

Information Sheet

Witness Summons



VICTORIA POLICE

Before the hearing

Unless you are told otherwise, no action is required by you prior to the date of hearing. If you have been asked to bring anything with you to court, such as documents, make sure that you have these ready to bring with you well before the hearing date.

Prior to the hearing, the prosecutor may speak to you about the case. This is called a 'conference' and is an informal discussion which may occur by telephone, at a police station, or in a court building.

There is a chance that the lawyer who represents the accused person (called the defence lawyer), may contact you to discuss your evidence. You do not have to speak to this person. You should contact the police member responsible for the case (called the informant) if you are approached by the defence lawyer, as this may affect the case.

Whether you are required to attend

If you are summonsed to attend court you must attend unless otherwise informed by the prosecutor or the informant. If you have any queries about when you are required to attend court you should contact the police informant or the prosecutor who has been assigned the case.

Going to court

When you arrive go to the front counter and advise the court staff of your attendance. You may be directed to a particular courtroom or location to speak with the informant or prosecutor. Once the case has begun, you will be asked to sit outside the courtroom in the foyer until you are called to give your evidence. You should avoid talking to strangers while waiting, as they may be witnesses in the case. If you know other witnesses you may speak to them, but avoid talking about the case. If you are near people involved in the case who make you feel uncomfortable, you should tell the police informant, prosecutor or court security.

Witnesses, including victims, give their evidence in person in the courtroom. In some rare circumstances, the prosecutor may make application for a witness to give evidence from another location via closed circuit television.

Permission to use this process is by the leave of the Court, meaning it is not always granted. Discuss this with the police informant if you believe it is appropriate for you not give evidence in the courtroom with the accused.

Giving your evidence may take a few minutes or several hours. It is rare to be able to pinpoint when in the day you will be called to give evidence. For this reason, unless told otherwise, make sure that you arrive at the time on your summons and make sure that the court staff are aware that you have arrived.

Sometimes you will have to wait a long time before you are called to give evidence. You could use this time to read your statement. If you do not have a copy you should ask the police informant for one. It is also a good idea to bring a book or magazine to read.

There are no facilities at court for children who are not witnesses. If possible, have someone else mind your children.

Taking the oath or affirmation

In the courtroom the clerk will ask you to either take an oath on a religious text or an affirmation. These are a promise to tell the truth when giving your evidence. The Court views either promise to tell the truth with equal seriousness. The court clerk will ask you to repeat the words of the oath or affirmation after them.

You will then be asked to say your full name and occupation. You may also be asked to state your address. If you wish to keep your address private, you should tell the prosecutor beforehand.

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Giving evidence

The Magistrate sits at the highest point in the courtroom. You should direct the answers you give to the magistrate. If speaking to them directly, refer to this person as, "Your Honour".

You will be asked questions by the prosecutor about the incident. Normally, you will not be allowed to look at your statement in the witness box but you should read it beforehand. You may also be asked to identify pieces of evidence or look at photographs and maps of the scene of the crime.

Next you will be asked questions by the defence lawyer. Some of these questions may be upsetting or embarrassing, or you may be challenged about whether you are telling the truth.

You should try to answer all questions as truthfully and accurately as you can.

If you cannot remember something, it is alright to say so. It is important not to guess at answers that you don't know. If you need a break you can request one however it is up to the Court.

You should speak in a clear voice so that the magistrate, the prosecutor and the defence lawyer can hear you. If you cannot hear the questions or you do not fully understand a question, ask the person to repeat or explain.

The defence lawyer may not allow you to answer questions fully, or in the way you would like. It is important not to argue or become rude when this happens, although you should be given the opportunity to answer the questions asked.

When the defence lawyer has finished asking you questions, the prosecutor may seek further clarification of some of the answers you gave. You may also be asked questions by the magistrate.

Being excused

When you have finished giving your evidence you will be excused. You may then leave the courtroom. If you have incurred costs as a result of having come to court, such as lost wages, an application may be made on your behalf.

These expenses must have been incurred by you, and proof is usually required. Speak to the police informant or prosecutor at the beginning of the day if you wish for such an application to be made. The final amount will be determined by the court.

If you wish to stay in court to listen after giving evidence, you usually can.

Victim impact statements

If you are the victim of a crime you are entitled to make a Victim Impact Statement for the Court explaining the impact that the crime has had on you personally. If the accused person is found guilty, the Court will take into account the impact the crime has had in your life when determining the appropriate sentence for the accused.

The police informant will provide the appropriate form if you would like to make a Victim Impact Statement or you can access the form at <http://www.victims-of-crime.vic.gov.au/> (Click on "Going to Court" and then select the "Victim Impact Statement" tab).

Victims of crime compensation

If you are the victim of a violent crime you may seek assistance from the Victims of Crime Assistance Tribunal (VOCAT). To find out if you are eligible visit www.vocat.vic.gov.au. Direct phone numbers of your nearest VOCAT registry can be found on the website. Alternatively email: help@vocat.vic.gov.au

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