

Not relevant



820      AGO0173/03CSTEMP1      Evidence (Use of Audio and Audio-Visual Links)  
Amendment Act 2006 Proclamation  
**APPROVED**

Not relevant



To THE HON. THE PREMIER FOR CABINET (SUB-COMMITTEE) AND EXECUTIVE COUNCIL

About EVIDENCE (USE OF AUDIO AND AUDIO-VISUAL LINKS) AMENDMENT ACT 2006 PROCLAMATION AND REGULATIONS UNDER THE EVIDENCE ACT 1929

## 1. PROPOSAL

- 1.1 That Cabinet Sub-committee recommend that Her Excellency the Governor in Executive Council, issue a Proclamation declaring 1 April, 2007, as the date of operation of the *Evidence (Use of Audio and Audio-Visual Links) Amendment Act 2006*.

## 2. BACKGROUND

- 2.1 The *Evidence (Use of Audio and Audio-Visual Links) Amendment Act 2006* (the Act), which provides for remand hearings to be conducted ordinarily by audio-visual link between the court and the place where the defendant is in custody, and permits the use of audio and audio-visual links in other hearings, received Royal Assent on 30 November, 2006.
- 2.2 The Act gives the courts power to use audio and audio-visual links as a means of taking evidence in the discretion of the court. The chief purpose of the Act is to permit remand hearings in the Magistrates Court to be conducted without bringing the defendant from the Remand Centre or other place of custody to the courtroom. This is because remand hearings are usually brief, formal proceedings in which no evidence is taken and the time and expense of bringing the defendant to court are not justified where an audio-visual link can be arranged.
- 2.3 This will not require the court to conduct the trial itself by audio-visual link but only the pre-trial hearings. Even then, any objection by any party must be taken into account.

## 3. DISCUSSION

- 3.1 The new law will not be effective for remand hearings unless a regulation is made extending its application to the Magistrates Court under section 59IQ(4). I propose to seek approval separately for the drafting of a regulation to this effect.
- 3.2 I have consulted the Chief Magistrate and the Minister for Correctional Services and there is no objection to a commencement date of 1 April, 2007, or to the application of the Act to remand hearings in the Magistrates Court.

**4. RECOMMENDATION**

4.1 That Cabinet Sub-committee recommend that Her Excellency the Governor in Executive Council issue a Proclamation declaring 1 April, 2007, as the date of operation of the *Evidence (Use of Audio and Audio-Visual Links) Amendment Act 2006*.

I declare that I have no actual or potential conflict of interest about the proposals contained in this submission.

HON. MICHAEL ATKINSON M.P.



ATTORNEY-GENERAL

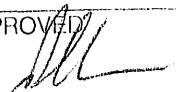
PORTFOLIO:

DATE:

07/03/2007

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**Cabinet In  
Sub-Committee**  
13 MAR 2007  
APPROVED  For PREMIER

