



**DPP**

**Commonwealth Director of  
Public Prosecutions**

**GUIDE TO WITNESSES OF  
COMMONWEALTH CRIME**

**GIVING EVIDENCE IN COURT**

## **INTRODUCTION**

Witnesses make a necessary and valuable contribution to our justice system by giving evidence in court. The purpose of this pamphlet is to assist you understand your role as a witness.

## **PREPARING FOR COURT**

### **CONFIRM YOUR DATE FOR GIVING EVIDENCE IN COURT**

The court process can take time and court dates often change. We recommend that you check the status of the court case and the time that you are required to arrive at court with the CDPP prosecutor the day before the scheduled court date.

### **VISIT THE COURT**

You may find it helpful to go to court beforehand to see what a courtroom looks like and to know where everyone will sit on the day you give evidence. This will help you familiarise yourself with the courtroom environment.

### **READ OVER YOUR STATEMENT**

As a witness you would have made a statement to the investigator telling them in your own words everything you remember about what happened. You should read over your statement before going to court. Before you give evidence try to think about the matters covered by your statement such as dates, times, names, events and words used. It is important to remember not to discuss your evidence with any other witnesses. You may be requested to attend a conference with the prosecutor before giving your evidence. If there is anything in your statement you would like to add or change, bring it to the attention of the prosecutor in advance of the hearing.

### **THINK ABOUT YOUR ATTIRE**

While there are no particular dress requirements, we would encourage you to wear something neat and tidy. The court room is a formal environment and the judge, prosecutor and defence counsel will be wearing professional dress and may in some instances wear wigs and robes.

## **YOUR DAY IN COURT**

Once you arrive at court try and make contact with the investigator or CDPP prosecutor to let them know you have arrived. They will show you where to wait. Courts usually sit from 10am to 4pm, with a short break for morning tea and an hour for lunch, though the practise of courts may vary. You will be advised beforehand, most likely in writing, of the time you are required at court.

Just because a trial or hearing starts on a certain day that doesn't necessarily mean that you will give evidence on that day. You may have to wait before the court is ready to hear your evidence. The CDPP prosecutor will do their best to keep you informed as to the status of the proceedings and advise you of when you will be required to give evidence. Every effort will be made to ensure you are not inconvenienced more than necessary.

You cannot be present in the court before you give your evidence. You might like to bring a book or magazine to read while you are waiting. A court officer will let you know when it is your turn to give evidence and show you where to sit. Once you have given your evidence you may sit in the public seating area of the courtroom. The CDPP prosecutor will advise you when you are no longer required by the court.

Well in advance of the trial or hearing you should advise the CDPP prosecutor if:

- You have concerns for your safety.
- You have difficulty speaking or understanding English.
- You have any special needs or a disability that may affect your ability to give evidence.

## **THE COURTROOM**

The criminal prosecution process can be long and complex and it involves a lot of people. You can expect the following people to be present in the courtroom: the accused, the judge and their staff, the prosecutor, defence counsel, the court reporter, the court officer, and in some instances the Jury.

In court the prosecutor presents the case against the person accused of the crime. This person is referred to as the defendant in the Local or Magistrates' Court and the accused in the District, County or Supreme Courts. The accused is presumed to be innocent until proven guilty. The Magistrate in the Local or Magistrates' Court or the Jury in the District, County or Supreme Courts must be satisfied 'beyond a reasonable doubt' that the person committed the crime.

## **GIVING EVIDENCE**

You must tell the truth in court when you give your evidence. When you first go into the witness box you will be asked to swear an oath or affirm to tell the truth.

When you give evidence in court you will be asked questions by both the CDPP prosecutor and the defence counsel. The CDPP prosecutor will generally ask you questions first. Then the defence counsel may ask you questions. This is called cross examination. The Judge or Magistrate may also ask you questions.

Below are some suggestions to assist you in the process of answering questions in court.

- Listen carefully to the questions and make sure you understand what is being asked before you answer.
- If you do not understand the question it is ok to say so.
- Never try to guess the answer to a question. If you do not know the answer to the question, or cannot remember it is important to say so. Don't feel pressured to answer the question quickly. Take your time to think before answering.
- Try to answer clearly and in a loud voice.
- You may be asked the same question more than once.
- You should address the Judge or Magistrate as "Your Honour", or if you forget sir or madam.

## **CONTACT WITH THE CDPP**

If you have any questions about your appearance in court, your evidence, or anything else to do with the case, talk to the CDPP prosecutor.

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