

EVIDENCE (CHILDREN) AMENDMENT BILL 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

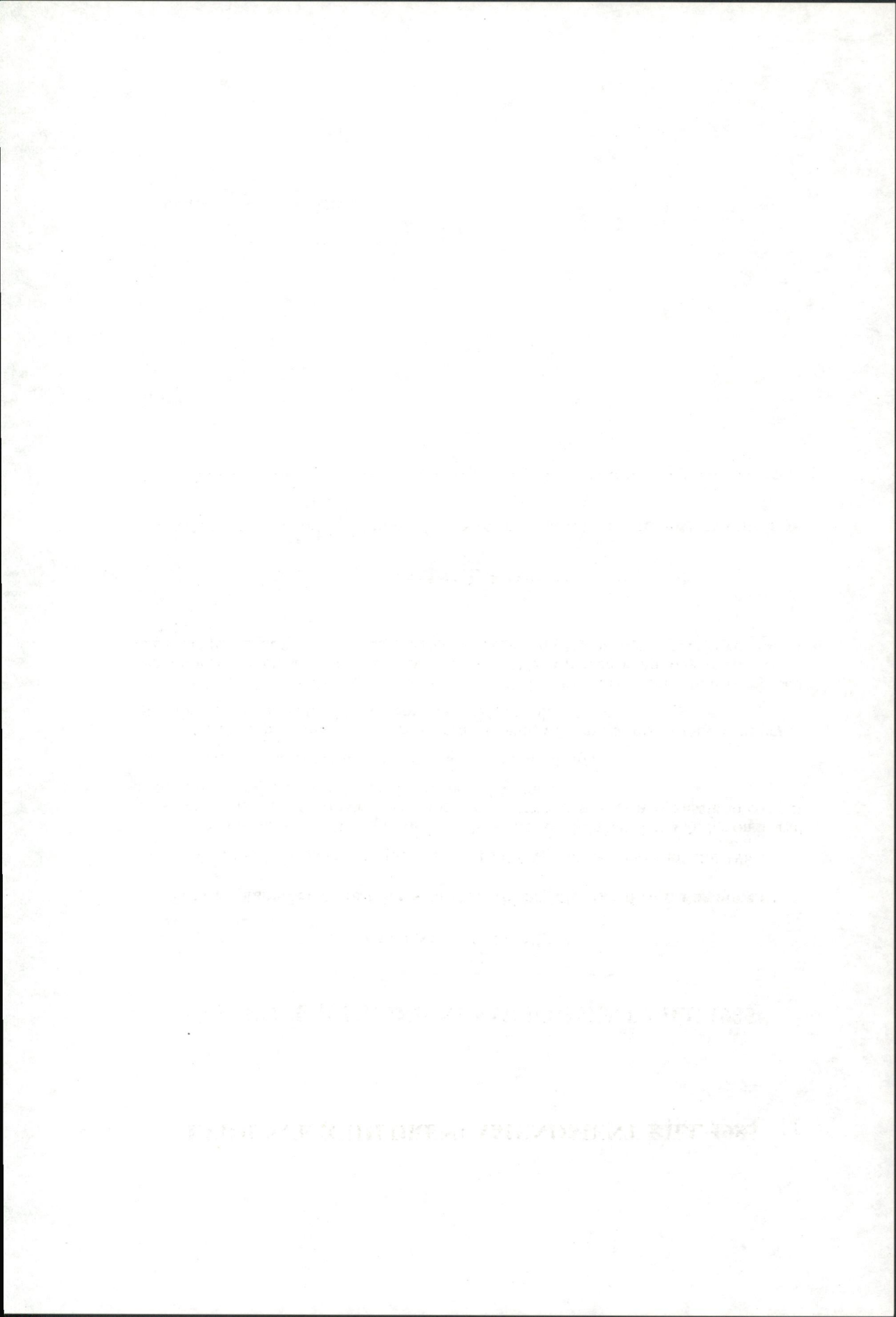
This Bill is cognate with the Crimes (Child Assault) Amendment Bill 1985.

The object of this Bill is to remove the strict requirement that a Judge on a trial in which a child gives evidence warn the jury in every case that it is unsafe to convict the accused on the uncorroborated evidence of a child.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 amends the Evidence Act 1898 by inserting a provision (proposed section 42A) which states that a Judge on the trial of a person is no longer required to warn the jury that it is unsafe to convict the person on the uncorroborated evidence of a child.



EVIDENCE (CHILDREN) AMENDMENT BILL 1985

No. , 1985

A BILL FOR

An Act to amend the Evidence Act 1898 in relation to evidence by children.

Evidence (Children) Amendment 1985

BE it enacted by the Queen'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:

5 Short title

1. This Act may be cited as the "Evidence (Children) Amendment Act 1985".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 11, 1898

15 3. The Evidence Act 1898 is amended by inserting after section 42 the following section:

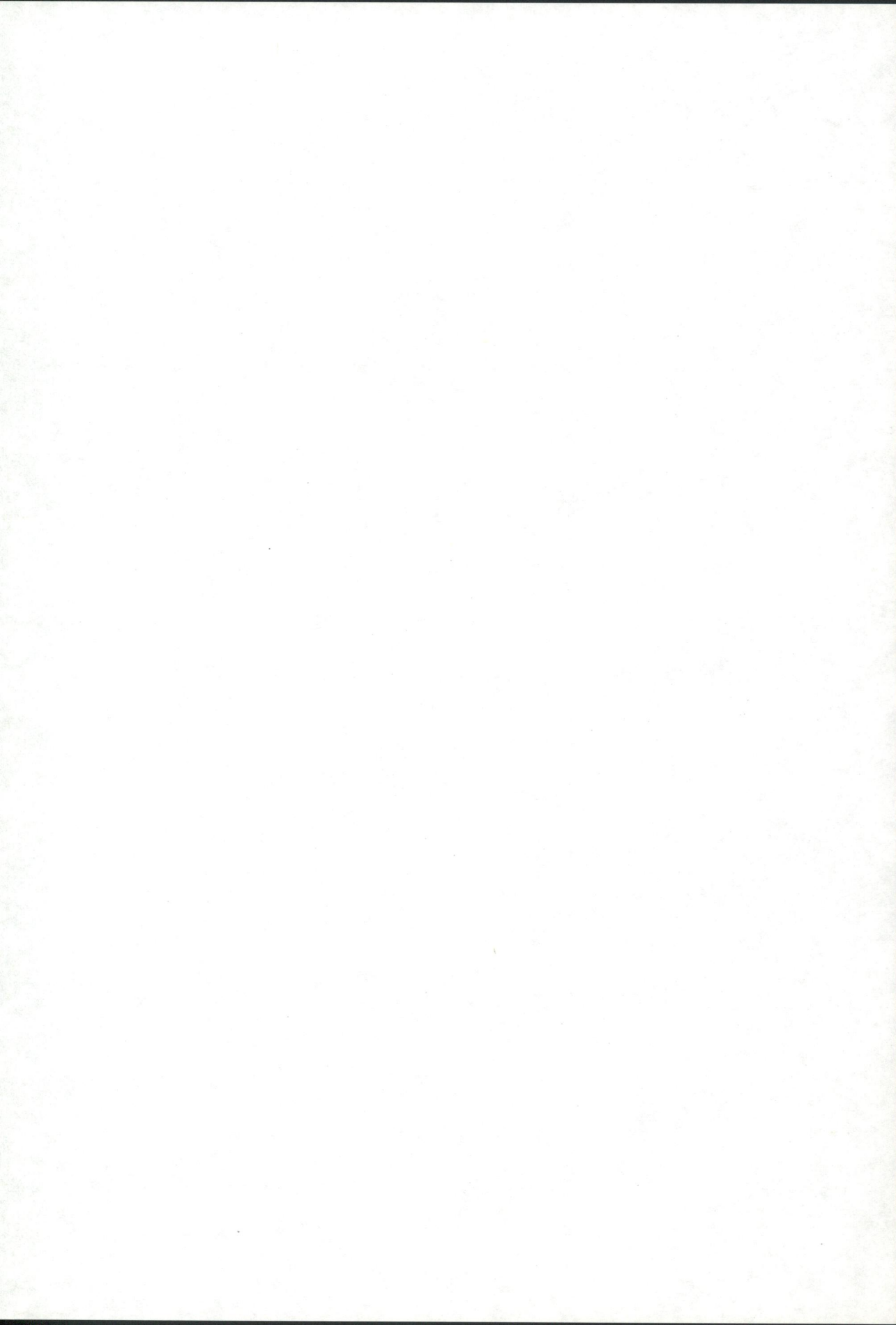
Judge not required to warn jury where evidence of child uncorroborated

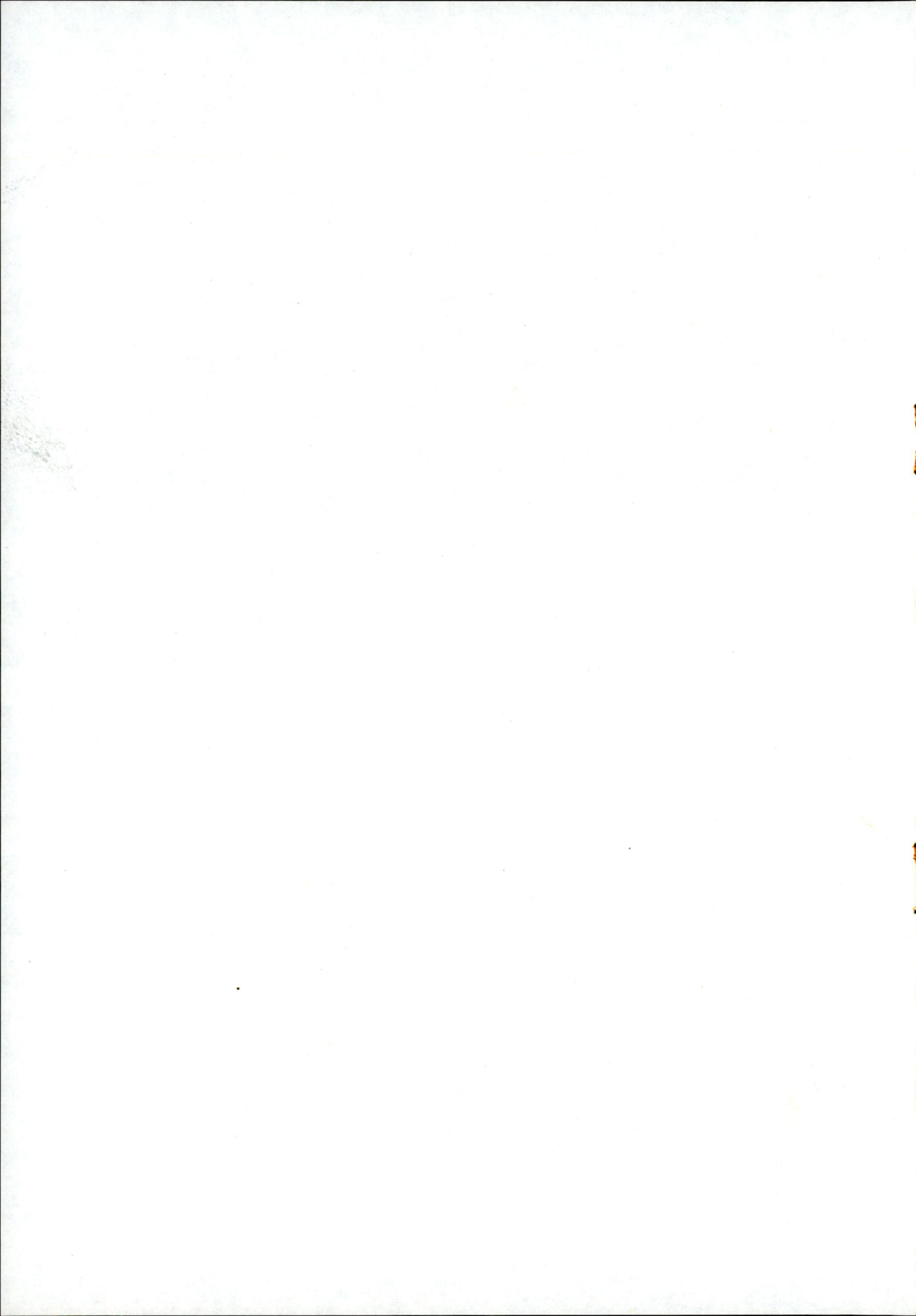
20 42A. (1) The Judge on a trial to which this section applies may give to the jury a warning to the effect that it is unsafe to convict a person on the uncorroborated evidence of a child, but is not required by any rule of law or practice to give that warning only because that evidence was given by a child.

25 (2) This section applies to the trial of a person for an offence committed after the commencement of this section, where evidence in relation to the offence is given in the trial by a child (whether on a declaration under the Oaths Act 1900 or otherwise).

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985







EVIDENCE (CHILDREN) AMENDMENT ACT 1985 No. 152

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 152, 1985

An Act to amend the Evidence Act 1898 in relation to evidence by children.
[Assented to, 28th November, 1985.]

Evidence (Children) Amendment 1985

BE it enacted by the Queen'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 (Children) Amendment Act 1985".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 11, 1898

3. The Evidence Act 1898 is amended by inserting after section 42 the following section:

Judge not required to warn jury where evidence of child uncorroborated

42A. (1) The Judge on a trial to which this section applies may give to the jury a warning to the effect that it is unsafe to convict a person on the uncorroborated evidence of a child, but is not required by any rule of law or practice to give that warning only because that evidence was given by a child.

(2) This section applies to the trial of a person for an offence committed after the commencement of this section, where evidence in relation to the offence is given in the trial by a child (whether on a declaration under the Oaths Act 1900 or otherwise).

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

