

Evidence (Domestic Violence Proceedings) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 150

made under the

Evidence Act 1977

General Outline

Short title

Evidence (Domestic Violence Proceedings) Amendment Regulation 2024

Authorising law

Section 103C and 135 of the *Evidence Act 1977*

Policy objectives and the reasons for them

The purpose of the *Evidence (Domestic Violence Proceedings) Amendment Regulation 2024* (Amendment Regulation) is to support the extension of the pilot enabling video recorded statements taken by trained police officers to be used as an adult victim's evidence-in-chief in domestic and family violence (DFV) related criminal proceedings.

The *Evidence Act 1977* (Evidence Act), which sets out a statutory framework to support the use of video recorded evidence-in-chief (VREC) in DFV related criminal proceedings, allows the scope of the pilot to be managed by regulation through the prescription of the locations and types of criminal proceedings in which VREC may be used.

Specifically, the Evidence Act provides that the VREC provisions apply to a 'domestic violence proceeding', which is defined under section 103C as a criminal proceeding that relates to a charge for a domestic violence offence, of a type prescribed by regulation, and held before a court at a place prescribed by regulation.

A pilot of the use of VREC in summary and committal proceedings was undertaken from 12 September 2022 to 11 September 2023 in the Ipswich Magistrates Court and the Southport Magistrates Court.

In June 2024 the Queensland Government approved a 12-month extension of the VREC pilot in 2024-25 to enable further consideration of the use and effectiveness of VREC. The extended VREC pilot is proposed to commence on 1 September 2024. The pilot will be continued at the Ipswich Magistrates Court and the Southport Magistrates Court and will be expanded to also

include the Coolangatta Magistrates Court, Southport Magistrates Court and Coolangatta Magistrates Court are the two Magistrates Courts within the Gold Coast Magistrates Court District.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by prescribing Coolangatta within the Gold Coast Magistrates Court District as place at which VREC may be used in DFV related criminal proceedings.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation supports the extension of the VREC pilot to enable further consideration of the use and effectiveness of VREC.

Any administrative and operational costs for government associated with the expansion of the VREC pilot to the Coolangatta Magistrates Court will be funded from within existing resources.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

No consultation was undertaken on the Amendment Regulation as it is of a machinery nature.