

Pre-recording evidence of adult witnesses

Special categories of witnesses in criminal matters may be able to have their evidence digitally recorded before any trial takes place. An audiovisual recording of the witness's evidence is usually made. This is referred to as a 'pre-recording of evidence'.

This fact sheet provides more information about what to expect if you have been told that your evidence may be pre-recorded.

What does 'pre-recording' mean?

This means that the witness has their part of the trial recorded digitally in a separate hearing, which takes place before any trial.

The witness gives evidence and is asked questions by the prosecutor and defence lawyer ('cross-examination') during this separate hearing.

The witness still comes to the courthouse but is in a separate room that is linked to the main court room by closed-circuit television. The proceeding is all recorded and played to the court at a trial in the future.

This means that the witness would not usually have to attend the trial in the future.

Who I see when giving evidence?

During the pre-recording of evidence hearing, you will only be able to see the judge, the prosecutor, and the defence lawyer on the screen. The accused person will be present in the main court room and can see and hear you, but the cameras are arranged so that you should not be able to see the accused.

Can I have a support person with me when my evidence is pre-recorded?

If you are a special witness, the judge may approve a person to be with you in the separate room while you give your evidence. They can be with you for emotional support but, while you are giving evidence, they cannot talk or engage with you in any way, and they cannot do anything that might distract from your evidence. For example, they cannot make comments or hand gestures. Many people find that the support person is also important outside of the court room, as they can be with you while you are waiting in the courthouse. Your support person could be a family member, a friend, or a person from an independent support agency, but they cannot be a witness in the court proceedings or otherwise involved in the matter. The final decision about who can be your support person is up to the judge.

If you would like more information about an independent agency that could provide court support, please see the contact details at the end of this brochure or speak to your Victim Liaison Officer at the Office of the Director of Public Prosecutions (ODPP).

Taking an oath or affirmation

When you are called to give evidence, you will be asked whether you wish to take an oath or an affirmation.

An 'oath' is a religious oath that may be sworn on a holy scripture, like the Bible. An affirmation is a non-religious promise to tell the truth.

Can I have a copy of my witness statement with me in court?

No, you are not allowed to have a copy of your written witness statement with you when you give evidence, so it

is important that you read over your statement to refresh your memory before you speak to the prosecutor and go to court. If you don't have a copy of your written statement, please ask the arresting police officer or the ODPP to give you a copy.

If you provided your statement to the police by having it recorded on video, you will be given an opportunity before the court date to watch the video and refresh your memory. You can have a support person with you while you do this.

Will I get to talk to the prosecutor beforehand?

Yes. If possible, a meeting will be arranged before the court date so that you can meet the prosecutor who will appear at the pre-recording hearing and talk about giving evidence. (If you are travelling to give evidence, or are giving evidence by video link from a courthouse in a different location to the prosecutor, this meeting might take place over the phone or by video conference.)

An ODPP staff member will contact you to organise this meeting before the court date.

What if the pre-recording does not go ahead?

Sometimes a pre-recording hearing cannot proceed as planned for a number of reasons. If this happens, it may be rescheduled to occur on a later date. Your Victim Liaison Officer from the ODPP will keep you updated.

Will I have to give evidence in court again?

If your evidence has been pre-recorded, you would not usually need to attend the trial or come back to court again.

It is possible but rare that you may have to come back to court and give evidence again. It will be up to the judge to decide if this is necessary. (It would also be possible for this evidence to be given over videolink with a support person and recorded, if approved by the judge.)

Can I get help with the cost of travelling to court for the pre-recording hearing?

Yes. If you have to travel in order to be a witness in court, the ODPP will repay you for some of your travel costs. Your Victim Liaison Officer can provide you with a witness expense claim form and give you more information about this.

Is there counselling or other support available?

There are a number of organisations which can provide counselling and other support to people who have suffered harm as a result of a crime.

For court support, please contact PACT:

PACT – statewide

Phone: 1800 449 632

Website: www.pact.org.au

For more information, contact your Victim Liaison Officer at the ODPP or contact:

VictimConnect

Phone: 1300 318 940

Information in this brochure is general in nature.

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Website: www.victimconnect.org.au

Victim Assist Queensland (VAQ):

Phone: 1300 546 587

Website: www.qld.gov.au/victims

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 6206

ODPPVLORockhampton@justice.qld.gov.au

Southport

P: (07) 5675 7000

ODPPVLOSouthport@justice.qld.gov.au

Toowoomba

P: (07) 4591 4758

ODPPVLOTowoomba@justice.qld.gov.au

Townsville

P: (07) 4781 8933

ODPPVLOTownsville@justice.qld.gov.au