



# Giving evidence in QCAT

## Information for witnesses

If you have given information to the Office of the Health Ombudsman (OHO) during an investigation into a health practitioner, you *may* be required to be a witness in the Queensland Civil and Administrative Tribunal (QCAT).

This will involve swearing an *affidavit*—a written statement of facts for use as evidence in court—which will be filed in the tribunal. You may also be required to appear in person to give oral evidence at the tribunal hearing.

## How will I know whether I will be a witness?

At the end of an investigation, the OHO will decide whether to bring disciplinary charges against the practitioner.

The OHO will then contact you to let you know the investigation is finished, and advise if you may be required as a witness. If so, we will ask about your availability over the next six months and will confirm your contact details.

## What happens if I am required to be a witness?

If the OHO files disciplinary charges in QCAT, a legal officer from the OHO will contact you to discuss the process. This will usually happen within three months after the investigation ends.

The legal officer will explain how long the disciplinary proceedings may take and will make arrangements with you to draft and swear your affidavit. The legal officer will also discuss whether you are likely to be required to give evidence in person at the hearing.

The legal officer will keep in touch with you over the course of the disciplinary proceeding to keep you up-to-date. If you are required to appear as a witness, we will let you know well in advance so you have time to make necessary arrangements.

## What happens if I am required to give evidence in person?

QCAT hearings take place in Brisbane. The legal officer will advise you where and when to attend on the day of hearing. This may mean making travel arrangements from another city or state. If you need to stay in Brisbane overnight, we will make accommodation arrangements for you.

The legal officer will also arrange for you to meet the lawyer representing the Health Ombudsman. This usually happens a few days before the hearing, but may be the morning of the hearing if you do not live in Brisbane.

At the meeting, the lawyer will explain what will happen in the courtroom, where you will sit, what questions you may be asked, and whether you will be cross-examined by the opposing lawyer.

## Will I be paid?

If you appear at a hearing to give evidence, you may be entitled to payment for your time, travel expenses or accommodation expenses.

The legal officer handling the matter can advise you of the amount of any daily allowance, and whether you are entitled to any other payments.



## What about other entitlements?

Depending on your circumstances, you may be entitled to an interpreter or a support person, or to give your evidence in a private hearing.

The legal officer will discuss with you whether one or more of these measures is appropriate in your case.

## What do I need to do?

Please keep in touch with the OHO and advise us if you change your address or telephone number, or if your availability changes—for example, you decide to go on holiday.

One of our officers will give you regular updates, but you are welcome to call us with any questions or concerns.

### Further information

Visit: [www.oho.qld.gov.au](http://www.oho.qld.gov.au)

Email: [info@oho.qld.gov.au](mailto:info@oho.qld.gov.au)

Call: 133 OHO (133 646)

Write: PO Box 13281 George Street  
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