

**SERVICES AVAILABLE FOR
ABORIGINAL VICTIMS OF
DOMESTIC AND FAMILY
VIOLENCE IN NSW**

Solicitors/Barristers:

Police can serve the defendant's legal representative with a copy of the video. However, the law makes it an offence for a legal representative –or another person - to give a copy of the video to a defendant.

Legally unrepresented defendants:

If the defendant is unrepresented police must, as far as possible, ensure that they provide a defendant with an opportunity to view the DVEC video recording at a police station. Such a viewing will be supervised by police.

Additional evidence:

If police, at a later date, become aware of additional evidence that needs to be taken from a victim then they will take a written statement to cover that additional evidence.

Will complainants still have to attend court for defended hearings?

While victims can rely upon the recording to give all or part of their evidence of what happened to the court, they are still required to attend a court case and be cross examined.

NSW Attorney Generals Department Victims Services Aboriginal and Torres Strait Islander Contact Line Phone – 1800 019 123

NSW Rape Crisis Centre
Phone – 1800 424 017
Web – www.rapecrisis.com.au

Wirringa Baiya Aboriginal Women's Legal Centre Phone – 1800 686 587
Web – www.wirringabaiya.org.au

Indigenous Women's Legal Contact Line
Phone – 1800 639 784
Web – www.womenslegalnsw.asn.au

Domestic Violence 24 hour Helpline
Phone – 1800 65 64 63

Kids Helpline Phone – 1800 551 800
Web – www.kidshelp.com.au

FaCs Helpline Phone – 132 111

VOCAL (VICTIMS OF CRIME LEAGUE)
02 4961 4755

NSW ELDER ABUSE HELPLINE
1800 628 221

*Domestic Violence
Evidence in Chief
(DVEC)*

Working Together To Build A Safer Community



Domestic Violence Evidence in Chief (DVEC)

(“EVIDENCE IN CHIEF” means that the victims/witnesses can tell their story in their own words.)

NSW Police Force is committed to working in partnership with Aboriginal people to protect victims of domestic and family violence.

On 1 June 2015, new legislation came into force that allows police to video or audio record statements taken from domestic violence victims, that can be used as all or part of their **evidence in chief** (their story) during a court case for charges and ADVO applications.

There is no need for written statements to be taken from victims if a recorded statement has been taken. The changes to the law are being referred to as ‘Domestic Violence Evidence in Chief’ (DVEC)

These changes will have a number of advantages for victims:

- ✦ Reduces trauma for victims in telling their story in front of offenders.
- ✦ Reduces difficulty in remembering details of incidents at a later court date as the recording will be played before any additional oral evidence is given by the victim.
- ✦ An increased ability of victims to give an accurate account of what happened at the time of the incident

- ✦ Brings the victim’s appearance and experience at the time of the crime into the court room.
- ✦ Reduces or stops intimidation towards the victim to change their evidence.
- ✦ Increases the possibility of early pleas of guilty.
- ✦ Saves victims time when they are giving a statement.

Who can give evidence by way of DVEC recording?

Any victim who has had a domestic violence offence allegedly committed against them can give their statement via DVEC.

When must the recording be made?

The recording must be made as soon as practicable after the DV offence has been committed.

Do police need the victim’s consent?

Yes, police will need the victim’s informed consent. This means that victims will be told that they do not have to consent to the recording being made and it will be their choice to have their statement recorded.

Do police have to take DVEC statements for all DV offences?

No, police can still take typed or notebook statements.

Do prosecutors need the victim’s consent to play the recording at court?

No, prosecutors must consult the victims before making a decision to play the recording at court, but it is the prosecutor’s decision to play the recording taking into account a number of factors including any evidence of intimidation.

Will defendants get a copy of the video?

The legislation is clear that defendants are **not** to be given copies of the video recorded statements. Instead, police are only obliged to give them a copy of the audio recording, no pictures.

