

8 October 2019

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Ms Julia Knight
Committee Secretary
Social Policy Scrutiny Committee
Legislative Assembly of the Northern Territory
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Dear Ms Knight

ABN 62 208 314 893

EVIDENCE and OTHER LEGISLATION AMENDMENT BILL 2019

The Law Society Northern Territory (**Society**) appreciates the opportunity to provide a submission about the *Evidence and Other Legislation Amendment Bill 2019* (**Bill**).

The Society supports the Bill and welcomes the expanded use of video conferencing in court together with the enhanced protection for vulnerable witnesses in sexual and domestic violence proceedings.

The Bill will apply to criminal proceedings involving vulnerable witnesses in domestic violence offence proceedings and complainants in serious indictable sexual offences, as well as to unrepresented defendants in civil proceedings under the *Domestic and Family Violence Act 2007*.

The Bill will correct an anomaly in the current law, which provides protection to some vulnerable witnesses but not others. The Bill will also restrict the rights of defendants to personally cross-examine certain categories of witnesses.

Further the Bill addresses issues that arise when a person who is not legally represented seeks to cross examine a vulnerable witness.

Allowing the Court to appoint a legal practitioner to cross-examine the vulnerable witness on behalf of an unrepresented person will ensure that cross-examination is limited to relevant matters for the purpose of the proceedings. It will allow various legal issues that may arise during the cross-examination of a vulnerable witness to be addressed, especially those that require the exercise of forensic care and skill and the capacity to formulate legal submissions in support of, for example, an application to admit or exclude particular evidence.

It will be important for the government to ensure that adequate additional funding is provided to the Northern Territory Legal Aid Commission and NAAJA to enable them to meet the additional call on resources for the funding of the appointed legal practitioner as a consequence of the passage of this Bill.

The Society supports the provisions allowing for the closure of the court and the removal of certain persons when a vulnerable person is giving evidence.

If you have any questions in relation to this submission, please don't hesitate to contact me.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Kellie Grainger".

KELLIE GRAINGER
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