

DOMESTIC VIOLENCE INFORMATION SHEET



NSW Police Force

Giving Evidence in the Local Court:

Why do I have to give evidence at a domestic violence hearing?

The reason you have to give evidence is because the defendant chose to plead not guilty to the offences(s) they are charged with. [Click here](#) for further information about charges.

What should I do before I give evidence?

- Listen to the audio recording of the DVEC (recorded evidence).
- If you have made a written statement please read it.

Note: If you don't have a copy of either please contact the police officer in charge of your case.

- You may attend a Domestic Violence Clinic at your court. This is an information session run by a police prosecutor. If you would like more information please contact the [DVLO](#) or your [WDVCAS](#) worker.
- If you are unable to attend a DV Clinic speak to your WDVCAS worker and ask to watch a video called **"It's You're Time to be Heard."**
- If you need an interpreter please tell the police officer in charge
- Bring all your notes and documents to court with you.
- Speak to the police prosecutor who is assigned to your case (this may happen on the day of court) and tell them if there is anything missing from your DVEC or statement.
- If the defendant or their solicitor tries to talk to you about the case please tell the police officer.

Can I take a support person into court with me?

Generally you can if they are not a witness in the case. If in doubt ask the police prosecutor.

Will I have to take an oath to tell the truth?

Yes, before you give evidence the court officer will ask you if you want to take an 'oath' or 'affirmation'. An oath is religious promise and an affirmation is a promise to tell the truth. You must take an oath or affirmation before you give evidence this is often referred to as being 'sworn in to give evidence.'

What is evidence?

When you tell the court what you saw, heard, felt, smelt or touched this is called your evidence. The police prosecutor will ask you questions. How you give evidence depends on the type of statement you gave police.

- Written statement - you can't read your statement to the court you have to tell the court what happened. The prosecutor will help you by asking you questions. This is referred to as your evidence in chief.
- DVEC – the video will be played in court as your evidence in chief.

What is cross examination?

It is simply questions about your evidence from either a solicitor for the defendant or a person appointed for the defendant. Their job is to test your evidence and try to get their client off. There are three rules you should follow when you are being questioned:

1. Listen to the question carefully before you answer, if you don't understand the question please say so.
2. Tell the truth.
3. If you are not sure of the question or your answer DO NOT.

What happens next?

The Prosecutor may ask you some clarifying questions, this is called re-examination. Once you have finished your evidence the Magistrate may excuse you, which means that you can leave the court room if you wish. If you are not excused you will have to wait outside the court.

Note: Please do not talk to other witnesses about your evidence or the case so far as it may harm the case.

For further information please visit victimsservices.justice.nsw.gov.au