2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Marisa Paterson)

Evidence (Miscellaneous Provisions) Amendment Bill 2024

A Bill for

An Act to amend the [Evidence (Miscellaneous Provisions) Act 1991](http://www.legislation.act.gov.au/a/1991-34%22%20%5Co%20%22A1991-34)

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Evidence (Miscellaneous Provisions) Amendment Act 2024*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Evidence (Miscellaneous Provisions) Act 1991](http://www.legislation.act.gov.au/a/1991-34).

4 Meaning of sexual offence proceeding—ch 4
Section 41, definition of sexual offence proceeding, new paragraphs (d) and (e)

insert

 (d) a proceeding for an offence against any of the following provisions of the [Work Health and Safety Act 2011](http://www.legislation.act.gov.au/a/2011-35) if the offence involves a suspected or alleged sexual assault or any other act of a sexually offensive, intimidating or humiliating nature:

 (i) section 31 (Negligence or reckless conduct—category 1);

 (ii) section 32 (Failure to comply with health and safety duty—category 2);

 (iii) section 33 (Failure to comply with health and safety duty—category 3); or

 (e) a proceeding in relation to a dispute about liability for an infringement notice issued under the [Magistrates Court (Work Health and Safety Infringement Notices) Regulation 2011](http://www.legislation.act.gov.au/sl/2011-38) for an offence against the [Work Health and Safety Act 2011](http://www.legislation.act.gov.au/a/2011-35), section 38 (1) that involves a sexual assault incident.

5 New section 41 (2)

insert

 (2) In this section:

sexual assault incident—see the [Work Health and Safety Act 2011](http://www.legislation.act.gov.au/a/2011-35), section 37A.

6 Definitions—pt 4.2
Section 42, definition of complainant

substitute

complainant, in relation to a proceeding for an offence—

 (a) means a person—

 (i) against whom the offence is alleged, or has been found, to have been committed; and

 (ii) for a family violence offence proceeding—who is also a family member of the accused person; and

 (b) for a sexual offence proceeding—includes a person against whom a sexual assault or an act of a sexually offensive, intimidating or humiliating nature is suspected or alleged, or has been found, to have been committed.

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 28 August 2024.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2024.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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