

Operational guidelines for legal representatives

Background information

Vulnerable persons (children and people with a cognitive impairment), complainants in prescribed sexual offence proceedings and sexual offence witnesses are entitled to give their evidence from a place other than the courtroom by means of closed circuit television facilities or other technology that enables communication between that place and the courtroom, if they choose to do so. For the purposes of these guidelines, that place is referred to as the remote witness room.

The witness is also entitled to have a support person with them in the remote witness room, sitting near or in sight of them.

The remote witness room is considered to be part of the court. For the safety of witnesses their location is confidential.

Procedures

1. To examine the witness, legal representatives are required to move to the centre bar table position. The image viewed by the witness in the witness room will be a close up full image of the examiner. The accused is not to be visible to the witness in the remote witness room.
2. To address the witness, stand at the appropriate position of the bar table and direct attention to the view on the large screen monitor (above the Jury if applicable) to ensure the witness receives a close up image.
3. The judicial officer will introduce the examiner to the witness. The examiner should greet the witness by addressing the view of the witness on the large screen monitor (above the Jury if applicable).
4. The witness will not be viewed by the court while any pre-recorded electronic evidence is played to the court.

Notes

1. The legal representative, when addressing or questioning the remote witness should check regularly with the witness that they can hear and understand the questions being asked of them.
2. The legal representative should clearly communicate to the witness that they may ask for any questions to be repeated if they do not understand them.
3. The judicial officer is able to override (MUTE) the transmission of audio only (AUDIO MUTE) or both audio/video (SYSTEM MUTE) to the witness room.
4. The Bench or Sheriff's/Court Officer are able to view any electronic evidence and the remote witness at the same time. The evidence will appear as a small picture inserted in the larger remote witness image. This can be reversed by the Sheriff's/Court Officer of the Bench via the EVIDENCE TOGGLE button/icon.
5. A full remote witness room view is no longer available in remote witness facilities installed after 2005.
6. The audio is transmitted to the witness room via the court AV system and the level will be preset to the optimum level. However the level can be adjusted by the Sheriff's/Court Officer.

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