

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

NEW SOUTH WALES



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SCHEDULE 1 - AMENDMENTS

**JUSTICES (COMMITTAL STATEMENTS) AMENDMENT ACT
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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.

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.

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