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CABINET DECISION

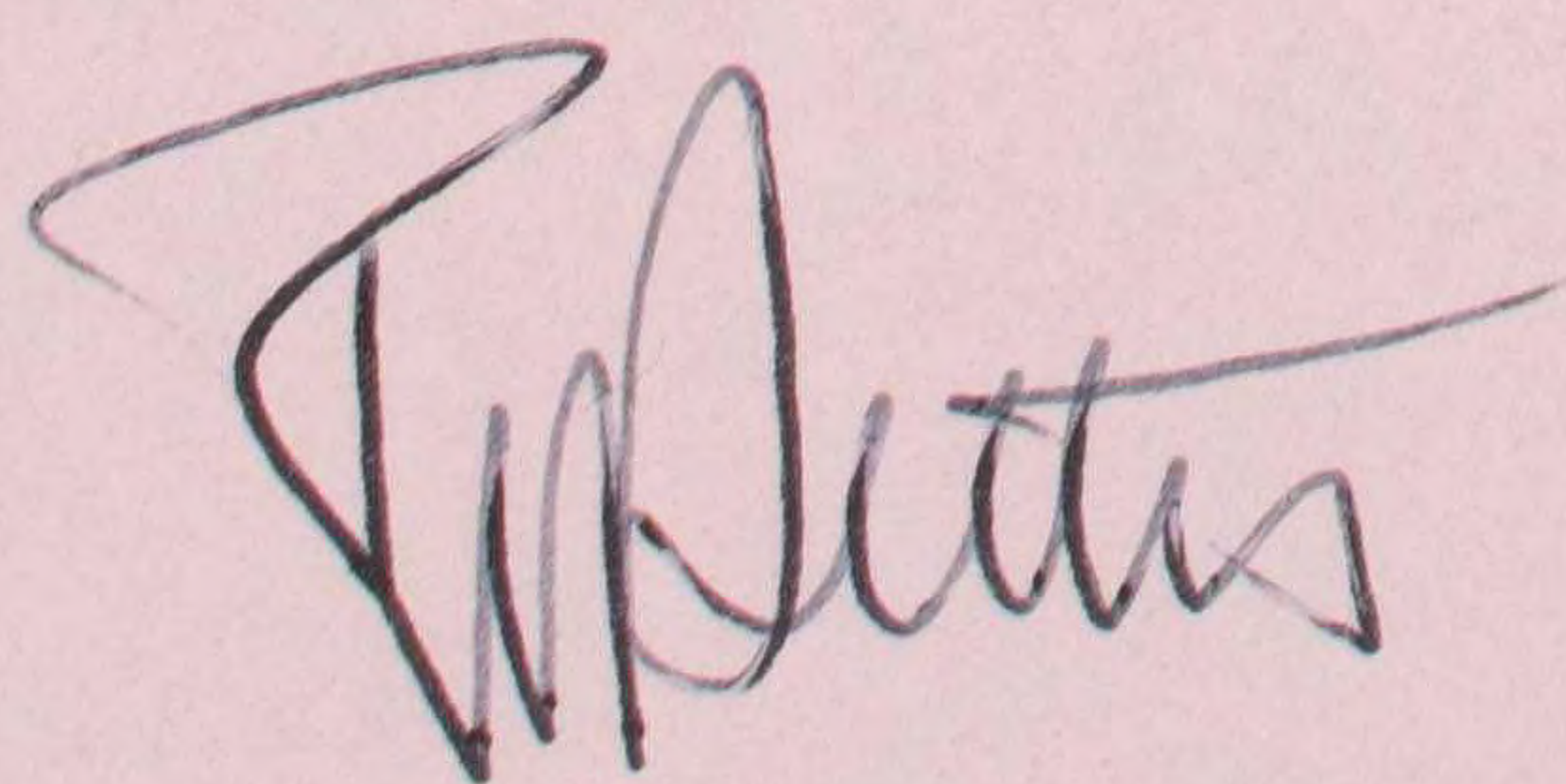
No. 8309

Submission No: 6977

Title: **EVIDENCE AMENDMENT ACT 1994 - GIVING OF
EVIDENCE BY ALTERNATE MEANS**

Cabinet -

- (a) approved leasing arrangements and funding for the installation of closed circuit television facilities for court buildings in Darwin, Alice Springs and Katherine;
- (b) sought further information regarding the incidence of court cases which would require this equipment in the other centres; and
- (c) directed the Attorney-General to report back to Cabinet on the option of using portable equipment, which can be transferred from place to place as necessary, for those centres.



R.A.SETTER
Secretary to Cabinet

7 July 1994

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THE NORTHERN TERRITORY OF AUSTRALIA

Copy No.: 1

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FOR CABINET

SUBMISSION No.: 6977

Title:	Evidence Amendment Act 1994 Giving of Evidence by Alternate Means
Minister:	Attorney-General
Purpose:	To seek an increase of \$84,000 in the base funding of the Office of Courts Administration so that closed circuit television facilities can be leased in all Northern Territory court buildings to allow for witnesses to give evidence via closed circuit television.
Relation to existing policy:	-
Timing/ legislative priority:	No priority
Announcement of decision, tabling, etc.:	At time of Cabinet decision.
Action required before announcement:	Nil
Staffing implications, numbers and costs, etc.:	Nil
Total cost:	\$84,000 per annum

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DEPARTMENT OF THE CHIEF MINISTER

COMMENT ON CABINET SUBMISSION:

**TITLE: EVIDENCE AMENDMENT ACT 1994 - GIVING OF
EVIDENCE BY ALTERNATE MEANS**

COMMENTS:

The following Agencies support the submission -

Department of the Chief Minister
NT Police, Fire and Emergency Services
Department of Law

Margaret P. Lyons

SIGNED:

DESIGNATION: SECRETARY

DATE:

30 JUN 1994

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Department/Authority OFFICE OF COURTS ADMINISTRATION

COMMENT ON CABINET SUBMISSION No.

TITLE: **EVIDENCE AMENDMENT ACT 1994**
GIVING OF EVIDENCE BY ALTERNATE MEANS

COMMENTS:

The following agencies support the submission:

- ✓ Department of the Chief Minister
- Northern Territory Treasury
- ✓ Northern Territory Police, Fire and Emergency Services
- ✓ Department of Correctional Services
- ✓ Department of Law

SIGNED:


JOHN FLYNN

DESIGNATION:

A/Chief Executive Officer
Office of Courts Administration

DATE:

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Department/Authority: DEPARTMENT OF THE CHIEF MINISTER

COMMENT ON CABINET SUBMISSION No.

TITLE: GIVING OF EVIDENCE BY CLOSED CIRCUIT TELEVISION

COMMENTS:

The submission is supported.

Margaret P. Ryan

PC

SIGNED: PETER CONRAN

DESIGNATION: SECRETARY

DATE: 10 MAY 1994

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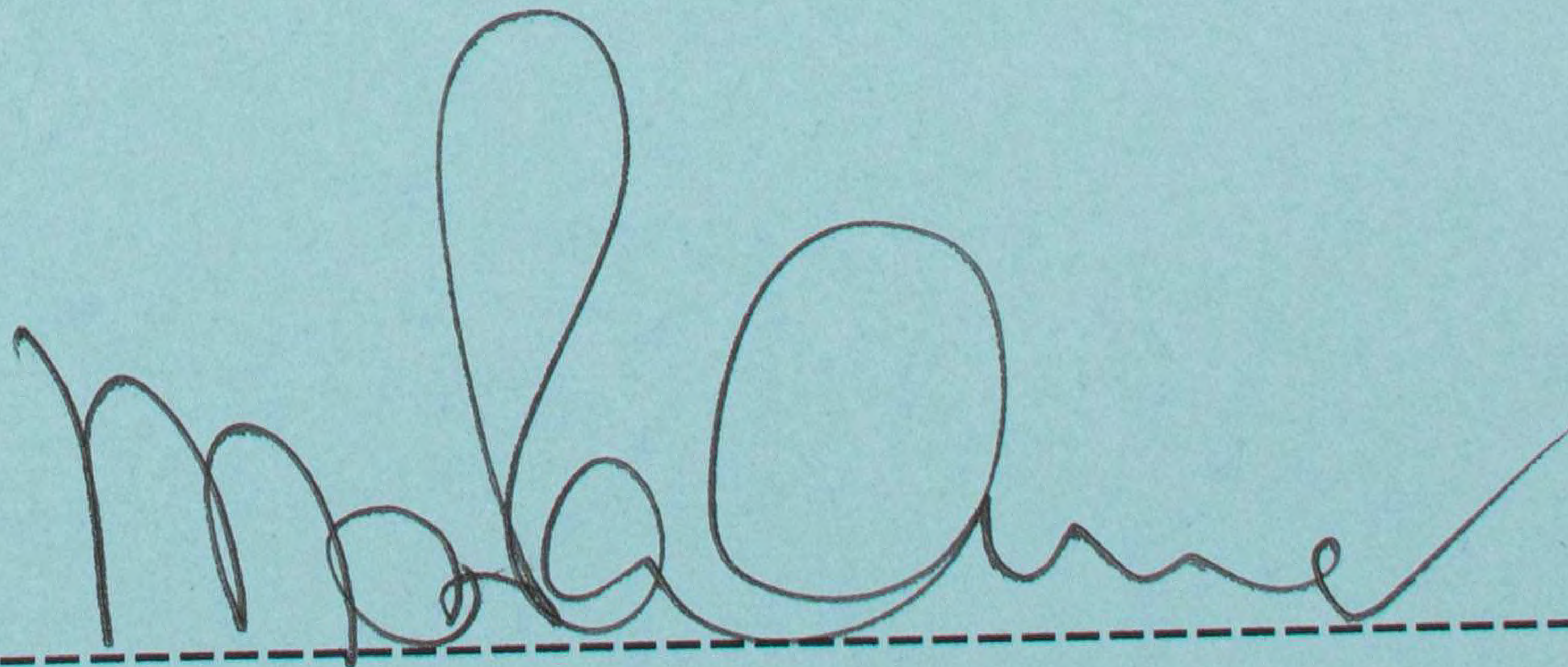
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Department/Authority NORTHERN TERRITORY POLICE, FIRE AND EMERGENCY SERVICES

COMMENT ON CABINET SUBMISSION No.

TITLE: Evidence Amendment Act 1994 - Giving of Evidence by Alternate.....
 Means.....

The Submission is supported.



SIGNED:

(M J PALMER)

DESIGNATION: COMMISSIONER OF POLICE

DATE: 6 May 1994

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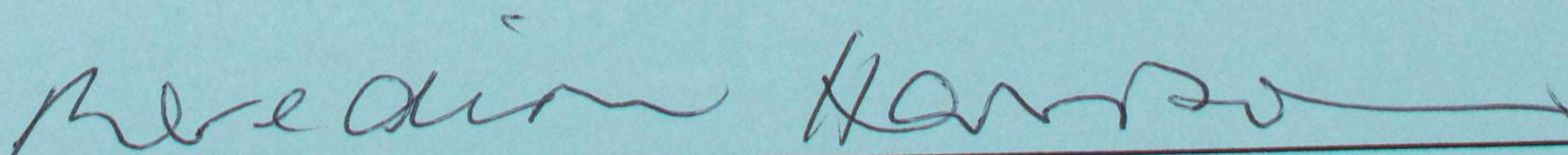
Agency: LAW

COMMENT ON CABINET SUBMISSION NO.

TITLE: EVIDENCE AMENDMENT ACT 1994
GIVING OF EVIDENCE BY ALTERNATE MEANS

COMMENTS:

There appear to be no constitutional or legal barriers to the proposal. The Submission is supported.



SIGNED: Meredith Harrison
DESIGNATION: Secretary, Department of Law
DATE: 4 May 1994

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Department/Authority: NORTHERN TERRITORY TREASURY

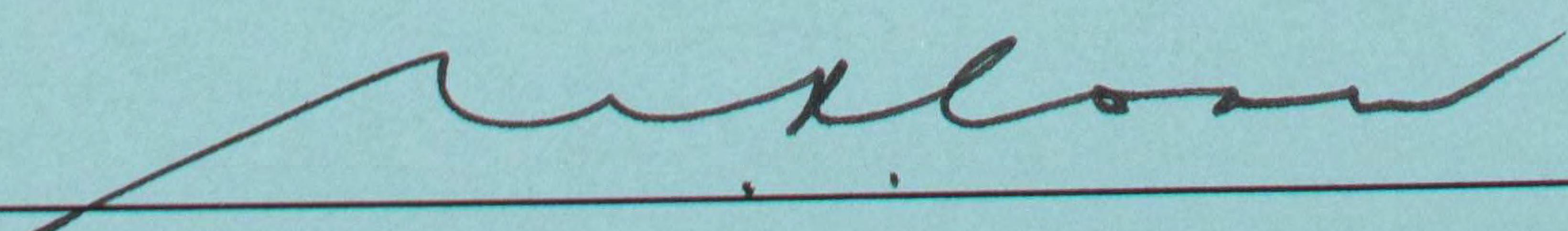
COMMENT ON CABINET SUBMISSION NO.

TITLE : EVIDENCE AMENDMENT ACT 1994
GIVING OF EVIDENCE BY ALTERNATE MEANS

COMMENTS:

Closed circuit television in all courts is a top of the range solution. Paragraph 11 sets out other less costly options which may be appropriate, at least for courts outside of Darwin and Alice Springs.

There is only \$2,000 per annum difference in cost between the lease and purchase options over the 4 year life of the lease, assuming the outright purchase is funded from borrowings. Under either option, NCOM will be acting as agent and passing any costs/savings onto the Office of Courts Administration.



SIGNED: N R CONN

DESIGNATION: UNDER TREASURER

DATE: 16 MAY 1994

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Department/Authority DEPARTMENT OF CORRECTIONAL SERVICES

COMMENT ON CABINET SUBMISSION No.

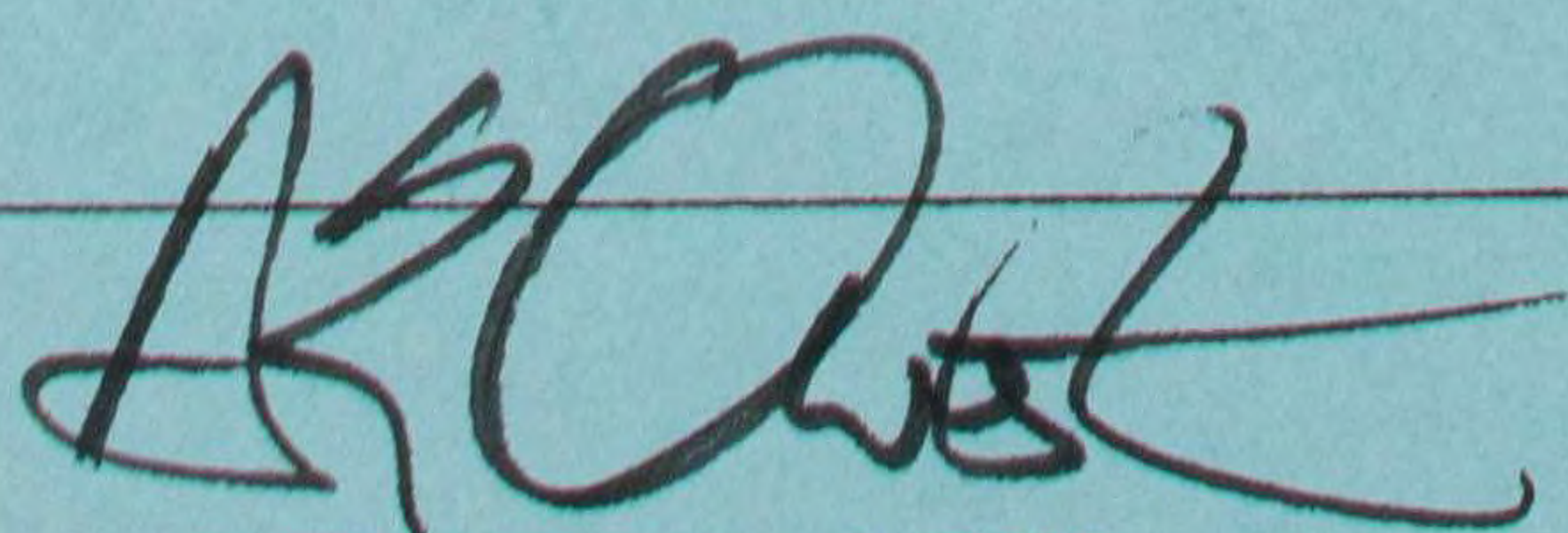
TITLE: ...EVIDENCE AMENDMENT ACT 1994 - GIVING OF EVIDENCE BY...
...ALTERNATE MEANS.....

COMMENTS:

The Department supports the submission, and notes that it will be compatible with a possible future video conferencing network which would include the Northern Territory Prisons.

The network will achieve cost savings for Court hearings, particularly those for remand and mention matters.

SIGNED:



DESIGNATION: SECRETARY

DATE: 6 MAY 1994

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RECOMMENDATION

1. That Cabinet approve an increase of \$84,000 in the base funding of the Office of Courts Administration to allow for the leasing from NCOM of closed circuit television facilities for court buildings.

BACKGROUND

2. A recommendation of the Government working party on sexual assault was that "vulnerable" witnesses be able to give evidence by alternate means. A "vulnerable" witness means:
 - (a) a witness who has not attained the age of 16 years;
 - (b) a witness who suffers from an intellectual disability;
 - (c) a witness who is the alleged victim of a sexual offence to which the proceedings relate; or
 - (d) a witness who is, in the opinion of the court, under a special disability because of the circumstances of the case, or the circumstances of the witness.

CONSIDERATION OF THE ISSUES

3. To enable a vulnerable witness to give evidence by alternate means, closed circuit television facilities will have to be installed in all courts.

OPTIONS

4. Cabinet might decide to:
 - (a) approve the increase of base funding of the Office of Courts Administration by \$84,000 to allow the immediate leasing of the equipment;
 - (b) approve the allocation of the total amount to allow for the equipment to be purchased and installed immediately;
 - (c) approve a lesser increase in base funding to allow leasing of systems in Darwin and Alice Springs only; or
 - (d) defer the scheme.

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Option (a) is the favoured option. The scheme can be introduced as soon as the equipment is installed. Vulnerable witnesses will be relieved of the threat of intimidation of being in the same room as the accused.

Option (b) is not favoured as outright purchase would mean that the Office of Courts Administration would have to seek support for the installation and continued maintenance of the equipment, whereas NCOM has the expertise.

Option (c) is not favoured as not all vulnerable witnesses would be seen to receive the same treatment. If funds were provided to fit out some courts and not others, victims and those associated with courts and possibly the public may feel that they were being discriminated against because they were living in remoter locations.

Option (d) is the least favoured option as legislation is now in place to address this issue.

PUBLIC IMPACT OF THE RECOMMENDATIONS

5. The public should react favourably to the vulnerable witness scheme.

FINANCIAL CONSIDERATIONS

6. The Northern Territory Treasury, NCOM Services, has advised that capital costs for closed circuit television facilities for courtroom fit out at the Darwin Magistrates Courts building will be approximately \$65,000. The proposed equipment will provide high quality video/audio between the court and witness room. The proposed equipment will be compatible with conferencing facilities if such a facility is installed at a later date. Substantial savings relating to witness costs can be achieved with video conferencing as at present expert witnesses are flown from interstate to give evidence. It is expected that in about 12 months time the installation of video conferencing facilities will be less expensive because of improved technology.

Courts located in other regional and remote locations can be fitted out with a less sophisticated closed circuit television system for approximately \$40,000 per site.

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The capital costs will be:

(a)	Darwin Magistrates Courts building	\$ 65,000
(b)	Alice Springs Court House	\$ 40,000
(c)	Tennant Creek Court House	\$ 40,000
(d)	Katherine Court House	\$ 40,000
(e)	Nhulunbuy Court House	\$ 40,000
(f)	Alyangula Court House	\$ 40,000
	Total	\$265,000

NCOM have offered to install and maintain the equipment at a monthly charge of \$7,000, being an annual charge of \$84,000.

REGULATORY IMPACT

7. The Evidence Amendment Bill is the authority that enables evidence to be given by alternate means.

EMPLOYMENT AND INDUSTRIAL RELATIONS

8. Nil impact. Court officers will be trained in the operation of the equipment.

COMMONWEALTH, STATE AND LOCAL GOVERNMENT RELATIONS

9. Nil impact.

CO-ORDINATION AND CONSULTATION

10. Copies of this submission have been circulated to the Department of the Chief Minister, Northern Territory Treasury, Commissioner for Police, Department of Correctional Services and the Department of Law for comment. The submission is supported by these agencies except that Treasury has commented that there are less costly options outside Darwin and Alice Springs (see paragraph 11(b) below). If closed circuit equipment is not supplied in other centres, the more costly result would be that whole committal proceedings would be transferred to Darwin or Alice Springs.

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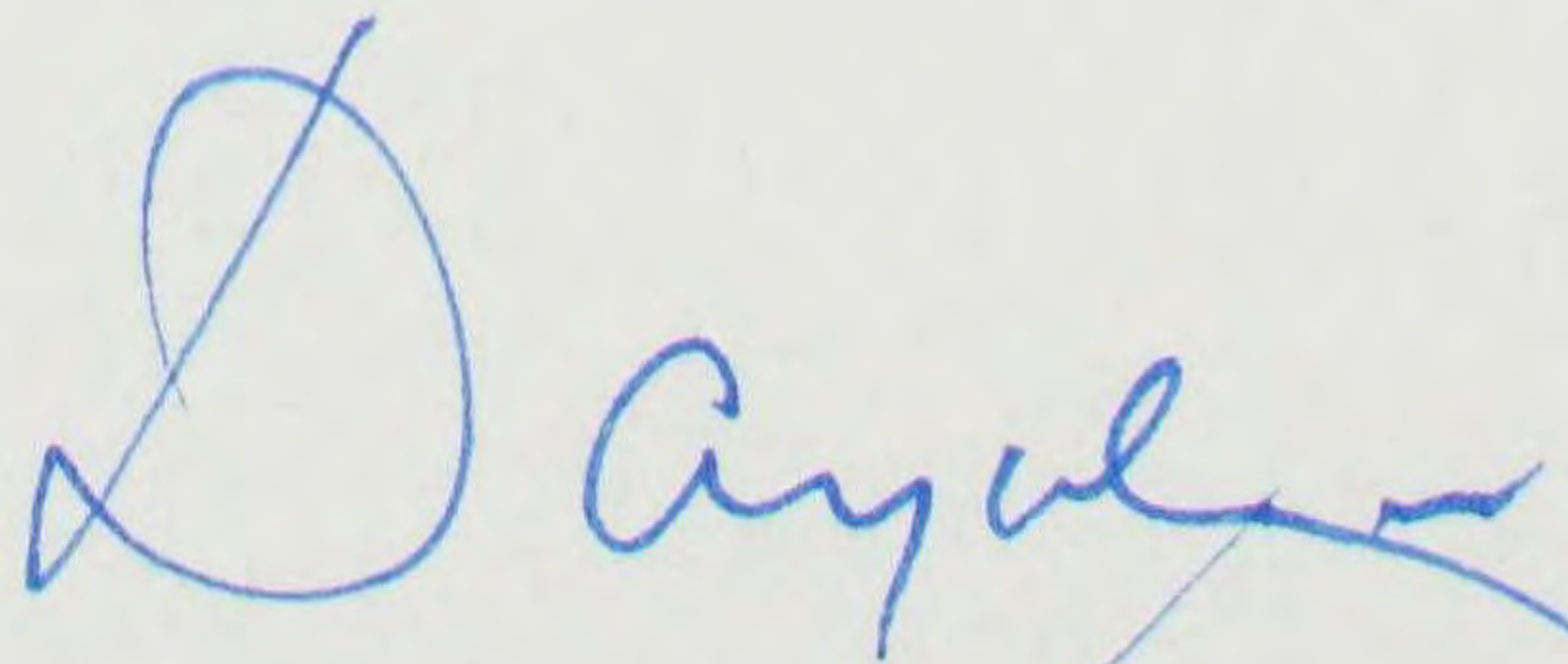
LEGISLATION

11. The Evidence Act has been amended to allow the court to make an order for a vulnerable witness to give evidence in one of the following ways:
- (a) that the vulnerable witness give evidence at a place outside the courtroom and transmitted to the courtroom by means of closed circuit television;
 - (b) that a screen, partition or one-way glass be placed to obscure the witness' view of a party to whom the evidence relates but not so as to obstruct the view of the witness by the magistrate or the judge or jury;
 - (c) that the vulnerable witness be accompanied by a relative or friend for the purpose of providing emotional support; and
 - (d) that the court be closed while evidence is being given by the vulnerable witness in the proceeding (including evidence given under cross-examination) and that no persons remain in or enter a room or place in which the court is being held, or remain within the hearing of the court, without its permission.

TIMING

12. If funds are immediately made available, it is anticipated that the equipment can be installed in time for the legislation to be promulgated by 1 August 1994.

DATE:



DARYL W. MANZIE