

WITNESS ASSISTANCE SERVICE



Do I Have To Be A Witness?

When an offence occurs the Police investigate the matter and obtain witness statements as evidence about what happened.

If you have any further questions or would like more information, please contact the Witness Assistance Service on Freecall 1800 659 449 or email us on AGDDPPWitness.AssistanceService@nt.gov.au

Do I have to be a Witness?

When an offence occurs the Police investigate the matter and obtain witness statements as evidence about what happened. Witnesses will only be called to give evidence at Court where the accused is contesting the charges against them, i.e. they are pleading not guilty or disagree with some of the information involved in the charge.

If you are a witness that is required to give evidence at Court in a criminal matter you will be served a Summons or Subpoena by the Police telling you that you have to come to Court on a certain day. When this happens you must attend Court.

What if I do not attend?

When you have been called as a witness you are legally obligated to attend and to give your evidence to the Court. If you do not attend, you can be fined and the Court can issue a warrant for your arrest. If you are arrested for not attending Court you can be held in custody until you have attended Court.

Will I have to attend court for a whole day?

You have to attend and remain at Court from the time stated in the Summons or Subpoena you are given until you are excused. Sometimes the prosecutor can arrange with the Court for you

to attend at a certain time if the matter you are involved with is not going to start straight away. If the matter is likely to continue for a couple of days, the prosecutor can indicate to you what day he thinks you should attend to give evidence.

It is beneficial for you to contact the prosecutor when you receive your Summons or Subpoena to discuss your evidence and what you will need to know for Court.

Will I get expenses if I am a Witness?

Witnesses are not expected to lose money or wages as a result of having to attend Court.

You are entitled to claim loss of wages and any other incidental expenses which you incur in attending Court. To do this you should contact the lawyer, police officer or the Witness Assistance Service to discuss making a claim. You will need to provide proof of the expense such as receipts or a letter from your employer. Claim forms and more information about this is available on the Director of Public Prosecutions website.

What if I have a problem with coming to court on that day?

Court hearings and trials are scheduled months in advance because there is a large number of them and the time that each take to run. Normally, attempts will be made to contact you to



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confirm your availability prior to the date being set. It is difficult to change a Court date once it has been set particularly on short notice so this would only be agreed to if there was a very good reason.

If you do have a problem with coming to Court on that day you need to contact the prosecutor as soon as possible to discuss this.

Do I have to answer all the questions?

Yes, unless the Judge or Magistrate tells you that you do not have to answer a particular question. You do not have to answer any question that might incriminate you, that is, might result in your admitting that you have committed an offence.

Will I have to swear to tell the truth on the bible?

No. If you do not wish to swear on the bible, you may elect to make a promise to the Court to tell the truth. The Judge or Magistrate will ask you which you prefer to do when you are first called into Court.

What happens if I tell a lie?

Telling a lie when giving evidence is a serious offence punishable by imprisonment.

Who can help me if I am a Witness?

More information can be located on the Director of Public Prosecutions website. However if you are concerned about anything and want to discuss your matter you may contact the prosecutor in charge of the case or the Witness Assistance Service in your local area.

What if I have difficulty with speaking English?

If English is not your first language and you need an Interpreter, please let the Witness Assistance Service Officer or prosecutor know this. We will arrange for an interpreter to be present at any meetings and for Court so that you are fully able to understand what you are being asked to talk about.

