

Operational guidelines for support persons

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.

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 muted temporarily.

Procedures

1. 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.
2. The witness is entitled to have a support person(s) present in the room, seated 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.
3. The support person can assist the witness with any difficulty in giving evidence associated with a disability, as agreed to by the court.
4. 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 (for example, child needing to go to the toilet, witness distressed, witness having breathing difficulties, or witness indicating ill health during an adjournment).
5. In the event of an adjournment, interruption in transmission from the courtroom or failure of the equipment, the support person(s) should not speak to the witness about the case or her/his evidence, although the support person(s) is permitted to comfort the witness during the interruption.
6. The support person should not discuss the evidence with the witness at any time.
7. The support person must not coach the witness, or influence the witness in any way while they are giving evidence (including during breaks).

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