

CLAUSE NOTES

Evidence (Children and Special Witnesses) Amendment Bill 2025

PART 1 - PRELIMINARY

Clause 1 **Short title**

This clause provides that the short title of the Act will be the *Evidence (Children and Special Witnesses) Amendment Act 2025*.

Clause 2 **Commencement**

This clause provides that the Act will commence on the day on which it receives the Royal Assent.

Clause 3 **Principal Act**

This clause specifies that the Act being amended is the *Evidence (Children and Special Witnesses) Act 2001*.

Clause 4 **Section 7C amended (Unauthorised possession or dealing in video-taped evidence)**

This clause amends section 7C(3)(b) of the *Evidence (Children and Special Witnesses) Act 2001* to include a judge, the Associate Judge of the Supreme Court or the Registrar of the Supreme Court.

The Evidence (Children and Special Witnesses) Act sets out protections applying to the giving of evidence by affected persons including children and any other person the court deems to be a 'special witness'. Part 2 makes provision for the audio-visual recording of evidence by children and special witnesses.

Where such evidence is pre-recorded at a 'special hearing' to be later played during a criminal trial, it can be edited to remove material that is irrelevant, unduly prejudicial or otherwise inadmissible.

Section 7C prohibits a person (other than a public official or police officer) from possessing, playing copying or erasing an audio-visual recording unless authorised to do so by a Crown Law Officer. Section 3 defines a Crown Law officer as the Attorney-General or Solicitor-General, or any person appointed by the Governor to institute criminal proceedings in the Supreme Court.

This amendment will allow a Supreme Court Judge, the Associate Judge or the Registrar to authorise the possession, playing, copying or erasing of an audio-visual recording. This means that these Court officers will be able to provide the necessary authorisation for an audio-visual recording to be edited rather than having to seek authorisation on a case by case basis from a Crown Law Officer.

Clause 5 **Repeal of Act**

This clause is a standard provision that automatically repeals the amending legislation on the first anniversary after the provisions of the Act commence.