



Attorney General's

department of nsw

Remote Witness Video Facilities

Operational Guidelines

Support Persons attending the Witness Room

Background Information

The remote witness room is part of the Court.

For the safety of witnesses their location is confidential.

Support person(s) and other people in the remote witness room will be visible to the Judicial Officer at all times, even if the video and audio is shut down temporarily.

Under Sections 20 and 27 of the Evidence (Children) Act 1997, a child witness may be permitted one or more support persons to be present with them while she or he is giving evidence.

Adult complainants of sexual assault offences, under s.294B Criminal Procedure Act, 1986, are permitted to have one support person present with them while giving evidence via closed circuit television. This should be cleared with the presiding Judicial Officer.

Procedures

- 1 The Sheriff's Officer should ascertain who will be in the Remote Witness Room and their role, and alert the Court.
- 2 The Sheriff/Court Officer should sit so that they will be visible to the Court, but pose no distraction to the witness.
- 3 Any interpreter with the witness will sit next to the witness so as to have the prominent microphone position, and also be visible to the Court. Auslan interpreters will sit facing the witness but also need to be in view of the court.
- 4 The witness is entitled to have a support person(s) present in the room. If the Court considers it reasonable to do so, the Court may make a decision to have such a support person near the witness, and within the witness's sight, when the witness is giving evidence. This person(s) should also be visible to the Court.
- 5 The support person can assist the witness with any difficulty in giving evidence associated with a disability, or for the purpose of providing a child witness with other support.
- 6 The support person should quietly inform the Sheriff's/Court Officer of any problems such as difficulties with hearing what is being asked or if the witness is having any difficulties requiring a break (e.g. child needing to go to the toilet, witness distressed, witness having breathing difficulties, or witness indicating ill health during an adjournment).
- 7 In the event of an interruption in transmission from the Courtroom or failure of the equipment, the support person(s) should on no account speak to the witness about the case or her/his evidence during any interruption in the proceedings, although the support person(s) is permitted to comfort the witness during the interruption.
- 8 For a child witness the support person can be seated near the child and within the child's sight. The support person can sit next to a child witness.

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