

New South Wales.



ANNO TERTIO DECIMO

GEORGI V REGIS.

Act No. 3, 1922.

An Act to amend the law of evidence ; and for that purpose to repeal certain provisions of the Evidence Act, 1898, and the Matrimonial Causes Act, 1899. [Assented to, 15th August, 1922.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Evidence (Amendment) Act, 1922." Short title.

2. Section eleven of the Evidence Act, 1898, is repealed, and the following new section is inserted in place thereof :— Amendment of Evidence Act, 1898.

11. (1) A husband shall be competent but not compellable to disclose communications made between him and his wife during the marriage, and a wife shall be competent but not compellable to disclose communications made between her and her husband during the marriage. Communications during marriage.

(2)

Evidence (Amendment).

(2) Where a husband and wife are both parties to a proceeding under the Matrimonial Causes Act, 1899, each of them shall be competent and compellable to disclose such communications.

(3) This section applies to communications made before as well as after the commencement of this Act.

Amendment of Evidence Act, 1898.

3. The Evidence Act, 1898, is amended by the insertion of the following new sections after section fifty-five:—

Limits of cross-examination.
cf. Order 36 & 38 R.S.C., 1883.
cf. Indian Evidence Act, 1872, s. 148.
cf. Vict. Act, No. 2,647, s. 35.

56. When any question put to a witness in cross-examination is not relevant to the cause or proceeding, except so far as the truth of the matter suggested by the question affects the credit of the witness by injuring his character, the court shall have a discretion to disallow the question, if in its opinion the matter is so remote in time, or of such a nature that an admission of its truth would not materially affect the credibility of the witness.

Indecent or scandalous questions.
cf. Indian Evidence Act, 1872, s. 151.
cf. Vict. Act, No. 2,647, s. 37.

57. The court may forbid any question or inquiry which it regards as indecent or scandalous, although the question or inquiry may have some bearing on the questions before the court, unless they relate to facts in issue or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult and annoy.
cf. Indian Evidence Act, 1872, s. 152.
cf. Vict. Act, No. 2,647, s. 38.

58. The court may forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the court to be needlessly offensive in form.

Prohibited question not to be published
cf. Vict. Act, No. 2,647, s. 39.

59. It shall not be lawful without the express permission of the court for any person to print or publish any question or inquiry which has been forbidden or disallowed by the court, on any of the grounds mentioned in sections fifty-six, fifty-seven, and fifty-eight of this Act.

Repeal of s. 80 of Matrimonial Causes Act, 1899.

4. Section eighty of the Matrimonial Causes Act, 1899, is hereby repealed.

Evidence (Amendment).

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By Authority :

JOHN SPENCE, Acting Government Printer, Sydney, 1922.

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*W. S. MOWLE,
Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,
Sydney, 10 August, 1922, A.M.*

New South Wales.



ANNO TERTIO DECIMO

GEORGI V REGIS.

Act No. 3, 1922.

An Act to amend the law of evidence ; and for that purpose to repeal certain provisions of the Evidence Act, 1898, and the Matrimonial Causes Act, 1899. [Assented to, 15th August, 1922.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

*R. B. WALKER,
Chairman of Committees of the Legislative Assembly.*

Evidence (Amendment).

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Evidence (Amendment) Act, 1922."

Amendment of Evidence Act, 1898.

2. Section eleven of the Evidence Act, 1898, is repealed, and the following new section is inserted in place thereof:—

Communications during marriage.

11. (1) A husband shall be competent but not compellable to disclose communications made between him and his wife during the marriage, and a wife shall be competent but not compellable to disclose communications made between her and her husband during the marriage.

(2) Where a husband and wife are both parties to a proceeding under the Matrimonial Causes Act, 1899, each of them shall be competent and compellable to disclose such communications.

(3) This section applies to communications made before as well as after the commencement of this Act.

Amendment of Evidence Act, 1898.

3. The Evidence Act, 1898, is amended by the insertion of the following new sections after section fifty-five:—

Limits of cross-examination.
cf. Order 36 & 38 R.S.C., 1883.
cf. Indian Evidence Act, 1872, s. 148.
cf. Vict. Act, No. 2,647, s. 35.

56. When any question put to a witness in cross-examination is not relevant to the cause or proceeding, except so far as the truth of the matter suggested by the question affects the credit of the witness by injuring his character, the court shall have a discretion to disallow the question, if in its opinion the matter is so remote in time, or of such a nature that an admission of its truth would not materially affect the credibility of the witness.

Indecent or scandalous questions.
cf. Indian Evidence Act, 1872, s. 151.
cf. Vict. Act, No. 2,647, s. 37.

57. The court may forbid any question or inquiry which it regards as indecent or scandalous, although the question or inquiry may have some bearing on the questions before the court, unless they relate to facts in issue or to matters necessary to be known in order to determine whether or not the facts in issue existed.

58.

Evidence (Amendment).

58. The court may forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the court to be needlessly offensive in form.

Questions intended to insult and annoy. cf. Indian Evidence Act, 1872, s. 152. cf. Vict. Act, No. 2,647, s. 38.

59. It shall not be lawful without the express permission of the court for any person to print or publish any question or inquiry which has been forbidden or disallowed by the court, on any of the grounds mentioned in sections fifty-six, fifty-seven, and fifty-eight of this Act.

Prohibited question not to be published. cf. Vict. Act, No. 2,647, s. 39.

4. Section eighty of the Matrimonial Causes Act, 1899, is hereby repealed.

Repeal of s. 80 of Matrimonial Causes Act, 1899.

In the name and on behalf of His Majesty I assent to this Act.

Government House,
Sydney, 15th August, 1922.

W. E. DAVIDSON,
Governor.

EVIDENCE (AMENDMENT) BILL.

SCHEDULE of Amendments referred to in Message of 9th August, 1922.

Page 3, clause 3, line 5. *After* "lawful" *insert* "without the express permission
"of the court"

Page 3, clause 3, lines 8 and 9. *Omit* "and which the court has further ordered shall
"not be published" *insert* "on any of the grounds mentioned in sections
"fifty-six, fifty-seven, and fifty-eight of this Act"

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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 August, 1922.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 9th August, 1922.*

New South Wales.



ANNO TERTIO DECIMO

GEORGII V REGIS.

Act No. , 1922.

An Act to amend the law of evidence ; and for that purpose to repeal certain provisions of the Evidence Act, 1898, and the Matrimonial Causes Act, 1899.

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7—

BE

NOTE.—The words to be omitted are ruled through ; those to be inserted are printed in black letter.

Evidence (Amendment).

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act may be cited as the "Evidence (Amend- Short title.
ment) Act, 1922."

2. Section eleven of the Evidence Act, 1898, is Amendment
repealed, and the following new section is inserted in of Evidence
10 place thereof:— Act, 1898.

11. (1) A husband shall be competent but not Communications
compellable to disclose communications made during
between him and his wife during the marriage, and marriage.
and a wife shall be competent but not compellable to
15 disclose communications made between her and her
husband during the marriage.

(2) Where a husband and wife are both
parties to a proceeding under the Matrimonial
Causes Act, 1899, each of them shall be competent
20 and compellable to disclose such communications.

(3) This section applies to communications
made before as well as after the commencement of
this Act.

3. The Evidence Act, 1898, is amended by the Amendment
25 insertion of the following new sections after section of Evidence
fifty-five:— Act, 1898.

56. When any question put to a witness in cross- Limits of cross
examination is not relevant to the cause or pro- examination.
ceeding, except so far as the truth of the matter cf. Order 36 & 38
30 suggested by the question affects the credit of the R.S.C., 1883.
witness by injuring his character, the court shall cf. Indian
have a discretion to disallow the question, if in its Evidence Act,
opinion the matter is so remote in time, or of such 1872, s. 148.
4 a nature that an admission of its truth would not cf. Vict. Act,
5 materially affect the credibility of the witness. No. 2,647, s. 35.

57. The court may forbid any question or Indecent or
inquiry which it regards as indecent or scandalous, scandalous
although the question or inquiry may have some questions.
40 bearing on the questions before the court, unless cf. Indian
they relate to facts in issue or to matters necessary Evidence
to be known in order to determine whether or not Act, 1872,
the facts in issue existed. s. 151.
58. cf. Vict. Act,
No. 2,647,
s. 37.

Evidence (Amendment).

58. The court may forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the court to be needlessly offensive in form.

Questions intended to insult and annoy. cf. Indian Evidence Act, 1872, s. 152. cf. Vict. Act, No. 2,647, s. 38.

5 59. It shall not be lawful without the express permission of the court for any person to print or publish any question or inquiry which has been forbidden or disallowed by the court, and which the court has further ordered shall not be published
10 on any of the grounds mentioned in sections fifty-six, fifty-seven, and fifty-eight of this Act.

Prohibited question not to be published cf. Vict. Act, No. 2,647, s. 39.

4. Section eighty of the Matrimonial Causes Act, 1899, is hereby repealed.

Repeal of s. 80 of Matrimonial Causes Act, 1899.

Section (Continued)

Section 1933
Act No. 1933
Section 1933
Act No. 1933

50. The court may...
51. It shall not be lawful without the express permission of the court for any person to print or publish any...
52. On any of the grounds mentioned in sections fifty six, fifty seven, and fifty eight of this Act...

Section 1933
Act No. 1933

53. Section 1933 of the Metropolitan Police Act, 1933, is hereby repealed in so far as it relates to the provisions of sections 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

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