

**JUSTICES (COMMITTAL STATEMENTS) AMENDMENT ACT  
1990 No. 94**

**NEW SOUTH WALES**



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Justices Act 1902 No. 27
4. Transitional

**SCHEDULE 1 - AMENDMENTS**

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**JUSTICES (COMMITTAL STATEMENTS) AMENDMENT ACT  
1990 No. 94**

NEW SOUTH WALES



**Act No. 94, 1990**

An Act to amend the Justices Act 1902 to make further provision with respect to statements in committal proceedings. [Assented to 7 December 1990]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Justices (Committal Statements) Amendment Act 1990.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Justices Act 1902 No. 27**

3. The Justices Act 1902 is amended as set out in Schedule 1.

**Transitional**

4. The Justices Act 1902 applies to and in respect of a statement referred to in section 48C of that Act which was made before the commencement of this Act as if this Act had not been enacted.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

**Section 48C (Requirements as to statements):**

- (a) Omit section 48C (1) (a), insert instead:
- (a) the statement is not endorsed in whichever of the following forms is appropriate in the particular case:
- (i) except in a case to which subparagraph (ii) applies:

This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness.

The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

SCHEDULE 1 - AMENDMENTS - *continued*

- (ii) in a case where the person who made the statement is a child under 12 years of age:  
I have not told any lies in this statement.
- (b) In section 48C (1) (f) and (2) (b) (ii), omit "the signing of the statement by the person who made it" wherever occurring, insert instead "the signing of the statement (by the person who made it or by the person who signed it under subsection (3) on behalf of the person who made it)".
- (c) At the end of section 48C (2) (b), insert:  
; or  
(c) a statement purporting or appearing to have been signed in accordance with subsection (3) was in fact signed in accordance with that subsection and the signature on the statement purporting or appearing to be that of the person who signed under that subsection is in fact the signature of that person.
- (d) After section 48C (2), insert:  
(3) If a person who makes a statement is unable to sign it, the statement is for the purposes of subsection (1) to be considered to have been signed by the person if it is signed by another person who:
  - (a) signs it with the consent of and in the presence of the person who made the statement; and
  - (b) signs an endorsement on the statement to the effect that the person signed the statement on behalf of, with the consent of and in the presence of the person who made the statement.(4) A written statement is admissible as evidence under section 48A in a committal proceeding even if it is in the form of questions and answers.

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*Minister's second reading speech made in -  
Legislative Assembly on 21 November 1990  
Legislative Council on 28 November 1990]*









FIRST PRINT

**JUSTICES (COMMITTAL STATEMENTS) AMENDMENT BILL  
1990**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Oaths (Children) Amendment Bill 1990.

The object of this Bill is to amend the provision of the Justices Act 1902 which deals with requirements for written statements that are to be used in committal proceedings ("paper committals"), as follows:

- To change the form of endorsement required on such a statement when made by children under 12 years of age. In general terms, the current endorsement is a promise by the person making the statement that the contents of the statement are true. It contains matter that may be difficult for children to understand and inappropriate for some children. The proposed change is intended to enable the endorsement to be more easily understood by and more appropriate for children. The form of the endorsement for other persons remains unchanged.
- To enable another person to sign such a statement on behalf of the person who made the statement if the person who made it is unable to sign.
- To make it clear that such a statement can be in the form of questions and answers.

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**Clause 1** - short title.

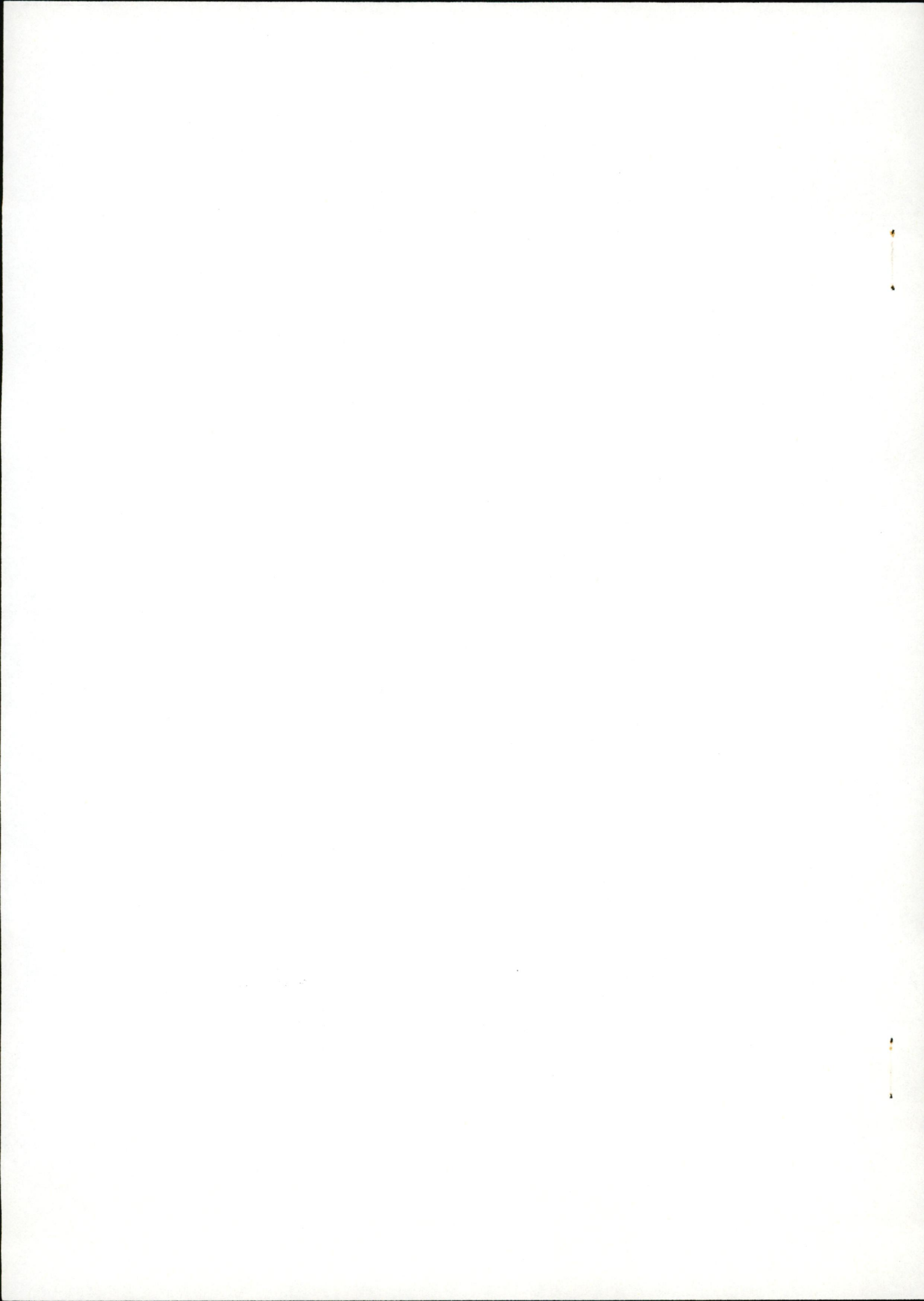
**Clause 2** - commencement (a day to be appointed by proclamation).

**Clause 3** - gives effect to Schedule 1.

**Clause 4** is a transitional provision that continues the current form of endorsement for statements made by children before the commencement of the proposed amendments.

**Schedule 1** contains the amendments described above.

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FIRST PRINT

**JUSTICES (COMMITTAL STATEMENTS) AMENDMENT BILL  
1990**

NEW SOUTH WALES

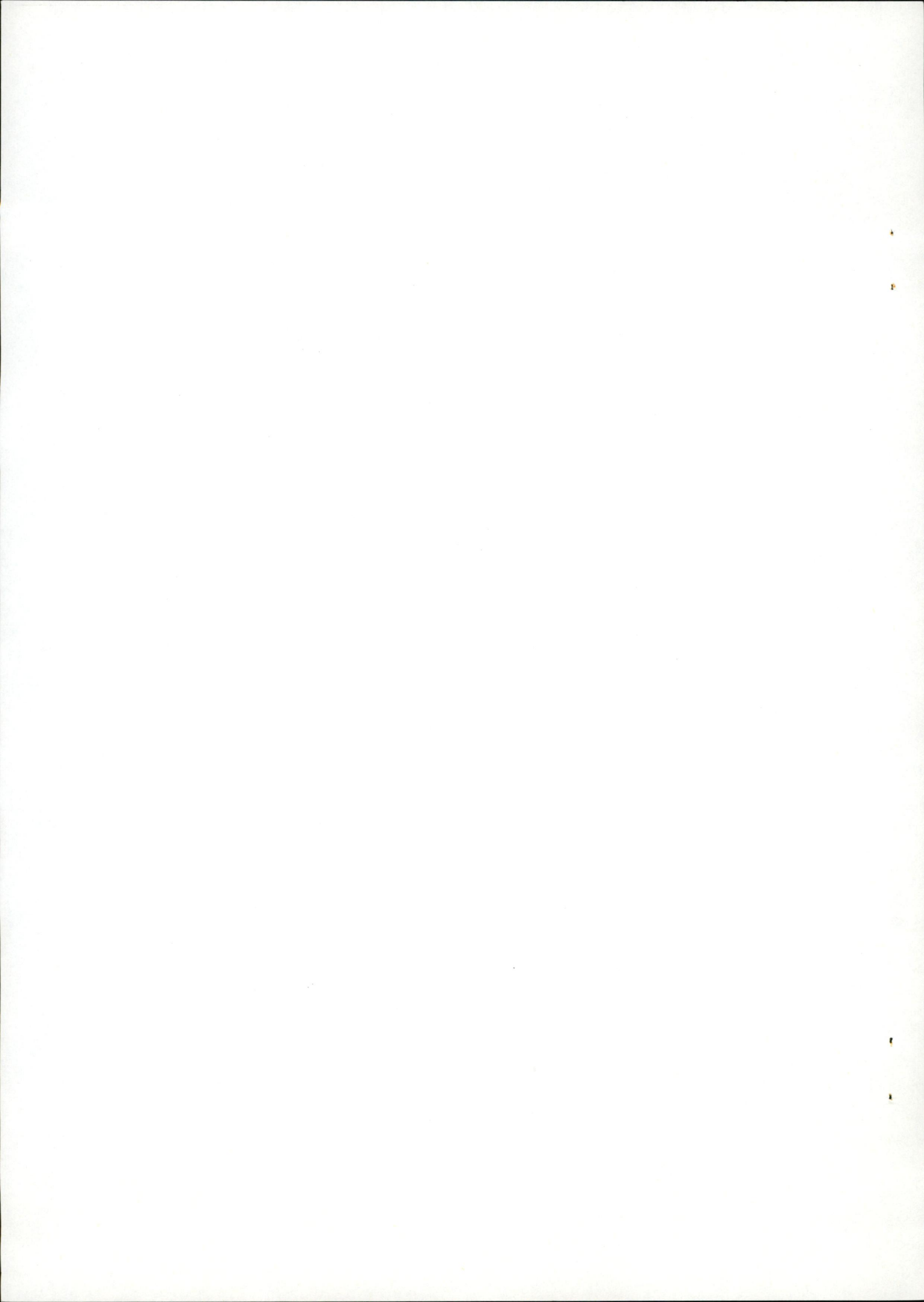


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**SCHEDULE 1 - AMENDMENTS**

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**JUSTICES (COMMITTAL STATEMENTS) AMENDMENT BILL  
1990**

NEW SOUTH WALES



No. , 1990

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**A BILL FOR**

An Act to amend the Justices Act 1902 to make further provision with respect to statements in committal proceedings.

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*Justices (Committal Statements) Amendment 1990*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Justices (Committal Statements) Amendment Act 1990.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Justices Act 1902 No. 27**

3. The Justices Act 1902 is amended as set out in Schedule 1.

**Transitional**

4. The Justices Act 1902 applies to and in respect of a statement referred to in section 48C of that Act which was made before the commencement of this Act as if this Act had not been enacted.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 3)

**Section 48C (Requirements as to statements):**

(a) Omit section 48C (1) (a), insert instead:

(a) the statement is not endorsed in whichever of the following forms is appropriate in the particular case:

(i) except in a case to which subparagraph (ii) applies:

This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness.

The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

SCHEDULE 1 - AMENDMENTS - *continued*

- (ii) in a case where the person who made the statement is a child under 12 years of age:  
I have not told any lies in this statement.
  - (b) In section 48C (1) (f) and (2) (b) (ii), omit "the signing of the statement by the person who made it" wherever occurring, insert instead "the signing of the statement (by the person who made it or by the person who signed it under subsection (3) on behalf of the person who made it)".
  - (c) At the end of section 48C (2) (b), insert:
    - ; or
    - (c) a statement purporting or appearing to have been signed in accordance with subsection (3) was in fact signed in accordance with that subsection and the signature on the statement purporting or appearing to be that of the person who signed under that subsection is in fact the signature of that person.
  - (d) After section 48C (2), insert:
    - (3) If a person who makes a statement is unable to sign it, the statement is for the purposes of subsection (1) to be considered to have been signed by the person if it is signed by another person who:
      - (a) signs it with the consent of and in the presence of the person who made the statement; and
      - (b) signs an endorsement on the statement to the effect that the person signed the statement on behalf of, with the consent of and in the presence of the person who made the statement.
    - (4) A written statement is admissible as evidence under section 48A in a committal proceeding even if it is in the form of questions and answers.
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