



Aboriginal and Torres Strait
Islander Health Practice
Chinese Medicine
Chiropractic
Dental
Medical
Medical Radiation Practice
Nursing and Midwifery
Occupational Therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency

Fact Sheet for Witnesses

You have been asked or summonsed by a National Board or AHPRA to appear as a witness in Tribunal or Court proceedings. This fact sheet outlines what you can expect and how to prepare to be a witness.

What can I do to prepare?

There are a few things you can do to prepare to attend and give evidence:

- Check that you have the correct date, time and location details for the hearing and make arrangements to attend. You may want to ask a friend or family member to attend the hearing with you for moral support.
- If you think you need flights and hotel bookings contact AHPRA as soon as possible.
- Spend some time refreshing your memory on the facts of what you saw, heard, said or were involved in. Reflect on the details of your evidence.
- It is likely that you will have given a written witness statement to AHPRA/the Board's lawyers. Refresh your memory on what is in your witness statement. It may help to re-read any key documents referred to in your witness statement.
- Smart attire and presentation is recommended when you are attending the Tribunal or Court.

Where do I go when I arrive?

You should try to arrive early and find the hearing room or Court by looking at the notice board display inside the entrance. Tribunal or Court staff will usually be available to assist you find the right room.

If you are running late or are having problems finding the location, please call the lawyer representing AHPRA or the Board who arranged your attendance.

When you find the hearing room, wait outside the room. A lawyer representing AHPRA or the Board will come and find you. Witnesses are usually not allowed into the room until it is their turn to give evidence so you will need to wait outside. Please don't talk about the matter outside the hearing room as there may be other people or witnesses involved in the matter.

Remember to turn your mobile phone off before entering the room.

What happens during the hearing?

When it is your turn to give evidence, your name will be called by an officer of the Tribunal or Court. The officer will direct you to where you should sit.

The Tribunal Members or the Judge will ask that your evidence is sworn or affirmed, and an officer of the Tribunal will administer the oath or affirmation. This is the process of formally promising the Tribunal or Court that you will tell the truth when giving your evidence. An oath has religious significance while an affirmation does not. There is no difference to how your evidence will be treated, as both as promises to tell

the truth when giving your evidence. There may be serious consequences if you knowingly give false testimony, including criminal proceedings.

If you have provided a written witness statement beforehand, a lawyer acting for the Board or AHPRA may give you a copy and ask you to confirm that the information is true and correct. You may be asked a few more questions by that lawyer.

If you have not given a written witness statement beforehand, the lawyer may ask you questions in more detail.

The practitioner's lawyer (or the practitioner if they do not have a lawyer) will then be given the opportunity to ask you questions about your evidence. This is called a cross examination. The Board's lawyers and/or the Tribunal Members may intervene if the questions of you are inappropriate in any way.

The Board's lawyers may then ask you more questions to clarify any points, if needed.

At any point during your evidence, a Tribunal Member may also ask you questions.

When you have finished giving evidence, the Tribunal Members or the Judge will excuse you from the hearing, unless you need to attend again. You may then leave the Tribunal or Court. If the hearing is open to the public, you may remain in the room in the public seating after you have given evidence if you wish.

You may wish to contact the lawyer who arranged your attendance to ask for their broad estimate of how long it will take to give evidence.

Important points to keep in mind

When you are giving evidence, remember these points:

- Listen carefully to the questions you are being asked.
- If you do not understand a question, do not be afraid to ask for the question to be repeated, clarified or explained in another way.
- Tell the truth and answer the questions to the best of your recollection.
- Be clear and concise – it may help to speak slowly if you are feeling nervous.
- Only talk about facts that you know.
- Take care to answer the question fully and not leave anything out.
- Be polite and respectful – try not to make personal comments and keep emotion out of your answers.
- If you are ill, feeling unwell or are overly distressed, ask for a short break.
- Giving evidence can be a new and different experience but try to stay relaxed and calm.
- The Board's lawyers will be in contact with you after the hearing to inform you of the decision.

Do I need a lawyer?

Generally you do not need a lawyer to appear as a witness in a Tribunal or Court. However if you have any concerns that your evidence may lead to problems for you, you should seek independent legal advice.

What if I need special assistance to attend?

If you have any hearing or eyesight impairments, require wheelchair access, have any issues with understanding or speaking English, or have any other practical needs, please contact AHPRA to discuss what special arrangements we can assist you with.

Can I claim any expenses for attending?

You may be able to claim some of your reasonable expenses for attending the hearing, including local transport, parking expenses, meals and incidental expenses. Please see our "Witness expenses information sheet" for more information about what you can claim and how to make the claim.

Expert witnesses

This information sheet primarily applies to witnesses of fact. If you are summonsed to attend a hearing as an expert witness to give evidence on your specialist knowledge, we will contact you separately to explain your further obligations to the Tribunal and other steps and information applicable to expert witnesses.

Information and assistance

For further information, please contact the lawyer acting for the Board or AHPRA who arranged your attendance. Alternatively, contact AHPRA legal Practice Manager on 08 7071 5656.