

## TASMANIA

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# **EVIDENCE (CHILDREN AND SPECIAL WITNESSES) AMENDMENT BILL 2024**

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# **EVIDENCE (CHILDREN AND SPECIAL WITNESSES) AMENDMENT BILL 2024**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*  
1 August 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.

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**3. Principal Act**

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

**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:

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\*No. 79 of 2001

**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

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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.

**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.