



Victims &
Witnesses



Office of Public
Prosecutions
Victoria

Pathways to justice



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Contents

Introduction	5	The court process	29
Purpose	5	Pre-trial hearings	29
Victims' Charter Act 2006 ...	7	The trial.....	32
Victims' Charter principles.....	8	Rules of evidence	32
Making a complaint under the Victims' Charter	11	What happens at the trial?	33
Making a complaint to the Victims of Crime Commissioner	12	Oath or affirmation?	37
Information and support ...	13	Answering questions	38
Criminal justice process... 	15	Special arrangements for giving evidence in sexual assault and family violence matters	39
Summary of court and prosecution process.....	16	Plea hearing.....	40
Investigating crimes.....	19	Making a Victim Impact Statement.....	41
Police investigation.....	19	Sentencing hearing	43
Being informed about the investigation	21	Appeals	45
Investigation outcomes	21	Going to court	49
Bail	22	Finding out about court hearings.....	49
Prosecuting crimes	24	Court locations.....	50
Role of the OPP	24	The media.....	51
Deciding what charges will be prosecuted.....	25	On the day you go to court.....	53
		Inside the courtroom.....	54
		Court support	55
		Witness expense claim forms	56
		After court	59
		Victims Register	59
		The Parole Board	61
		Financial assistance and compensation.....	62
		Compensation and civil action.....	64
		Glossary	67
		Useful contacts	71



Introduction

Victims and witnesses of crime play an important role in the justice system. This role may include reporting a crime to police or giving information to police as part of an investigation. It may also include giving evidence in court as part of the court process.

The law in Victoria, called the *Victims' Charter Act 2006*, recognises:

- the impact of crime on victims, including members of victims' families, witnesses to the crime, and in some cases, the broader community
- that all persons adversely affected by crime should be treated with respect and should be offered information and support to help with the recovery process
- the role of victims as participants in the criminal justice process
- the court process is often lengthy and complex, and it can feel unfamiliar for many people.

This booklet is designed to help you understand:

- how you can expect to be treated by police, the prosecution and victim services agencies
- the court process
- what to expect if you are giving evidence in a case
- support services available to you, and how you can access them.





Victims' Charter Act 2006

The Victims' Charter Act 2006 sets out how victims of crime and persons adversely affected by crime should be treated by police, the prosecution and victim service agencies.

A person adversely affected by crime means:

- a person who has suffered injury as a direct result of a criminal offence, or their family member
- a witness to a criminal offence.

A victim of crime means:

- a person who has suffered injury as a direct result of a criminal offence (or a family member if the person is a child or is incapable of managing their own affairs due to mental impairment)
- if a person has died as a direct result of a criminal offence committed against that person, a family member of that person
- if the offence charged is grooming for sexual conduct with a child under 16, the child and a family member of the child.



Victims' Charter principles

As a person adversely affected by crime, you are entitled to:

- be treated with courtesy, respect and dignity, and in a way that is responsive to your particular needs
- be given clear, timely and consistent information about support services, possible entitlements, and legal assistance available to you
- be referred to relevant services, for support and legal assistance, if appropriate.

As a victim of crime you are entitled to:

- have your rights and entitlements as a participant in criminal proceedings respected
- have your particular needs taken into account if you live in a rural or regional location
- have your communication preferences and abilities taken into account
- receive updates from police about key progress in the investigation. If giving you details about a criminal investigation is likely to put an investigation at risk, you should be told this
- be informed about the prosecution. This includes:
 - » charges laid
 - » any decision to substantially change the charges, discontinue the charges, or accept a plea of guilty to lesser charges
 - » if an appeal is lodged, the grounds of the appeal, and the result of the appeal
 - » the date, time and location of any contested committal hearing, trial, plea hearing, sentencing hearing and appeal hearing
 - » the outcome of any committal mention, contested committal hearing, initial directions hearing, trial, plea hearing, sentencing hearing, appeal hearing or guilty plea

- have an opportunity to provide you views before the DPP makes a decision to substantially modify the charges, discontinue the charges, accept a plea of guilty to lesser charges, appeal a sentence, or appeal an acquittal (unless the DPP is unable to reasonably contact you)
- receive information from the DPP about the factors taken into account in deciding to:
 - » agree to or oppose an application to cross-examine a victim at committal
 - » apply for, agree to, or oppose an application for the case to be heard in the Magistrates' Court (unless the DPP is unable to reasonably contact you)
- be provided with the reasons for any decision to substantially modify the charges, discontinue the charges, accept a plea of guilty to lesser charges (unless providing this information to you may jeopardise a criminal investigation or prejudice another proceeding)
- receive information (if you request) about the outcome of any bail application, and if bail is granted, any bail conditions that are intended to protect victims or their family members
- be informed about the court process and your entitlement to attend any relevant court proceedings (unless the court orders otherwise)
- if you are a victim who will appear as a prosecution witness, to be informed about the hearing process, your role as a witness, your entitlement to remain in the courtroom after you have given your trial evidence (unless the court orders otherwise), and any alternative arrangements for giving evidence
- as far as is reasonably practicable, be protected from unnecessary contact with, and intimidation by, the accused person, their family, supporters and defence witnesses, while you are at court
- make a Victim Impact Statement (VIS), which may be considered by the court in sentencing the offender
- be referred to a victims' services agency for help to prepare your VIS, and to be informed about the types of information in a VIS that the court may rule inadmissible

- not have your personal information disclosed to anybody, except in accordance with the Privacy and Data Protection Act 2014
- have your property that is held for investigation or evidence stored and handled in a lawful, respectful and secure manner, and returned to you as soon as possible
- apply to a court for an order that the offender pay you compensation for injury suffered by you
- apply to the Victims of Crime Assistance Tribunal for financial assistance and compensation
- apply to be included on the Victims' Register if an adult offender is sentenced to prison for a violent crime against you, receive specific information about the offender, and have your views taken into account by the Adult Parole Board and the Post Sentence Authority.





Making a complaint under the Victims' Charter

If you feel that any of these principles have not been followed in your case, you are entitled to make a complaint.

Raising an issue with the OPP

If you would like to raise an issue about a prosecution by the OPP, your first step should be to contact the OPP solicitor with conduct of the prosecution. It may be possible for the OPP solicitor to resolve your issue quickly.

If the OPP solicitor is unable to resolve your issue, you can make a formal complaint to the OPP.

Making a formal complaint to the OPP

You can make a formal complaint to the OPP:

- using the form available at opp.vic.gov.au
- by email to info@opp.vic.gov.au
- by post to:
Complaints
565 Lonsdale Street
Melbourne VIC 3000

Further information about the OPP complaints process is available on the OPP website at opp.vic.gov.au.

Making a complaint to the Victims of Crime Commissioner

If you believe the OPP has failed to follow the Victims' Charter principles and you are not satisfied with the outcome of the OPP complaints process, you can make a complaint to the Victims of Crime Commissioner.

The Commissioner can only investigate complaints that relate to an agency's compliance with the Victims' Charter principles. The Commissioner cannot investigate complaints about an individual's conduct or the outcome of a criminal case.

How to make a complaint to the Commissioner

If you would like to make a complaint to the Victims of Crime Commissioner:

T: 1800 010 017 (toll free)

E: enquiries@vocc.vic.gov.au

You can find more information about the Victims of Crime Commissioner on their website at victimsofcrimecommissioner.vic.gov.au.





Information and Support

Navigating the criminal justice system can be challenging at times.

The OPP website has information for witnesses and victims which explains the court process and where you can access support. For more information, go to opp.vic.gov.au/victims-witnesses

The following agencies can give you information and support if you need it.

Victims and Witness Assistance Service

The Victims and Witness Assistance Service (VWAS) is part of the Office of Public Prosecutions.

VWAS has a number of experienced social workers, who work together with the OPP lawyers to support victims and witnesses of serious crime through the court process.

VWAS social workers can provide:

- information about the prosecution process
- information about the progress of a matter
- support at pre and post court conferences with prosecution lawyers
- help with arrangements for being in court
- VWAS can also arrange for a court tour before your hearing date.

If appropriate, VWAS can also refer you to other specialist support services.

VWAS social workers are not able to discuss your evidence with you or provide legal advice.

Contacting VWAS

You can contact VWAS on (03) 9603 7425 or 1800 641 927 (toll free) between 9am and 5pm.

You can find more information about VWAS at opp.vic.gov.au/victims-witnesses

Child and Youth Witness Service

The Child and Youth Witness Service (CYWS) is a specialist service for children and young people who are required to give evidence in criminal proceedings. The CYWS is a separate organisation and not part of the OPP.

The CYWS is staffed by social workers and psychologists who provide information and support to children and their families during the court process. They work closely with police informants and OPP solicitors and can make referrals to specialist support services if required.

Victims of Crime Helpline

The Victims of Crime Helpline is a free and confidential service which offers information, advice, support, and referral to specialist support services to assist victims to manage and recover from the effects of crime.

The Helpline is staffed by trained victim support officers and operates from 8:00am until 11:00pm Monday to Sunday.

Child and Youth Witness Service

You can contact the CYWS on:

T: (03) 9603 9266
T: 1300 790 540 (toll free)
W: victimssofcrime.vic.gov.au

Victims of Crime Helpline

You can contact the Helpline on:

T: 1800 819 817 (toll free)
Text: 0427 767 891
E: vsa@justice.vic.gov.au

Criminal justice process

Who investigates crime?

When an alleged crime is reported to police, it is their role to investigate.

Where the investigation indicates that a crime may have been committed and the evidence points to a particular person or people being responsible, the police may decide to charge those people.

If police lay serious charges, the case is referred to the OPP.

What happens after the case is referred to the OPP? Will all of the charges go ahead?

When a case is referred to the OPP, the OPP carefully considers all of the evidence, and decides whether some or all of the charges should be prosecuted in court.

The OPP can only prosecute charges in court if two tests are met:

1. There must be a reasonable prospect of conviction.
This means, there must be enough evidence to support the charges; and
2. The prosecution must be in the public interest.

What are the main stages of the court process?

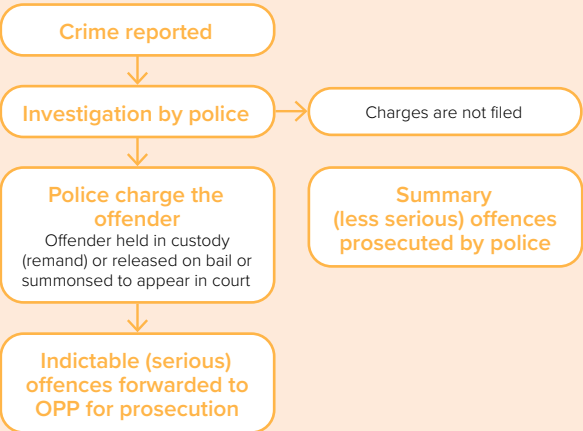
If the OPP determines that the prosecution test is met, the case will go forward in court.

The main stages of the court process are:

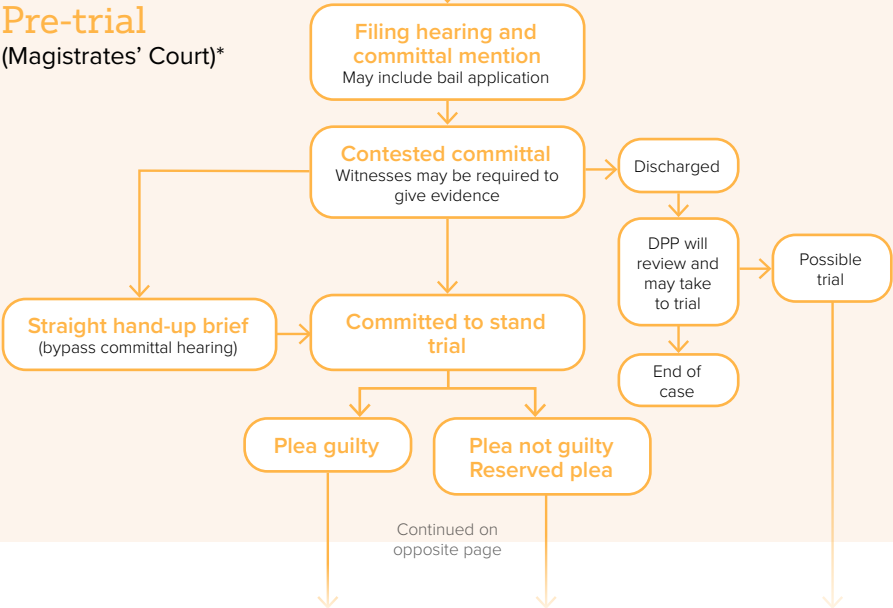
- pre-trial (committal hearing)
- trial (if the accused persons pleads not guilty)
- plea (if the accused persons pleads guilty or is found guilty after a trial)
- sentence
- appeal.

Summary of court and prosecution process

Investigation



Pre-trial (Magistrates' Court)*



Pre-trial

(Magistrates' Court)*

Continued from opposite page

Trial

(County or Supreme Court)

Plea

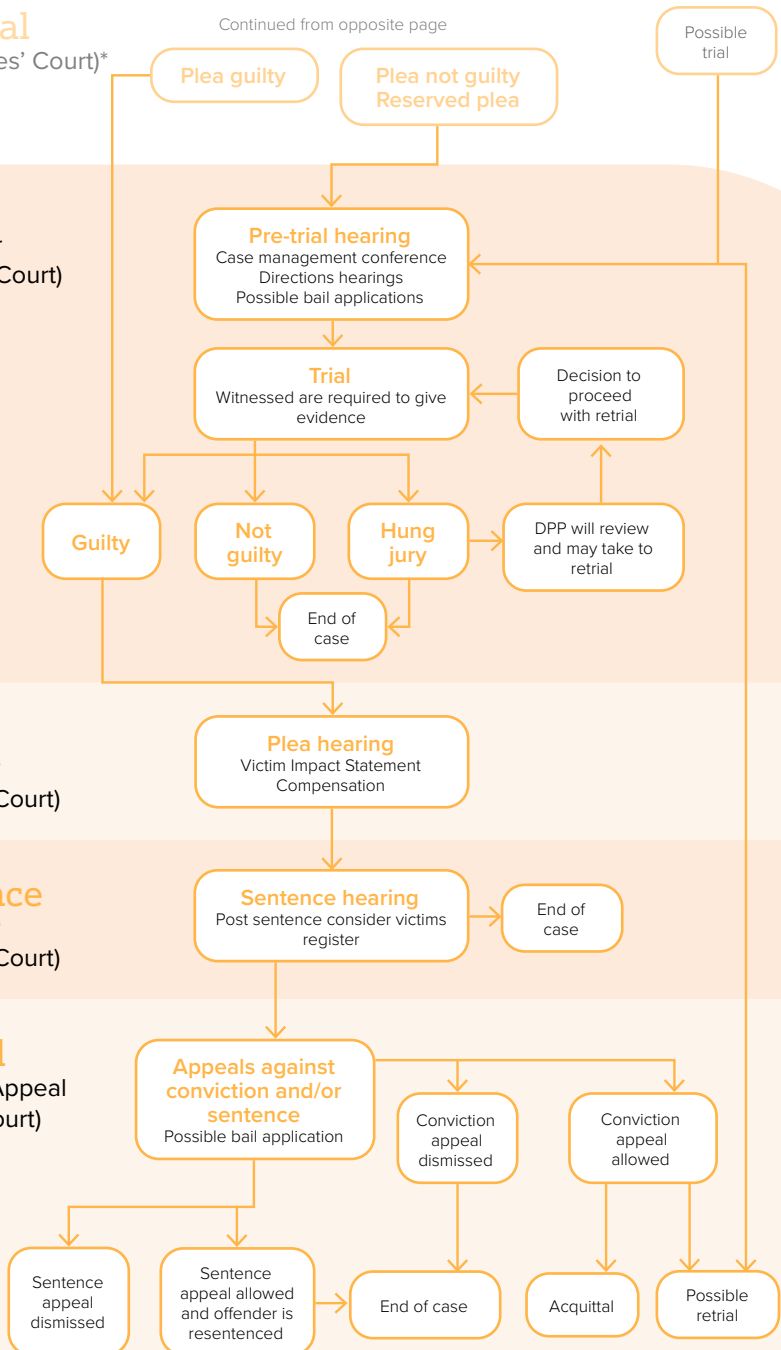
(County or Supreme Court)

Sentence

(County or Supreme Court)

Appeal

(Court of Appeal or High Court)



* Victims and witnesses are supported throughout the prosecution process





Investigating crimes

Police investigation

Victoria Police investigate crimes.

During an investigation, the police will generally:

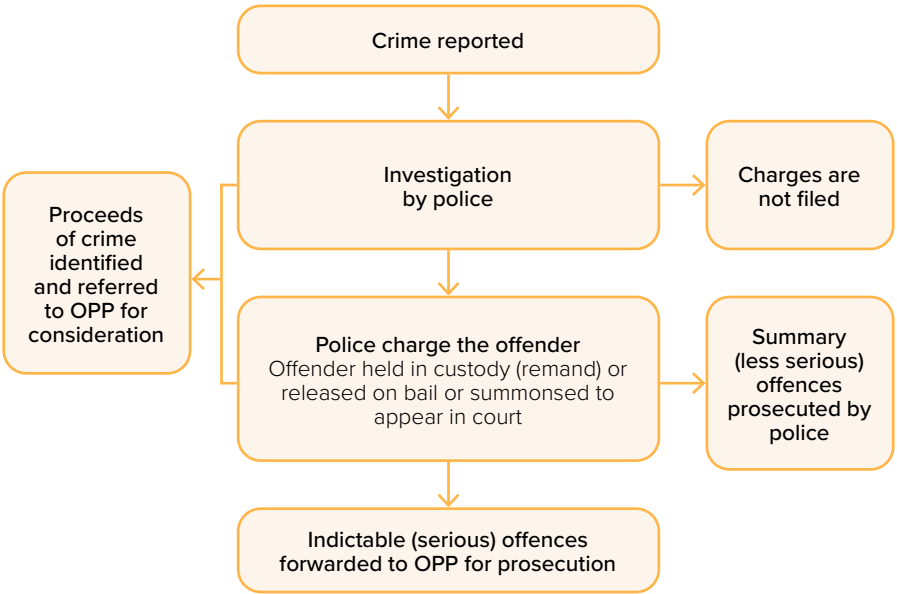
- talk to and take a written statement from any victims or witnesses
- examine the place where the crime occurred, which may involve specialist crime-scene investigators and examiners
- collect evidence for court proceedings, including physical objects, such as clothes or other property, or medical evidence.

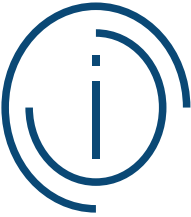
Police will consider the evidence and decide whether to lay charges against a person or persons.

If police decide to lay less serious charges (called summary offences), those charges will be heard in the Magistrates' Court where police prosecutors will prosecute the people charged with the crime.

If police decide to lay more serious charges (called indictable offences), the case will be referred to the OPP. If the OPP decides to prosecute the case in court, the serious charges are usually heard in the County Court or Supreme Court, after a preliminary hearing in the Magistrates' Court. A barrister and solicitor, employed by the OPP, will prosecute the case in court on behalf of the Director of Public Prosecutions (DPP).

Investigation





Being informed about the investigation

Generally, a police member will be responsible for keeping you informed and answering any questions or concerns you have about the investigation process. This person is known as the investigating officer.

Once charges are laid, the investigating officer becomes known as the police informant.



Investigation outcomes

The police investigation may end in one of the following ways:

- The evidence shows that a crime may have been committed and points to a particular person or people being responsible. In this situation, they will be charged and a prosecution commenced.
- The evidence shows that a crime may have been committed and points to a particular person or people being responsible but they are either considered unfit to stand trial or are found to have a defence of mental impairment. These cases, which are prosecuted by the OPP, are subject to a separate process under the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997. A copy of the OPP's Prosecuting Mental Impairment Matters: A Guide to the court system where a person who is cognitively impaired is prosecuted for a serious offence is available on the OPP website opp.vic.gov.au/victims-witnesses or by contacting the Victims and Witness Assistance Service on (03) 9603 7425.
- The evidence shows that a crime may have been committed but it is not clear who is responsible or there is not enough evidence to charge a particular person or people with the crime. In this situation the police file may be kept open. If any new information becomes available, the police investigation may recommence.



Bail

A person who has been charged with a serious crime and taken into custody is referred to as being on remand. Any person on remand can apply for bail.

Not all people who are charged with a serious crime are taken into custody. Some people are able to remain in the community while they wait for the charges to be heard by the court.



What is bail?

If an accused person is granted bail, they are able to remain in the community as long as they agree to appear in court when required and obey the conditions of bail set by the court. These conditions may include paying a financial surety, regularly reporting to police, staying at a particular address, and not having any contact with the victim of the crime and/or witnesses.

When can an accused person apply for bail?

An accused person can apply for bail at any stage. They may apply for bail more than once, even if bail has been refused before. If a person has been refused bail and then makes another application, they must show that there are new facts or circumstances that support their application.

Decision to grant bail

In most cases the accused is likely to be granted bail, unless the court decides that they may endanger members of the public, interfere with witnesses, commit crimes or not come to court when required.

The victim's views will be taken into account by the court in deciding whether to grant bail. If you have particular concerns about the accused person being granted bail you should contact the police informant as soon as possible after they are charged.

Notifying victims about bail

You can ask the police informant to tell you about the outcome of a bail application, including any conditions of bail that are intended to protect you or your family members.

If you are contacted by the accused person or believe that the accused person has breached any conditions of their bail you should tell the police informant immediately.

Prosecuting crimes

In Victoria, the Director of Public Prosecutions (DPP) acts on behalf of the community to prosecute people who are charged with committing serious crimes.

Role of the OPP

Serious crimes, also called indictable crimes, are prosecuted by the OPP on behalf of the DPP. If these cases go to trial, the trial will usually take place before a judge and jury in the County Court or the Supreme Court.

The OPP has solicitors who prepare the case against the accused person. Barristers, who are known as Crown Prosecutors, and private barristers engaged by the OPP present the case in court. Although part of their role is to help victims through the court process, the OPP lawyers and barristers represent the DPP.

This means that while the OPP will ask victims for their views about certain decisions in the case, the OPP might make decisions that victims don't agree with.

It also means that sometimes the OPP will not be able to share certain information with victims. The OPP is also unable to provide victims with legal advice.

Victims and Witness Assistance Service

The Victims and Witness Assistance Service (VWAS) is a specialist service that supports victims of crime, family members and witnesses involved in matters being prosecuted by the OPP.

You can contact the Victims and Witness Assistance Service on

T: (03) 9603 7425

T: 1800 641 927 (toll free)

W: opp.vic.gov.au/victims-witnesses





Deciding what charges will be prosecuted

What happens after the case is referred to the OPP? Will all of the charges go ahead?

When a case is referred to the OPP, the OPP carefully considers all of the evidence, and decides whether some or all of the charges should be prosecuted in court.

The OPP can only prosecute charges in court if two tests are met:

- There must be a reasonable prospect of conviction. This means, there must be enough evidence to support the charges; and
- The prosecution must be in the public interest.

If there is not enough evidence to support the charges, or if prosecuting the case would not be in the public interest, the case cannot go ahead in court.

It is also possible that the charges might change after the case is referred to the OPP and as the case moves through the courts. This is because the strength of the evidence and public interests factors can change over time.

The OPP continually assesses each case as it moves through the courts. If something happens which means that the prosecution test is no longer met for some or all of the charges, those charges must be withdrawn.

This means that at any stage, the DPP may decide:

- not to proceed with the matter
- to only proceed with certain charges
- to change the charges.

What happens if the accused person offers to plead guilty to a lesser charge?

If the accused person offers to plead guilty to a lesser charge, rather than face a trial, the DPP must decide whether or not it would be in the public interest to accept that plea offer. If the DPP decides to accept the plea offer, there will not be a trial. Instead, there will be a plea hearing and a sentencing hearing (refer to the court process chart on page 16).

Expressing your views

The OPP will provide you with an opportunity to provide your views, before the DPP makes a decision to:

- substantially change the charges
- withdraw all of the charges (also called a discontinuance)
- accept a plea of guilty from the accused person to lesser charges.

Prosecuting the matter in court

In Australia we have an adversarial court system. There are two sides:

- the prosecution, which represents the interests of the State
- the defence, which represents the interests of the accused person.

The judge or magistrate acts as an impartial third party who controls the proceedings to ensure they are fair.



Legal principles governing criminal proceedings

Because the adversarial system involves the State prosecuting an accused person, a number of legal principles have been developed to make sure the accused person gets a fair trial. These principles form the basis of criminal trials:

Presumption of innocence

Any person charged with a criminal offence is presumed innocent until proven guilty. The prosecution has to prove a person's guilt. The accused person does not have to prove their innocence.

Standard of proof

This principle relates to the level of proof required to convict the accused person. The standard of proof in criminal cases is beyond reasonable doubt. This means that, on the basis of all the relevant evidence, the jury is satisfied beyond reasonable doubt that the accused person committed the crime. This is the highest standard of proof in our legal system.

Right to silence

The accused person has the right to silence. They do not have to give evidence in court or be questioned by the prosecutor or the judge.





The court process

The main stages of the court process are:

- pre-trial hearings
- trial
- plea hearing
- sentencing hearing
- appeal.

Pre-trial hearings

Committal mention

At the committal mention, a date may be set for the committal hearing.

At the committal hearing, the magistrate will decide whether there is enough evidence for the case to go to trial before a judge and jury.

Witnesses are not required to attend this hearing.

Committal hearing

In certain cases, no committal hearing will be held. For example, in cases involving child and cognitively impaired complainants, or where the accused does not request permission from the court to cross-examine witnesses at the committal. In other cases, the committal hearing is the first hearing when witnesses may be called to give evidence. It is held in the Magistrates' Court.

At the end of the committal hearing, the magistrate will decide if there is enough evidence for the case to go to trial before a judge and jury.

Prosecution witnesses may be required to give evidence at the committal hearing and be cross-examined by the defence barrister.

Not all witnesses who make a statement are required to give evidence at the committal hearing. If you are not required to



give evidence, your statement may be included in the brief-of-evidence, which is given to the magistrate. You may still be required to give evidence at any future trial.

The test that the magistrate must apply at the committal is a different test to the test that a jury must apply at a trial when deciding whether an accused person is guilty or not guilty. This means that even though a magistrate decides that there is enough evidence for an accused person to be committed to stand trial, this does not mean that the accused person will be found guilty at trial.

The magistrate may decide that there is:

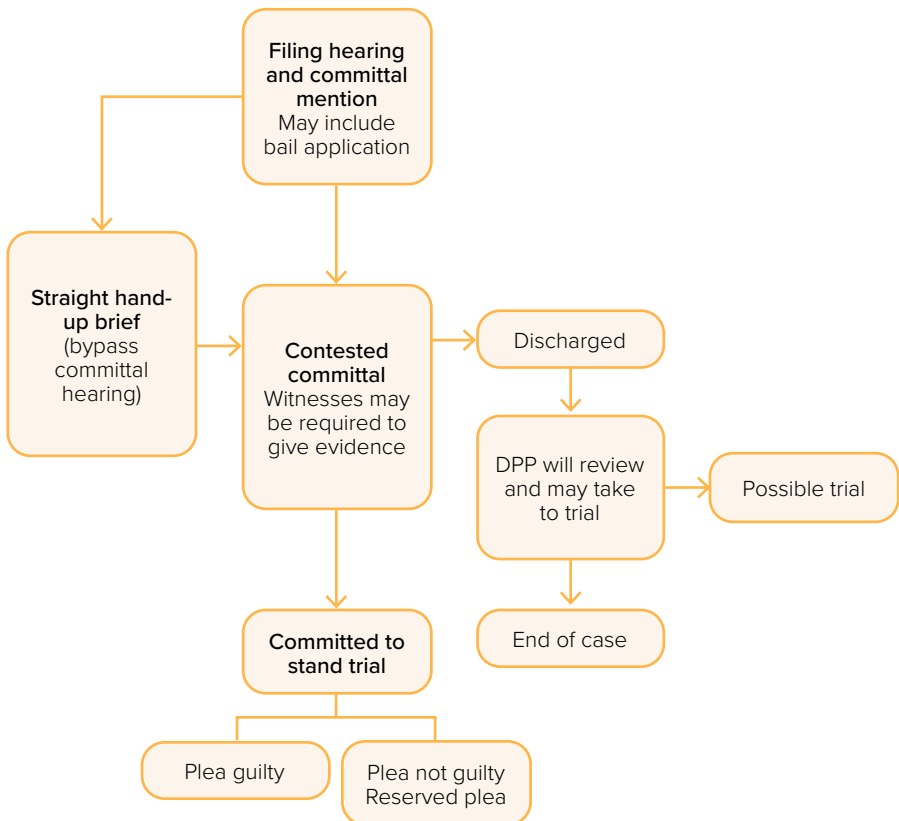
- enough evidence for the case to go to trial. The matter will then be listed for trial in the County Court or Supreme Court or
- not enough evidence for the matter to go to trial and the charges against the person may not go ahead.

If the magistrate decides that there is not enough evidence for the charges to go ahead, the OPP will review the case and in some instances, the DPP may decide to proceed to a trial if it is believed that there is a reasonable prospect of conviction. This is called a direct indictment and is rare.

After an accused person has been committed for trial, the DPP may decide not to proceed with some or all of the charges. As is explained on page 24-25, the OPP continually assesses each case to make sure that the prosecution test is met. If something changes in the case which means that the prosecution test is no longer met for some or all of the charges, those charges cannot go ahead in court.

In some cases, during the pre-trial stage, the accused person will apply for their case to be heard in the Magistrates' Court, or if they plead not guilty, there will be a contested hearing in the Magistrates' Court.

Pre-trial (Magistrates' Court)





The trial

The trial is held in either the County Court or the Supreme Court in front of a judge and jury.

At the trial the judge:

- makes sure the case for both sides is presented in accordance with the rules of evidence
- makes sure the trial process is fair to the accused person
- answers questions from the jury
- instructs the jury on the meaning of the law and how it should be applied.

The prosecution and defence barristers present all of the relevant evidence to the jury. The jury is made up of 12 people randomly selected from the community. The jury decides, on the basis of the evidence, whether or not the accused person is guilty or not guilty of the crime.



Rules of evidence

According to the principle of a fair trial there are rules about what evidence can be seen and heard by the jury. Not every piece of evidence collected by police will be used at the trial, some of it may not be allowed by the judge and some may not be relevant according to the law. For example, the jury is unlikely to be told about any previous crimes committed by the accused person which are not considered to be relevant to the hearing of the matter.

If the accused person is found guilty, the judge will take into account any previous convictions when deciding on the sentence.



What happens at the trial?

Legal argument

Before the jury is selected the barristers and the judge may discuss legal issues that affect what evidence can be presented to the jury and the way the trial is run. These discussions may go on for some time.

Jury empanelment

The barristers are involved in selecting the jury in accordance with specific rules. This is referred to as empanelment. Empanelling the jury can take several hours and usually happens within the first few days of the trial, after any legal argument.

Trial

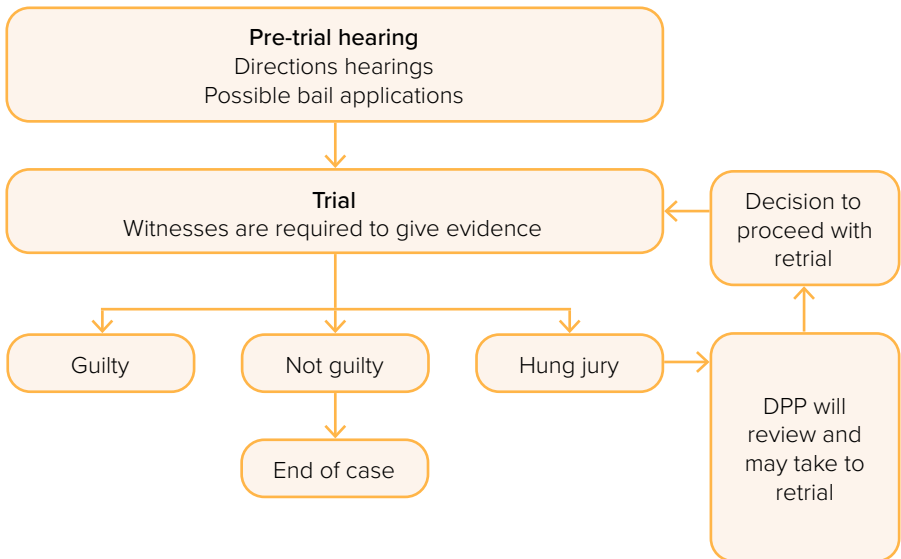
The trial begins with the judge telling the court what the matter is about. The prosecutor will then outline the case to the jury, which is known as the opening address. The defence barrister will usually give a short reply. The prosecution presents its case first by calling witnesses to give evidence. The defence barrister can ask each witness questions about their evidence, in cross-examination.

Final address and charge

After all the witnesses have finished giving evidence, the prosecutor and defence barrister will make their closing comments to the jury. This is called the final address. The judge will then summarise the evidence and arguments from both sides and explain legal issues for the jury. This is called the Judge's Charge.

The jury will then leave the courtroom to consider its verdict.

Trial (County or Supreme Court)



Verdict

In serious criminal matters all members of the jury are required to agree on the verdict of guilty or not guilty – this is referred to as a unanimous verdict. A judge may accept a majority verdict, in certain cases, if 11 of the 12 jurors agree, but only after the jury has been deliberating for a significant period of time.

The jury needs to reach a verdict in relation to each charge against the accused person.

The verdict may be:

- Guilty – the accused person has been found guilty of the crime and will be sentenced by the judge.
- Not guilty – the prosecution has been unable to prove, beyond reasonable doubt, that the accused person committed the crime. This is called an acquittal and the accused person is free to go. The prosecution cannot appeal against an acquittal.
- A mixed verdict – the accused person is found guilty in relation to some of the charges and not guilty in relation to others.
- A majority verdict – where all but one of the jurors agree on a verdict.

If the jury cannot agree on a verdict, this is referred to as a hung jury. The jurors will be discharged. There may be a re-trial before a new jury at a later date.

Generally, once a person has been found not guilty they cannot be tried again for the same crime.

Waiting for the verdict

There is no set time for the jury to consider its verdict. In some cases it can take days. If you want to be present for the verdict or have any concerns during this time, you can speak with the police informant, OPP solicitor or VWAS worker. One of these people will contact you as soon as they know the verdict.

Giving evidence

Generally, all witnesses for the prosecution including the victim are required to give evidence in person before the court.

In sexual assault matters and some family violence matters, victims are able to make use of alternative arrangements for giving evidence. For more information, see page 39.

In sexual assault matters, if victims are under 18 years of age or have a cognitive impairment they are able to give evidence at a Special Hearing. For more information, see page 39.

Giving evidence may take a few minutes or several hours, depending on your level of involvement in the matter.

You will usually have to wait outside the courtroom before giving evidence. You may wish to use this time to read over your police statement. This will help you remember what you told police at the time you made your statement. If you do not have a copy of your statement, ask the police informant or OPP solicitor for one.

Your address will not be read out in court but in most cases you will be asked to provide your occupation.



Oath or affirmation?

In court, you will be called when it is your turn to give evidence and shown to the witness box at the front of the courtroom. You will be asked to either take an oath on a religious text or make an affirmation that you will tell the truth when giving your evidence. You must choose one or the other. Whether you take the oath or make an affirmation, you are swearing that your evidence will be the truth. You may be prosecuted if you do not tell the truth. The tipstaff (a person who assists the judge in court) will read out the words of the oath or affirmation for you to repeat. You do not need to memorise these words.

Taking an oath

‘I swear (or promise) by Almighty God (or a god recognised by your religion) that the evidence I shall give will be the truth, the whole truth and nothing but the truth.’

You can swear on the Bible, Koran, or other holy book of your choosing.

Making an affirmation

‘I solemnly and sincerely declare and affirm that the evidence I shall give will be the truth, the whole truth and nothing but the truth.’



Answering questions

Examination-in-chief

When you give evidence you will be asked questions first by the prosecutor – this is called examination-in-chief. The prosecutor will generally ask you about what is in your police statement. It is important that you are familiar with your police statement as you are not able to look at it while you are giving evidence. You may also have to identify pieces of evidence or look at photographs while giving evidence.

Cross-examination and re-examination

The defence barrister will then ask you questions – this is called cross-examination. Once the defence barrister has finished asking questions, the prosecutor may ask you more questions to clarify some of the answers you have given – this is called re-examination.

Answering questions, particularly those being asked by the defence barrister, may be difficult or upsetting. All you are required to do is answer the question as accurately and truthfully as possible. If you cannot remember something, you should say so. If you need to have a break, all you need to do is ask the judge.

As a witness you can give evidence of what you saw, did or heard first hand. Information you received from other people, such as something you were told about but did not see yourself, generally cannot be used in court. This is called hearsay.

Once you have finished giving evidence you are free to leave the courtroom. As a victim, you are entitled to remain in the courtroom after you have finished giving evidence at trial. However, if you do wish to remain in the courtroom and listen to the evidence, you should discuss this with the OPP lawyer. In particular kinds of cases, there are reasons why the prosecution would recommend that you do not remain in the courtroom to listen to the other evidence.

If you have small children, it is not appropriate for them to be in the courtroom, even if they are supervised by someone else. You should organise for someone to look after your children before you go to court.



Special arrangements for giving evidence in sexual assault and family violence matters

If you are a victim of sexual assault, you can make use of special arrangements for giving evidence. These arrangements have been put in place to assist complainants to give evidence and are also available to child witnesses and witnesses with a cognitive impairment.

This means that:

- you have the right to give evidence from a location other than the court via video link in a remote facility
- if you choose to give evidence in the courtroom, screens can be set up so that you do not have to see the accused person
- you can have a support person with you when you give evidence, so long as that person is not another witness in the case
- the courtroom may be closed to the general public so that only the judge, their staff, the accused person and the prosecution and defence lawyers are in the courtroom when you give evidence.

If you are a victim of family violence you may also be able to make use of one or more of these special arrangements for giving evidence. The prosecutor will make an application to the judge for any or all of these arrangements to be made. The judge will decide whether or not to grant the application.

If you want to make use of any of these arrangements, you should speak with the OPP solicitor or prosecutor who is handling your matter before the court hearing.

Special hearings

As well as the special arrangements for giving evidence, child victims and victims with a cognitive impairment in sexual assault matters can give evidence at a special hearing.

At a special hearing, they are able to give evidence from outside the courtroom and only those people specifically authorised by the court may be in the courtroom while they are giving evidence.

The accused and their lawyer are entitled to be in court and the witness will be asked questions by the defence barrister.

Giving evidence at a special hearing means that their evidence is recorded for use in the court hearing.

A special hearing can be either before or during the trial, depending on what the court directs. The court has to take into account a number of things, including the preference of the witness, when it makes a decision about when the special hearing will take place.

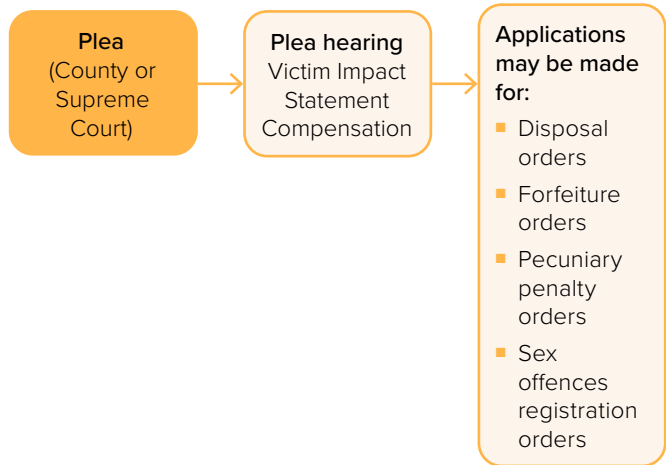
If the special hearing is during the trial, the jury will be in court while they give evidence.



Plea hearing

If the accused person pleads guilty, or is found guilty by a jury, there will be a plea hearing before a judge.

At the plea hearing, the prosecution and the defence will present information for the judge to take into account when deciding on the sentence.





Making a Victim Impact Statement

Making a Victim Impact Statement gives you the opportunity to tell the court about the impact of the crime on you.

It is your choice whether or not to make a Victim Impact Statement. If you do, your Victim Impact Statement is one of a number of factors the judge is required to take into account when sentencing the offender for the crime.

You do not have to be the person the crime was committed against to make a Victim Impact Statement to the court. For example, family members of a victim or the parents of a child who has been sexually assaulted can make a statement.

You will be contacted by the police informant, OPP solicitor or VWAS worker about whether you would like to make a Victim Impact Statement.

What can be included in a Victim Impact Statement?

Your Victim Impact Statement should include information about the impact of the crime on you, for example information about physical injuries, emotional trauma, or financial or property loss. You may be able to include pictures, poems, paintings or DVDs in your Victim Impact Statement, or attach copies of medical or counselling reports.

Your Victim Impact Statement is an evidentiary document and there are rules about what evidence is admissible in court. If material in your Victim Impact Statement is not about the impact of the crime on you it may be excluded by the court.

A Victim Impact Statement is made in writing and may be read out in court.

A Guide to Victim Impact Statements has been produced to help you prepare your Victim Impact Statement. There is also a guide for children and young people called Victim Impact Statements Made Easy.

For assistance with making a Victim Impact Statement or for a copy of either guide, contact the Victims and Witness Assistance Service on (03) 9603 7425 or 1800 641 927 (toll free).

What happens in court

You have the right to read your Victim Impact Statement to the judge. Alternatively, you can have the prosecutor, a family member or another representative to read it out on your behalf. You may also be able to make use of special arrangements for reading out your statement. These arrangements are listed on page 4139-40 and include reading out your statement from a remote witness facility. You should speak to the OPP solicitor or VWAS social worker in advance if you would like to use these alternative arrangements.

It is important to know that the defence barrister will read your Victim Impact Statement before or during the plea hearing and it may also be shown to the offender.

Defence information

After the prosecution has addressed the judge, and any Victim Impact Statements have been read out or given to the judge, the defence barrister will present information to the judge. This can include details of the offender's childhood, family life, education, work history and medical history.

The defence barrister may call people to give character evidence and/or psychological evidence about the offender. Some of this information may be difficult for you to hear.

The judge has to consider all of the relevant material before deciding on the sentence.



Sentencing hearing

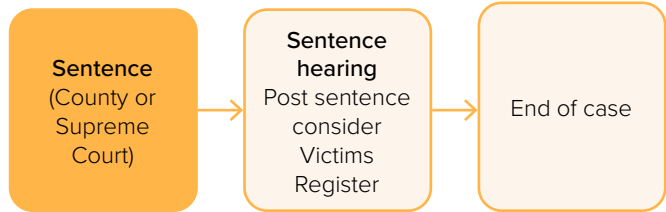
The sentencing hearing may happen on the same day as the plea hearing or at a later date decided by the judge. At this hearing the judge will tell the offender what their sentence is. There are a number of sentencing options open to the judge. These include a sentence of imprisonment, a fine or an order that the offender perform community work or attend counselling.

Factors that must be taken into account by the judge in deciding on the sentence include:

- the nature and seriousness of the crime
- the impact of the crime on the victim
- the circumstances of the offender
- the offender's past criminal history
- whether the offender pleaded guilty and when they pleaded guilty
- the maximum penalty for the offence
- other sentences for comparable crimes.

If the judge sentences an offender to imprisonment, in certain cases the judge will set an upper and lower limit for the prison sentence. If there is more than one offence the upper limit is called the total effective sentence. The lower limit is called the non-parole period. The non-parole period is the time that the offender must serve in prison before they may be considered eligible for parole.

Any sentence will take into account time already served by offender. This is called pre-sentence detention.



Will the offender be sentenced to the maximum penalty?

It is very rare for the accused person to be sentenced to the maximum penalty. Parliament decides on maximum penalties. Maximum penalties provide a reference point for the judge when sentencing. The judge can impose a sentence that is up to, but no more than, the maximum penalty and the sentence must be consistent with sentences given in similar cases.



Appeals

What is an appeal?

An appeal is not a re-trial. The purpose of an appeal is to determine whether the law has been properly applied at the trial. Appeals are very different to a trial and usually involve technical discussions about the law.

What can an offender appeal against?

An offender has the right to appeal against their conviction (guilty verdict) and/or the length of their sentence. They usually have 28 days from the date they are sentenced to lodge an appeal but in certain circumstances they may be able to get an extension of time, or appeal at a later stage.

What can the DPP appeal against?

If the DPP believes a sentence is too low, the DPP may appeal against the sentence. The sentence must be considered by the DPP to be 'manifestly inadequate'.

The DPP cannot appeal against a not-guilty verdict.

Which court hears the appeal?

An appeal from the County Court or Supreme Court will be heard in the Court of Appeal, which is the highest court in Victoria. In some cases, further appeals may be made to the High Court of Australia.

Do victims and witnesses give evidence at appeal hearings?

Victims and witnesses do not need to give evidence at any appeal hearings, but the evidence they have given at trial and any Victim Impact Statements will be available to the appeal court.

If an appeal is lodged, how will I know?

If you are a victim in a matter where an appeal is lodged against a conviction or sentence, the OPP will let you know. You can also expect to be given information about the grounds of the appeal and the outcome. You will also be told of the date of any hearings unless you have indicated that you do not wish to be contacted.

If you are a witness, but not a victim, and would like to be told about any appeal, please let the OPP solicitor or VWAS know.

What are the possible results of an appeal by the DPP against sentence?

If the DPP appeals against the sentence, the possible results of the appeal that are:

- The sentence is increased
- The sentence stays the same.

What are the possible results of an appeal by an offender against sentence?

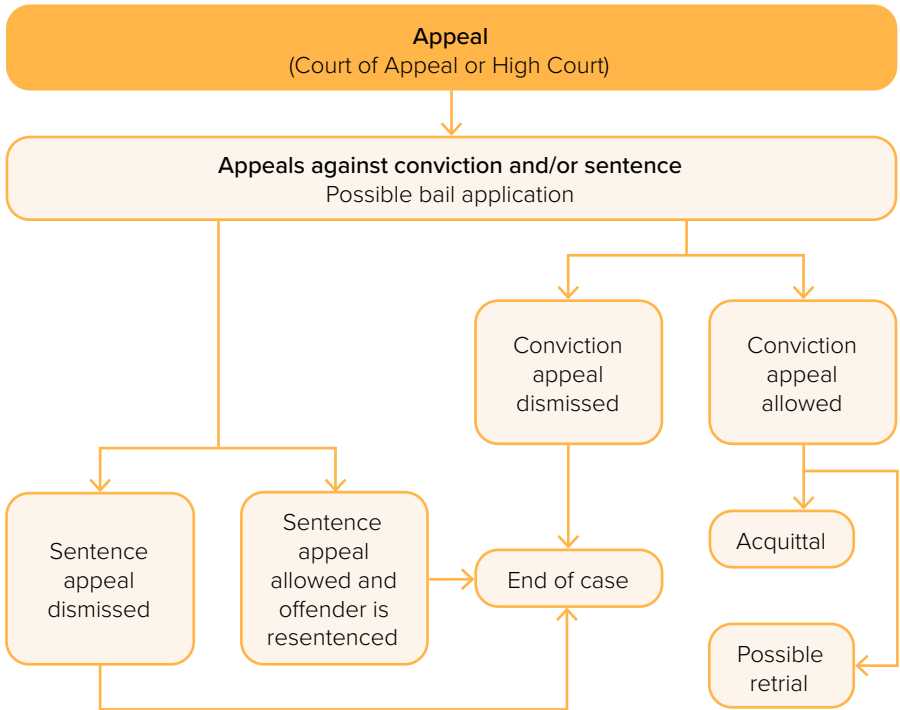
If an offender appeals against their sentence, the possible results of the appeal are that:

- The appeal is dismissed, and the sentence stands
- The appeal is allowed, and the sentence is reduced.

What are the possible results of an appeal by an offender against conviction?

If an offender appeals against their conviction, the possible results of the appeal are that:

- The appeal is dismissed, and the conviction stands
- The appeal is allowed. If this happens the judge can order a re-trial or, if there is a substantial miscarriage of justice, the judge may set aside the conviction.







Going to court

If you have made a statement to the police and the matter goes to court, you may be required to go to court to give evidence about what happened.

There may be more than one hearing and you may be required to go to court more than once.

Finding out about court hearings

If you are required as a witness you will receive a court order – a summons in the Magistrates' Court or a subpoena in the County or Supreme Court. This document tells you when and where the matter is going to be heard by the court. You should check with the police informant or OPP solicitor about when you are actually required to go to court to give evidence as you may not be required on the first day of the hearing.

Because summonses and subpoenas are court orders, there are serious consequences if you do not comply.

You may also be told about upcoming court hearings by the police informant, OPP solicitor or VWAS social worker.

It is possible that a hearing may be delayed (adjourned) to another day. This can happen for a range of reasons and at short notice. The police informant or OPP solicitor will do their best to let you know if a hearing has been adjourned.



Court locations

Court hearings in Melbourne will either be in the Magistrates' Court, the County Court or the Supreme Court of Victoria. These courts are located in the legal precinct on opposite corners of Lonsdale and William Streets. Committal hearings may also be held in suburban Magistrates' Courts.

If your matter is going to be heard in a regional court, you will be told when and where it will be heard.

The courts hear matters from 10:00 am until 4:15 pm with a lunch break between 1:00 pm and 2:00 pm. Occasionally the court may sit outside these hours. The Magistrates' Court generally starts at 9:30 am.





The media

Dealing with the media

Media interest in criminal cases can be intense. Dealing with the media can be challenging for victims, witnesses, and their families. You might be approached by the media at court, at home, or by telephone.

What to do if you are approached by the media

If a media representative approaches you, you have the right to privacy and you can decline to speak with them. If a media representative shows up at your house, you can ask them to leave your property.

If you are approached by the media while the criminal case is before the court, you should not say anything about the case until you have spoken with the OPP solicitor or social worker. This is important because:

- There are laws about what information can and cannot be published while a criminal case is before the court.
- In some cases, the court will make a suppression order. A suppression order prohibits the publication of certain information about a criminal case.
- You may not be able to predict the types of questions you may be asked by the media, or control how your comments are reported. Once you have provided information to the media, your control over the use of that information is limited.

What about social media?

The OPP cannot provide legal advice to victims, witnesses, or their families. However, it is important to be aware that publishing information on social media about a criminal case could (depending on the type of information and the circumstances):

- compromise the case
- breach a law
- breach a suppression order
- amount to contempt of court.

Victims of sexual offences

The media are not allowed to publish information that might identify a victim of a sexual offence unless:

- the victim has given permission to the media
- the court has made an order giving permission.

A victim of a sexual offence is allowed to publish their own identity unless this is likely to identify another victim of a sexual offence who does not give permission for their identity to be published.

The courts have published guides for people seeking permission to publish information identifying victims of sexual offences. You can find them here:

- **Magistrates' Court** (mcv.vic.gov.au/news-and-resources/publications/guide-people-seeking-permission-publish-information-about-victims)
- **County Court** (countycourt.vic.gov.au/news-and-media/news-listing/2020-09-17-reforms-sexual-offence-victim-identification)
- **Supreme Court** (supremecourt.vic.gov.au/forms-fees-and-services/forms-templates-and-guidelines/guide-for-jpra-applications)

Making a complaint about the media

If you believe the media or a journalist has acted unprofessionally or inappropriately you can lodge a formal complaint with the **Australian Press Council** (presscouncil.org.au/complaints/make-a-complaint) or the **Australian Communications and Media Authority** (acma.gov.au).



On the day you go to court

The police informant or OPP solicitor may have made arrangements with you about where and when to meet at court.

If not, you will need to do the following:

- Go through court security at the court entrance so you can access the courtroom – you should allow time for this.
- Check the Daily Court List on the notice board in the foyer of the court.
- Find the name of the accused (on the front of the subpoena) on the court list and make a note of the courtroom number.
- Go to the courtroom and wait outside for the police informant, OPP solicitor or VWAS worker to meet you.

If your matter is being heard in a regional court, you can go to the registrar's counter for help.

You may find it useful to visit the court before the hearing, so you feel more comfortable in the court surroundings. If you would like to arrange a court visit, talk to VWAS or the OPP solicitor.



Inside the courtroom

Magistrates' Court

Courtrooms in the Magistrates' Courts are less formal than those in the higher courts. The magistrate and the barristers do not wear wigs and gowns. The magistrate sits at the front of the courtroom and their clerk sits in front of or next to them. The accused person sits behind their barrister in the public area of the courtroom. If the accused person is in custody, they will be seated in the dock. The witness box is on the opposite side of the courtroom next to the prosecutor.

County Court and Supreme Court

There is a high level of formality inside the County and Supreme Courts. Court staff and barristers usually wear wigs and gowns. Court staff have particular names which describe their position. For example, the associate and tipstaff are the staff who assist the judge in court. The judge sits at the front of the court and the barristers sit at the bar table in the middle of the courtroom. The witness box is on the opposite side of the courtroom to the jury box.

If the accused person is not in custody, be prepared to see them and their family and friends inside and outside the courtroom.

If the accused person is in custody, they will be sitting in the dock, which is usually at the back of the courtroom. You are not allowed to talk to the accused or their lawyer at any time.

The OPP will ensure, as far as possible, that any unnecessary contact with the accused and their supporters is minimised while you are at court.

Some courts have special waiting rooms for witnesses who may feel scared or vulnerable when waiting to go into the courtroom.



Court support

It is normal to feel nervous about going to court and giving evidence. If you have a friend or family member who can support you during the time you are at court, you may find it useful to bring them with you, provided they are not a witness in the matter.

The Victims and Witness Assistance Service (VWAS) can arrange support for you during court hearings, particularly if you have specific concerns about being in court. For more information, contact VWAS on (03) 9603 7425 or 1800 641 927 (toll free).

Court Network

Court Network provides information and support to people who are required to give evidence in court or from a remote witness facility.

Court Network operates out of the Magistrates', County and Supreme Courts. Trained volunteers can sit with you while you are waiting to give evidence or when you are inside the courtroom giving evidence.

For more information contact Court Network on 1800 571 239 (toll free) or courtnetwork.com.au



Witness expense claim forms

If you have been served with a summons or subpoena requiring you to go to court to give evidence you can make a claim to reimburse you for some of the cost of going to court.

You can make a claim for a range of expenses, including:

- lost wages (this is a capped amount)
- travel expenses (generally only public transport costs are covered)
- meal allowances
- overnight accommodation (for witnesses who live interstate).

Childcare expenses, and parking fees or fines, cannot be reimbursed.

There are different processes for claiming expenses depending on which court you have been to.

Magistrates' Court

If you have been to the Magistrates' Court, the police informant will give you a Witness Expense Form. Complete your form then give it to the police informant who will arrange for the magistrate to sign it. You should then take the form to the cashier's office at the Magistrates' Court to receive your payment.

County Court or Supreme Court

If you have been to the County Court or the Supreme Court, the OPP solicitor will give you a Witness Expense Claim Form. Complete the form and then give it to the OPP solicitor or police informant.

If you are claiming lost wages your employer will need to sign your form or, if you are self-employed, you will need to sign a statutory declaration stating that you have lost wages as a result of having to attend court.

Payment will be made by electronic funds transfer to a nominated bank account in most cases.

Completed Witness Expense Claim Forms can also be taken or posted to:

**Office of Public Prosecutions
Ground floor, 565 Lonsdale Street
MELBOURNE VIC 3000**



After Court

Victims Register

The Victims Register is a service that can give you information about an adult offender who has been sentenced to prison for a violent crime. This includes information about:

- the offender's earliest possible release date from prison
- the offender's possible release on parole
- making a submission to the Adult Parole Board
- the offender's actual release date and the reason for release.

Generally, you are eligible to be placed on the Victims Register if:

- the offender hurt you or a family member
- a family member has died because of the crime
- you have been a victim of family violence
- you have a connection to the crime.

Relevant crimes include:

- assault
- armed robbery
- stalking
- kidnapping
- breach of a family violence intervention order
- threats to kill
- sexual offences
- culpable driving
- manslaughter
- murder.

You can choose whether or not you want to be on the Victims Register. If you would like to apply to be on the Victims Register you will need to complete an application form.

For more information, or for an application form, contact the Victims of Crime Helpline:

T: 1800 819 817 (or 03 8684 6700 for interstate callers)
E: VictimsRegister@justice.vic.gov.au
W: victimsofcrime.vic.gov.au and download the application form.

The Victims Register cannot provide information about:

- the location of the offender
- an offender who is detained in a Youth Justice Centre.

If your matter involves an offender in a Youth Justice Centre, you can contact the Youth Parole Board:

T: (03) 9947 1474



The Parole Board

Members of the Adult Parole Board – or the Youth Parole Board if the prisoner is under 18 years old – decide whether and when to release prisoners back into the community and are responsible for managing this process.

Before making any decision about parole, the Board is required to take into account the views of any victims of the crime. They will also take into account any concerns about the prisoner being released or the conditions on which they are released.

Any victim of crime can write to the Board and express their views about:

- the release of a prisoner on a parole
- possible parole conditions.

If you are on the Victims Register you will be told about any parole hearings and the opportunity to make a submission. If not, you will need to contact the relevant parole board.

The Adult Parole Board can be contacted on 1300 766 946 (toll free).



Financial assistance and compensation

As a victim of crime you can apply to:

- the FAS for financial assistance
- the sentencing court for compensation or restitution from the offender, after they have been found guilty of the crime.

The law only allows you to claim once for the same injury or expense. If you are awarded financial assistance from the FAS before an offender is found guilty, that amount will be taken into account if you apply for compensation to the sentencing court.

Financial Assistance Scheme (FAS)

FAS is a government-funded scheme providing financial assistance to victims of violent crime. FAS can provide financial assistance to help with things like:

- counselling and medical expenses
- safety related expenses
- loss of earnings.

Who may apply?

You may apply for financial assistance if:

- a violent crime was committed against you and you have suffered an injury
- the crime occurred in Victoria
- you are the primary, secondary or a related victim of that violent crime as defined by the Victims of Crime Assistance Act 1996, or you have incurred funeral expenses as a direct result of the death of a primary victim.

You can find more information about who is a primary, secondary or related victim by contacting FAS.

T: 1800 161 136

W: victimsofcrime.vic.gov.au/fas

When to apply?

Generally, you should apply to FAS within 10 years of a sexual offence or family violence crime occurring, or within 3 years of other violent crimes. However, there are some exceptions to this time limit. You can find more information on the FAS website.

How to apply?

Online application forms and instructions about the application process are available on the FAS website.

How to access legal advice to assist with your application?

The Law Institute of Victoria has a phone and online Legal Referral Service which provides free referrals to solicitors all over Victoria. Referrals are made according to practice area, location, preferred language and other specific requirements.

T: (03) 9607 9311
E: inquiries@liv.asn.au
W: liv.asn.au/find-a-lawyer

The local Victim's Assistance Program (VAP) will also be able to provide you with the names of lawyers in your local area who may be able to assist.

T: 1800 819 817 (toll free)
Text: 0427 767 891
E: vsa@justice.vic.gov.au
W: victimsofcrime.vic.gov.au



Compensation and civil action

In certain circumstances you may be able to apply for compensation from the offender, through the sentencing court, after they are found guilty.

You have the right to take civil legal action for compensation against the offender whether or not they are found guilty.

Both options involve complex legal processes. Important questions to consider are:

- Will the offender be able to pay the compensation?
- If the offender refuses to pay compensation, how much will it cost to enforce the order?
- What are the costs involved in taking civil legal action?

The following organisations can assist you to get information about your entitlement to financial assistance and compensation.

Victims Assistance Program (VAP)

The VAP can give you information, support and assistance with applications for financial assistance. VAP workers may also refer you to a local lawyer for further advice or assistance.

T: 1800 819 817 (via the Victims of Crime Helpline)

Text: 0427 767 891

E: vsa@justice.vic.gov.au

W: victimsofcrime.vic.gov.au

Federation of Community Legal Centres (CLCs)

The Federation can give you details of your local Community Legal Centre, which provides free legal advice to the public.

T: (03) 9652 1501

T: 1300 792 387 (toll free)

E: administration@fclc.org.au

W: fclc.org.au

Law Institute of Victoria Referral Service

The 'Find a Lawyer and Legal Referral Service' gives you access to 30 minutes free legal advice from a local law firm.

T: (03) 9607 9311
E: inquiries@liv.asn.au
W: liv.asn.au

Further information about financial assistance and compensation is available in the OPP's Financial Assistance Brochure, available at opp.vic.gov.au.





Glossary

Accused - A person charged with a crime.

Adjournment - When a case is postponed to a future date.

Affirmation - A non-religious promise made by a witness to tell the truth in court.

Appeal - A challenge to a decision made by a judge, jury or magistrate, which is heard by a higher court.

Arraignment - When an accused appears before a judge and pleads guilty or not guilty to the charges.

Bail - Where an accused person is to appear at court when required and comply with any conditions on what they can or cannot do while on bail.

Barrister - A lawyer who appears in court representing either the prosecution or defence.

Brief of evidence - A document compiled by the police officer who has investigated a crime. It includes details of the allegations, the name and address of the accused, the charges against them and evidence being relied on by the prosecution.

Charge - A formal description of a crime an accused person is alleged to have committed.

Committal hearing - A court hearing in the Magistrates' Court before a magistrate to establish whether there is enough evidence for a trial to proceed before a judge and jury.

Committal mention - A short administrative hearing before a committal hearing where the parties tell the magistrate about the future direction of a case.

Compensation - Money given to a victim of crime, usually after conviction, to compensate them for pain and suffering and pay for expenses incurred (including medical) arising from an offence.

Complainant - A victim in a criminal prosecution.

Conviction - When an accused is found guilty by a jury or pleads guilty before a judge or magistrate and the judge or magistrate orders that they be convicted.

County Court - The court that hears serious (indictable) matters and appeals from the Magistrates' Court.

Court Network - A volunteer service that provides assistance to witnesses, victims of crime and their families or friends, or the accused when they go to court.

Cross-examination - Asking a witness questions about their evidence-in-chief. The defence barrister cross-examines prosecution witnesses and the prosecutor cross-examines defence witnesses.

Crown Prosecutor - A prosecutor who works solely for the Director of Public Prosecutions.

Defence -

- a) The lawyer/s acting on behalf of an accused person.
- b) Arguments used by an accused and their lawyers defending them in court.

Directions hearing - A court hearing to determine the possibility of resolving a matter or to address issues that may affect a trial.

Double jeopardy - The principle that a person may not be tried or sentenced twice for the same offence.

Director of Public Prosecutions (DPP)

- An independent statutory officer responsible for conducting committal proceedings in the Magistrates' Court; prosecuting serious crime in the County and Supreme Courts; and conducting criminal appeals in the County Court, the Court of Appeal and the High Court.

Dock - An enclosed place in the courtroom where the accused person stands or sits during a court hearing.

Evidence - Information presented in court that is relevant to the charges. This includes evidence given by witnesses, documents or physical exhibits.

Examination-in-chief - Questions asked of a witness when they are giving evidence.

Guilty - A person is guilty if he or she is found guilty by a jury or pleads guilty before a judge or magistrate.

Indictable offences - More serious crimes that are generally prosecuted by the DPP in the County Court or Supreme Court.

Indictment - A statement of the charges against an accused person.

Judge - A person who hears matters in the County Court or Supreme Court. The judge has the power to interpret the law and apply it.

Judge's associate - A person who works for a judge.

Judgment - The final order/s made by a judge after a court hearing.

Jury - A group of 12 people who are chosen randomly from the community to decide whether an accused person is guilty or not guilty in a County Court or Supreme Court trial.

Magistrate - A person who hears matters in the Magistrates' Court. Part of a magistrate's role is to decide whether matters are serious enough to be passed onto higher courts.

Magistrates' Court - The lowest court in the Victorian judicial system where cases are heard by magistrates and there are no juries.

Not guilty - A jury verdict which means the prosecution has not proved its case beyond reasonable doubt.

Oath - A promise to tell the truth in court. Oaths can be given by swearing on a religious text such as the Bible or the Koran.

Offender - A person who has been found guilty of a crime.

Office of Public Prosecutions (OPP)

- The office consisting of solicitors, support staff and Victims and Witness Assistance Service staff who work on behalf of the Director of Public Prosecutions.

Parole - The release of a prisoner into the community, under supervision, prior to completion of their sentence. The release is subject to restrictions and/or conditions for a specified period.

Parole Board - The Parole Board decides whether and when to release a prisoner back into the community and under what conditions.

Plea - An accused person's statement to the court about whether they are guilty or not guilty of charges.

Plea hearing - A hearing before a judge or magistrate, either after an accused has been found guilty or after they have pleaded guilty. It is the hearing at which submissions relating to sentence are made and where Victim Impact Statements are read out or given to the court.

Police informant - The police officer in charge of the investigation and the main contact between police and the victim of crime.

Prosecutor - A Crown Prosecutor, Barrister or Solicitor Advocate who appears on behalf of the DPP in court.

Re-examination - Asking a witness questions which arise out of cross-examination.

Remote witness facility - A room, separate from the courtroom, where vulnerable witnesses can give evidence, which is relayed to the court via closed-circuit television (CCTV).

Sentencing hearing - A hearing where a judge tells the offender what their sentence will be.

Solicitor - A lawyer who prepares a matter for court.

Statement - A written document made and signed by a witness, telling the police what they know about a crime.

Subpoena - A document informing a person they must go to a court to give evidence as a witness in the County Court or Supreme Court.

Summons - A document informing a person they must go to a court to give evidence as a witness in the Magistrates' Court.

Supreme Court - The superior court in Victoria that hears serious (indictable) matters. A judge presides over the court and a jury decides the case.

Surety - When a person agrees in writing to pay a specific amount of money if an accused does not come to court when required, in accordance with their bail conditions.

Tipstaff - An officer of the County and Supreme Courts who keeps order in a courtroom.

Trial - A hearing in the County or Supreme Court before a judge and jury, where the jury determines whether an accused person is guilty or not guilty of offences, after considering the evidence.

Verdict - A decision given by a jury which tells the court whether a person is guilty or not guilty of charges.

Victim Impact Statement - A statement made by a victim of crime about how a crime has affected them. This is taken into account by the court in sentencing an offender.

Victims and Witness Assistance Service (VWAS) - A service within the OPP staffed by experienced social workers to provide ongoing information and support to witnesses and victims of crime.

Witness - A person who appears in a court to tell what he or she knows about a crime or other event.

Witness box - The place where people stand or sit when they are giving evidence in court.



Useful contacts

Compensation and financial assistance

Financial Assistance Scheme (FAS)

T 1800 161 136

W victimsocrime.vic.gov.au/fas

Legal services

Federation of Community Legal Centres

Level 3, 225 Bourke Street

Melbourne VIC 3000

T 03 9652 1500

E administration@fclc.org.au

W fclc.org.au

Law Institute of Victoria Referral Service

470 Bourke Street

Melbourne VIC 3000

T 03 9607 9311

E referrals@liv.asn.au

W liv.asn.au/Referral

Victorian Aboriginal Legal Service

273 High Street

Preston VIC 3072

T 03 9418 5999

T 1800 064 865 (toll free for country callers)

W vals.org.au

Victoria Legal Aid

350 Queen Street
Melbourne VIC 3000
T 03 9269 0120
T 1300 792 387 (toll free for country callers)
W legalaid.vic.gov.au

Youth Law

At Frontyard, 19 King Street
Melbourne VIC 3000
T 03 9611 2412
E info@youthlaw.asn.au
W youthlaw.asn.au

Victims Register and parole

Victims Register

T 1800 819 817 (toll free for country callers)
T 03 8684 6700 (interstate callers)
E VictimsRegister@justice.vic.gov.au
W justice.vic.gov.au/victimsofcrime

Adult Parole Board

T 1300 766 946
E apbenquiries@justice.vic.gov.au
W adultparoleboard.vic.gov.au

Youth Parole Board

T 03 9947 1474
W justice.vic.gov.au/justice-system/youth-justice/youth-parole-board-of-victoria

Victim, witness and court support services

Child and Youth Witness Service

T 1300 790 540
E ChildandYouthWitnessService@justice.vic.gov.au

Court Network

T 1800 571 239
E admin@courtnetwork.com.au
W courtnetwork.com.au

Victims of Crime Helpline

T 03 8684 6700
T 1800 819 817 (toll free for country callers)
TEXT 0427 767 891
T 133 677 (hearing impaired)
E vsa@justice.vic.gov.au
W victimsofcrime.vic.gov.au

Victims and Witness Assistance Service

Office of Public Prosecutions,
Ground floor, 565 Lonsdale Street
Melbourne VIC 3000

T 03 9603 7425

T 1800 641 927 (toll free for country callers)

T 133 677 (hearing impaired)

W opp.vic.gov.au

Other support services

Centre Against Sexual Assault (CASA)

T 1800 806 292

E casa@thewomens.org.au

W casa.org.au

Domestic Violence Resource Centre Victoria

292 Wellington Street
Collingwood VIC 3066

T 03 8346 5200

W dvrcv.org.au

Djirra

292 Hoddle Street
Abbotsford VIC 3067

T 1800 105 303

W djirra.org.au

Immigrant Women's Support Service

GPO Box 2905
Melbourne VIC 3001

T 07 3846 3490

E mail@iwss.org.au

W iwss.org.au

Kids Helpline

T 1800 551 800

W kidshelpline.com.au

Safe Steps

T 03 9928 9600

T 1800 015 188 (toll free for country callers)

E safesteps@safesteps.org.au

W safesteps.org.au

WIRE

5/255 Bourke Street
Melbourne VIC 3000

T 1300 134 130

E support@wire.org.au

W wire.org.au

**The Office of Public Prosecutions Victims and
Witness Assistance Service is here to help you.**

For information or assistance call:
(03) 9603 7425 or
1800 641 927 (toll free)
133 677 (TTY hearing impaired)
opp.vic.gov.au



**Office of Public
Prosecutions**
Victoria

