

TASMANIA

EVIDENCE (CHILDREN AND SPECIAL WITNESSES) AMENDMENT BILL 2024

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EVIDENCE (CHILDREN AND SPECIAL WITNESSES) AMENDMENT BILL 2024

(Brought in by the Minister for Justice, the Honourable Guy Barnett)

A BILL FOR

An Act to amend the *Evidence (Children and Special Witnesses) Act 2001*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Evidence (Children and Special Witnesses) Amendment Act 2024*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the *Evidence (Children and Special Witnesses) Act 2001** is referred to as the Principal Act.

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4. Section 4 amended (Support person for child or affected person)

Section 4 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

- (1) In giving evidence in any proceeding, a child or an affected person is entitled to have a person approved by the judge near the child or affected person for the purpose of providing the child or affected person with support.

5. Section 6A amended (Special hearing to take and record person's evidence in full)

Section 6A(2)(b) of the Principal Act is amended by omitting "both parties consent" and substituting "the witness consents".

6. Section 7AA inserted

After section 7 of the Principal Act, the following section is inserted in Part 2:

7AA. Use of screens, one-way glass or other devices in courtroom

- (1) If an affected person is to give evidence in the presence of the defendant in the courtroom, the judge may make an order that a screen, one-way glass or other device be placed so that the affected person's view of the defendant is obscured.

- (2) A judge may only make an order under subsection (1) if –
 - (a) the affected person consents to the making of the order; and
 - (b) the judge is satisfied that the making of the order would not be contrary to the interests of justice.
- (3) An order made under subsection (1) may be made on the application of the prosecutor or on the judge's own motion.

7. Section 8 amended (Special witness)

Section 8(2)(b) of the Principal Act is amended by inserting after subparagraph (iic) the following subparagraph:

- (iic) an order that a screen, one-way glass or other device be placed so that the special witness's view of the defendant is obscured as if the special witness were an affected person in respect of whom section 7AA applies;

8. Application of amendments made by this Act

For the avoidance of doubt, an amendment made by a provision of this Act to the Principal Act applies in relation to proceedings whether those proceedings commenced before or after the commencement of that provision.

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9. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.