

FACT SHEET

Evidence (Children and Special Witnesses) Amendment Bill 2024

The Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings report 'Who was looking after me? Prioritising the safety of Tasmanian children' was publicly released in September 2023, and made 191 recommendations.

The Evidence (Children and Special Witnesses) Amendment Bill 2024 (the Bill) progresses recommendation 16.11(1), to expand and clarify the operation of special measures in the *Evidence (Children and Special Witnesses) Act 2001* (the Act).

The Bill amends the Act to:

- Expand the use of support people to adult complainants in proceedings relating to child sexual abuse by inserting 'affected person' in section 4 of the Act;
- Provide that consent from the accused is no longer required when a judge is making an order that a special hearing is to occur, by an amendment to section 6A;
- Explicitly provide for the use of screens, partitions or other devices to obscure a witness who is an 'affected person' from the defendant, if the affected person chooses to give evidence in court, by inserting new section 7AA in the Act; and
- Provide that a judge who has declared someone a 'special witness' may order the use of screens, partitions or other devices where the person is giving evidence in a proceeding, by an amendment to section 8.

The amendments will commence on Proclamation and will apply to proceedings that have already commenced and are on foot when the amendment provisions commence.