

Evidence and Other Legislation Amendment Bill 2021

Statement of Compatibility

FOR

**Amendments to be moved during consideration in detail by
The Honourable Shannon Fentiman MP
Attorney-General and Minister for Justice, Minister for
Women and Minister for the Prevention of Domestic and
Family Violence**

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence make this statement of compatibility with respect to the amendments to be moved during consideration in detail of the Evidence and Other Legislation Amendment Bill 2021 (the Bill) (the ACID).

In my opinion, the ACID are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

The objectives of the amendments to the Bill to be moved during consideration in detail are to:

- address concerns raised by submitters during the Legal Affairs and Community Safety Committee (the Committee) consideration of the Bill with regards to:
 - clarifying who bears the onus of proof and the standard of proof that must be satisfied when court is deciding whether a sealed or stored document or thing sought under a search warrant, may be dealt with in a way authorised under the warrant despite an established objection relating to journalist privilege;
 - clarifying the application of the definition of ‘domestic violence offence’ for the purposes of the video recorded evidence pilot provisions;
 - further specifying the nature of the training that a police officer must complete in order to meet the requirements for making recorded statements; and
- clarify a provision; and
- correct a minor technical error.

Human rights issues

Compatibility with human rights protected by the HR Act has been considered during the policy and legislative process.

In my opinion, the amendments do not engage human rights and no further analysis of these amendments under the HR Act 2019 is required.

Conclusion

In my opinion, the amendments to be moved during in consideration in detail are compatible with human rights under the HR Act because they do not limit human rights.

SHANNON FENTIMAN MP
Attorney-General and Minister for Justice
Minister for Women
Minister for the Prevention of Domestic and Family Violence

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