

# Court Appointed Questioner

## Factsheet

Section 289VA of the *Criminal Procedure Act 1986* says defendants who are self-represented cannot directly question the complainant in domestic violence proceedings.

### What does this mean?

If you do not have a lawyer and are representing yourself in a hearing regarding a domestic violence offence or an apprehended domestic violence order, you will not be allowed to ask the complainant questions directly. Instead, the court will appoint a person known as a “court appointed questioner” to ask questions for you.

### The ‘Court Appointed Questioner’

The court appointed questioner is a person appointed by the court who will ask the complainant your questions. They will attend court while the complainant gives their evidence and will then ask your questions during cross-examination. Once the court appointed questioner has finished asking your questions, their role will end, and they will no longer be involved in your case.

The court appointed questioner cannot give you legal advice or assist you in the preparation of your questions.

### What do you need to do?

You need to prepare a list of questions which you want to ask the complainant.

You can do this before your hearing, or while you are listening to or after you have heard the complainant’s evidence.

### What happens at the hearing?

When you arrive at court for your hearing, your case will operate in the same way. The prosecution will

call their witnesses to give evidence and then you will have the opportunity to state your case by giving evidence.

Once the complainant has given their evidence, the Magistrate will give you some time to finish writing out your questions before giving them to the court appointed questioner.

The court appointed questioner will read the questions you have prepared to the complainant. If you have any new or follow up questions after that point, you will be given the opportunity to write the new questions and provide them to the court appointed questioner.

The prosecution can object to any of the questions when they are read by the court appointed questioner, including questions that may be harassing, intimidating, offensive or humiliating. The Magistrate will hear the objection and decide whether the question is allowed.

### Next Steps

- Advise the court if your circumstances change and you no longer intend on representing yourself at the hearing

### Need legal support?

If you would like further information or legal support, you can contact the following agencies:

**Law Access:** [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au) or 1300 888 529

**Legal Aid:** [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) or 1300 888 529

**Aboriginal Legal Service:** [www.als.nswact.org.au](http://www.als.nswact.org.au) or 1800 765 767

**Law Society of NSW:** [www.lawsociety.nsw.gov.au](http://www.lawsociety.nsw.gov.au) or 9926 0333