

Antippa Lawyers

since 1961

WHAT HAPPENS AT COURT?

Foreword:

This brochure is a basic guide as to how courts and tribunals in Victoria operate.

GETTING TO COURT

There are many court buildings in Melbourne and 2 sets of court buildings in Dandenong. With pre-court anxiety; it is easy to become confused as to where you should go. If you are unsure, ask the court staff. Car parking is limited near all Courts; take the train instead. Arrive at least half an hour before the scheduled hearing start time. In each court building, there are many court rooms. Meet us at the entrance, inside the security check and we can find the correct court room together.

GETTING READY

ANTIPPA LAWYERS or our appointed Barrister will be your Advocate and will present your matter to the court.

If you have signed an Affidavit, then you should read your Affidavit at least 5 times the day before the hearing and summarise your Affidavit. The dates are really important.



WHAT TO WEAR

The court is a formal place and you should dress to show respect. If you have any questions about what to wear, ask one of our friendly staff.

CHILDREN AT COURT

You should not bring a child to the court. Please make alternate arrangements.

PERSONAL SAFETY

If you have any concerns about your personal safety, please tell the court security staff.

ARRIVING AT COURT

We want you to bring a family member or friend (who is over the age of 18) to sit with you and provide support. Your support person cannot speak on your behalf.

WHAT TO BRING WITH YOU

- A note pad,
- Pen,
- Your Affidavit and other documents;
- Bottle of water – with lid;
- Cross-word, magazine or book;
- There is usually a Bible in the court but if you will be swearing to tell the truth on another type of Holy Book, please bring that Book with you.

Recording devices are not permitted in court-rooms without permission of the judge.

You cannot take photographs or record conversations.

Before entering the court-room, you should:

- Turn off electronic equipment, including mobile telephones,
- Remove hats and sunglasses, unless for medical or religious reasons.

Do not hold any food or drink. No chewing gum.

INSIDE THE COURT-ROOM

You must stand and bow when entering or leaving a court-room, if the judge is sitting in the court-room and remain standing until he or she sits down.

You must stand when you swear on the Bible or another type of holy book or if you give an Affirmation. (An Affirmation is a solemn promise to tell the truth without the use of a type of Holy Book). If the judge talks to you direct, you must stand when you are spoken to.

You may have to wait all day before the court hears your matter. You should avoid talking or making any distracting noises in the court-room.

WHERE TO SIT IN COURT

You should sit behind your lawyer, as close as possible. Sit as close to the front of the room as you can.

WHEN YOUR MATTER IS CALLED

When the court announces your matter, stand up, so that the judge knows who you are and then sit down immediately. Your lawyer will argue your matter for you.



WHEN WILL THE DECISION BE MADE?

The court's decision may be announced on that day or you may have to return to court to hear the decision on another day.

SPEAKING TO THE JUDGE

At court, you should call the judge or magistrate: 'Your Honour' and a registrar as 'Registrar'. At VCAT, say: 'Sir' or 'Madam'.

AT THE FINAL HEARING

The Applicant calls witnesses, who may be cross-examined. Then the Respondent calls witnesses, who may be cross-examined.



CONDUCT OF A WITNESS

Speak clearly and politely to the judge.

Do not:

- Reply to comments made by other people in the court-room;
- Point your finger or use abusive language;
- Raise your voice or shout or
- Use rhetorical language, e.g. "Well if that were true, then how do you explain ..." this or that?

The judge may ask questions or interrupt you. Listen carefully and answer as clearly as you can. If the judge says that something is not relevant, move on to your next point.

You must not interrupt the judge or another person.

Remember, it is the judge who will make the decision. So, talk to the judge, not to the lawyers.

Watch videos:

<https://www.youtube.com/watch?v=lvMst4ASyq0>

<https://victimsandwitnesses.opp.vic.gov.au/court-process/going-to-court>



FURTHER READING

<http://www.antippa.com.au>

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The information provided is of a general nature only. You should not rely on this information but seek specific advice relevant to your actual circumstances.

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