



New South Wales

# Evidence Amendment (Prescribed State or Territory Provisions) Regulation 2011

under the

Evidence Act 1995

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Evidence Act 1995*.

JOHN HAZISTERGOS, MLC  
Attorney General

## Explanatory note

Sections 128 (12)–(14) and 128A (11)–(13) of the *Evidence Act 1995* provide for the recognition in NSW courts of certificates given under other laws that are declared by the regulations to be prescribed State or Territory provisions and that are to the same effect as certificates given under sections 128 and 128A of the *Evidence Act 1995*. The certificates concerned confer use and derivative use immunity in respect of self-incriminating evidence and information. The object of this Regulation is to amend the *Evidence Regulation 2010* to declare certain provisions to be such prescribed State or Territory provisions.

This Regulation is made under the *Evidence Act 1995*, including sections 128 (13), 128A (12) and 197 (the general regulation-making power).

**2011 No 5**

Clause 1

Evidence Amendment (Prescribed State or Territory Provisions) Regulation  
2011

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**Evidence Amendment (Prescribed State or Territory  
Provisions) Regulation 2011**

under the

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**1 Name of Regulation**

This Regulation is the *Evidence Amendment (Prescribed State or Territory Provisions) Regulation 2011*.

**2 Commencement**

This Regulation commences on 14 January 2011 and is required to be published on the NSW legislation website.

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## **Schedule 1      Amendment of Evidence Regulation 2010**

### **Clause 7A**

Insert after clause 7:

#### **7A    Self incrimination certificates—declaration of prescribed State or Territory provisions**

- (1) For the purposes of section 128 (13) of the Act, the following provisions are declared to be prescribed State or Territory provisions:
  - section 128 of the *Evidence Act 2004* of Norfolk Island
  - section 128 of the *Evidence Act 2001* of Tasmania
  - section 57 of the *Coroners Act 2008* of Victoria
  - section 128 of the *Evidence Act 2008* of Victoria
  - section 47 of the *Coroners Act 1996* of Western Australia
  - section 11 of the *Evidence Act 1906* of Western Australia
- (2) For the purposes of section 128A (12) of the Act, the following provisions are declared to be prescribed State or Territory provisions:
  - section 128A of the *Evidence Act 2001* of Tasmania
  - section 128A of the *Evidence Act 2008* of Victoria