



## **Information for a Witness**

The information here is only information. It is **not** legal advice. Only a lawyer, solicitor or barrister can give you legal advice.

The information here is only about **NSW Local Courts** and criminal situations. Other courts like the District Court and the Supreme Court are a bit different. Local Courts are where most people go to court and where most offences are resolved.

### **1. Who is a witness?**

A Witness is someone who has seen or heard something happen and they have been asked to come to court to tell what they saw or heard happen.

### **2. How will I know if I have to go to court as a witness?**

There are two ways you will know if you have to go to Court as a Witness.

- 1) You will be asked to go. You may be asked by the defendant's solicitor or by the police. You can decide if you will go or not.
- 2) You are given a letter that has the word "**subpoena**" at the top. This means you are ordered to go to court. The subpoena will have the date, time and court you must go to. You may also be asked to go to court to give documents that you have. The letter must be given to you in person. You will not get it in the mail or by email. You have no choice and you must go to court. If you do not go, you may be arrested.

### **3. How do I prepare for court?**

- 1) Call the court and ask for an interpreter. It will be provided free by the court. Make sure you call as soon as possible so that there is enough time to find a good interpreter.
- 2) Ask a support person to go with you to court. This person can be a family member, your case worker or a friend. A support person can help you get ready for court and go with you. They cannot tell you what to say in court.
- 3) Prepare for the questions that may be asked in court. Make sure you are clear in your mind about what happened so you are ready to answer questions. You can write down, or ask someone to write for you or film yourself signing the events that

you saw or heard and may be questioned about. This is good way to prepare yourself.

- 4) Make sure you know where the court is and how to get there. It is important that you are not late as it can affect the magistrate's opinion of you. If you are going by public transport, look at bus/train timetables and plan your trip.
- 5) Be prepared to wait a long time at court. There are often delays and many cases on in one day.
- 6) Dress well. It is important to look good in smart clothes.

#### **4. What happens when I arrive at court?**

- 1) Be prepared to go through a security check.
- 2) Find out what court room you are in. Check the court list which will be in the foyer or near the entrance to the court. If you can't find where you need to go, ask the court staff and they can help you.
- 3) Go and wait outside the court room until you are called to go in. You cannot walk into the court room. You must wait until you are called.

#### **5. Who will I meet in court?**

- 1) The interpreter.
- 2) You may meet the police who are involved in the case.
- 3) Be prepared to meet the defendant. They may not be happy that you are there to answer questions about them. If you are uncomfortable seeing them, try not to look or talk to them.

#### **6. What happens when I go into the court room?**

- 1) First the court officer will lead you to the witness box.
- 2) Then they will ask you to stand up and look at the magistrate.
- 3) The court officer will ask you "Do you swear that the evidence you will give will be the truth, the whole truth and nothing but the truth?"
- 4) The court officer will ask you to say "I do".
- 5) You can sign "I do" and the interpreter will voice for you.
- 6) Whoever asked you to come to court (defence solicitor or police), will then ask you questions which you must answer.
- 7) First you will be asked: your name, your address and where you work.
- 8) Remember to tell the truth.
- 9) If you don't understand a question, you can ask for it to be repeated.
- 10) If you don't know the answer, you should say "I don't know".

- 11) When the questions are finished, the other side will ask you more questions.
- 12) When all the questions are finished, you will be asked to leave.
- 13) The court officer will lead you out.
- 14) You can stay and watch what is happening in the court or you can leave.

## **7. What happens after I leave the court room?**

Go to the court office. Check if you can be paid for being a witness. Witnesses can be paid for the costs of travelling to and from court or accommodation and wages lost on the day they have been to court.

## **8. What is an oath or affirmation?**

- This is a promise to tell the truth.
- If you are called to the witness box to answer questions about your evidence, you will be asked to make an oath or affirmation first.
- You need to decide if you will do an oath or an affirmation.
- If you do an oath it means you promise to tell the truth by referring to God.
- If you do an affirmation it means you promise to tell the truth but you do not refer to God.

## **9. How do I make an oath or affirmation?**

- The court officer will show you how to do this.
- You will be asked to stand and face the magistrate.
- If you do an oath, you will be asked "Do you swear that the evidence you will give will be the truth, the whole truth and nothing but the truth?" You must answer "I do".
- If you do an affirmation, you will be asked "Do you solemnly and sincerely declare that the evidence you will give will be the truth, the whole truth and nothing but the truth?" You must answer "I do".
- You can sign "I do".