

**EVIDENCE (RELIGIOUS CONFESSIONS) AMENDMENT BILL
1989**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Evidence Act 1898 so as to entitle members of the clergy to refuse to divulge the contents of religious confessions made to them in their professional capacity and the fact that they have been made.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on the date of assent.

Clause 3 amends the Evidence Act 1898 so as to entitle members of the clergy to refuse to divulge the contents of confessions made to them in their professional capacity and the fact that they have been made. The amendment applies even in circumstances where the rules of evidence do not apply or are not binding (including inquiries, such as Royal Commissions, where a witness may not, at present, refuse to give evidence on any ground of privilege). It does not extend to communications made for a criminal purpose.

Clause 4 amends the Independent Commission Against Corruption Act 1988 to omit a similar provision with the effect that the proposed amendment of the Evidence Act 1898 will apply to hearings before the Commission.
