



Translated from English to Mandarin	"FAQ for Victims and Witnesses"
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## 常见问题

### 联邦刑事检控专员署 (Commonwealth Director of Public Prosecution 简称CDPP)的作用是什么？

CDPP是独立的检察机关，负责起诉涉嫌违反联邦法律的行为，以及剥夺罪犯违反联邦法律所得的非法收益。CDPP可起诉各种犯罪行为，包括不太严重、称为即决犯罪 (summary offences) 的罪行，以及较为严重的、称为可公诉罪行 (indictable offences) 的案子。CDPP不负责调查犯罪，这个任务由如澳大利亚联邦警察等其他机构担任。CDPP负责作出诸如是否起诉以及应指控何种罪名等决定。《联邦检控政策》 (Prosecution Policy of the Commonwealth) 规定了CDPP在对违反联邦法律的罪行作出决定时应遵循之准则。该《政策》为公开文件，可通过本网站或联系CDPP办事处查看以及索取副本。

### 联邦检控官是我的律师吗？

不是。CDPP的律师不代表作为当事人的个人；他们是政府部门的雇员，代表Commonwealth Director of Public Prosecutions进行检控。CDPP代表整个社会，并且在其做出诸如是否就某一案件提起诉讼等重要司法决定时，必须将公众利益以及其他因素一起考虑在内。然而，CDPP确实认识到受害人在司法过程中所扮演的重要角色，并且始终努力尊重受害人与保护其尊严。CDPP的目的是在适当情况下，确保诉讼过程的各个阶段中均能考虑到受害人的看法。

### 我需要向参与检控的律师支付律师费吗？

不需要。CDPP的律师受雇于联邦政府，并由政府支付其费用。

### 是同一名律师从头到尾全程参与案件吗？

可能会有几位CDPP律师共同参与任何一个特定的案件，他们被称为个案专员。有些案件会进行到审判阶段，在这种情况下，CDPP常会雇佣另一位律师在审判时提出起诉，这位律师有时也被称为法律顾问 (Counsel) 或出庭律师 (Barrister)。CDPP的个案专员通常会在整个审判阶段与法律顾问紧密合作。

### ***我如何了解我所涉及的案件进展情况？***

若您希望了解您所涉及的案件的进展情况，请联系相关的CDPP办事处并咨询相关的个案专员（可在我们的网站上查询所有办事处的电话号码）。若您希望及时了解案件进展的最新情况，请告诉个案专员您的想法，他们会确保及时告知您最新进展。若有可能，致电办事处时请告诉接线员被控告人的名字，这能帮助他们找到负责您所涉及的案件的相关个案专员。

### ***案件的检控过程需要多长时间？***

司法程序可能花费很长时间并且可能很复杂。各种因素均会影响案件走完全部司法程序所需的时间。大多数情况下，这一过程需要几个月时间，令人遗憾的是，在有些情况下，也许需要几年时间，尤其是那些涉及数次审判及上诉的案件。若您想讨论您所涉及的案件可能需要多长时间，请联系CDPP的相关个案专员。

### ***警察在调查期间取走了我的一些个人财产，我何时才能领回呢？***

在大多数情况下，在不再需要用于检控时，您的个人财产会归还给您。有时私人财产可能需要在法庭上用做证据，因此警察可能需要将其保存至他们确定所有的法庭程序已经结束时。若您想了解您大约何时能够取回您的财产，应该联系参与该案的警察或者CDPP个案专员。

### ***我已经提供了一份陈述书，为什么我还需要出庭作证呢？***

严格来说，您所做出的陈述不能算证据。它只是向被指控犯罪的人，即称作被告的人显示，若被传唤出庭作证，您将会说些什么。您的陈述书需要提供给被告，以便他们能够知道起诉他们的案件内容，并且若对指控不认罪，他们可以准备辩护词。

在按照宣誓誓言或宣誓确认书发誓后，您在法庭上所说的内容才算真正的证词，初级法院法官或者陪审团将根据该证词裁定被告有罪或者无罪。只有在有限的情况下，您的陈述书才能在您本人亲自出庭口头作证的情况下，在有抗辩的法庭程序中，被接受为证言。在公开庭审时被告有权听取及检验您的证词，这也是为什么需要您出庭的原因，尽管事实上，您已经就您所知的案件情况作出了陈述。

### ***审判前我有机会与检控官见面吗？***

检控官经常会在证人快要出庭作证前与证人见面。这些会面也称为碰头会（conferences），检控官可能向您提供有关审判程序的信息，并与您讨论作为证人所担任的角色（例如：需要您出庭的大概日期及时间）。检控官也可能就您的陈述书问一些问题，所以预先阅读陈述书是个不错的主意。若您没有陈述书或者遗失了，请联系警察或个案专员再领取一份。碰头会也给您提供了机会向检控官提问或者提出您可能的担忧。您还可带一位支持人陪同参加碰头会，但是请记住，出于法律原因，他们可能无法全程陪您参与碰头会。您的支持人不应是同一案件中的证人。

### ***我是一次审判中的证人；我需要在审判时全程出庭吗？***

检控官会确保通知您需要出庭作证的日期及时间。令人遗憾的是，由于法院诉讼的不可预测性，预测某位证人实际上会何时出庭作证有时是十分困难的。尽管我们将尽力减少给您带来的任何不便，但请注意，有时会发生延迟的情况。

在出庭作证前，您必须在审判庭外等候。当您出庭作证完毕后，法官或初级法院法官将告诉您可以离开法院。若您希望坐在法庭内（旁听席）看完全部审判过程，您应首先取得检控官的许可。只有在罕见的情况下，同一场审判中的证人会被召回法庭进一步作证。

### ***我出庭作证时会发生什么？***

作证前您应该等候在审判庭外（除非另有安排），需要您进入审判庭时，法庭工作人员会传唤您。您将被引到证人席，并被询问是选择手持《圣经》发誓还是宣读宣誓确认书。宣誓确认书是不提及《圣经》而承诺说出真相的庄严声明。是否手持《圣经》发誓或宣读宣誓确认书，您可自由选择。

检控官会首先向您提问，这被称为首要问证(evidence in chief)。辩方律师随后会向您提问，这被称为盘问(cross examination)。检控官可能会向您进一步提问,也可能不再提问，这被称为再次盘问(re-examination)。法官或者初级法院法官也可能向您提问。当您作证完毕后，法官（或初级法院法官）将告知您可以离席，随后您可离开法院。

### ***若我感到害怕并且担心我的安全，应该怎么办？***

若您对您的安全有任何恐惧或担忧，或者因作为受害人或证人而受到任何形式的恐吓，请告诉警方。若您害怕在法庭见到被告，请告诉个案专员或者律师，这很重要，以便为您安排其他可得到的帮助。

### ***英语不是我的母语—有没有什么帮助？***

若您对说英语或者理解英语方面有任何困难，请确保您或与您亲近的人告诉CDPP个案专员，以便他们为您安排口译员出席碰头会及出庭。CDPP将支付所有碰头会及出庭所需要的口译服务费。

### ***我有影响我作证能力的残障，我应该怎么办？***

若您认为自己有任何类型的残障或有任何特殊需求，可能影响您出庭与作证能力，请尽快联系相关办事处并告知CDPP个案专员，以便设法为您安排合适的援助。

### ***我需要请假，我损失的工资能得到补偿吗？***

若您的雇主不支付您出庭或参加碰头会时间的工资，您可申领原本应得的薪金或工资。或者，若您的雇主支付您出庭或参加碰头会时间的工资，则您的雇主可以申请报销损失的薪金或工资。CDPP将为您提供《申领证人费用指南（Guide to Claiming Witness Expenses）》及《证人费用申领表（Witness Expenses Claim Form）》在这方面帮助您。

**我需要长途旅行来到法院，并需要过夜。是否有任何协助方法？**

CDPP将为那些需要从海外、其他州过来，或如果对他们来说，回家是不合理的人士安排并支付差旅费及住宿费。在需要您出庭的前会作出相应的安排。

CDPP将为所有的控方证人提供《申领证人费用指南 (Guide to Claiming Witness Expenses)》及《证人费用申领表 (Witness Expenses Claim Form)》。您有权申领《指南》中规定的差旅费、住宿费以及餐饮费。在您出庭完毕后，您需要填写《证人费用申领表 (Witness Expenses Claim Form)》并将其交还至相关的CDPP办事处加以处理。

**什么是《受害人影响陈述书 (Victim Impact Statement)》？**

《受害人影响陈述书 (简称VIS)》一般是由某一罪行的受害人出具的一份书面陈述书，包含某一罪行对其所造成影响的详细情况。这是一份自愿的陈述书。VIS是在罪犯被认定有罪或罪犯向法庭认罪后，为该罪犯量刑前递交给法庭的。除了其他各种事项，法庭必须将该罪行导致的任何伤害、损失或损害以及受害人的个人情况考虑在内。VIS是告诉法院这些相关事项的一种方式，但不是唯一的方式。若您希望提交VIS，则您需要在任何量刑聆讯前与相关的CDPP个案专员进行讨论。

# Questions and Answers — English document

## *What is the role of the Commonwealth Director of Public Prosecution (CDPP)?*

The CDPP is the independent prosecuting authority responsible for prosecuting alleged offences against Commonwealth law and depriving offenders of the proceeds of Commonwealth crimes. The CDPP prosecutes a wide range of offences including less serious offences, known as summary offences and more serious matters known as indictable offences. The CDPP does not investigate crimes, this role is performed by other agencies such as the Australian Federal Police. The CDPP is responsible for making decisions such as whether or not to prosecute and what charges should be laid. The *Prosecution Policy of the Commonwealth* sets out the guidelines to be followed by the CDPP when making decisions in relation to the prosecution of Commonwealth offences. This Policy is a public document and may be accessed via this website or by contacting any CDPP Office and requesting a copy.

## *Is the Commonwealth prosecutor my lawyer?*

No. CDPP lawyers do not represent individuals; they are government sector employees who conduct prosecutions on behalf of the Commonwealth Director of Public Prosecutions. The CDPP represents the whole community and must take the public interest and other factors into account when making important legal decisions such as deciding whether or not to prosecute a matter. However, the CDPP does recognise the important role played by victims in the legal process and at all times seeks to treat them with respect for their dignity. The CDPP aims to ensure that, where appropriate, victim's views are taken into account at various stages of the prosecution process.

## *Do I have to pay for the lawyers involved in the prosecution?*

No. CDPP lawyers are employed and paid by the Commonwealth Government.

## *Is the same lawyer involved in the matter from start to finish?*

A number of CDPP lawyers may work on any one particular case and they are known as Case Officers. Some matters go to trial and in such cases it is common for the CDPP to employ another lawyer, sometimes known as Counsel or Barrister, to prosecute at trial. The CDPP Case Officer will usually work closely with Counsel during the course of a trial.

## *How do I find out what is happening with the case I'm involved in?*

If you wish to find out what is happening with the matter you are involved in please contact the relevant CDPP Office and ask to speak with the relevant Case Officer (contact numbers for all Offices are available on our website). If you would like to be kept updated in relation to the progress of the case, please advise the Case Officer of your wishes and they will ensure this occurs. If possible, when calling the Office please advise the receptionist of the name of the accused as this will assist them to identify the relevant Case Officer handling the particular case you are involved in.

***How long will it take for the case to go through the prosecution process?***

The legal process can be very long and complicated. A wide range of factors will serve to impact upon the time it takes for a matter to go through the court process in its entirety. In most cases the process will take a matter of months, unfortunately in other cases it may take years particularly in matters where trials and appeals take place. Please contact the relevant CDPP Case Officer if you wish to discuss how long the particular case you are involved in is likely to take.

***The police took some of my personal property during the investigation, when will I get it back?***

In most cases, your personal property should be returned to you when it is no longer required for prosecution purposes. Sometimes private property may need to be used in court as evidence so the police may need to keep it until they are sure that all court proceedings are finalised. If you would like to know when you can expect to receive your property back you should contact the police officer involved or the CDPP Case Officer.

***I've already provided a statement, why do I need to go to court and give evidence?***

The statement you made is not strictly evidence. It is an indication to a person who has been charged with a criminal offence, called the defendant, of what you will say if called upon to do so in a court. Your statement is required to be given to the defendant, so that they can understand the case against them and prepare a defence if they are pleading not guilty to the charge.

What you say in court, after swearing an oath or affirmation, is the real evidence upon which a Magistrate or a jury will base their verdict about the defendant's guilt or innocence. Only in limited circumstances can your statement be admitted in contested court proceedings without you being called to give your evidence orally. The defendant has a right to hear and test your evidence in open court and that is why you need to go to court notwithstanding the fact that you have already made a statement about what you know in relation to the matter.

***Will I get to meet the prosecutor prior to the trial?***

Prosecutors often meet witnesses just prior to their court attendance. Such meetings are known as conferences and may involve the prosecutor providing you with information concerning the trial process and discussing your role as a witness (e.g. what date and time you are likely to be required). The prosecutor may also ask you some questions in relation to your statement so it can be a good idea to read it beforehand. If you do not have, or have lost a copy of your statement, please contact either the police officer or Case Officer to obtain another copy. Conferences also provide you with the opportunity to ask questions of the prosecutor or raise any concerns you might have. You are able to bring a support person with you to a conference but please bear in mind that for legal reasons they may not be able to sit in on the entire conference with you. Your support person should be someone who is not a witness in the same matter.

***I'm a witness in a trial; do I have to attend court for the whole trial?***

The prosecutor will ensure that you are advised of the date and time that you are required to attend court to give your evidence. Unfortunately, it can sometimes be very difficult to predict when particular witnesses will actually start giving their evidence given the unpredictable nature of court proceedings. Whilst efforts will be made to reduce any inconvenience to you please be aware that delays may occur.

You must wait outside of the court room prior to giving your evidence. Once you have completed your evidence in court, you will be excused from attending further by the Judge or Magistrate and so will be free to leave the court building. If you wish to observe the remainder of the trial proceedings from the body of the court (called the public gallery) you should first seek the approval of the prosecutor. On rare occasions witnesses may need to be called back to court to give further evidence in the same trial.

***What will happen when I go to court to give my evidence?***

You should wait outside the courtroom prior to giving your evidence (unless alternative arrangements have been made) and will be called by a court officer when you are required to enter the courtroom. You will be shown to the witness box and be asked to either swear an oath on the Bible or make an affirmation. An affirmation is a solemn declaration to tell the truth without reference to the Bible. It is your choice whether you wish to swear on the Bible or make an affirmation.

The prosecutor will ask you questions first, this is called evidence in chief. The defence lawyer will then ask you questions and this is called cross examination. The prosecutor may or may not ask you some further questions and this is called re-examination. The Judge or Magistrate may also ask some questions of you. When you have completed giving your evidence, you will be excused by the Judge (or Magistrate) and are free to leave.

***What should I do if I am scared and hold concerns for my safety?***

You should advise the Police if you have any fears or concerns for your safety or experience any form of intimidation that may be related to your role as a victim or witness. It is also important to advise the Case Officer or Counsel if you are afraid of the seeing the accused at court so that any available assistance may be arranged.

***English is not my first language – what assistance is available?***

If you have difficulties speaking or understanding English please ensure that you, or someone close to you, informs the CDPP Case Officer so they can arrange for an interpreter to be available for any conferences and for your court attendance. The CDPP will pay for any interpreter services required for conferences and court attendance.

***I have a disability that will impact on my ability to give evidence, what can I do?***

If you have any sort of disability or special needs that you think could impact on your ability to attend court and give evidence, please contact the relevant Office and advise the CDPP Case Officer as soon as possible so that efforts can be made to arrange appropriate assistance.

***I have to take time off from work, can I be reimbursed for lost wages?***

If your employer will not pay you for the time you are attending court or conferences, you are able to claim the lost wages or salary that you would have been paid. Alternatively, if your employer does pay you for the time you are attending court or conferences, your employer may make a claim for reimbursement of your lost wages or salary. The CDPP will provide you with a *Guide to Claiming Witness Expenses* and a *Witness Expenses Claim Form* to assist you with this area.

*I have to travel a long way to come to court and would need to stay overnight. Is there any assistance available?*

The CDPP will arrange and pay for travel and accommodation expenses for those who are required to travel from overseas, interstate or where it would otherwise be unreasonable for you to return home. Such arrangements will be made prior to the date that you are required to attend court.

The CDPP will provide all prosecution witnesses with a *Guide to Claiming Witness Expenses* and a *Witness Expenses Claim Form*. You are entitled to claim travelling, accommodation and meal expenses as set out in the Guide. When your court attendance is completed you will need to fill in the Witness Expenses Claim Form and return it to the relevant CDPP Office for processing.

### **What is a Victim Impact Statement?**

A Victim Impact Statement (VIS) is a written statement generally made by a victim of crime that contains details about the impact that a crime has had on them. It is a voluntary statement. The VIS is presented to the court *after* the offender has been found guilty or entered pleas of guilty to the court and *before* the sentence is handed down. Amongst a range of matters the Court must take into account any injury, loss or damage resulting from the offence and the personal circumstances of the victim. A VIS is one way, but not the only way, a Court is informed of these relevant matters. If you wish to submit a VIS you will need to discuss this with the relevant CDPP Case Officer prior to any sentencing hearings.