

ATTENDING COURT

Police will advise victims of the date and place of a court hearing of any charge laid against the accused. Victims of crime do not need to have their own lawyer for court as they are witnesses for the prosecution. The prosecution represents the community.

Depending upon the type of charge against the accused and the court in which the matter will be heard, the prosecutor may be a police prosecutor or a prosecutor for the NSW Office of the Director of Public Prosecutions (ODPP). Police investigate crimes and commence criminal proceedings. They will prosecute summary matters in the local court, except if the charge relates to the sexual assault upon a child or the prosecution of a police officer. Police will refer serious criminal matters to the ODPP who then take over the prosecution of the case.

Before the hearing date or any other date the victim is required to attend court, the police officer in charge of the investigation is responsible for making contact with the victim. They are also responsible for explaining the trial process to victims of crime and explaining the role of a witness.

It is general practice for police to subpoena victims and witnesses of crime to attend court for hearings.

Police should ensure that all victims receive clear, accurate and timely information on their role at court and what to expect. This includes:

- procedures for giving evidence and cross examination
- people who will be present in the court room and their roles
- how the court operates
- how the victim can be protected from unnecessary contact with the accused or defence witnesses during court proceedings.

Safety Concerns

If a victim has any concerns about their safety and requires protection from the accused, they should immediately tell the investigating police officer who will tell the prosecutor. The prosecutor can then inform the court of any concerns in relation to the protection of the victim whilst at court. In some courthouses there are separate waiting rooms for victims and witnesses. Prior to going to court the victim can arrange a time and place to meet with the prosecutor or support person who can then show the victim the safest place to wait.

Witness Expenses

Witness expenses may be available for the days a witness goes to court. This may include meals, travel and accommodation costs. The NSW Department of Communities and Justice sets the rates for witness expenses. The rates of payment are not intended to fully compensate witnesses for their expenses and losses; rather they are intended to reduce the financial hardship incurred by attending court as a witness.

The witness expenses claim form must be authorised by the officer in charge and/or police prosecutor and/or the ODPP prosecutor prior to submitting the form to the court officer. After you have given evidence, attend the court office and submit the authorised form for payment.



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The current witness expense rates are set out on that claim form.

Witnesses should inform police or the ODPP prosecutor well in advance of the court hearing if they require money to assist them in attending court.

For further information please call 02 9285 8606 or visit:

<https://www.odpp.nsw.gov.au/victims-witnesses/support-services-victims-and-witnesses/witness-entitlements-and-claims>

Witness expense rates and the claim form are located at:

https://www.odpp.nsw.gov.au/sites/default/files/2021-08/Witness-expenses-claim-form_4.pdf