

Evidence (Intermediaries) Amendment Regulation 2021

Explanatory notes for SL 2021 No. 41

Made under the

Evidence Act 1977

General Outline

Short title

Evidence (Intermediaries) Amendment Regulation 2021

Authorising law

Section 21AZJ(1)(b) and section 135 of the *Evidence Act 1977*

Policy objectives and the reasons for them

The purpose of the *Evidence (Intermediaries) Amendment Regulation 2021* (the Amendment Regulation) is to prescribe, commencing on 5 July 2021, Brisbane and Cairns as places for the operation of the Queensland Intermediary Scheme pilot.

The aim of the Queensland Intermediary Scheme pilot is to assist prosecution witnesses with communication needs to give their best evidence in child sexual offence prosecutions. Intermediaries are professionals with qualifications in speech pathology, occupational therapy, or social work who will help a witness to understand and be understood.

Intermediaries are an officer of the court and must act impartially to facilitate communication between a witness and police, and a witness and courts.

The introduction of the Queensland Intermediary Scheme pilot arises out of recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The *Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Act 2020* (the Amendment Act) received assent on 14 September 2020. Amendments which are to commence on proclamation under section 2(2) of the Amendment Act include those inserting new part 2, division 4C into the *Evidence Act 1977* to provide the framework for the introduction of a pilot intermediary scheme at all levels of courts in those locations to be prescribed by regulation.

Achievement of policy objectives

The policy objective is achieved by prescribing Brisbane and Cairns as places for the purposes of the definition of 'relevant proceeding' in section 21AZJ under new part 2, division 4C (Intermediaries) of the *Evidence Act 1977* commencing on 5 July 2021.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the *Evidence Act 1977* that is to consolidate, amend and reform the law of evidence and for related purposes.

Benefits and costs of implementation

The main benefit of the Amendment Regulation is enabling the operation of the Queensland Intermediary Scheme which will assist certain prosecution witnesses with communication needs in the pilot locations of Brisbane and Cairns to give their best evidence.

The Queensland Government has provided additional funding of \$10 million over four years for the Department of Justice and Attorney-General and Queensland Police Service to respond to recommendations from the Royal Commission's Criminal Justice Report. This funding has been allocated to the implementation of key recommendations to improve the criminal justice system's response for victims and survivors of child sexual abuse, including improvement of prosecution and police responses to vulnerable people and the establishment of a pilot intermediary scheme in Queensland.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Feedback from the Steering Committee established to support implementation of the Queensland Intermediary Scheme pilot has been taken into account in finalising the Amendment Regulation. This Steering Committee includes the Chief Judge of the District Court of Queensland, the Director of Public Prosecutions and a representative of the Bar Association of Queensland.

The Department of Justice and Attorney-General has self-assessed the Amendment Regulation to be excluded from further regulatory impact analysis under exclusion category (j) of the *Queensland Government Guide to Better Regulation* on the basis that it is a regulatory proposal relating to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services.