



## When you Receive a Witness Summons

A witness can be summonsed to the Magistrates' Court to:  
Give evidence as to what they have seen or heard.  
Give evidence as to a person's good character.  
Produce documents to the Court.



Magistrates' Court of Victoria  
[www.magistratescourt.vic.gov.au](http://www.magistratescourt.vic.gov.au)

## INTERPRETERS

If you need an interpreter you should contact the party that summonsed you and they will arrange with the Court for an interpreter who speaks your language to be at the hearing. You should do this as soon as you receive your summons.

## COSTS

If you have any costs relating to your appearance at Court, eg, loss of wages, you should advise the party that summonsed you so that they may apply to the Court for your costs.

## APPEARING IN COURT

Your summons will tell you the Court location, time and date you must appear. When you arrive at Court you should report to the Coordinator's Office, which will direct you to the relevant courtroom. When you go to the courtroom you should advise the party that summonsed you that you have arrived. If you are unsure who this is you should ask the Court Clerk located in the courtroom.

If you are giving evidence concerning events you have witnessed you will usually be asked to wait outside the courtroom until your name is called. You should not discuss your evidence with anyone while you are waiting. When your name is called you should enter the courtroom.

The Court Clerk will direct you to the witness box. You will be asked to take an oath in which you will be asked to hold the Bible and swear "by almighty God" to tell the truth. If you wish, you can make a non-religious declaration or affirmation that you will tell the truth. You should advise the Court if you wish to make an affirmation. After you have been "sworn in" you will be asked questions. You should direct your answers to the Magistrate, addressing the Magistrate as "Your Honour" or "Sir" or "Madam".

## PRODUCING DOCUMENTS

If you have received a witness summons that states you are to produce documents only and not give evidence, you should lodge those documents with the Registrar at the Court specified on the summons at least two days before the date of the hearing.

## REMOTE WITNESS FACILITY

The remote witness facility involves a witness giving evidence by video link-up direct to the courtroom. The witness is located in another room within the Court with an independent person and can be seen via video screens. The witness is able to see the Magistrate and both legal representatives. This allows a witness to give evidence without feeling intimidated by the defendant. If this facility is to be used, a Magistrate must make an order to this effect, prior to the hearing.

The Remote Witness facility is available at Courts throughout Victoria. To obtain advice regarding your nearest facility contact your local court.

## VIDEO CONFERENCE FACILITY

A video conference is different from a remote witness court in that it is a video linked hearing with a site outside the Court building. This can be within Victoria, interstate or overseas. It may be used when a witness is unable to travel to the Court or costs make it more economical to appear by video conference.

There are circumstances where evidence by video conference is not suitable and you should contact the party that summonsed you to make the relevant enquiries.

Video Conferencing is available at the Melbourne Magistrates' Court, all country headquarter Courts and various other private facilities.

## IF YOU CANNOT APPEAR IN COURT

If you cannot appear in Court on the nominated date you should contact the party that summonsed you. They may excuse you from attending or request the Court to adjourn the matter.

If suitable arrangements have not been made and you fail to appear in accordance with the summons, the Magistrate may order that you be arrested and either brought before the Court or bailed to appear.

## LEGAL ADVICE

If you feel that you need legal advice before giving evidence, you should contact Victoria Legal Aid, (Ph: 9269 0234), or a private legal practitioner before the hearing date.

The types of hearings you may be summonsed to appear include:

- Criminal
- Civil
- Victims of Crime Assistance Tribunal
- Family law and intervention order cases

WHEN YOU RECEIVE  
a witness summons