



Australian Capital Territory

# **Evidence (Miscellaneous Provisions) Act 1991 No 34**

## **Republication No 5**

Republication date: 13 December 2001

Last amendment made by Act 2001 No 90

Amendments incorporated to 27 September 2001

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Evidence (Miscellaneous Provisions) Act 1991* as in force on 13 December 2001. It includes any amendment, repeal or expiry affecting the republished law to 27 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
27 September 2001



Australian Capital Territory

# Evidence (Miscellaneous Provisions) Act 1991

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Amendments incorporated to  
27 September 2001



Australian Capital Territory

# **Evidence (Miscellaneous Provisions) Act 1991**

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An Act about evidence

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Evidence (Miscellaneous Provisions) Act 1991*.



## Part 2 Giving of evidence about sexual offences by children

### 2 Definitions for pt 2

In this part:

***complainant***, in relation to the alleged commission of a sexual offence, means a person—

- (a) upon whom the offender is alleged to have inflicted, assisted in inflicting, attempted to inflict or threatened to inflict grievous or actual bodily harm with intent that the offender or another person engage in sexual intercourse with, or commit an act of indecency upon or in the presence of, the firstmentioned person; or
- (b) whom the offender is alleged to have assaulted or attempted to assault, with intent that the offender or another person engage in sexual intercourse with, or commit an act of indecency upon or in the presence of, the firstmentioned person; or
- (c) with whom the offender is alleged to have engaged in or attempted to engage in sexual intercourse; or
- (d) with whom the offender is alleged to have maintained a sexual relationship; or
- (e) upon whom or in whose presence the offender is alleged to have committed or attempted to commit an act of indecency; or
- (f) whom the offender is alleged to have abducted or detained with intent that the offender or another person engage in sexual intercourse with the firstmentioned person;

as the case requires.

***court*** means—

- (a) the Supreme Court; or

- (b) the Magistrates Court; or
- (c) the Coroner's Court.

*Magistrates Court* includes the Childrens Court.

*prescribed witness* means a witness prescribed under section 4 (1).

*proceedings* means proceedings in relation to which this part applies.

*sexual offence* means an offence against the *Crimes Act 1900*, section 92A, 92B, 92C, 92D, 92E, 92EA, 92F, 92G, 92H, 92J, 92K, 92L or 92M or an offence of attempting to commit an offence against any of those sections.

### 3 Sworn or unsworn evidence

For this part, it is immaterial whether evidence is to be, or is being, given on oath or otherwise.

### 4 Prescribed witnesses

- (1) For this part, the following witnesses are prescribed:
  - (a) a child;
  - (b) in relation to proceedings of a kind referred to in section 5 (1) (a), (b), (e) or (f) in respect of the alleged commission of a sexual offence—the complainant.

### **U** 5 Application of pt 2

- (1) This part applies in relation to—
  - (a) proceedings in the Supreme Court—
    - (i) for a trial on indictment in respect of the alleged commission of an offence against a law in force in the ACT; or
    - (ia) for the passing of sentence in respect of the commission of an offence against a law in force in the ACT; or

- (ii) by way of an appeal from a conviction, order, sentence or other decision of the Magistrates Court in proceedings in relation to which this part applies; or
- (b) proceedings in the Magistrates Court on an information in respect of the alleged commission, or commission, of an offence against a law in force in the ACT; or
- (c) proceedings under the *Magistrates Court Act 1930*, part 10; or
- (d) proceedings under the *Children and Young People Act 1999*, part 7.3 (Care and protection orders and emergency action); or
- (e) proceedings under the *Domestic Violence Act 1986*; or
- (f) proceedings under the *Victims of Crime (Financial Assistance) Act 1983*; or
- (g) proceedings by way of an inquest or inquiry in the Coroner's Court.

## **6 Location of prescribed witness giving evidence**

- (1) Where—
  - (a) a prescribed witness is to give evidence in proceedings; and
  - (b) the courtroom and a place other than the courtroom are equipped with, and linked by, a closed-circuit television system that is capable of allowing—
    - (i) persons in the courtroom to see and hear the persons at the other place; and
    - (ii) persons at the other place to hear, or to see and hear, persons in the courtroom;

the evidence of the witness shall be given from that other place by means of that system unless the court otherwise orders.

- (2) A court shall not make an order under subsection (1) unless satisfied that—

- (a) the prescribed witness prefers to give evidence in the courtroom; or
  - (b) the proceedings will be unreasonably delayed if an order is not made; or
  - (c) there is a substantial risk of the court being unable to ensure that the proceedings are conducted fairly if an order is not made.
- (3) Notwithstanding subsection (1), the evidence of a child who is an accused person in proceedings is not to be given in the manner described in that subsection.
- (4) While a prescribed witness is at a place other than a courtroom for the purpose of giving evidence in accordance with subsection (1), that place shall be taken for all purposes to be part of the courtroom.

## **7 Consequential orders**

- (1) Where a prescribed witness is to give evidence from a place other than a courtroom in accordance with section 6 (1), the court may make such orders as it considers appropriate in relation to the giving of evidence by the witness.
- (2) An order under subsection (1) may specify—
- (a) the persons who may be present at the other place with the prescribed witness; and
  - (b) the persons in the courtroom who are to be able to be heard, or to be seen and heard, by the witness and by the persons with the witness; and
  - (c) the persons in the courtroom who are not to be able to be heard, or to be seen and heard, by the witness and by the persons with the witness; and
  - (d) the persons in the courtroom who are to be able to see and hear the witness and the persons with the witness; and

- (e) the stages in the proceedings during which a specified part of the order is to have effect; and
  - (f) the method of operation of the closed-circuit television system.
- (3) Where a prescribed witness is to give evidence from a place other than a courtroom in accordance with section 6 (1), the court may make such order as it considers appropriate if satisfied that it is desirable to do so—
- (a) to ensure that the proceedings are conducted fairly; or
  - (b) to allow the witness to identify a person or thing; or
  - (c) to allow the witness to take part in a view or to watch a demonstration or an experiment; or
  - (d) to allow part of the proceedings to be heard elsewhere than in the courtroom.
- (4) Notwithstanding any other law of the Territory, the court may direct that a person be excluded from the other place while the prescribed witness is giving evidence.
- (5) Nothing in subsection (2), (3) or (4) limits the power of the court to make an order under subsection (1).

## **8 Jury warning about adverse inference**

Where, in proceedings referred to in section 5 (1) (a) (i), a prescribed witness is to give evidence from a place other than the courtroom in accordance with section 6 (1), the judge shall warn the jury to the effect that an inference adverse to the accused should not be drawn from the fact that the witness is giving evidence from that other place.

## **9 Representation of child**

Where—

- (a) a child is to give evidence from a place other than a courtroom in accordance with section 6 (1); and

- (b) the child concerned is not separately represented by another person; and
  - (c) it appears to the court that the child should be so represented;
- the court may order that the child be separately represented by another person, and the court may make such other order as it thinks necessary to secure that separate representation.

### **10 Court's discretions about orders**

- (1) An order under this part may be made of the court's own motion or on application—
  - (a) by a party to the proceedings; or
  - (b) by or on behalf of a prescribed witness; or
  - (c) in relation to a person who is a prescribed witness by reason of being or having been a child—by a parent or guardian of the person.
- (2) The court may inform itself as it sees fit for the purposes of making an order under this part.

### **11 Variation or revocation of order**

A court may make an order for the variation or revocation of an order made by the court in the proceedings.

### **12 Failure to comply with pt 2**

- (1) The evidence of a prescribed witness in proceedings is not inadmissible by reason only that the evidence was not given in accordance with this part.
- (2) The validity of proceedings shall not be taken to be affected by a failure to comply with this part.

**13 Attainment of majority during proceedings**

If a person who was a prescribed witness in proceedings by reason of having been a child attains the age of 18 years before those proceedings are determined, that person continues to be a prescribed witness for the purpose of those proceedings.

## Part 3 Use of audiovisual links and audio links

### Division 3.1 Preliminary

#### 14 Definitions for pt 3

In this part:

***audio link*** means a system of two-way communication linking different places so that a person speaking at any of them can be heard at the other places.

***audiovisual link*** means a system of two-way communication linking different places so that a person at any of them can be seen and heard at the other places.

***participating State*** means another State where provisions of an Act in terms substantially corresponding to this part are in force.

***recognised court*** means a court or tribunal of a participating State that is authorised by the provision of an Act of that State in terms substantially corresponding to this part to direct that evidence be taken or a submission made by audiovisual link or audio link from the Territory.

***State*** includes Territory.

***Territory court*** means—

- (a) a court constituted under a Territory law; or
- (b) a royal commission under the *Royal Commissions Act 1991*; or
- (c) a judicial commission under the *Judicial Commissions Act 1994*; or
- (d) a tribunal of the Territory; or



- (e) an arbitrator or umpire conducting proceedings under the *Commercial Arbitration Act 1986*; or
- (f) the sentence administration board established under the *Rehabilitation of Offenders (Interim) Act 2001*.

*tribunal*, in relation to a State, means a person or body authorised under the law of the State to take evidence on oath or affirmation.

### **15 Application of pt 3**

This part applies in relation to all proceedings, including—

- (a) proceedings pending at the commencement of this part; and
- (b) proceedings begun after the commencement of this part that arise from circumstances, matters or events that arose or happened before that commencement.

### **16 Operation of other Acts**

This part is not intended to exclude or limit the operation of any Territory law that makes provision for the taking of evidence or making of a submission outside the ACT for a proceeding in the ACT.

## **Division 3.2 Use of interstate audiovisual links or audio links in proceedings before Territory courts**

### **17 Application of div 3.2**

This division applies to any proceeding before a Territory court.

### **18 Territory courts may take evidence and submissions from outside ACT**

- (1) A Territory court may, on the application of a party to a proceeding before the court or on its own initiative, direct that evidence be

taken or a submission made by audiovisual link or audio link, from a participating State.

- (2) The court may make the direction only if satisfied that—
  - (a) the necessary facilities are available or can reasonably be made available; and
  - (b) the evidence or submission can more conveniently be given or made from the participating State; and
  - (c) the making of the direction is not unfair to a party opposing the making of the direction.
- (3) The court may exercise in the participating State, in relation to taking evidence or receiving a submission by audiovisual link or audio link, any of its powers that the court is permitted, under the law of the participating State, to exercise in the participating State.
- (4) The court may at any time vary or revoke a direction under this division, either on the application of a party to the proceeding or on its own initiative.

## **19 Legal practitioners entitled to practise**

A person who is entitled to practise as a legal practitioner in a participating State is entitled to practise as a legal practitioner—

- (a) in relation to the examination in chief, cross-examination or re-examination of a witness in the participating State whose evidence is being given by audiovisual link or audio link in a proceeding before a Territory court; and
- (b) in relation to the making of a submission by audiovisual link or audio link from the participating State in a proceeding before a Territory court.

## **Division 3.3                    Use of interstate audiovisual links or audio links in proceedings in participating States**

### **20      Application of div 3.3**

This division applies to any proceeding before a recognised court.

### **21      Recognised courts may take evidence or receive submissions from people in ACT**

A recognised court may, for a proceeding before it, take evidence or receive a submission by audiovisual link or audio link from a person in the ACT.

### **22      Powers of recognised courts**

- (1) The recognised court may, for the proceeding, exercise in the ACT, in relation to taking evidence or receiving a submission by audiovisual link or audio link, any of its powers except its powers—
  - (a) to punish for contempt; and
  - (b) to enforce or execute its judgments or process.
- (2) The laws of the participating State (including rules of court) that apply to the proceeding in that State also apply, by operation of this subsection, to the practice and procedure of the recognised court in taking evidence or receiving a submission by audiovisual link or audio link from a person in the ACT.
- (3) For the exercise by the recognised court of its powers, the place in the ACT where evidence is given or a submission is made is taken to be part of the court.

### **23      Orders made by recognised court**

Without limiting section 22, the recognised court may, by order—

- (a) direct that the proceeding, or a part of the proceeding, be conducted in private; or
- (b) require a person to leave a place in the ACT where the giving of evidence or the making of a submission is taking place or is going to take place; or
- (c) prohibit or restrict the publication of evidence given in the proceeding or of the name of a party to, or a witness in, the proceeding.

#### **24 Enforcement of order**

- (1) Subject to rules of court, an order under section 23 may be enforced by the Supreme Court as if the order were an order of that court.
- (2) Without limiting subsection (1), a person who contravenes the order—
  - (a) is taken to be in contempt of the Supreme Court; and
  - (b) is punishable accordingly;unless the person establishes that the contravention should be excused.

#### **25 Privileges, protection and immunity of participants in proceedings in courts of participating States**

- (1) A judge or other person presiding at or otherwise taking part in a proceeding before a recognised court has, in relation to evidence being taken or a submission being received by audiovisual link or audio link from a person in the ACT, the same privileges, protection and immunity as a judge of the Supreme Court.
- (2) A person appearing as a legal practitioner in a proceeding before a recognised court has, in relation to evidence being taken or a submission being received by audiovisual link or audio link from a person in the ACT, the same protection and immunity as a barrister has in appearing for a party in a proceeding before the Supreme Court.

- (3) A person appearing as a witness in a proceeding before a recognised court by audiovisual link or audio link from the ACT has the same protection as a witness in a proceeding before the Supreme Court.

## **26 Recognised court may administer oath in ACT**

- (1) A recognised court may, for the purpose of obtaining in a proceeding, by audiovisual link or audio link, the testimony of a person in the ACT, administer an oath or affirmation in accordance with the practice and procedure of the recognised court.
- (2) Evidence given by a person on oath or affirmation so administered is, for the law of the Territory, testimony given in a judicial proceeding.

## **27 Assistance to recognised court**

An officer of a Territory court may, at the request of a recognised court—

- (a) attend at the place in the ACT where evidence is to be or is being taken, or a submission is to be or is being made, in the proceeding; and
- (b) take such action as the recognised court directs to facilitate the proceeding; and
- (c) assist with the administering by the recognised court of an oath or affirmation.

## **28 Contempt of recognised courts**

A person must not, while evidence is being given, or a submission is being made, in the ACT by audiovisual link or audio link, in a proceeding in a recognised court—

- (a) assault—
- (i) a person appearing in the proceeding as a legal practitioner; or

- (ii) a witness appearing in the proceeding; or
  - (iii) an officer of a Territory court giving assistance under section 27; or
- (b) threaten, intimidate or wilfully insult—
- (i) a judge or other person presiding at or otherwise taking part in the proceeding; or
  - (ii) a master, registrar, deputy registrar or other officer of the court who is taking part in or assisting in the proceeding; or
  - (iii) a person appearing in the proceeding as a legal practitioner; or
  - (iv) a witness in the proceeding; or
  - (v) a juror in the proceeding; or
- (c) wilfully interrupt or obstruct the proceeding; or
- (d) wilfully and without lawful excuse disobey an order or direction of the court.

Maximum penalty: imprisonment for 3 months.

## **Division 3.4 Use of audiovisual links or audio links between Territory courts and places in ACT**

### **29 Application of div 3.4**

This division applies to any proceeding before a Territory court.

### **30 Use of link in proceedings**

- (1) Subject to any Act or rules of court, a Territory court may, on the application of a party to a proceeding before it or on its own initiative, direct that a person, whether or not a party to the proceeding, appear before, or give evidence or make a submission

to, the court by audiovisual link or audio link from a place in the ACT that is outside the courtroom or other place where the court is sitting.

- (2) The court may make the direction only if satisfied that—
  - (a) the necessary facilities are available or can reasonably be made available; and
  - (b) the evidence or submission can more conveniently be given or made from the place that is outside the courtroom or other place where the court is sitting; and
  - (c) the making of the direction is not unfair to any party opposing the making of the direction.
- (3) The court may at any time vary or revoke a direction made under this division, either on the application of a party to the proceeding or its own initiative.

## **Division 3.5                      Protection of certain communications and documents in criminal proceedings**

### **31      Application of div 3.5**

This division applies to a communication made, and a document transmitted, by audiovisual link or audio link between an accused person and his or her legal representative during the course of a proceeding in relation to which, or to a part of which, an audiovisual or audio link has been used under this part or a provision of another Territory law.

### **32      Protection of confidentiality**

Without limiting any other protection that applies to it, a communication or document to which this division applies is as confidential and inadmissible in any proceeding as it would be if it

had been made or produced while the accused person and his or her legal representative were in each other's presence.

### **33 Application of Listening Devices Act**

The *Listening Devices Act 1992* applies to a communication or document to which this division applies as if—

- (a) for a communication—the communication were a private conversation within the meaning of that Act to which the parties were the accused person and his or her legal representative; and
- (b) for a document—
  - (i) any data, text or visual images in the transmitted document were words spoken to or by a person in a private conversation within the meaning of that Act to which the parties were the accused person and his or her legal representative; and
  - (ii) a reference in that Act to the use of a listening device to overhear, record, monitor or listen to a private conversation included a reference to reading the document.

## **Division 3.6 Costs and expenses**

### **34 Power to order payment of costs**

A Territory court that directs evidence to be taken, or a submission to be made, by audiovisual link or audio link under section 18 or 30 may make such orders as it considers just for the payment of the costs and expenses incurred in relation to taking the evidence or making the submission, including any amounts prescribed under the regulations.



## Part 4                      Miscellaneous

### 35      Regulation-making power

- (1) The Executive may make regulations for this Act.

*Note*      Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may prescribe the amounts, or the way of calculating amounts, payable to a Territory court in relation to the cost of, or incidental to, the provision of an audiovisual link or audio link and ancillary equipment for part 3.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
num = numbered	sdiv = subdivision
No = number	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced

### 3 Legislation history

The *Evidence (Miscellaneous Provisions) Act 1991* was formerly the *Evidence (Closed-Circuit Television) Act 1991*. It was renamed by the *Justice and Community Safety Legislation Amendment Act 2000 (No 3)* (see sch 1).

After 11 May 1989 and before 10 November 1999, Acts commenced on notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 25).

#### **Evidence (Miscellaneous Provisions) Act 1991 No 34**

notified 21 August 1991 (Gaz 1991 No S84)

commenced 21 August 1991

as amended by

#### **Evidence (Closed-Circuit Television) (Amendment) Act 1992 No 80**

notified 24 December 1992 (Gaz 1992 No S236)

commenced 24 December 1992 (s 2)

#### **Evidence (Closed-Circuit Television) (Amendment) Act 1994 No 24**

notified 31 May 1994 (Gaz 1994 No S93)

commenced 31 May 1994 (s 2)

#### **Evidence (Closed-Circuit Television) (Amendment) Act (No 2) 1994 No 96**

notified 15 December 1994 (Gaz 1994 No S280)

commenced 15 December 1994 (s 2)

#### **Evidence (Closed-Circuit Television) (Amendment) Act 1996 No 25**

notified 21 June 1996 (Gaz 1996 No S124)

commenced 21 June 1996 (s 2)

#### **Evidence (Closed-Circuit Television) (Amendment) Act 1998 No 45**

notified 30 October 1998 (Gaz 1998 No S204)

commenced 30 October 1998 (s 2)

#### **Children and Young People (Consequential Amendments) Act 1999 No 64 sch 2**

notified 10 November 1999 (Gaz 1999 No 45)

s 1, s 2 commenced 10 November 1999 (IA s 10B)

sch 2 commenced 10 May 2000 (s 2 (2))

## Endnotes

### 4 Amendment history

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#### **Victims of Crime (Financial Assistance) (Amendment) Act 1999 No 91 sch 2**

notified 23 December 1999 (Gaz 1999 No S65)  
s 1, s 2 commenced 23 December 1999 (IA s 10B)  
sch 2 commenced 24 December 1999 (s 2 (2) and Gaz 1999 No S69)

#### **Justice and Community Safety Legislation Amendment Act 2000 (No 3) No 17 sch 1**

notified 1 June 2000 (Gaz 2000 No 22)  
sch 1 commenced 1 June 2000 (s 2)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 136**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 136 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

#### **Rehabilitation of Offenders (Interim) Act 2001 No 82 sch 1 pt 1.3**

notified 10 September 2001 (Gaz 2001 No S66)  
s 1, s 2 commenced 10 September 2001 (IA s 10B)  
sch 1 pt 1.3 commenced 24 September 2001 (s 2 and CN 2001 No 4)

#### **Protection Orders (Consequential Amendments) Act 2001 No 90 sch 1 pt 6**

notified LR 27 September 2001  
s 1, s 2 commenced 27 September 2001 (LA s 75)  
sch 1 pt 6 commences when Protection Orders Act 2001, s 3 commences (s 2)

## 4 Amendment history

### **Title**

title sub 2000 No 17 sch 1

### **Preliminary**

pt 1 ins 2000 No 17 sch 1

### **Name of Act**

s 1 sub 2000 No 17 sch 1

### **Giving of evidence about sexual offences by children**

pt 2 hdg ins 2000 No 17 sch 1

### **Definitions for pt 2**

s 2 hdg sub 2000 No 17 sch 1

s 2 am 1994 Nos 24 and 96; 2000 No 17 sch 1

**Sworn or unsworn evidence**

s 3 am 2000 No 17 sch 1

**Prescribed witnesses**

s 4 (prev s 3A) ins 1994 No 96  
am 1996 No 25; 1998 No 45; 2000 No 17 sch 1  
renum 2000 No 17 sch 1

**Application of pt 2**

s 5 (prev s 4) am 1994 No 24; 1999 No 64 s 4 sch 2; 1999 No 91 s  
13 sch 2; 2000 No 17 sch 1; 2001 No 90 amdts 1.60-1.62; R6  
LA (see 2001 No 90 amdt 1.63)  
renum 2000 No 17 sch 1

**Location of prescribed witness giving evidence**

s 6 (prev s 4A) ins 1994 No 24  
am 1994 No 96  
renum 2000 No 17 sch 1

**Consequential orders**

s 7 orig om 1994 No 24  
(prev s 5) am 1994 Nos 24 and 96  
renum 2000 No 17 sch 1

**Jury warning about adverse inference**

s 8 (prev s 6) sub 1994 No 24  
am 1994 No 96  
renum 2000 No 17 sch 1

**Representation of child**

s 9 (prev s 8) am 1994 No 24  
renum 2000 No 17 sch 1

**Court's discretions about orders**

s 10 (prev s 8A) ins 1994 No 24  
am 1994 No 96; 2000 No 17 sch 1  
renum 2000 No 17 sch 1

**Variation or revocation of order**

s 11 (prev s 9) am 1994 No 24  
renum 2000 No 17 sch 1

**Failure to comply with pt 2**

s 12 hdg (prev s 10 hdg) am 2000 No 17 sch 1  
s 12 (prev s 10) sub 1994 No 24  
am 1994 No 96; 2000 No 17 sch 1  
renum 2000 No 17 sch 1

**Attainment of majority during proceedings**

s 13 (prev s 11) om 1992 No 80  
ins 1994 No 24  
sub 1994 No 96  
renum 2000 No 17 sch 1

## Endnotes

4 Amendment history

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### **Use of audiovisual links and audio links**

pt 3 hdg ins 2000 No 17 sch 1

### **Preliminary**

div 3.1 ins 2000 No 17 sch 1

### **Definitions for pt 3**

s 14 ins 2000 No 17 sch 1  
am 2001 No 82 amdt 1.5

### **Application of pt 3**

s 15 ins 2000 No 17 sch 1

### **Operation of other Acts**

s 16 ins 2000 No 17 sch 1

### **Use of interstate audiovisual links or audio links in proceedings before Territory courts**

div 3.2 ins 2000 No 17 sch 1

### **Application of div 3.2**

s 17 ins 2000 No 17 sch 1

### **Territory courts may take evidence and submissions from outside ACT**

s 18 ins 2000 No 17 sch 1

### **Legal practitioners entitled to practice**

s 19 ins 2000 No 17 sch 1

### **Use of interstate audiovisual links or audio links in proceedings in participating States**

div 3.3 ins 2000 No 17 sch 1

### **Application of div 3.3**

s 20 ins 2000 No 17 sch 1

### **Recognised courts may take evidence or receive submissions from people in ACT**

s 21 ins 2000 No 17 sch 1

### **Powers of recognised courts**

s 22 ins 2000 No 17 sch 1

### **Orders made by recognised court**

s 23 ins 2000 No 17 sch 1

### **Enforcement of order**

s 24 ins 2000 No 17 sch 1

### **Privileges, protection and immunity of participants in proceedings in courts of participating States**

s 25 ins 2000 No 17 sch 1

### **Recognised court may administer oath in ACT**

s 26 ins 2000 No 17 sch 1

<b>Assistance to recognised court</b>	
s 27	ins 2000 No 17 sch 1
<b>Contempt of recognised courts</b>	
s 28	ins 2000 No 17 sch 1
<b>Use of interstate audiovisual links or audio links between Territory courts and places in ACT</b>	
div 3.4	ins 2000 No 17 sch 1
<b>Application of div 3.4</b>	
s 29	ins 2000 No 17 sch 1
<b>Use of link in proceedings</b>	
s 30	ins 2000 No 17 sch 1
<b>Protection of certain communications and documents in criminal proceedings</b>	
div 3.5	ins 2000 No 17 sch 1
<b>Application of div 3.5</b>	
s 31	ins 2000 No 17 sch 1
<b>Protection of confidentiality</b>	
s 32	ins 2000 No 17 sch 1
<b>Application of Listening Devices Act</b>	
s 33	ins 2000 No 17 sch 1
<b>Costs and expenses</b>	
div 3.6	ins 2000 No 17 sch 1
<b>Power to order payment of costs</b>	
s 34	ins 2000 No 17 sch 1
<b>Miscellaneous</b>	
pt 4 hdg	ins 2000 No 17 sch 1
<b>Regulation-making power</b>	
s 35	ins 2000 No 17 sch 1 am 2001 No 44 amdt 1.1581

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	Act 1992 No 80	31 August 1993
2	Act 1994 No 96	31 January 1995

## Endnotes

6 Renumbered provisions

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3	Act 1998 No 45	31 March 1999
4	Act 2000 No 17	30 June 2000

## 6 Renumbered provisions

as made by 2000 No 17 and under the *Legislation (Republication) Act 1996*

previous number	provision heading	renumbered or inserted as
3A	Prescribed witnesses	4
4	Application	5
4 (1) (ea)		5 (1) (f)
4 (1) (f)		5 (1) (g)
4A	Location of prescribed witness giving evidence	6
5	Consequential orders	7
5 (3)		7 (2)
5 (3A)		7 (3)
6	Jury warning about adverse inference	8
8	Representation of child	9
8 (aa)		9 (a)
8 (a)		9 (b)
8 (b)		9 (c)
8A	Court's discretions about orders	10
9	Variation or revocation of order	11
10	Failure to comply with pt 2	12
11	Attainment of majority during proceedings	13



## 7 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

<b>Protection Orders (Consequential Amendments) Act 2001 No 90, (amds 1.60-1.63)</b>
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### [1.60] Section 5 (1)

*omit*

(1)

### [1.61] Section 5 (c)

*substitute*

(c) proceedings under the *Protection Orders Act 2001*;

### [1.62] Section 5 (e)

*omit*

### [1.63] Section 5

*renumber paragraphs when Act next republished under Legislation Act 2001*

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