

**EVIDENCE (RELIGIOUS CONFESSIONS) AMENDMENT ACT
1989 No. 187**

NEW SOUTH WALES



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**EVIDENCE (RELIGIOUS CONFESSIONS) AMENDMENT ACT
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Act No. 187, 1989

An Act to amend the Evidence Act 1898 in relation to clerical religious confessional privilege; and to make a consequential amendment to the Independent Commission Against Corruption Act 1988. [Assented to 19 December 1989]

Evidence (Religious Confessions) Amendment 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Evidence (Religious Confessions) Amendment Act 1989.

Commencement

2. This Act commences on the date of assent.

Amendment of Evidence Act 1898 No. 11

3. The Evidence Act 1898 is amended by inserting after section 9 the following section:

Religious confessions

10. (1) A person who is or was a member of the clergy of any church or religious denomination is entitled to refuse to divulge that a religious confession was made, or the contents of a religious confession made, to the person when a member of the clergy.

(2) Subsection (1) does not apply if the communication involved in the religious confession was made for a criminal purpose.

(3) This section applies even in circumstances where an Act provides:

- (a) that the rules of evidence do not apply or that a person or body is not bound by the rules of evidence; or
- (b) that a person is not excused from answering any question or producing any document or other thing on the ground of privilege or any other ground.

(4) Without limiting the generality of subsection (3), this section applies:

- (a) to any hearing or proceedings to which the Royal Commissions Act 1923, the Special Commissions of Inquiry Act 1983 or the Independent Commission Against Corruption Act 1988 applies; or
- (b) in relation to a witness summoned to attend and give evidence before either House of Parliament (or a Parliamentary Committee) as referred to in the Parliamentary Evidence Act 1901.

Evidence (Religious Confessions) Amendment 1989

(5) This section applies to religious confessions made before or after the commencement of this section.

(6) In this section, "**religious confession**" means a confession made by a person to a member of the clergy in the member's professional capacity according to the ritual of the church or religious denomination concerned.

Consequential amendment of Independent Commission Against Corruption Act 1988 No. 35

4. The Independent Commission Against Corruption Act 1988 is amended by omitting section 37 (6).

[*Minister's second reading speech made in -
Legislative Assembly on 13 September 1989
Legislative Council on 21 November 1989*]