



Attending Court: A Guide for Witnesses

Script

Every day in Western Australia's courts, many people just like you are required to give evidence. The court system depends upon witnesses giving their evidence truthfully about the event that brought them to the court. As a witness, it's important that you understand your role in Western Australia's court system. 0:06

In WA there are four jurisdictions or types of court where criminal matters are heard. The Children's Court, Magistrates Court, District Court and Supreme Court. The Children's Court deals with accused people who are under 18 at the time of the offence, although witnesses can be of any age. The Magistrates Court is where all criminal matters are first heard in a courtroom. The Magistrates Court of Western Australia will continue to deal with these charges until they are committed to a higher court, such as the District Court of WA or Supreme Court of WA. 0:23

All criminal offences start off in the Magistrates Court with the most serious offences moved up to the higher courts on what is called an indictment. Offences that are deemed less serious and carry smaller penalties are dealt with by a magistrate in the Magistrates Court. 1:01

The more serious charges that are committed to a higher court are dealt with by a judge in the District or Supreme Court, which is where jury trials take place. Although the process and formality are a little different in each court, the principles are the same about a fair and open justice system.

For you as a witness the trial process starts with a summons where you will be required by law to attend court to give evidence as a witness. You will find the date, time and court location on your summons and the court that you will need to attend. 1:19

As a witness you will only be required in the courtroom to give your evidence during a trial. 1:36

This video will show you what to expect in a typical courtroom in the lead up to and at trial, including the different roles of the people in court and protocols involved.

The notice board will show the specific courtroom in which the trial will be held. 1:54

When you have to give evidence, you will already be at the courthouse based on the date and time on your summons.

Each court is numbered by a simple system, the floor on which the court is located is the first number, followed by the individual court number. 2:00

You will need to wait outside of the courtroom where the trial is being held until you are called to give evidence. 2:14

ASSOCIATE: Calling Julie, come on through please. 2:20

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| It is important that prior to the trial and while you are waiting that you do not talk about your evidence. | 2:46 |
| When entering or exiting a courtroom and when the court is in session with a judge or magistrate sitting, bow to the bench as a sign of respect to the court. | 2:53 |
| The courtroom has a specific layout and each person in the courtroom has a particular role and sits in a particular position in the court. | 3:01 |
| The judge or magistrate sits at the front of the court and has responsibility for the court proceedings and penalty if the accused is found guilty. Everyone in court refers to the judge or magistrate as Your Honour and when the judge or magistrate makes an order, that order must be followed. | 3:10 |
| The associate sits in front of the judge or magistrate. They handle the court's documents and the exhibits or evidence in the courtroom. There will always be someone who will make the court's announcements. This includes calling witnesses into the court and escorting witnesses to the witness box. All court proceedings are recorded so there is a permanent record of what has been said. | 3:27 |
| Equipment is built into the courtroom such as the microphones that are attached to the bench and tables. It is important to speak loudly and clearly as these microphones do not project your voice into the courtroom. The microphones are there to record your audio evidence as all audio of court proceedings is then transcribed into a document. | |
| In the Children's Court and Magistrates Court, trials do not have a jury. In the District Court and Supreme Court, trials can occur with or without a jury. If there is a jury, there will be at least 12 members of the public sitting in the jury box. These people are selected on the first day of the trial and remain in the court for the entirety of the trial. They then decide whether the accused is guilty or not guilty. For a non-jury trial, the decision is made by the presiding judge or magistrate. In these trials, there is no jury. | 3:49 4:09 |
| The prosecutor sits at the bar table and presents the case against the accused on behalf of the state. If you are a witness for the prosecution, you will have probably already met with the prosecutor before the trial for proofing when you discussed your memory of events. It is the role of the prosecutor to prove the case beyond a reasonable doubt. | |
| The defense counsel also sits at the bar table and is instructed by the accused to defend the charges they're facing. Defense counsel do not have to prove the innocence of the accused. Their role is to represent the interests of their client and to test the evidence of the prosecution. | 4:42 |
| The accused person sits in the dock, close to the defense counsel. In some cases, they may sit beside the defense counsel. The witness sits in the witness box. In some cases, witnesses may give evidence from another location by closed circuit television or video link. | |

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| At the back of the court, there is the public gallery where members of the public can watch and listen to the court proceedings. The public gallery also has designated seats for the media so please be aware that there may be media people in the court who may report on what happens. In some cases, the judge or magistrate may make a decision that the public gallery is not available and then there will be no one sitting in that space. | 5:37 |
| This is a typical court layout, however, courtrooms can vary across the different courthouse locations and can even be a mirror image. | |
| A trial commences with the prosecution making an opening address. The defense counsel can choose whether or not to make an opening address. This occurs before any witnesses will be called into the courtroom to give evidence. | 6:02 |
| | 6:13 |
| The prosecution will then call their witnesses to present relevant evidence to prove their case. | |
| When the prosecution has no further questions of their witness, the defense counsel has an opportunity to cross-examine the evidence given by a witness. | 6:26 |
| Once the prosecution has completed its case and has no further witnesses, then the defense counsel may call a witness to give evidence. The same process applies but the defense proceeds first and then the prosecutor cross-examines the witness. | 6:31 |
| After all evidence has been given, each counsel provides a closing summary of the case. The prosecutor argues why the accused should be found guilty, and the defense argues why the accused should be found not guilty. | 6:40 |
| The judge instructs the jury on beyond reasonable doubt and any points of law, they then all move into the jury room to consider the evidence and make a decision. | |
| The jury return to court and the jury's foreperson delivers the verdict on each charge. | 6:55 |
| If the accused person is found not guilty, that is the end of the matter and they will be released from the custody of the court. If they are found guilty they may be sentenced straight away by the judge or magistrate, or held in custody, or released on bail until a future sentencing date. | 7:08 |
| Thank you for watching this video about being a witness in the WA court system. There is another video which shows a trial in action which will hopefully assist you in understanding what happens when you are giving evidence. Remember, if you have more questions about the trial process, or being a witness, then please go to www.justice.wa.gov.au/ccss (CCSS = Court Counselling and Support Services). There is further information available, including frequently asked questions. Please also click on the different services to find out more information about each of them, including their contact details. | 7:19 |
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