



Speech by

**Hon. M. FOLEY**

**MEMBER FOR YERONGA**

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Hansard 25 November 1999

**AUDIO VISUAL AND AUDIO LINKS AMENDMENT BILL**

**Hon. M. J. FOLEY** (Yeronga—ALP) (Attorney-General and Minister for Justice and Minister for The Arts) (4.05 p.m.), in reply: I thank honourable members for their contributions to the debate and for their support of this important piece of law reform. This legislation will give the courts more flexibility to take evidence via audio and video link-up, which will particularly benefit witnesses in remote locations and child witnesses. This legislation has come about as a result of several years of discussion with other States and Territories to agree on uniform laws for the taking of evidence by telephone or video link within Australia.

The new legislation also allows the courts to arraign and sentence people via audiovisual or audio link-ups provided that all parties consent. The importance of giving this flexibility to the courts has been stressed by a number of speakers. I thank them for their contributions. For example, if an expert witness is in a location far from the court in which he or she needs to give evidence, that witness can do so by mobile phone or some other electronic means without wasting time and money by making a long trip to attend the hearing physically.

A number of honourable members have drawn attention to the issue of safeguards. A range of safeguards has been included in the legislation to ensure that judges and magistrates retain the power to order witnesses to appear at a hearing in person. In line with the recommendations of the Standing Committee of Attorneys-General in regard to model legislation, the new laws cover issues such as the administration of oaths and affirmations via electric links or at the external location and the discretion to order supervision at the remote location to prevent corrupted or tainted evidence being given, for example, through behind-the-scenes coaching of a witness.

I will now deal with some of the issues raised by honourable members in the course of the debate. The member for Warwick asked about the operation of the Courts Video Link Amendment Act 1996. That video link has operated almost daily in the Magistrates Court at Herschel Street since June of 1996. In 1998-99, about 450 detainees were heard in bail and remand applications and about 180 pleas were heard. In addition, 12 overseas witnesses gave evidence in committals. A survey of judges, magistrates and court users in 1998 established that it was well accepted.

The honourable member for Indooroopilly asked some questions in relation to video links between the courts and the prisons. There are currently video sites in Arthur Gorrie, Sir David Longland and Woodford. The courts linked to Arthur Gorrie include the Supreme and District Courts in Brisbane and the Magistrates Court at Herschel Street. Woodford is linked to the Caboolture court. Sir David Longland can be linked as required to either court in Brisbane.

The honourable member for Gladstone raised a concern about the provision in the Bill dealing with the Juvenile Justice Act which builds in the safeguard of the prosecutor and the child to agree and raised the question: why not the child's guardian? The amendment to the Criminal Code in Part 3 refers to the prosecutor and the accused person. In this respect, the child is the accused person. It should be noted that the court would oversee the process to ensure that justice is done and could refer the matter to the child's counsel, parents or guardian.

I thank honourable members for their support for this important piece of law reform. I commend the Bill to the House.