

DRAFT SECOND READING SPEECH

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Evidence (Children and Special Witnesses) Amendment Bill 2025

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Honourable Speaker, I move that the Bill now be read a second time.

This Bill proposes an amendment to the *Evidence (Children and Special Witnesses) Act 2001* to ensure there is an efficient process for managing recorded evidence.

The Act provides protections which apply to the giving of evidence by affected persons including children, victims of child sexual offences and any adult the court declares to be a 'special witness'. For example, a declaration of an adult as a special witness may be because they are not able to give evidence in the usual manner due to intellectual disability, or giving evidence may cause severe emotional trauma, or intimidation or distress.

Many protections apply under the Act to children and special witnesses for a range of proceedings, such as sexual or family violence offences. These protections may include giving evidence remotely, or behind a screen, or through pre-recorded evidence under section 6(1) so the child or special witness does not have to be present at trial.

It is common for these audio-visual recordings to be edited to remove material that is irrelevant, unduly prejudicial or otherwise inadmissible. The edits are generally agreed to between counsel for both sides and decided upon by a judge if required.

The court does not have the capacity to edit the recordings itself, so it has engaged a video post-production company for this purpose. This requires an authorisation to be given under section 7C(3)(b) of the Act by a Crown Law Officer. As defined by the Act, a Crown Law officer is the Attorney-General or Solicitor-General or any person appointed by the Governor to institute or prosecute criminal proceedings in the Supreme Court. That last aspect relates to Crown Law Officers in the Office of the Director of Public Prosecutions (DPP).

Authorisations can only be given on a case by case basis. This means that every time the court wants to send a recording to be edited, it must refer the matter to a Crown Law Officer in the Office of the DPP.

To streamline this process, the former Chief Justice requested that section 7C(3)(b) be amended to allow the necessary authorisation to be given by a judge,

the Associate Judge or the Registrar. It is appropriate for the court to be able to give these authorisations, given they have oversight of the proceedings.

The proposed amendment to section 7C of the Act has been drafted in accordance with the former Chief Justice's request.

Honourable speaker, in conclusion, this Bill makes an amendment to the *Evidence (Children and Special Witnesses) Act* to improve and streamline the operation of that Act, which is a small but important contribution to the operation of this Act in facilitating participation in the criminal justice process for vulnerable witnesses.

I commend the Bill to the House.