# Going to court – what I want to say in court

Reviewed 15 March 2022

Use these questions to help you plan what you want to say when you speak to the magistrate at court.

Print this page and write notes in the spaces below or on another piece of paper. You can read from these notes in the courtroom but make sure you look at the magistrate too. (Do not write notes on your phone as you should turn off your phone in the courtroom.)

## Support people

Who is at court supporting you today? The magistrate may ask these people questions.

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## About the offence

How and why did the offence happen? For example, if you were charged with a driving offence, the magistrate may ask why you were driving. Describe anything you want to say about what happened on the day of the offence. Explain what you did but do not excuse your actions.

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## Accepting responsibility

You can talk about anything you have done to make up for the offence or to accept responsibility. For example, paying for damage you caused, co-operating with police or apologising to the victim.

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## What have you learned and how do you feel about what you did?

For example, you feel sorry about how your offence affected other people.

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## What are you doing to stop the behaviour happening again?

For example, are you sorting out any drug or alcohol problems, seeing a counsellor or social worker, or selling your car if you were charged with a driving offence.

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## What was happening in your life when the offence happened?

For example, do you have a disability, were you experiencing mental health issues or was someone in your family unwell?

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## Family

Who do you live with? Do you have children? How old are they? Do you have a partner? Do you have anyone else who supports you?

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## Your financial circumstances

What is your income each week? (wage, Centrelink payment or other income)

Income $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What are the main things you pay for each week? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Rent/mortgage $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­\_\_\_\_

Loan or debt repayments $ weekly/fortnightly/monthly repayments \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Health issues

Are you seeing a doctor, psychologist, psychiatrist or counsellor? If so, what is their name?

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How long have you been seeing them for treatment?

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What medication are they prescribing you, if any?

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What medical conditions are they treating you for?

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What drug or alcohol issues are they treating you for or helping you with, if any?

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## Character references and medical letters

If you have any references or medical letters or reports, you can give these to the magistrate. You must show these to the prosecutor first.

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## Losing your licence

If the matter is about a traffic offence and you may lose your licence, explain why you need to keep your driver licence. For example, you need your licence to keep your job or to pick up children. Remember that for some driving matters the magistrate has no choice and must take away your licence.

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## Conviction

Explain why you do not want a conviction recorded for your offence. For example, a conviction will affect your chance of getting certain jobs in the future or going travelling. It is important to tell the court if you are studying or training for a particular job. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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## Where to get help

### Law Institute of Victoria

Referral to private lawyer.

Phone: (03) 9607 9550

Website: www.liv.asn.au/find-a-lawyer

### Victoria Legal Aid

For free information about the law and how we can help you:

* visit our website www.legalaid.vic.gov.au
* use our Legal Help Chat on the website, Monday to Friday, 8 am to 5 pm, excluding public holidays
* phone Legal Help on 1300 792 387, Monday to Friday 8 am to 5 pm, excluding public holidays.

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