

Act 1994 No. 26

**CRIMES LEGISLATION (UNSWORN EVIDENCE)
AMENDMENT BILL 1994**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to abolish the right of an accused person to give unsworn evidence or to make an unsworn statement in criminal proceedings (commonly known as a “statement from the dock”). The abolition of an accused person’s right to make an unsworn statement will bring New South Wales into line with other Australian jurisdictions. The right has been abolished in Queensland (1975), Western Australia (1976), the Northern Territory (1983), South Australia (1983), Victoria (1993) and Tasmania (1993).

The proposed abolition will not affect the right of a defendant to make any submission on sentencing.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 gives effect to the amendments to the Crimes Act 1900 set out in Schedule 1.

Clause 4 gives effect to the amendments to the Mental Health (Criminal Procedure) Act 1990 set out in Schedule 2.

Schedule 1 amends the Crimes Act 1900 to abolish the right of an accused person to give unsworn evidence or to make an unsworn statement and makes other consequential amendments.

Schedule 2 contains amendments to the Mental Health (Criminal Procedure) Act 1990 that are consequential to the proposed abolition of the right of an accused person to make an unsworn statement.
