



## Giving Evidence: 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
ASSOCIATE: Calling Julie, come on through please.	0:23
When you have been called, you enter the court and make a bow to the bench. This is symbolic to you accepting the court's authority. The associate will then direct you to the witness box.	0:31
Before you are seated, the associate will ask you to confirm your name and to take the oath or affirmation by which you are confirming you will tell the court the truth. It is your choice whether you take the oath or the affirmation.	0:43
An oath <sup>i</sup> is a verbal promise to tell the truth made by holding the bible, or another relevant religious text.	0:56
An affirmation <sup>ii</sup> is a verbal, solemn and formal declaration, which is made in place of an oath. A person may choose to make an affirmation rather than taking an oath. An affirmation has the same effect as an oath but does not use a religious text.	1:03
You will then be asked to take a seat. In the courtroom, depending on the type of case, you may see a prosecutor, or a police prosecutor. A police prosecutor will be wearing a police uniform. You will also see the defense lawyer for the accused.	1:17
The prosecutor will ask you questions to help give your evidence about what happened, what you heard, or what you saw. Remember to speak loudly so that the court can hear.	1:34
WITNESS: Sarah and I were talking, when suddenly a man outside started yelling Sarah come out or I'll kill you.	1:46
PROSECUTOR: Did you recognise the voice?	1:54
WITNESS: No, I didn't.	1:56
PROSECUTOR: What happened next?	1:57
WITNESS: Sarah jumped up to look out the window, and that's when it happened.	1:58
PROSECUTOR: And what was that?	2:03
	2:05

WITNESS: The man walked up to the screen door and started banging on it really hard with a metal pole.

PROSECUTOR: Did you see this? 2:10

WITNESS: Yes... And I heard it as well. 2:12

PROSECUTOR: Can you describe the metal pole? 2:14

WITNESS: It was about half a metre long, looked like a 'Star Picket', and he started hitting the door really hard with it. 2:17

PROSECUTOR: What happened then? 2:23

WITNESS: I ran out the back door, I called for Sarah to come out with me. I ran to the back gate, but she didn't come with me. 2:25

PROSECUTOR: Did you see or hear anything else? 2:34

WITNESS: I heard a crash when I went out the back door, and I heard Sarah screaming. I ran and called the police. 2:36

PROSECUTOR: Thanks, Ms Turner. 2:44

Once the prosecutor has completed their questions, the defense counsel would begin their cross-examination. 2:46

DEFENSE COUNSEL: Did you at any time see the man coming into the house? 2:52

WITNESS: No. 2:57

DEFENSE COUNSEL: You were basically going through the back garden when you heard the shout of Sarah screaming and the crash, but that was on the other side of the house to the front door. 2:57

WITNESS: Yes. 3:07

DEFENSE COUNSEL: So you were some distance away from the front of the house when you heard these noises? 3:08

WITNESS: I don't know if I was a fair distance away, but I wasn't right beside it. 3:14

DEFENSE COUNSEL: You didn't hear like windows smashing or anything like a fight? 3:18

WITNESS: No. 3:23

DEFENSE COUNSEL: No further questions for this witness, Your Honour. 3:23

JUDGE: Mr. Prosecutor, anything further? 3:31

After the defense counsel has completed their cross-examination, the prosecutor may ask you further questions, especially where you may not have had the opportunity to fully explain your answers.	3:31
Sometimes the judge or magistrate may ask witnesses and the jury to leave the room often due to an objection from one of the legal counsel. If this happens, don't take it personally. It simply means that the judge or magistrate needs to discuss legal arguments with the prosecutor and the defense counsel. What is important during such a break is that you don't discuss the case or your evidence with anyone, including the prosecutor. You are still under oath and your evidence is incomplete.	3:44
Once your evidence is completed, the judge or magistrate will excuse you and you'll be free to leave the court. You should keep the following points in mind:	4:15
Listen carefully to the questions you're asked and take the time to think about your answer before you give it. While you may be nervous, try and give your evidence clearly and remain as calm as you can. If there is anything you don't understand, ask for it to be explained or repeated.	4:25
WITNESS: I'm sorry, I don't understand the question. Could you please repeat that?	4:43
If you can't remember events, it's important to say so. Don't guess answers.	4:47
While you are giving evidence, if you feel you need to take a break, politely ask the magistrate or judge, and if you do take a break, you should not discuss your case or evidence with anyone.	4:53
JUDGE: Thank you, you're excused. You can leave now.	5:06
Thank you for watching this video about being a witness in the WA court system. Remember, if you have more questions about the trial process, or being a witness, then please go to <a href="http://www.justice.wa.gov.au/ccss">www.justice.wa.gov.au/ccss</a> . (CCSS = Court Counselling and Support Services)	5:11
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.	5:30

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<sup>i</sup> I swear by Almighty God that the evidence I will give in this case will be the truth, the whole truth and nothing but the truth.

OR

I swear by *[name of a deity recognised by your religion]* that the evidence I will give in this case will be the truth, the whole truth and nothing but the truth.

<sup>ii</sup> I sincerely declare and affirm that the evidence I will give in this case will be the truth, the whole truth and nothing but the truth.