

# GOING TO COURT AS A VICTIM OF SEXUAL ASSAULT



This is an Easy Read info sheet  
made by WWILD Sexual Violence  
Prevention Association Inc.



You can ask a worker or someone  
you trust to help read this  
information.

Not bold

Some words are in **bold blue**  
writing.

**Bold blue**

We will explain what these words  
mean.

Website links are underlined in  
[bright blue.](#)



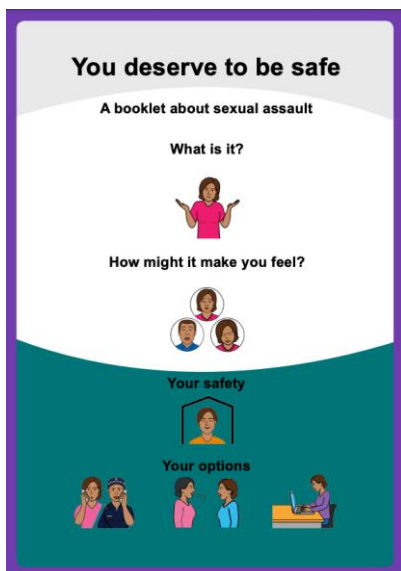
Sexual assault is a crime.



If it has happened to you, it is not your fault.



This information sheet is about going to court as a victim of sexual assault.



You can click the following link to learn more about sexual assault in:

[\*You deserve to be Safe: A booklet about sexual assault.\*](#)



If you have been sexually assaulted, it is your right:



- To talk to police.



- To not talk to police.



- To get support.



- To get medical care.



- To be treated with respect.

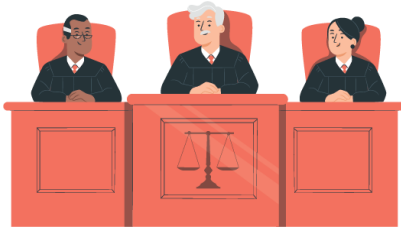


- To be safe.

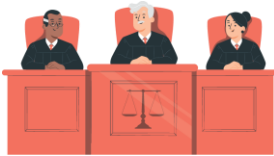
- To change your mind at any time.



In Queensland, Sexual Assault is a crime under the Criminal Code Act 1899.



If the person who hurt you is charged with a sexual assault, it will go to court as a **criminal matter**.



In court, a **criminal matter** is different to a **civil matter**.



An example of a **civil matter** is getting a Domestic Violence Order.



If the person who hurt you is charged with the crime, they are called the **defendant** or the **accused**.



This means they are **accused** of committing a crime and have to **defend** the charges.



The **accused** is allowed to have a lawyer to help **defend** them.



In a **criminal matter**, the charges are **prosecuted** by the State of Queensland.



**Prosecute** means to try prove that the **accused** did the sexual assault.



The **prosecution** is run by the police and the **Office of the Director of Public Prosecutions**.



You are a **witness** for the **prosecution** even though you are also the victim.



A **witness** is somebody who can give **evidence** in court.



**Evidence** is proof to support what the **prosecution** or the **defence** is saying.



The **Prosecution** team will have a **victim liaison officer**.



A **victim liaison officer** keeps you up to date with what is happening at court.

## The Magistrates Court

In Queensland, **criminal matters** for sexual assault can be heard in 2 different types of court.



The 1st court is called the **Magistrates Court**.



The **Prosecution** will show their **evidence** to a **Magistrate**.



A **Magistrate** is the same as a judge.





The **Prosecution** might need **witnesses** to give **evidence** in the Magistrates Court.



A **witness** gives **evidence** by answering questions.

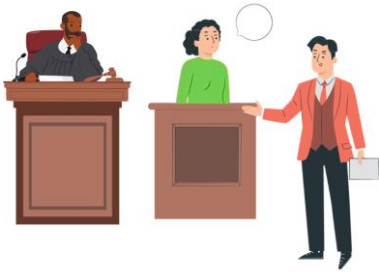
You might need to answer questions about what happened.



The **prosecution** will help remind you what is in your **statement** before you go to court.



It is against the law to lie on purpose when giving **evidence**.



The lawyer for the **accused** will be allowed to **cross-examine witnesses**.

**Cross-examine** means asking questions that support what the **defence** is saying.



**Cross-examination** can be very difficult for victims.



The **magistrate** will decide if there is enough **evidence** for a trial.



If there is not enough **evidence**, the **Magistrate** will **dismiss** the case.



This means that the case ends and the **accused** is free to go.



If there is enough **evidence**, the **accused** can plead **guilty**, plead **not guilty**, or **make no plea**.



If the **accused** pleads **guilty**:

- The matter will be sent to the **district court** to decide the **sentence**.



If the **accused** pleads **not guilty** or **makes no plea**:



- The matter will be sent to the **District Court** for a **criminal trial** (see page 15).



- The **magistrate** will make a decision about **bail conditions** for the **accused**.

**Bail conditions** might mean:



1. The **accused** is free to go but has to follow strict rules to keep you safe until the trial.

Or



2. The **magistrate** will decide that the **accused** will stay in **remand** until the trial.

**Remand** means the **accused** will be held in jail. It does not mean that the **accused** is **guilty**.



The **victim liaison officer** will explain the **bail conditions** to you.

There might be a long wait after the **Magistrates Court**.



This could take months.



If your **address** or your **phone number** changes while you are waiting, you need to tell the **victim liaison officer**.

## The District Court



The 2nd court is the **District Court**.



If the **accused** pleads **guilty**, a judge will decide the **sentence**.



This might be:

- Jail
- A fine
- Community service.





If the **accused** pleads **not guilty**, or **makes no plea**, there will be a **criminal trial**.



A **criminal trial** will be in front of a **judge** and a **jury**.

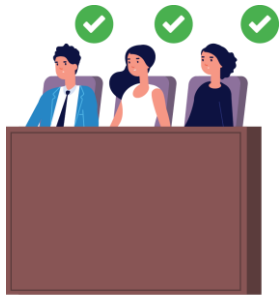


A **jury** is 12 people who listen to the **evidence** and decide if the **accused** is **guilty** or **not guilty**.



The **prosecution** needs to prove **beyond reasonable doubt** that the **accused** did the crime.





**Beyond reasonable doubt** means that the **jury** decide that there is a lot of evidence to find the **accused guilty**.



Sometimes a **criminal trial** will be in front of a judge only.



The **victim liaison officer** will tell you if this happens.



The **prosecution** and the **defence** will talk in front of the jury and judge about what happened.

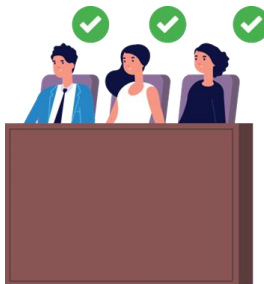


The **prosecution** will talk 1st, the **defence** will talk 2nd.

You might be called as a **witness**.



If this happens, the **defence** will be allowed to **cross-examine** you.



If the **jury** or **judge** decide that the **accused** is **guilty**, the judge will decide on the **sentence**.



The **accused** might be called the **offender** if they are found **guilty**.

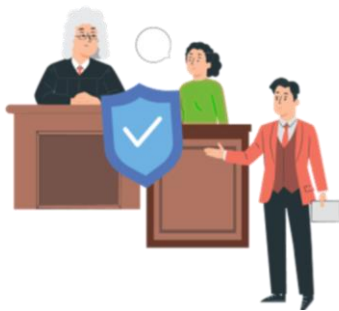


If the **jury** or **judge** decide the **accused** is not guilty, the trial ends and the **accused** is free to go.

## Special Witnesses



If you are the **victim** in a sexual assault case, you have rights as a **special witness**.



This means that the court needs to protect you as much as possible when you give **evidence**.



Being a **special witness** means you might be able to:

- Bring a support person with you to court.



- Record your **evidence** before the trial.



- Give your **evidence** over video away from the court room.



- Sit behind a screen in the court room so you do **not** see the **accused**.



- The judge can stop the public or the media from coming in to the court.



- The judge can interrupt or stop lawyers asking **improper questions**.

**Improper questions** are questions that are not fair or safe.



If you tell the **victim liaison officer** that you have a disability, they can make sure you get the right **special witness** supports.



You can ask for more help to give evidence.

The judge can say yes or no to this.



If they agree, the court may provide an **intermediary**.

An **intermediary** is a professional expert to help you give **evidence**.



An **intermediary** is different to a support person.

An **Intermediary** needs to follow strict rules.

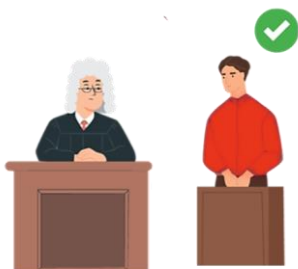


They cannot spend time with you outside of court or during a break.



If you have an **intermediary**, you can also bring a support person.

## Victim Impact Statement



If the **defendant** pleads **guilty** or the court says they are **guilty**:



You might be asked to provide a **Victim Impact Statement**.

This means writing down how the crime hurt you:



- Physically.



- Emotionally.



- What happened to your mental health.

- How your life changed.





The **judge** reads your statement when they decide on a **sentence** for the crime.



You can get help to write a **Victim Impact Statement**.

It is best to do this with a court support person.



You might be asked to do this without a lot of notice.



If the defendant is found not guilty, you will not have to do a **Victim**

**Impact Statement**.



## Court Tips



You will need to ask your **victim liaison officer** which court you need to attend.

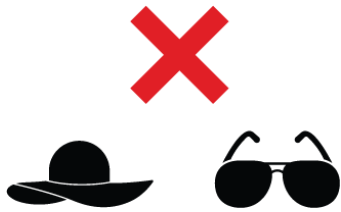


You will need to sign in when you arrive at the courthouse.

Wear smart casual clothing.



Do **not** wear thongs or singlets.



Do **not** wear a hat or sunglasses when you are in the courtroom, unless you need them for sensory reasons.



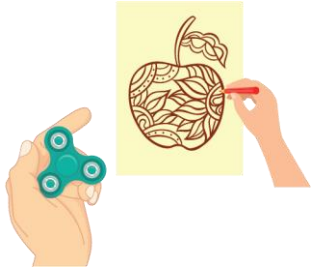
Turn your phone off or put it on silent.



When you talk to the judge, call them 'Your Honour'.



You might have to wait for a while before you go into the courtroom.



You can bring something to keep  
you calm while you wait.

## Court and Victim Support



You can get support for going to court.



You can ask the **victim liaison officer** to help connect you to court support.

## How to get support



You can call these numbers for help.

To speak to someone about sexual assault or domestic violence you can call:

**1800RESPECT**

**1800 Respect** on **1800 737 732**

Or

**DVCQNNNECT**  
*Be heard. Be safe.*

**Sexual Assault Helpline** on **1800**

**010 120** from 7.30am till 11:30pm.



**Protect All Children Today**

**(PACT)** can provide a support person to adult special witnesses going to court.

You can call PACT on 07 3738

7827, or 1800 449 632



To get support as a victim of crime  
you can call:

**VictimConnect** on **1300 318 940**,  
or visit [www.victimconnect.org.au](http://www.victimconnect.org.au)



## **WWILD Sexual Violence**

**Prevention** provides support to  
people with intellectual disability  
who are victims of crime.

You can call **WWILD** on  
**07 3262 9877**.

## **Victim Assist Queensland**

Victim Assistance Queensland  
provide financial assistance to  
Victims of Crime.

You can learn more about financial  
assistance here

<https://www.qld.gov.au/law/crime->

[and-police/victims-and-witnesses-  
of-crime/victim-financial-assistance](#)

For Legal help you can call:



**Women's Legal Service** on **1800  
957 957**

Or



**Legal Aid** on **1300 651 188**



**Remember if you are in danger  
call **000**.**

**If you have been sexually assaulted it is not your fault. You  
have a right to be safe and to get support.**