

13 August 2015

Hon Jacqui Dean, MP  
Chairperson  
Justice and Electoral Committee  
Private Bag 18041  
**WELLINGTON 6160**

Dear Justice and Electoral Committee

### **Evidence Amendment Bill**

I am pleased to provide a submission on the Evidence Amendment Bill. The Bill contains a number of provisions affecting the privacy of individuals involved in court proceedings, and reflects the detailed work undertaken by the Law Commission. In particular, the Bill creates a new procedure for video record evidence for vulnerable witnesses.

In general, the Bill appropriately balances the needs of defendants in the court process with protection for witnesses' privacy. Notable measures included in the Bill to protect privacy of individuals include, for example: clauses 15 and 16, which provide for judicial consideration of the relevance to proceedings before evidence relating to a complaint's past sexual history may be used in court; and clause 32, which provides for flexibility in the manner in which children may provide evidence.

For understandable reasons relating to the scope of the Bill, issues related to other forms of sensitive evidence are not addressed. I recommend that the Committee take the opportunity presented by this Bill to consider:

- extending the protections afforded video-evidence under this Bill to sensitive photographic material and still images. Clause 30 provides protection for video-evidence that will be used in proceedings, but the proposed protections do not extend to photographic material. However, inappropriate use of such images has the potential to be as damaging as video recordings, and should be subject to similar protections; and
- provide explicitly that the prohibitions in clause 33 on copying, supplying, or showing evidential material other than as permitted, and the associated offence provisions, include reproduction or dissemination of material online.

I am pleased to voice my support for this Bill and I would be pleased to appear to speak to this submission if that would assist the Committee.

Yours sincerely

  
John Edwards

**Privacy Commissioner**