



Speech by

Hon. R. WELFORD

MEMBER FOR EVERTON

Hansard 5 April 2001

MINISTERIAL STATEMENT

Evidence of Child Witnesses

Hon. R. J. WELFORD (Evertton—ALP) (Attorney-General and Minister for Justice) (9.54 a.m.), by leave: This morning, I tabled the Queensland Law Reform Commission's report No. 55, part 2, *The receipt of evidence by Queensland courts: the evidence of children*. The first part of this report was released last year. This report was prepared over the past three years with input from specialist groups and the general community.

The Law Reform Commission's consolidated report, quite rightly, places a strong emphasis on the proper protection of children who have to appear in court as witnesses. It contains 87 recommendations for change. As part of its reference, the commission was asked to review the capacity of the judicial system, both in its criminal and civil aspects, to properly receive the evidence of children. Our government is strongly committed to law reform in these areas and has already implemented many of the recommendations contained in part 1 of the report through the Criminal Law Amendment Act 2000. This included powers to restrict inappropriate cross-examination and to prevent an unrepresented accused from cross-examining a child witness in person.

In its consolidated report, the commission notes that its recommendations have three objectives: to preserve, to the greatest extent possible, the integrity of the evidence of a child witness; to limit, to the greatest extent possible, the distress or trauma experienced by a child witness as a result of giving evidence; and to ensure, in a criminal matter, that an accused person against whom evidence is given by a child complainant or other child witness receives a fair trial. These objectives provide a sound foundation to ensure that any law reform we undertake is in the overall interests of the child giving evidence and in the interests of justice.

Minimising the distress of child witnesses giving evidence is not simply favouring the rights of a child complainant or witness over an accused. It is fundamental to the effective administration of our system of justice. A distressed child cannot effectively or reliably testify. As a community, we want to ensure that our most vulnerable members, our children, are not disadvantaged, exploited or denied legitimate participation in the justice system because of their youth or inexperience. This Law Reform Commission report recognises that our laws must reflect the difficult circumstances in which children could be placed when required to give evidence before the courts. This particularly applies to children who have been the victims of violence or sexual offences and have to give evidence against their accused. Our courts should provide justice for the whole community, including our children, whose vulnerability can make the courtroom experience intimidating, at the least, or even traumatising.

The commission has provided a comprehensive review of the issues affecting children in court. I welcome the report's recommendations and thank the commissioners and the commission secretariat for their fine work and dedication. I will now ensure that my department begins careful consideration of the commission's general scheme for reforming the way children give evidence in Queensland. Copies of the report will be circulated to the offices of all members.
