.

5.4 The rates are exclusive of GST.

5.5 The method of payment shall be against a tax invoice and an ABN.

5.6 The rates include *all* costs of the panel member including subsistence and travel costs to and within the geographical area of nominated work.

5.7 Should a panel member be engaged outside their selected geographical area, subsistence and travel expenses outside the Brisbane or Cairns metropolitan areas are to be charged at actual cost or at the rates specified under the Domestic travelling and relieving expenses directive (www.forgov.qld.gov.au/), whichever is the lesser. All charges must be approved by CSQ in advance of the expense being incurred.

5.8 Additional charges for printing, copying or paper will not be accepted.

6 PREQUALIFICATION PROCESS

6.1 The assessment committee will determine the membership of the panel to be formed under the scheme. The assessment committee will be convened by a

senior representative from CSQ or their nominee.

- 6.2 The panel to be formed under the scheme will be composed of applicants who are deemed to be most qualified and experienced following the assessment of an application by the assessment committee and in accordance with the scheme rules.
- 6.3 Applications can be made at any time.
- 6.4 After the initial assessment of the applications by the assessment committee to establish the panel, applications will be assessed periodically at the discretion of the assessment committee, and generally every six months.

7 EVALUATION CRITERIA

The evaluation criteria are as follows:

- a) Demonstrated ability and experience in conducting assessments to accurately and rapidly assess a child or vulnerable adult's receptive and expressive communication needs
- b) Demonstrated practical ability and experience in utilising professional skills to facilitate communication between a child or vulnerable adult and another party
- c) Demonstrated ability and experience in developing strategies to enable people with a range of different professions and abilities to understand and communicate with children and vulnerable adults
- d) Demonstrated ability and experience in writing comprehensive reports on a child or vulnerable adult's communication needs, tailoring information in a way that makes it accessible to all parties.
- e) Agree to a national Criminal History Check
- f) Agree to Scheme rules – Witness Intermediary Scheme for Qualified Communication Specialists
- g) Hold Relevant Degree to Service Category
- h) Provide evidence of Professional Accreditation and Relevant Insurance:
 - a) Speech Pathologist – Hold or be eligible to hold membership to Speech Pathology Australia
 - b) Occupational Therapist – Registered to Occupational Therapy Board of Australia
 - c) Psychologist – Australian Health Practitioner Regulation Agency
 - d) Social Worker – Hold an AASW approved social work qualification from an Australian tertiary institution.
- i) Hold a current Blue Card
- j) Agree to attend training (no payment applicable)
- k) Complete Ethical Supplier Threshold Document

Applicants who attach only a CV and do not address the criteria will not be considered by the committee.

8 INTERVIEW WITH ASSESSMENT COMMITTEE

- 8.1 Where further clarification is required, an applicant may be provided with the opportunity to attend an interview with members of the assessment committee. This is at the complete discretion of the assessment committee and applicants must ensure that there is sufficient information in their application to warrant consideration by the assessment committee.

9 TRAINING

- 9.1 Applicants must complete a training course that gives them an understanding of the criminal justice system and the intermediary role, so they have the confidence and ability to take cases as they come through the police and courts.
- 9.2 It is a condition of the Scheme that an applicant must successfully complete the training course before being added to the prequalification scheme list.
- 9.3 Failure to complete training will mean that the application may be considered as withdrawn by the applicant.

10 NOTIFICATION OF ASSESSMENT OUTCOME

- 10.1 The assessment committee may accept an application (with or without limitation) or reject the application. The most meritorious applicants will form the panel.
- 10.2 DJAG will notify all applicants of the outcome of their application in writing. Panel members will be required to complete and return an acknowledgement of panel members' obligations and undertaking (Appendix 1).

11 SPECIAL REQUIREMENTS

Membership of the panel under the scheme is subject to the following conditions:

- 11.1 For each matter for which the panel member is engaged, the panel member will receive an engagement letter unless other arrangements are specified by CSQ.
- 11.2 The panel member may be subject to criminal record and financial status (bankruptcy) checking at any time. The panel member has a responsibility to disclose any change in circumstances that may cause any level of concern for CSQ. DJAG reserves the right to temporarily suspend scheme membership if any investigation is required.
- 11.3 Any potential conflict of interest arising for the panel member in relation to an individual engagement is to be declared prior to engagement by the agency.
- 11.4 Panel members must comply with the Charter of victims' rights in the *Victims of Crime Assistance Act 2009*. All witnesses will be treated with courtesy, compassion and respect.
- 11.5 The panel member will be bound by the requirements of the *Information Privacy Act 2009* and Information Privacy Principles in relation to information shared with or by the Scheme. As officers of the court, intermediaries must treat witness-related information received verbally or in writing with utmost confidentiality in accordance with the law, the intermediaries' Code of Conduct and the detailed training received in the intermediary course.
- 11.6 The panel member must comply with the scheme rules.

12 PERFORMANCE MANAGEMENT / REPORTING

The CSQ may establish a mechanism for reporting on the performance of the scheme or of individual panel members.

13 PERFORMANCE REPORTING BEHAVIOUR

Panel member performance monitoring and reporting may be conducted in accordance with the following principles:

- 13.1 the mutual objective of the parties is to achieve continuous performance improvement
- 13.2 performance issues being promptly addressed by the parties concerned.

14 REMOVAL FROM THE SCHEME

14.1 Membership of the panel will be reassessed and may be terminated by the assessment committee if the member has:

- (a) breached the scheme rules
- (b) been declared bankrupt or found to be insolvent
- (c) been the subject of substantiated reports of unsatisfactory performance
- (d) experienced an adverse change in capacity or capability
- (e) experienced an adverse change in business status
- (f) been proven to be in serious breach of his or her obligations under any legislation
- (g) otherwise failed to meet the standards required of the scheme in terms of its project outcomes and ethical business practices
- (h) been removed or suspended from the relevant professional accreditation society/board
- (i) been removed or suspended as a holder of a Blue Card.

14.2 The panel member has a responsibility for continuous disclosure of any change in circumstances, particularly in relation to any suitability matter which may affect the panel member's eligibility or fitness to undertake professional duties.

14.3 Before membership of the scheme is formally revoked, CSQ will advise the panel member of the matters prompting the proposed action and will give the panel member the opportunity to provide reasons as to why the revocation should not occur.

15 PUBLICITY

Panel members must not advertise, promote or publicise their admission to the scheme without the written consent of CSQ.

16 COURTROOM ETIQUETTE

The intermediary is an officer of the court, and as such, they must comply with courtroom etiquette and protocols. Panel members will be provided with training and guidance in relation to these protocols.

17 RESPONSE TIME

Panel members may be asked at short notice to assist a witness as the police or prosecution require an assessment, and sometimes interview, to be carried out as soon as possible. Panel members will be required to be flexible and organised in order to meet these time commitments. Some evening and weekend work may be required.

18 APPLICANT'S ACKNOWLEDGMENT

In applying for the scheme, the applicant agrees to the scheme rules.

19 DISCLAIMER

19.1 The Department of Justice and Attorney-General reserves the absolute discretion to:

- (a) accept an application with or without conditions
- (b) reject an application
- (c) revoke a panel member's admission to the scheme.

19.2 The department will not be held liable for any costs or damages incurred by the panel member in the exercise of such discretion.

20 PREQUALIFICATION NO GUARANTEE OF WORK

The receipt of prequalification by an applicant does not guarantee:

- 20.1 continuity of the prequalification during the duration of the scheme
- 20.2 engagements or work of any kind or quantity will be offered.

21 NO EMPLOYMENT RELATIONSHIP

Membership of the scheme does not give rise to any form of employment relationship or access to any form of employee related entitlements.

22 HUMAN RIGHTS

22.1 Under the *Human Rights Act 2019*, decision makers have an obligation to act and make decisions in a way that is compatible with human rights, and when making a decision under the scheme, to give proper consideration to human rights.

22.2 If you consider that a relevant human right has not been taken into account in making this decision, you may make a complaint using the department's process for making a human rights complaint. If you appeal a decision, you can include information about your human rights complaint.

22.3 Further information about your human rights is available:
<https://www.qhrc.qld.gov.au/yourrights/human-rights-law>.

23 REVIEW AND DEVELOPMENT OF THE SCHEME

The scheme will be monitored by DJAG to assess whether the objectives and intent of the scheme are being met. Modifications may be made at any time at the department's discretion.

APPENDIX 1 – Acknowledgement of Panel Member’s obligations and undertaking

Queensland Intermediary Scheme Pilot Program

Acknowledgement of Panel Member's Obligations and Undertaking

I, _____ acknowledge the following conditions of my engagement by the Queensland Intermediary Scheme Pilot Program:

<input type="checkbox"/> I have read the Queensland Intermediary Scheme Code of Conduct and understand my responsibilities to follow the code of conduct and Guidelines.	<input type="checkbox"/> I agree not to disclose any information obtained in the course of my engagement to any unauthorised person.
<input type="checkbox"/> I will treat victims of crime with courtesy, compassion and respect and in accordance with Charter of victims' rights as set out in the <i>Victims of Crime Assistance Act 2009</i> .	<input type="checkbox"/> I agree not to use any information obtained in the course of my engagement for any personal benefit or gain.
<input type="checkbox"/> I acknowledge the work of the Queensland Intermediary Scheme may expose me to material containing offending behaviours and criminal activity.	<input type="checkbox"/> I agree to notify the Queensland Intermediary Scheme should I become aware of any real or apparent conflict of interest.
<input type="checkbox"/> I acknowledge some obligations of the Code of Conduct remain in force should my engagement cease with the Queensland Intermediary Scheme (e.g. copyright, privacy, disclosure of official and personal information).	<input type="checkbox"/> I agree to comply with requirements in the <i>Information Privacy Act 2009</i> and Information Privacy Principles in relation to information shared by and with the Scheme
<input type="checkbox"/> I understand that persons seeking engagement with the Queensland Intermediary Scheme are required to disclose their criminal histories (including convictions which are not recorded) and/or charges	<input type="checkbox"/> I also give consent for disclosure of any criminal history information, including charges laid against me awaiting determination, to the Queensland Intermediary Scheme. I understand the disclosure of information about my criminal history will be subject to applicable Commonwealth, state and territory legislation.
<input type="checkbox"/> I give my consent for the Queensland Intermediary Scheme to seek a national criminal history check on me through the Queensland Police Service and the Australian Police Services as allowed by s.21AZX <i>Evidence Act 1977</i> .	<input type="checkbox"/> Should I not abide by the conditions of my engagement, I understand this may give rise to my removal from the Scheme
<input type="checkbox"/> Under the provisions of the <i>Work Health and Safety Act 2011</i> , I understand I have an obligation to act in a manner that reduces the risk of harm, including communicating identified risks to management in a timely manner.	Name: _____ Signature: _____ Date: _____