



## Fact Sheet

# Providing a Witness Statement

This factsheet provides *Members of Parliament (Staff) Act 1984* employees (MOPS employees) with guidance on how a witness statement is prepared and how it may be used for matters that arise in the context of their employment.

## What is a witness statement?

A witness statement is a document containing the witness' account of the facts in relation to an alleged incident. It is a record of what the witness would be prepared to say if called to give evidence before a court.

## Why is a witness statement required?

Criminal procedures may be slightly different in every state and territory; however, the process generally begins with a formal criminal charge. Whether the police are willing to lay charges in any given case is entirely a police decision. For charges to be laid, police need evidence, such as a witness statement.

## What is required in a witness statement?

Typically, in a criminal matter, a witness statement will:

- be written up by the police
- state the witness' first and last name and work address
- set out the evidence clearly in numbered paragraphs on numbered pages
- end with a paragraph along the lines of "I believe that the facts stated in this witness statement are true", and
- be signed and dated by the witness.

When making a witness statement make sure you:

- provide a work address not a home address as the statement will be given to the accused.
- double check the statement to confirm it is accurate.

The police will usually give you a copy of the statement, it is good to ask for it if they do not offer.

Contact the police as soon as practicable if something was missed or you realise a mistake was made in the statement. The information in a witness statement must be true. If false information is knowingly provided that may be a criminal offence.

Other things to keep in mind to improve the usefulness of a witness statement:

- Limit the account in the statement to information that you witnessed firsthand. Although you can tell the police things you have been told by someone else if it is relevant, but it generally should not be included in your statement.
- Try to present the information in chronological order.
- Include enough detail to help recreate the events described.
- Try and use the exact words said including swear words and things that may be uncomfortable to recount. If unable to recall the exact words make this explicit "The person said something along the lines of..." or "the person said words to the effect of..."

- Be as accurate as possible about dates and times, if uncertain make this clear and provide as much information to narrow the window of time.
- Do not include irrelevant information relating to the accused.

## How will a witness statement be used?

Witness statements will be provided to the accused and their lawyer so that they can understand the allegation and prepare a defence.

Witnesses may be questioned on their statement in court.

## What support can PWSS provide?

A member of the PWSS Counselling & Support team can:

- attend a Police Station as a support person for someone providing a witness statement and provide support before and after the statement is prepared, as appropriate
- provide strategies to maintain wellbeing and manage stress and anxiety
- provide referrals to appropriate services
- provide information on legal support options that may be available to the employee.

## After providing a statement, will I have to attend court?

Providing a witness statement to police may not result in needing to attend court and it will depend on whether a case proceeds to trial. Not all cases proceed to trial because the accused may plead guilty or there may not be enough evidence to continue with the charges.

If the accused pleads not guilty witnesses will most likely be required to attend court. This is because the accused has a right to test the witnesses recollection by questioning them.

What is said in court, after taking an oath or affirmation, is the evidence on which a judge or jury will base their verdict about the accused's guilt or innocence. The accused has a right to hear and contest evidence in court.

Only in limited circumstances can a statement be admitted in contested court proceedings without the witness being called to give their evidence in person.

## Further Resources

- [Legal Assistance Factsheet](#)
- [Attending Court Factsheet](#)
- [Support Person Factsheet](#)
- [Incident Response Services Factsheet](#)

 **24/7 Support** 1800 747 977

 **Text the PWSS** 0487 112 755

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