

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*

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

1 **1 Name of Act**

2 This Act is the *Evidence (Miscellaneous Provisions) Amendment Act*
3 *2024*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the *Evidence (Miscellaneous Provisions) Act 1991*.

10 **4 Meaning of *sexual offence proceeding*—ch 4**
11 **Section 41, definition of *sexual offence proceeding*,**
12 **new paragraphs (d) and (e)**

13 *insert*

14 (d) a proceeding for an offence against any of the following
15 provisions of the *Work Health and Safety Act 2011* if the offence
16 involves a suspected or alleged sexual assault or any other act of
17 a sexually offensive, intimidating or humiliating nature:

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

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

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

23 (e) a proceeding in relation to a dispute about liability for an
24 infringement notice issued under the *Magistrates Court (Work*
25 *Health and Safety Infringement Notices) Regulation 2011* for an
26 offence against the *Work Health and Safety Act 2011*,
27 section 38 (1) that involves a sexual assault incident.

1 **5 New section 41 (2)**

2 *insert*

3 (2) In this section:

4 *sexual assault incident*—see the *Work Health and Safety Act 2011*,
5 section 37A.

6 **6 Definitions—pt 4.2**
7 **Section 42, definition of *complainant***

8 *substitute*

9 *complainant*, in relation to a proceeding for an offence—

10 (a) means a person—

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

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

15 (b) for a sexual offence proceeding—includes a person against
16 whom a sexual assault or an act of a sexually offensive,
17 intimidating or humiliating nature is suspected or alleged, or has
18 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](#) on 2024.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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