



Office of the
Director of Public Prosecutions



Support persons for special witnesses

If you are a special witness, the judge may approve a person to be with you for emotional support while you give your evidence. This could be a family member, a friend, or a person from a specialist support agency. However, the support person cannot be a witness in the court proceedings.

Court Network, which operates in the Brisbane, Cairns and Townsville courthouses, and the Victim Support Unit, which operates in Brisbane and Ipswich, can offer in-court support while you give your evidence.

Court Network

Freecall: 1800 267 671
Phone: (07) 3738 7790
Email: queensland@courtnetwork.com.au
Web: www.courtnetwork.com.au

Victim Support Unit

Freecall: 1800 267 671
Phone: (07) 3738 7795
Email: vsuqld@courtnetwork.com.au
Web: www.courtnetwork.com.au/get-support/victim-support-network



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
DPPVictimLiaisonSupervisor@justice.qld.gov.au

Beenleigh

P: (07) 3081 2300
ODPPVLOBeenleigh@justice.qld.gov.au

Cairns

P: (07) 4038 5731
ODPPVLOCairns@justice.qld.gov.au

Ipswich

P: (07) 3470 7419
ODPPVLOIpswich@justice.qld.gov.au

Maroochydore

P: (07) 5376 5200
ODPPVLOMaroochy@justice.qld.gov.au

Rockhampton

P: (07) 4921 6227
ODPPVLORockhampton@justice.qld.gov.au

Southport

P: (07) 5675 7000
ODPPVLOSouthport@justice.qld.gov.au

Toowoomba

P: (07) 4591 4758
ODPPVLOToowoomba@justice.qld.gov.au

Townsville

P: (07) 4781 8934
ODPPVLOTownsville@justice.qld.gov.au

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Giving evidence as a special witness

Information for victims and their families

Certain legal provisions can be made available for special witnesses in court to reduce the stress associated with giving evidence. This factsheet outlines some of the definitions and procedures available for special witnesses under the *Evidence Act 1977* (Qld).

Information in this brochure is general in nature.

What is a special witness?

A special witness is:

- A person giving evidence about a domestic violence offence committed against them; or
- A person giving evidence about a sexual offence committed against them; or
- A person giving evidence about a serious criminal offence by a member of a criminal organisation, such as an outlaw motorcycle club; or
- A person who the court thinks would likely be disadvantaged as a witness if required to give evidence in the usual way because of mental, intellectual or physical impairment;
- A person who the court thinks would be likely to suffer severe emotional trauma if required to give evidence in the usual way; or
- A person who the court thinks would likely be disadvantaged as a witness if required to give evidence in the usual way because of intimidation.

How do you become a special witness?

In the superior courts, only a judge can declare that a person is a special witness. In certain cases, the prosecutor may need to prove to the judge that the person is able to be a special witness.

If you have any concerns about giving evidence in court, or in the presence of the defendant, you can discuss options that may be available to you with the prosecutor. The prosecutor may decide to make an application to have you declared a special witness. ODPP staff can talk to you about your concerns and discuss with you what may be required to prove that you are a special witness.

Giving evidence as a special witness

What to expect

If you are declared a special witness, you will still have to attend court to answer questions asked by the prosecutor and defence barrister. However, the judge may make certain orders to ensure that giving evidence will be less difficult for you.

Orders and directions

The judge can order one or more of the following:

- That a screen is set up so that you cannot see the defendant;
- That you give your evidence from another room in the courthouse;
- That your evidence is pre-recorded;
- That all persons, who don't need to be present, are removed from the court;
- That a support person can be with you while you give your evidence;
- In some circumstances, that the defendant is removed from the courtroom;
- That there are frequent rest breaks;
- That the questions you are asked are kept simple;
- That the time to ask questions is limited;
- That the courtroom be closed to the public.

Giving evidence from another room

If the judge allows you to give evidence from another room in the courthouse, you will usually do so via video-link. This means that the other room will contain a camera, which projects your voice and image to the courtroom. Everyone in the courtroom, including the defendant, will see and hear your evidence. You will be able to see the courtroom, but the set-up of the cameras will mean you should only see the judge, prosecutor and defence barrister, not the defendant.

If the judge has approved a support person for you, they can be in the other room with you while you give your evidence.

Pre-recorded evidence

If the judge allows your evidence to be pre-recorded, you will give evidence from another room as described previously, except that this need not occur during the trial.

Your evidence will be recorded digitally, and then played to the jury at the trial. This means that usually you will not be required to attend the trial if your evidence has been pre-recorded (you are, however, entitled to attend).

Members of the public and the media may be present while your pre-recorded evidence is played in court, and the defendant will also hear your evidence.