



Speech by

**GEOFF WILSON**

**MEMBER FOR FERNY GROVE**

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Hansard 10 September 2003

**EVIDENCE [PROTECTION OF CHILDREN] AMENDMENT BILL**

**Mr WILSON** (Ferry Grove—ALP) (3.48 p.m.): It is my pleasure to stand to speak in support of the Evidence (Protection of Children) Amendment Bill. The criminal justice system is a vehicle by which the community sets the standards of what is lawful conduct. It also provides agencies for the detection, prosecution, punishment and rehabilitation of those who engage in unlawful conduct. The key social outcome of the criminal justice system is protecting the safety and wellbeing of the community as well as dispensing justice on behalf of the broader community according to the community's standards that they set. Of course, the police and the courts are key elements of the criminal justice system. So, too, are organisations like the Crime and Misconduct Commission along with other agencies such as the Office of the Director of Public Prosecutions.

In recent years the community has, fortunately, become aware in an unprecedented way of the tragic extent of sexual and violent offences against children. Children are some of the most vulnerable members of our community for whom we have a special obligation of care. At the same time it has also become clear that the criminal justice system, at the one time charged with the responsibility of protecting children, to an alarming extent actually discourages children from reporting crimes committed against them and assisting in the prosecution of offenders. It is this problem which primarily the bill seeks to fix.

With one in four people in my electorate below the age of 16 I am sure honourable members can appreciate how important this legislation is to my constituents. The details of the bill's reforms are well set out in the Attorney-General's second reading speech, and I want to take this opportunity to commend the Attorney-General for this legislation, which carries with it the excellent Labor reform characteristics that much of the other legislation that this Attorney-General has brought into this House also carries.

In summary, through this bill children under the age of 16 who are witnesses in proceedings related to sexual or violent offences will now have the benefit of special measures to be instituted within the criminal justice system. These measures include a presumption in favour of prerecording of evidence from child witnesses; the mandatory use of closed-circuit television where available; an entitlement to a support person in the court while the child gives evidence; a provision excluding all but certain specified persons, such as the parties, their representatives, court staff and a support person for the witness, from the court while a child gives evidence; and certain restrictions on the cross-examination that may be permitted of child witnesses in committal proceedings.

These are the key measures that have been introduced to try to restore the appropriate balance between the obligation of the criminal justice system to protect all members of the community, particularly children, and the obligation to ensure that fairness continues to be afforded to the position of every defendant in criminal proceedings and to balance that further with the need to ensure the maximum opportunity for child witnesses to disclose to the appropriate authorities and then to give evidence to the court of unlawful illegal activity, particularly sexual offences and violent offences, against children. Other members have spoken in great detail about different aspects of the bill that they see as important. I will not go through any further detail that is set out in the bill. I think it is clear from the sentiments expressed by many speakers so far in this debate that there is a host of very good reasons why this legislation is excellent legislation. It is absolutely timely and I commend the Attorney-General again for its introduction to the House. I commend the bill to the House.