

# FACT SHEET

## Evidence (Children and Special Witnesses) Bill 2025

The Evidence (Children and Special Witnesses) Amendment Bill 2025 (the Bill) proposes amendments to the *Evidence (Children and Special Witnesses) Act 2001* (the Act).

The Act sets out protections applying to the giving of evidence by children and any other person the court deems to be a “special witness”.

Part 2 of the Act makes provision for the audio-visual recording of evidence by affected persons including 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.

Currently, under section 7C, it is prohibited for a person (other than a public official or police officer) to possess, play, copy or erase 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.

The Bill amends section 7C to allow a Supreme Court Judge, the Associate Judge or the Registrar to authorise the possession etc of a recording. This will allow these Court officers to provide the necessary authorisation for an audio-visual recording to be edited where necessary rather than having to seek authorisation on a case by case basis from a Crown Law Officer.

The amendments will commence on Royal Assent.