



AUSTRALIAN CAPITAL TERRITORY

## **Evidence (Amendment) Act 1994**

No. 98 of 1994

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### **An Act to amend the *Evidence Act 1971* and for related purposes**

*[Notified in ACT Gazette S280: 15 December 1994]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Evidence (Amendment) Act 1994*.

#### **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Evidence Act 1971*.<sup>1</sup>

#### **Insertion**

4. After section 68 of the Principal Act the following section is inserted:

#### **Abolition of right of accused to make unsworn statement**

“68A. (1) Any rule of law or procedure or any practice permitting an accused person in criminal proceedings to make an unsworn statement or to give unsworn evidence in defence is abolished.

“(2) Subsection (1) does not affect the operation of section 64.”.

**Questioning of accused as to prior convictions and general reputation**

5. Section 70 of the Principal Act is amended—

- (a) by inserting in paragraph (2) (c) “, being imputations that are not such as would necessarily arise from a proper presentation of the defence” after “prosecution”;
- (b) by omitting from subsection (2) “judge” and substituting “court”;  
and
- (c) by adding at the end the following subsection:

“(3) A court shall not, by virtue of the operation of subsection (2), permit a question of the kind referred to in subsection (1) to be asked of the person charged unless the court is of the opinion that the question is relevant to his or her credibility as a witness and that, in the interests of justice and in the circumstances of the case, it is proper to permit the question to be asked.”.

**Repeal**

6. Section 76H of the Principal Act is repealed.

**Amendment of *Crimes Act 1900***

7. Section 405 of the *Crimes Act 1900* is repealed.

**Application**

8. The amendment effected by section 4 and the repeals effected by sections 6 and 7 do not apply in relation to criminal proceedings that began before the commencement of this Act.

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**NOTE**

1. Reprinted as at 6 September 1993.

*[Presentation speech made in Assembly on 9 December 1993]*

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