

## BEFORE THE HEARING

- Read any statement you have made to the police, if any of the information is incorrect let the DVLO (Domestic Violence Liaison Officer) know or your legal representative as soon as possible.
- Notify the Police if there are any recent breaches.
- If you need the AVO changed in any way you will need to discuss this with the DVLO.
- Let the DVLO or Prosecutor know about anything that may be raised at court.

## AFTER THE HEARING, NOW WHAT?

**Be sure to report any further incidents to the police – even if your application for an order was not successful.**

Domestic Violence Liaison Officers can be found at your nearest police station.

Police prosecutors can be contacted through the local court that your AVO matter is being heard at.



NEWCASTLE WDV CAS

- For example:
  - You hit the defendant,
  - you have a history of drug use
  - you have a criminal record.
  - Family Law court orders or proceedings

- Be sure to bring all relevant documents to court with you,
- Tell the DVLO or Prosecutor if you need any special assistance at the hearing. For example: You need an Interpreter.
- If you have children please find a carer for your children on the day of court, if you have no one to care for your child please speak to a staff member for referral to services that could assist.
- Set the whole day aside for the hearing. It may not take that long but you do not need the added stress of needing to be elsewhere.
- Organise a support person to come along on the day for emotional support.
- Practise deep breathing.

For all court time and dates, please contact the court that your matter is being heard at for up to date information.

**If you have any questions or concerns, please contact us and we will assist you.**

### CONTACT US:

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Newcastle Women's Domestic Violence Court Advocacy Service is part of the Women's Domestic Violence Court Advocacy Program, a project of Legal Aid, NSW

## NSW LOCAL COURT HEARING INFORMATION

**BEFORE THE HEARING  
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AFTER THE HEARING, NOW WHAT?**

Funded by the Women's Domestic Violence Court Advocacy Program, Legal Aid NSW



## GETTING AN AVO

The Magistrate must be happy on the evidence before him/her that it is more likely than not that you have reasonable grounds to fear and actually fear violence or harassment.

Criminal charges against the defendant may be heard at the same time but must be proven beyond reasonable doubt.

### WHAT HAPPENS AT THE HEARING?

- The Case is called.
- The prosecutor or solicitor outlines the case and calls the complainants witnesses and asks them questions, usually the police are called first.
- The Defendants solicitor or the defendant if they are not represented asks questions of each witness (Cross-examination)
- The Prosecutor or solicitor may ask more questions when the defendant or their solicitor is done.
- The Defendants solicitor may call witnesses.
- The Magistrate may also ask some questions.
- The Magistrate makes a decision about the order. If orders are made that day both parties receive a copy.

**Remember it is normal to feel nervous in court – take deep breaths, most everyone feels calmer after the first few questions.**

## CROSS EXAMINATION & GIVING EVIDENCE

When the defendant's solicitor (or if the defendant is representing themselves), the solicitor/ defendant asks you questions this is called cross-examination.

- Try to give only a "yes" or a "No" answer where possible. Address the magistrate as "Your Honour"
- If the lawyers cut you off when you haven't finished speaking, say "May I say something else?"
- Don't give more information than is asked for.
- Don't worry about why the lawyer is asking something or what he/she might be going to ask next.
- Do Not argue with the lawyer asking you questions.
- Try not to get angry, aggressive or defensive.
- Do not make snide or nasty comments about the other party.
- If the defendant disagrees with what you have said his solicitor has to put his version of events to you so you can respond.
- You do not have to look at the other party.

### TIPS:

**Listen to the questions carefully, if you do not understand a question SAY SO and ask them to repeat the question.**

**If there is an objection, stop speaking.**

**Always be factual in your answers**

## EVIDENCE-IN-CHIEF

When the prosecutor/ solicitor is asking you questions this is called evidence-in-chief, only answer the questions asked.

Remember they are on your side and trying to get your version of events across to the magistrate.

Try to give your evidence in order of what occurred.

After you have given evidence the officer in charge of your matter may dismiss you, this means you can leave the court and they will contact later with the outcome, do not leave the court unless you have been 'dismissed'.

### COMMONLY ASKED LEGAL QUESTIONS

**Can the court be closed?** All courts in NSW are public, unless it involves a child giving evidence, speak to the solicitor or prosecutor before court if you any concern's.

#### **Do I have to give my address in court?**

No, not normally but under some conditions of an AVO, an address will need to be provided so the defendant knows where they cannot go.

#### **Can I ask the Magistrate if I need to answer a question?**

Yes, you can but it could give the impression that you are hiding something.

#### **What should I do if I am going to cry?**

There is nothing wrong with crying in court if you are upset, if you are very upset and need a moment you can ask the magistrate for a minute to compose yourself.