

Media Release

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NEW LAWS TO HELP PROTECT VICTIMS FROM FURTHER TRAUMA

Victims and witnesses in family violence, sexual offence and stalking cases will be better protected under new laws that ban traumatic cross-examinations during committal hearings.

New laws introduced to Parliament today by the Allan Labor Government will guarantee that victims of particularly traumatic cases will only give evidence at trial. This will reduce the number of cross-examinations they face – one of the most challenging parts of the criminal trial process.

By strengthening the test for cross-examination, the *Justice Legislation Amendment (Committals) Bill 2024* will also significantly reduce the amount of pre-trial evidence given by all victims and witnesses, ensuring only questioning that is essential to resolve matters earlier is permitted.

This will help to minimise stress and trauma and balances the interests of the witnesses, the prosecution and the public with the rights of the accused.

The new laws will also prevent child victims, witnesses and those with cognitive impairments from having to testify multiple times in family violence cases by allowing them to give prerecorded video evidence, as is already done in sexual offence proceedings.

These reforms will save participants time and stress from dealing with lengthy committal hearings by replacing the test for committal with improved case management processes, where magistrates will focus on identifying issues and the best ways to resolve them at an earlier stage.

They will also allow homicide matters to be heard in the Supreme Court quicker and more efficiently, building on a successful pilot scheme of bypassing committal hearings and fast-tracking these matters.

The legislation will reduce the need to physically transport adults in custody to court by making audiovisual link appearances the default position for adults accused in committal proceedings.

These reforms will acquit a number of recommendations made by the Victorian Law Reform Commission (VLRC) in its 2020 Committals report.

The Government will monitor the effectiveness of these proposed new protections and consider further reforms to minimise unnecessary trauma to complainants and witnesses if needed.

Quotes attributable to Attorney-General Jaclyn Symes

“Survivors of sexual offences, stalking and family violence deserve justice, not further trauma. These reforms will ease the burden of repeated testimony, helping them move through court proceedings and get on with their lives.”

“Committal proceedings have evolved over time and need updating – that’s why we’re modernising them by streamlining processes and removing the committal test.”