

Office of the
Director of Public Prosecutions



Subpoenas and attending court

Frequently asked questions

If you are required to give evidence at a hearing in the District or Supreme Court, you may receive a subpoena from the police. This fact sheet explains more about subpoenas and attending court to give evidence as a witness.



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What is a subpoena?

A subpoena is an official court document which tells you that you must go to court to give evidence, or to provide documents, or both.

How is a subpoena delivered?

A subpoena can be delivered to you in several different ways. This is usually referred to as service of the subpoena.

A subpoena may be served in any the following ways:

- Hand delivered (usually by a police officer),
- E-mailed to your last known e-mail address (receipt acknowledgement requested), or
- Certified mail to your last known address.

What date and time do I need to attend court?

If you have been subpoenaed to give evidence, your subpoena may state a specific date on which you must come to court.

If you have been subpoenaed to give evidence at a trial, the exact date(s) and time(s) you must come to court will not be known at the time you are given the subpoena. Your subpoena will state a period of one (1) to two (2) weeks during which you may need to come to court. You may need to attend court on any given day(s) during those weeks.

The police or the ODPP will advise you closer to the time when you should attend and for how many days you will be needed at court. The date(s) you may need to attend court can change quickly.

If you are employed, you should notify your employer as soon as you receive the subpoena that you may be required to attend court on the date or sometime within the weeks written on the subpoena. Your employer must give you time off to attend court when you are required.

Do I have to come to court?

Yes, unless you have a lawful excuse. If you do not attend court when the police or ODPP tell you to, then the court may issue a warrant for your arrest.

If you cannot come to court because you or a family member is sick, you must get a medical certificate to give to the court.

If you have any questions about attending court or giving evidence, or you are unwell, please tell the arresting police officer or the ODPP as soon as possible.

Do I have to come to court in person?

Sometimes witnesses may be able to give evidence by video link rather than having to travel. If you think this may be an appropriate option for you then you should discuss this with the arresting police officer or the ODPP. If the ODPP considers it appropriate, an application can be made to the court asking that you give evidence by video link. It is the court's decision whether you can give evidence by video link.

What happens if I can't remember what I told police?

You can read your statement that you gave to police before you give evidence in court to refresh your memory. If you don't have a copy of your written statement, please tell the arresting police officer or the ODPP and they will give you a copy of your statement.

You will not be allowed to read your written statement or have a copy of it with you when you are in the court giving your evidence, so it is important you read your written statement before you go into court.

How do I get to court?

Many people choose to drive in their own private vehicle or catch public transport to court if they live in the same area as the courthouse.

If you live in a different area to where the court is located or have any problems getting to court, you should tell the police when they give you the subpoena. The arresting police officer will speak with the ODPP to make travel arrangements for you to travel to and from court. This could include flights, train, bus, taxi, or ferry travel. Overnight accommodation can also be arranged if necessary.

If the witness is a child, arrangements will be made for an appropriate responsible adult to travel with the child and the cost of this will be paid by the ODPP.

What kind of witness expenses are covered?

The ODPP will repay you for **some** costs associated with you coming to court as a witness. (The ODPP does not repay you for any costs if you decide to come to court at times when you are not needed as a witness.)

You will need to fill out a witness expense claim form after you have finished giving evidence. The arresting police officer can help you to fill out this form. After the form has been filled out, it can take up to a month for you to be repaid. All expense claims are subject to final approval by the ODPP.

If you need to spend a lot of money upfront to be able to come to court and this may cause you financial hardship while you wait to be repaid, please tell the arresting police officer or the ODPP.



Travel

If you will be travelling in a private car, you can claim an allowance per kilometre travelled and for parking costs if you have the receipt. You can also claim for the cost of public transport, such as council buses or trains.

If you need to travel a considerable distance, the ODPP may book and pay for your travel, such as plane flights or train tickets. The arresting police officer will contact you with all your travel bookings. The bookings are usually only confirmed shortly before the court hearings.

Meals

You can claim a set amount as an allowance for food and drink expenses while you are away from your home. There is a maximum amount that can be paid for each type of meal, including drinks, throughout the day. You do not need to keep receipts for what you spend on meals – the ODPP will calculate what you are entitled to based on the time you have been away from home.

If you are staying in accommodation arranged by the ODPP, it may be possible for you to charge meal costs back to the room account. However, you will still need to pay for any food or drink costs above the maximum allowance.

You will be expected to pay for any other discretionary costs you incur, such as phone calls, mini bar items, or watching movies.

Loss of income

If you would ordinarily earn income on the days you are required to attend court and you will not be paid that income because you had to go to court, it is possible for you to claim a set amount for loss of income.



Victim Assist Queensland

If you are the victim of an offence, it may be possible for you to make an application for financial assistance or access support such as counselling through Victim Assist Queensland (VAQ). For more information, contact VAQ on 1300 546 587 or a private solicitor or visit: <https://www.qld.gov.au/law/crime-and-police/victim-assist-queensland>.

Further information

If you have any questions or need help, contact the ODPP in your region.

Freecall

P: 1800 673 428

Brisbane

P: (07) 3035 1122

BrisbaneDPPReception@justice.qld.gov.au

Beenleigh

P: (07) 3081 2304

DPPBeenleigh@justice.qld.gov.au

Cairns

P: (07) 4038 5731

DPPCairns@justice.qld.gov.au

Ipswich

P: (07) 3470 7419

DPPIpswich@justice.qld.gov.au

Maroochydore

P: (07) 5376 5200

dpp.Maroochydore@justice.qld.gov.au

Rockhampton

P: (07) 4921 6227

DPPRockhamptonReception@justice.qld.gov.au

Southport

P: (07) 5675 7000

DPPSouthport@justice.qld.gov.au

Toowoomba

P: (07) 4591 4758

DPPToowoomba@justice.qld.gov.au

Townsville

P: (07) 4781 8933

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