

## JUDICIAL PROCEEDINGS REPORTS AMENDMENT BILL 2021

### (Amendments made by the Legislative Council)

1. Clause 2, line 9, omit "sections 4 and 6" and insert "section 4(1)".
2. Clause 2, page 2, line 2, omit "4" and insert "4(1)".
3. Clause 2, page 2, lines 4 and 5, omit all words and expressions on these lines.
4. Clause 4, line 4, omit "After" and insert "(1) After".
5. Clause 4, after line 14 insert—
  - '(2) For section 4(1BF)(a) and (b) of the Principal Act **substitute**—
    - "(a) in the case of a living victim—
      - (i) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and
      - (ii) that it is in the public interest to make the order; and
    - (b) in the case of a deceased victim—
      - (i) that it has taken into account the views of the deceased victim, if those views are known following reasonable enquiries; and
      - (ii) that the views of any family members of the deceased victim are taken into account, if those views are known following reasonable enquiries, unless the family member is also the alleged offender or convicted offender; and
      - (iii) that it is in the public interest to make the order."
  - (3) In section 4(1BG)(b)(i) of the Principal Act, for "an adult" **substitute** "a living adult"!
6. Clause 5, omit this clause.

NEW CLAUSE

7. After clause 6 insert the following New Clause—

**'6A New section 4C inserted**

Before section 5 of the Principal Act **insert—**

**"4C Test for permitted publication on and after 14 December 2021**

(1) On 14 December 2021—

(a) for section 4(1BF)(a) and (b) **substitute—**

"(a) that it has taken into account the views of any victims likely to be identified, if those views are known following reasonable enquiries; and

(b) that it is in the public interest to make the order."; and

(b) in section 4(1BG)(b)(i), for "a living" **substitute** "an".

(2) This section is **repealed** on 16 December 2021."!

8. Clause 8, lines 17 and 18, omit "or an applicable offence".
9. Clause 8, lines 25 to 28, omit all words and expressions on these lines.
10. Clause 8, page 6, line 5, omit "of—" and insert "of a sexual offence or an alleged sexual offence."
11. Clause 8, page 6, lines 6 to 17, omit all words and expressions on these lines.
12. Clause 8, page 6, line 23, after "of the" insert "deceased".
13. Clause 8, page 6, line 24, omit "of—" and insert "of a sexual offence or an alleged sexual offence; and".
14. Clause 8, page 6, lines 25 to 32, omit all words and expressions on these lines.
15. Clause 8, page 7, line 2, omit "to—" and insert "to the applicant."
16. Clause 8, page 7, lines 3 to 8, omit all words and expressions on these lines.
17. Clause 8, page 7, line 18, omit "or an alleged applicable offence".
18. Clause 8, page 7, line 21, omit "affected person" and insert "deceased affected person when alive".

19. Clause 8, page 8, line 17, after "of the" insert "deceased".
20. Clause 8, page 8, lines 19 and 20, omit "or an applicable offence or an alleged applicable offence".
21. Clause 8, page 8, line 21, omit "necessary—" and insert "necessary to avoid causing undue distress to the applicant."
22. Clause 8, page 8, lines 22 to 29, omit all words and expressions on these lines.
23. Clause 8, page 9, lines 5 and 6, omit "or, if applicable, the child of the affected person".
24. Clause 8, page 9, lines 7 and 8, omit "in the case of an application by a person with a sufficient interest,".
25. Clause 8, page 9, lines 12 to 14, omit "or an applicable offence or an alleged applicable offence".
26. Clause 8, page 9, lines 25 and 26, omit "in the case of an application by a person with a sufficient interest,".
27. Clause 8, page 12, line 5, omit "persons; or" and insert "persons."
28. Clause 8, page 12, lines 6 to 10, omit all words and expressions on these lines.
29. Clause 8, page 12, lines 14 to 16, omit ", or if that person is a child of an affected person, the affected person,".
30. Clause 8, page 13, line 29, omit "necessary—" and insert "necessary to avoid causing undue distress to that person."
31. Clause 8, page 13, lines 30 to 33, omit all words and expressions on these lines.
32. Clause 8, page 14, lines 1 to 5, omit all words and expressions on these lines.
33. Clause 8, page 14, lines 15 and 16, omit "or, if applicable, the child of the affected person".
34. Clause 8, page 14, lines 17 and 18, omit "in the case of an application by a person with a sufficient interest,".
35. Clause 8, page 14, lines 22 to 24, omit "or an applicable offence or an alleged applicable offence".

36. Clause 8, page 15, line 25, omit "an" and insert "a deceased".
37. Clause 8, page 15, lines 27 and 28, omit "or an applicable offence or an alleged applicable offence".
38. Clause 8, page 16, lines 9 and 10, omit "or an applicable offence or an alleged applicable offence".
39. Clause 8, page 16, line 13, after "of the" insert "deceased".
40. Clause 8, page 17, line 7, after "of the" insert "deceased".
41. Clause 8, page 17, lines 9 and 10, omit "or the applicable offence or alleged applicable offence".
42. Clause 8, page 21, lines 5 and 6, omit "or, if applicable, the child of the affected person".
43. Clause 8, page 21, lines 7 and 8, omit "in the case of an application by a person with a sufficient interest,".
44. Clause 8, page 21, lines 12 to 14, omit "or an applicable offence or an alleged applicable offence".
45. Clause 8, page 24, line 26, after "of the" insert "deceased".
46. Clause 8, page 21, lines 34 and 35, omit "if the applicant is a person described in subsection (1)(b)(ii),".
47. Clause 8, page 24, lines 28 and 29, omit "or the applicable offence or alleged applicable offence".
48. Clause 8, page 25, line 7, after "of the" insert "deceased".
49. Clause 8, page 25, lines 10 and 11, omit "or the applicable offence or alleged applicable offence".

Certified -

Clerk of the Legislative Council