Note

In order to give effect to the Cross-border Justice Act 2009, this law must be applied with the modifications mentioned in section 13 of the Cross-border Justice Act 2009 as if this law had been altered in that way.

For modifications of this law prescribed by regulation, see Part 3, Division 7 of the Cross-border Justice Regulations 2009.

NORTHERN TERRITORY OF AUSTRALIA

EVIDENCE ACT 1939

As in force at 1 July 2026

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2026

EVIDENCE ACT 1939

An Act to make provision for evidentiary matters in addition to the *Evidence (National Uniform Legislation) Act 2011*

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Evidence Act 1939*.

4 Definitions

In this Act:

appear, for Part 5, see section 49.

audio link, for Part 5, see section 49.

audiovisual link means a facility (including closed-circuit television) that enables audio and visual communication between persons at different places.

audiovisual record, for Part 3, see section 21AA.

authorised person, for Part 3, see section 21AA.

child, for Part 3, see section 21AA.

civil proceeding, see Part 1 of the Dictionary at the end of the Evidence (NUL) Act.

committal proceedings, for Part 7, see section 56.

communication link, for Part 5, see section 49.

complainant, see section 21G

confidential communication, for Part 7, see section 56.

counsellor, for Part 7, see section 56.

court, see Part 1 of the Dictionary at the end of the Evidence (NUL) Act.

criminal proceeding, see Part 1 of the Dictionary at the end of the Evidence (NUL) Act.

document, see Part 1 of the Dictionary at the end of the Evidence (NUL) Act.

domestic violence, see section 21G.

domestic violence offence, see section 21G.

domestic violence offence proceeding, see section 21G.

Evidence (NUL) Act means the *Evidence (National Uniform Legislation) Act 2011*.

examination, for Part 3, see section 21AA.

harm, for Part 7, see section 56.

interstate entity, for Part 5, see section 49.

interstate proceeding, for Part 5, see section 49.

judge, see Part 1 of the Dictionary at the end of the Evidence (NUL) Act.

participating State, for Part 5, see section 49.

party to a confidential communication, for Part 7, see section 56.

proceeding means a civil proceeding or a criminal proceeding.

recorded statement:

(a) for Part 3 – see section 21AA; or

(b) for Part 3A – see section 21G.

serious violence offence, for Part 3, see section 21AA.

sexual offence means a sexual offence within the meaning of the *Sexual Offences (Evidence and Procedure) Act 1983*.

special sitting, for Part 3, see section 21AA.

statement includes any representation of fact or opinion, whether made in words or otherwise.

Territory entity, for Part 5, see section 49.

Territory proceeding, for Part 5, see section 49.

victim, for Part 7, see section 56.

visual link, for Part 5, see section 49.

vulnerable witness, for Part 3, see section 21AB.

Note for section 4

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

5 Application of Act

(1) This Act applies to all proceedings to which the Evidence (NUL) Act applies.

(2) Part 5 also applies to Territory proceedings and interstate proceedings (as defined in section 49).

6 Relationship with Evidence (NUL) Act

This Act applies in addition to, and does not affect the operation of, the Evidence (NUL) Act.

6A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

Note for section 6A

Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.

Part 2 Privilege

12 Medical privilege

(2) A medical practitioner shall not, without the consent of his or her patient, divulge in any civil proceeding (unless the sanity of the patient is the matter in dispute) any communication made to him or her in his or her professional character by the patient, and necessary to enable him or her to prescribe or act for the patient.

(3) Nothing in this section shall protect any communication made for any criminal purpose, or prejudice the right to give in evidence any statement or representation at any time made to or by a medical practitioner in or about the effecting by any person of an insurance on the life of himself or herself or any other person.

Part 3 Vulnerable witnesses

21AA Definitions

In this Part:

audiovisual record includes a recorded statement.

authorised person means any of the following:

(a) a police officer with the rank of constable or above;

(b) a member of the Australian Federal Police who is appointed as a special constable under the *Police Administration Act 1978*;

(c) a member of a police force of a State or another Territory who is appointed as a special constable under the *Police Administration Act 1978*;

(d) a person who is an authorised officer under section 304(1)(a) of the *Care and Protection of Children Act 2007*;

(e) a member of a police force of a State or another Territory with the rank of constable or above;

(f) a person prescribed by regulation.

child means a person who is under 18 years of age.

examination of a witness includes cross-examination and re-examination.

recorded statement means an interview, recorded on video-tape or by other audiovisual means, in which an authorised person elicits from a vulnerable witness statements of fact which, if true, would be of relevance to a proceeding.

serious violence offence means:

(a) an offence against any of the following provisions of the Criminal Code that is punishable by imprisonment for 5 or more years:

(i) Part V, Division 2;

(ii) Part VI, Divisions 3 to 6A;

(iii) Part VIA;

(iv) section 218;

(v) another provision prescribed by regulation; or

(aa) an offence against section 211 or 212 of the Criminal Code, as in force immediately before the commencement of section 10 of the *Criminal Code Amendment (Property Offences) Act 2022*; or

(b) an offence against Part V, Division 2 or Part VI, Division 5 of the Criminal Code as in force before the commencement of Part 2 of the *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023* that was punishable by imprisonment for 5 or more years.

special sitting, of a court, means a sitting of the court held for the purpose of conducting an examination, or part of an examination, of a vulnerable witness in proceedings for a sexual offence or serious violence offence.

vulnerable witness, see section 21AB.

21AB Meaning of *vulnerable witness*

A ***vulnerable witness*** means a witness in proceedings:

(a) who is a child; or

(b) who has a cognitive impairment or an intellectual disability; or

(c) who is the alleged victim of a sexual offence to which the proceedings relate; or

(d) who is a complainant in a domestic violence offence proceeding; or

(e) whom a court considers to be vulnerable.

21A Evidence of vulnerable witnesses

(1) In considering whether a witness is a vulnerable witness, the court may have regard to the following matters:

(a) any relevant condition or characteristic of the witness, including age, education, ethnic and cultural background, gender, language background and skills, level of maturity and understanding and personality;

(b) any mental or physical disability to which the witness is, or appears to be, subject;

(c) any relationship between the witness and the defendant to the proceedings;

(d) any other matter the court considers relevant.

(2) Subject to section 21B, a vulnerable witness is to give evidence at a place outside the courtroom using an audiovisual link, unless:

(a) an audiovisual link is not available; or

(b) the witness chooses to give evidence in the courtroom.

(2AB) Subject to subsection (2) and section 21B, if a vulnerable witness is giving evidence in the courtroom, a screen, partition or one-way glass must be placed so that the witness's view of the defendant is obscured but not the view of the witness by the judge or the jury.

(2AC) A witness is entitled to dispense with the use of the screen, partition or one-way glass mentioned in subsection (2AB).

(2AD) In addition to the arrangements mentioned in subsections (2) to (2AC), a vulnerable witness is also entitled to the following:

(a) for the purpose of providing the vulnerable witness with emotional support – be accompanied by:

(i) a relative; or

(ii) a friend; or

(iii) any other person requested by the vulnerable witness and whom the court considers is in the circumstances appropriate to accompany the vulnerable witness;

(b) that the court be closed while evidence is being given by the vulnerable witness in the proceeding (including evidence given under cross-examination) and that no persons remain in or

enter a room or place in which the court is being held, or remain within the hearing of the court, without its permission.

(2A) The court may make an order that the vulnerable witness is not to give evidence using an arrangement under subsection (2AB) or (2AD) if satisfied that:

(a) it is not in the interests of justice for the witness's evidence to be given using that arrangement; or

(b) the urgency of the proceeding makes the use of that arrangement inappropriate.

(2B) In determining whether or not it is in the interests of justice to use an arrangement under subsection (2), the court must have regard to the following matters:

(a) the need to minimise the harm that could be caused to the vulnerable witness by giving evidence;

(b) the interest in the vulnerable witness being able to give evidence effectively.

(2C) The court must state its reasons for making an order under subsection (2A).

(3) Where a vulnerable witness is to give evidence using an arrangement under subsection (2) or (2AB), the judge must issue a warning to the jury (if any) to the effect that:

(a) the procedure is a routine practice of the court; and

(b) no adverse inference is to be drawn against the accused as a result of the use of the arrangement; and

(c) the evidence of the witness is not to be given any greater or lesser weight because of the use of the arrangement.

(4) If an arrangement under subsection (2AD)(a) is used, the person who accompanies the vulnerable witness is to be placed so he or she is visible to the judge and the jury (if any).

(5) If an arrangement under subsection (2AD)(b) is used in a proceeding in which the defendant is or is apparently a child, nothing in subsection (2AD)(b) is to be taken to require the exclusion from the court or the place where the evidence is being given of a person who is required or permitted under the *Youth Justice Act 2005* to be present.

(6) If the court is requested to determine whether a witness is a vulnerable witness, the witness is to be taken to be a vulnerable witness until the court makes the determination.

21B Evidence of vulnerable witnesses in cases of sexual or serious violence offences

(1) This section applies to proceedings for the trial in respect of, or the hearing of a charge for, a sexual offence or a serious violence offence.

(2) If a vulnerable witness is to give evidence in proceedings to which this section applies, the court may exercise one or both of the following powers:

(a) the court may admit a recorded statement in evidence as the witness's evidence in chief or as part of the witness's evidence in chief;

(b) the court may:

(i) hold a special sitting in relation to the witness; and

(ii) have an audiovisual recording made of the examination of the witness at the special sitting and admit the recording in evidence; and

(iii) re-play the recording to the jury as the witness's evidence or as part of the witness's evidence (as the case requires).

(3) If the prosecutor asks the court to admit a recorded statement in evidence or to hold a special sitting under subsection (2), the court must accede to the request unless there is good reason for not doing so.

(3A) Without limiting subsection (3), when considering the prosecutor's request to admit a recorded statement or to hold a special sitting, the court must take into account whether a recorded statement can be played or a special sitting can be held in the courtroom for the proceedings.

(4) Before the court admits a recorded statement, or the recording of an examination conducted at a special sitting, in evidence under this section, the court may have it edited to remove irrelevant or otherwise inadmissible material.

(5) A vulnerable witness may (but need not) be present in the courtroom when a recorded statement of evidence of the witness, or an audiovisual recording of the examination (or part of the examination) of the witness, is re-played in the courtroom.

(6) The vulnerable witness's demeanour, and words spoken or sounds made by the vulnerable witness, during the re-play of a recorded statement of evidence or an audiovisual recording of the examination (or part of the examination) of the witness, are not to be observed or overheard in the courtroom unless the vulnerable witness elects to be present in the courtroom for that part of the proceedings.

21C Evidence given outside the courtroom

(1) If evidence is given outside the courtroom and contemporaneously transmitted to the courtroom, the following provisions apply:

(a) the place where the vulnerable witness gives the evidence is taken to be within the precincts of the court;

(b) the court will determine who is to be present in the same room as the witness while the evidence is given;

(c) the court may give directions:

(i) to ensure necessary communication between persons in the courtroom and the vulnerable witness; and

(ii) to ensure that images of the defendant are not transmitted to the place where the vulnerable witness is giving evidence; and

(iii) to ensure that the witness's evidence is audible in the courtroom and that the judge, counsel and jury can adequately observe the demeanour of the witness while giving evidence; and

(iv) to deal with any incidental matter.

(2) If the court holds a special sitting, the following provisions apply:

(a) the court may hold the sitting wherever it thinks appropriate and, if it decides to sit outside the courtroom, the place where the sitting is held is taken to be within the precincts of the court;

(b) in the case of a trial by jury, the special sitting is to be held in the absence of the jury (and may be held before the jury is empanelled);

(c) during the examination of the witness, the defendant is not to be present in the same room as the witness, but, if the defendant wants to observe the examination, arrangements are to be made so that:

(i) the defendant can contemporaneously hear and observe the witness by audiovisual link; and

(ii) the defendant (if represented) can communicate with counsel for the defence during the course of the examination;

(d) the court will determine who is to be in the same room as the witness during the course of the examination;

(e) the court may give directions on any matter incidental to the examination or the recording of the examination.

(3) If evidence is taken from a vulnerable witness from a place outside the courtroom, but it is necessary for the witness to attend in the courtroom to give identification evidence, the court must, unless there is good reason to the contrary, defer taking the identification evidence until the witness has completed giving all other evidence.

21D Principles in relation to child witnesses

(1) It is the intention of the Legislative Assembly that, as children tend to be vulnerable in dealings with persons in authority (including courts and lawyers), child witnesses be given the benefit of special measures.

(2) If a witness is a child, the court must have regard to the following principles:

(a) the court must take measures to limit, to the greatest extent practicable, the distress or trauma suffered (or likely to be suffered) by the child when giving evidence;

(b) the child must be treated with dignity, respect and compassion;

(c) the child must not be intimidated when giving evidence;

(d) proceedings in which a child is a witness should be resolved as quickly as possible;

(e) all efforts must be made to ensure that matters that may delay or interrupt a child's evidence in a proceeding are determined before a special sitting or trial commences.

(3) However, if the court is satisfied that a child witness is able, and wants, to give evidence in the presence of the defendant, special measures are not to be taken, contrary to the wishes of the child, to protect the child from the apprehended distress or trauma of giving evidence in the presence of the defendant.

21E Audiovisual record of evidence of vulnerable witness

(1) If a vulnerable witness is to give evidence in criminal proceedings, and facilities are available for making an audiovisual record of the evidence, the court may direct that an audiovisual record be made of the witness's evidence.

(2) An order may be made under this section whether or not special measures are taken for the protection of the witness.

(3) An audiovisual record made under this section forms part of the records of the court.

(4) If, in later civil or criminal proceedings, a court is satisfied that evidence of which an audiovisual record has been made under this section is relevant to the later proceedings, the court may admit the audiovisual record in evidence.

(5) Before the court admits an audiovisual record in evidence, it may have the record edited to exclude irrelevant material or material that is otherwise inadmissible in the later proceedings.

(6) If a court admits an audiovisual record in evidence under this section, the court may relieve the witness wholly or in part from an obligation to give evidence in the later proceedings.

21F Closure of court in certain cases

(1) The court is to be closed, in a case involving a charge of a sexual offence or a serious violence offence, while the evidence of a vulnerable witness is being taken.

(2) This section extends both to the examination of the vulnerable witness and to the re-play before the court of an audiovisual record of the witness's evidence.

(3) While the court is closed under this section, a person must not remain in the courtroom, or a place from which the person can overhear the proceedings in the courtroom, without the court's permission.

Part 3A Domestic violence offence proceedings

21G Definitions

In this Part:

complainant, for a domestic violence offence proceeding, means an adult against whom a domestic violence offence the subject of the proceeding is alleged, or has been found, to have been committed.

domestic violence, see section 5 of the *Domestic and Family Violence Act 2007*.

domestic violence offence means:

(a) an offence constituted by, or involving, conduct that is domestic violence; or

(b) an offence against section 120(1) of the *Domestic and Family Violence Act 2007*.

domestic violence offence proceeding means a proceeding for a domestic violence offence.

recorded statement means an interview, recorded on video-tape or by other audiovisual means, in which a police officer elicits from a complainant statements of fact that, if true, would be of relevance to a domestic violence offence proceeding.

21GA Expert evidence for domestic violence

(1) If evidence of domestic violence is relevant to a fact in issue in a domestic violence offence proceeding, the court may admit expert domestic violence evidence.

(2) For subsection (1), expert domestic violence evidence includes evidence about the following:

(a) the nature of domestic violence;

(b) the effects of domestic violence on a person;

(c) the effects of domestic violence on the complainant in particular;

(d) the effects of domestic violence on a child or young person.

(3) Before admitting the expert domestic violence evidence, the court must be satisfied that the expert giving the evidence demonstrates

specialist knowledge that was gained by training, study or experience of a matter that is of relevance to a fact in issue in the domestic violence offence proceeding.

21H Evidence of complainant

(1) A recorded statement that complies with section 21J:

(a) may be played at the hearing of the charge for, or the trial in respect of, the domestic violence offence to which it relates; and

(b) if it is played at the hearing or trial, may be admitted as the complainant's evidence in chief, or part of the complainant's evidence in chief, in the proceeding.

(2) However, the court may refuse to admit all or part of the recorded statement if the court considers it is in the interests of justice to do so.

(3) A complainant may (but need not) be present in the courtroom when a recorded statement of evidence of the complainant is played in the courtroom.

(4) The complainant's demeanour, and words spoken or sounds made by the complainant, during the playing of a recorded statement of evidence of the complainant, are not to be observed or overheard in the courtroom unless the complainant elects to be present in the courtroom for that part of the proceeding.

21J Requirements for recorded statement

(1) To be admissible, a recorded statement must be made:

(a) as soon as practicable after the events mentioned in the statement occurred; and

(b) with the informed consent of the complainant.

(3) A recorded statement:

(a) must include a statement by the complainant as to the complainant's age; and

(b) must be made as a statutory declaration in compliance with section 20 of the *Oaths, Affidavits and Declarations Act 2010*.

(4) If any part of a recorded statement is in a language other than English:

(a) the recorded statement must contain an English translation of the part; or

(b) a separate written English translation of the part must accompany the recorded statement.

21K Service of recorded statement on defendant's legal practitioner

(1) This section applies if:

(a) a recorded statement has been made for a domestic violence offence proceeding; and

(b) the defendant is represented by a legal practitioner in the proceeding.

(2) The prosecution must serve a copy of the recorded statement on the defendant's legal practitioner as soon as practicable after the proceeding is commenced.

(3) The defendant must not be given, or take a copy of, the recorded statement.

21L Access to recorded statement if defendant unrepresented

(1) This section applies if:

(a) a recorded statement has been made for a domestic violence offence proceeding; and

(b) the defendant is not represented by a legal practitioner in the proceeding.

(2) The prosecution must:

(a) serve an audio copy of the recorded statement on the defendant as soon as practicable after the proceeding is commenced; and

(b) give the defendant a reasonable opportunity to view the recorded statement on a day before the hearing of the charge for, or before the committal date in respect of, the domestic violence offence to which the recorded statement relates.

21M Failure to comply with service or access requirements

Evidence of a complainant given in the form of a recorded statement is not to be admitted if section 21K or 21L has not been complied with, unless the court is satisfied that:

(a) the parties consent to the recorded statement being admitted; or

(b) the defendant or the defendant's legal practitioner has been given a reasonable opportunity to listen to or view the recorded statement and it would be in the interests of justice to admit the recorded statement.

21N Transcript of recorded statement

(1) Despite any other law, the prosecution in a domestic violence offence proceeding is not required to provide a transcript of a recorded statement for the proceeding to the defendant or the defendant's legal practitioner.

(2) In a jury trial, the court may order that a transcript of all or part of the evidence given in the form of a recorded statement be supplied to the jury if the court considers that a transcript would be likely to help the jury understand the evidence.

21P Editing or otherwise altering recorded statement

A recorded statement may be edited or otherwise altered only if:

(a) both parties consent to the edits or alterations; or

(b) the court before which the domestic violence offence proceeding is taking place so orders.

Example for section 21P

The court might order the editing of the statement to remove inadmissible material.

21Q Offence to publish recorded statement

(1) A person commits an offence if:

(a) the person intentionally publishes a recorded statement; and

(b) the person does not have authority to publish the recorded statement and the person is reckless in relation to that circumstance.

Maximum penalty: 100 penalty units or imprisonment for 12 months.

(2) For subsection (1), a person has authority to publish a recorded statement only if the person publishes the recorded statement in connection with:

(a) the investigation of, or a proceeding for, an offence in relation to which the recorded statement is prepared; or

(b) a rehearing, retrial or appeal in relation to the proceeding.

(3) In this section:

person includes the complainant who made the recorded statement.

publish means communicate or disseminate information in a way or to an extent that makes it available to, or likely to come to the notice of, the public or a section of the public or anyone else not lawfully entitled to the information.

21QA Leave required for unrepresented defendant to cross-examine certain vulnerable witnesses

(1) This section applies if, in an examination of witnesses or a trial, a defendant is not represented by a legal practitioner and the defendant wishes to cross-examine a vulnerable witness.

(2) The defendant is not entitled to cross-examine the witness directly unless the court grants leave.

(3) The court cannot grant leave under subsection (2) if the witness is a child, or has a cognitive impairment or an intellectual disability.

(4) The court must not grant leave under subsection (2) unless satisfied that the witness's ability to testify under cross-examination will not be adversely affected if the defendant conducts the cross-examination.

(5) In considering whether the witness's ability to testify will be adversely affected, the court must have regard to any trauma or distress that could be caused if the defendant conducts the cross-examination.

(6) In considering whether to grant leave under subsection (2), the court must not require the witness to give evidence about the matters mentioned in subsections (4) and (5).

21QB Leave not given to directly cross-examine witness

(1) This section applies if the court does not grant leave under section 21QA(2).

(2) The court must, as soon as practicable, explain to the defendant:

(a) the prohibition against directly cross-examining the witness and the effect of the prohibition; and

(b) that if the defendant does not cross-examine the witness, the defendant will not be permitted to adduce evidence in relation to a fact in issue in order to contradict the evidence of the witness; and

(c) that the defendant can arrange for a legal practitioner to cross-examine the witness on the defendant's behalf; and

(d) that the defendant must notify the court of the name of the arranged legal practitioner by a date specified by the court; and

(e) that if the defendant does not wish to make such an arrangement, or if the defendant fails to notify the court of the name of a legal practitioner by the date specified:

(i) the court will decide whether it is necessary in the interests of justice to appoint a legal practitioner to cross-examine the witness for the defendant; and

(ii) if the court decides that it is necessary – the court may appoint a legal practitioner to cross-examine the witness for the defendant, or make any other order the court considers necessary.

(3) If the defendant does not wish to make such an arrangement, or if the defendant fails to notify the court of the name of a legal practitioner by the date specified:

(a) the court must decide whether it is necessary in the interests of justice to appoint a legal practitioner to cross-examine the witness for the defendant; and

(b) if the court decides that it is necessary – the court may appoint a legal practitioner (the ***appointed person***) to cross-examine the witness for the defendant, or make any other order the court considers necessary.

(4) If the defendant wishes to cross-examine a vulnerable witness, the defendant must put any question to the appointed person and the appointed person must put the question to the witness, unless the appointed person considers the question to be improper.

Notes for subsection (4)

1 The appointed person need not use the exact same words as the defendant when putting a question.

2 The court can also rule that a question is improper and need not be answered – see section 41(2) of the Evidence (National Uniform Legislation) Act 2011.

*3 See section 41(3) of the Evidence (National Uniform Legislation) Act 2011 for the meaning of **improper question**.*

(5) If the defendant does not give any instructions to an appointed person, the appointed person must act in the best interests of the defendant.

(6) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith as an appointed person for this section.

21QC Warning

If a defendant cross-examines a witness through an appointed person, the court must issue a warning to the jury (if any) to the effect that:

(a) the procedure is a routine practice of the court; and

(b) no adverse inference is to be drawn against the defendant as a result of the use of the arrangement; and

(c) the evidence of the witness is not to be given any greater or lesser weight because of the use of the arrangement.

21R Part does not affect other provisions

This Part does not affect any other provisions of this Act.

Example for section 21R

This Part does not affect the operation of Part 3 in relation to the complainant as a vulnerable witness.

Part 4 Miscellaneous rules of evidence

24 Evidentiary certificate by reporting scientist

(1) This section applies to a criminal proceeding.

(2) A certificate purporting to be signed by a reporting scientist and stating any of the following matters is evidence of the matter:

(a) that a stated thing was received at a stated laboratory on a stated day;

(b) that the thing was tested at the laboratory on a stated day or between stated days;

(c) that a stated DNA profile has been obtained from the thing;

(d) that the reporting scientist:

(i) examined the laboratory's records relating to the receipt, storage and testing of the thing, including any test process that was done by someone other than the reporting scientist; and

(ii) confirms the records indicate all quality assurance procedures for the receipt, storage and testing of the thing that were in place in the laboratory at the time of the test were complied with.

(3) If a party intends to rely on the certificate, the party must:

(a) at least 15 business days before the hearing day, give a copy of the certificate to each other party; and

(b) at the hearing, call the reporting scientist to give evidence unless the parties agree otherwise.

(4) If the Commissioner of Police receives a written request from a party for a copy of the laboratory's records relating to the receipt, storage and testing of the thing, the Commissioner must give the party a copy of the records within 7 business days after receiving the request.

(5) If a party intends to challenge a matter stated in the certificate, the party must, at least 3 business days before the hearing day, give the Commissioner of Police and each other party written notice of the matter to be challenged.

(6) A party challenging a matter stated in the certificate may, with the leave of the court, require the party relying on the certificate to call any person involved in the receipt, storage or testing of the thing to give evidence at the hearing.

(7) The court may give leave only if satisfied:

(a) an irregularity may exist in relation to the receipt, storage or testing of the thing about which the person to be called is able to give evidence; and

(b) it is in the interests of justice that the person be called to give evidence.

(8) Any equipment used in testing the thing at the laboratory is to be taken to have given accurate results in the absence of evidence to the contrary.

(9) A document required to be given under this section may be given personally or by post, facsimile or another form of electronic communication.

(10) On application made to it, the court may, before or after a time fixed under this section expires, extend or abridge the time by an order fixing, extending or abridging the time, whether or not the application is made before the time expires.

(11) In this section:

business day means a day that is not:

(a) a Saturday or Sunday; or

(b) a day that is declared to be a public holiday under the *Public Holidays Act 1981*.

criminal proceeding, see Part 1 of the Dictionary at the end of the Evidence (NUL) Act.

DNA profile means the result from a DNA analysis.

hearing day means the day fixed for the start of the hearing of a proceeding.

laboratory means a forensic science laboratory of the Commonwealth or a State or Territory.

records, of a laboratory, means records in the possession of the Commissioner of Police or to which the Commissioner has access.

reporting scientist means a person who holds a prescribed qualification.

26E Exception to rule against hearsay evidence

(1) In a proceeding arising from a charge of a sexual offence or a serious violence offence, the court may, despite the rule against hearsay evidence, admit evidence of a statement made by a child to another person as evidence of facts in issue if the Court considers the evidence of sufficient probative value to justify its admission.

(2) In a preliminary examination under Part V, Division 1 of the *Local Court (Criminal Procedure) Act 1928*, the child whose evidence is admitted under subsection (1) cannot be cross-examined in relation to the statement.

(3) An accused person cannot be convicted solely on the basis of hearsay evidence admitted under subsection (1).

Part 5 Communication links

Division 1 Preliminary matters

49 Interpretation

In this Part:

appear, before a Territory entity, includes:

(a) be present before the Territory entity; and

(b) be brought before the Territory entity.

audio link means facilities (including telephone) that enable audio communication between persons at different places.

communication link means an audiovisual link, audio link or visual link.

interstate entity means:

(a) a court of a participating State; or

(b) a person or body authorised by or under a law of a participating State to take evidence on oath or affirmation;

that is authorised by the provisions of an Act of that State in terms substantially corresponding to Divisions 3 and 4 to direct that evidence be taken or submissions be made by audio link or audiovisual link from the Territory.

interstate proceeding means a proceeding in or before an interstate entity.

participating State means a State or Territory in which provisions of an Act in terms substantially corresponding to Divisions 3 and 4 are in force.

Territory entity means any of the following:

(a) a court;

(b) a coroner;

(c) a person or body authorised by or under a law of the Territory to take evidence on oath;

(d) in this Division and Division 2 – a person acting judicially, including the holder of a statutory office or a public sector employee with authority to examine evidence.

Territory proceeding means a proceeding in or before a Territory entity.

visual link means facilities that enable visual communication between persons at different places.

49B Application of Part

Nothing in this Part prevents a person who is within or outside the Territory or Australia from appearing before or giving evidence or making submissions to a Territory entity for the purposes of a proceeding in the Territory in a manner provided for under:

(a) another law of the Territory; or

(b) a rule, regulation or matter of practice made under a law of the Territory.

49C Procedural rules

A Territory entity may make rules or otherwise determine procedures for or with respect to:

(a) appearance; or

(b) giving of evidence in a proceeding; or

(c) making a submission in a proceeding;

by a communication link provided for in this Part, including rules or procedures in respect of failure of a link.

Division 2 Use of communication links generally

49D Application of Division

(1) This Division applies to any Territory proceeding.

(2) Nothing in this Division limits the application of Division 3 or 4 to a proceeding.

(3) Nothing in Division 3 or 4 limits the application of this Division to a proceeding.

(4) A requirement by or under this or any other Act that a person appear before a Territory entity is taken to be satisfied if the person appears before the entity by way of a communication link in accordance with this Division.

49E Use of communication link in Territory proceedings generally

(1) Subject to subsection (6) and sections 49EA and 49EB, a Territory entity may direct that a person (whether or not a party to the proceeding) appear before, or give evidence or make a submission to, the entity by a communication link from any place within or outside the Territory (including outside Australia) that is outside the place where the entity is sitting.

(2) The entity may give a direction under subsection (1) on its own initiative or on application by a party to the proceeding, and the direction may be subject to any conditions the entity considers appropriate.

(3) A direction under subsection (1) may be given at any stage of a proceeding.

Example for subsection (3)

A court may direct that an offender appear before the court by communication link for sentencing.

(4) However, the entity must not give a direction under subsection (1) unless it is satisfied that the necessary facilities are available or can reasonably be made available.

(5) In considering whether to give a direction under subsection (1), the entity may have regard to the following matters:

(a) the risk of endangering the personal security of a person, including any safety and welfare considerations involved in transporting a person;

(b) the risk of an accused person escaping, or attempting to escape, from custody;

(c) past behaviour of a person while appearing before an entity or while in custody;

(d) the efficient use of available judicial and administrative resources;

(e) any other matters that the entity considers relevant.

Examples for subsection (5)(e)

1 The ability of the defendant to comprehend the proceedings or access legal advice or representation or the assistance of an interpreter.

2 Any special needs of the defendant, including the impact of any intellectual or physical disability, mental illness or the need for a support person.

(6) If the person who is to appear before the entity is an expert witness, or is a police officer giving corroborative evidence, the person is to appear by communication link unless:

(a) the necessary facilities are not available and cannot reasonably be made available; or

(b) the entity is of the view that it is in the interests of justice that the witness should appear physically before the entity.

(7) The entity may at any time vary or revoke an order made under this Division, either on its own initiative or on application of a party to the proceeding.

49EA Audiovisual links to be used in criminal proceedings in or before Local Court for certain witnesses

(1) This section only applies in relation to:

(a) a Territory proceeding that is a criminal proceeding in or before the Local Court; and

(b) a person (a ***witness***) who is to appear before the Local Court as a witness in a criminal proceeding.

(2) The Local Court must give a direction under section 49E(1) for a witness in a criminal proceeding to appear before, and give evidence to, the Court by audiovisual link if the Court is satisfied that:

(a) the witness would appear by audiovisual link from a place (the ***remote place***) that is:

(i) a remote community; or

(ii) any other place that is located more than 100 km from the place where the Court is sitting; and

(b) the necessary facilities are available or can reasonably be made available for the witness to appear by audiovisual link from the remote place; and

(c) if a party to the criminal proceeding opposes the direction being given in respect of the witness – it is in the interests of the administration of justice to give the direction.

(3) For subsection (2)(c), in considering whether it is in the interests of the administration of justice to give the direction, the Local Court:

(a) must have regard to:

(i) whether the evidence of the witness can more conveniently be given from the remote place; and

(ii) whether the giving of the direction could support the efficient conduct of the criminal proceeding by reducing costs incurred in, or delays to, the proceeding; and

(iii) whether the giving of the direction would be unfair to the party opposing it; and

(b) may have regard to any other matter that the Court considers relevant.

49EB Use of audiovisual links in summary criminal proceedings for detained defendants

(1) This section only applies in relation to:

(a) a Territory proceeding that is a summary criminal proceeding; and

(b) a detained defendant who is to appear before a court in a summary criminal proceeding.

(2) A detained defendant who is required to appear before a court in a summary criminal proceeding, other than in a part of the proceeding mentioned in subsection (5), is to appear by audiovisual link unless:

(a) the necessary facilities are not available and cannot reasonably be made available for the detained defendant to appear by audiovisual link; or

(b) the court directs that the detained defendant appear physically before the court instead of by audiovisual link.

(3) The court may give a direction under subsection (2)(b) on its own initiative or on the application of a party to the summary criminal proceeding.

(4) In considering whether to give a direction under subsection (2)(b), the court may have regard to the matters specified in section 49E(5).

(5) A detained defendant who is required to appear before a court in the following parts of a summary criminal proceeding is to appear physically before the court unless the court directs otherwise under section 47E(1):

(a) the first appearance of the detained defendant before the court in the proceeding;

(b) a hearing of the charge or charges in the proceeding;

(c) a preliminary examination conducted by the court in respect of the charge or charges in the proceeding.

(6) In this section:

detained defendant, in relation to a summary criminal proceeding, means a person who is:

(a) a defendant in the summary criminal proceeding; and

(b) held in the custody of the Commissioner of Correctional Services, whether in connection with the summary criminal proceeding or otherwise.

summary criminal proceeding means any criminal proceeding in or before either of the following courts:

(a) the Local Court;

(b) the Youth Justice Court.

49F Appearance, giving evidence or making submissions by audiovisual link

A person must not appear, evidence must not be given and a submission must not be made, by audiovisual link under this Division unless:

(a) the place where a Territory entity is sitting (***place A***); and

(b) the place where the person would appear, the evidence would be given or the submission would be made (***place B***);

are equipped with audiovisual link facilities that enable:

(c) all appropriate persons who are at place A to see and hear all appropriate persons at place B; and

(d) all appropriate persons who are at place B to see and hear all appropriate persons at place A.

49G Appearance, giving evidence or making submissions by audio link

A person must not appear, evidence must not be given and a submission must not be made, by audio link under this Division, unless:

(a) the place where a Territory entity is sitting (***place A***); and

(b) the place where the person would appear, evidence would be given or the submission would be made (***place B***);

are equipped with audio link facilities that enable:

(c) all appropriate persons who are at place A to hear all appropriate persons at place B; and

(d) all appropriate persons who are at place B to hear all appropriate persons at place A.

49H Appearance, giving evidence or making submissions by visual link

A person must not appear, evidence must not be given and a submission must not be made, by visual link under this Division unless:

(a) the place where a Territory entity is sitting (***place A***); and

(b) the place where the person would appear, the evidence would be given or the submission would be made (***place B***);

are equipped with visual link facilities that enable:

(c) all appropriate persons who are at place A to see all appropriate persons at place B; and

(d) all appropriate persons who are at place B to see all appropriate persons at place A.

49I Premises to be considered part of place where entity is sitting

(1) Despite any provision to the contrary, any place at which a communication link is being used in accordance with this Division for the purpose of a person appearing before, or giving evidence or making a submission to, a Territory entity is taken to be part of the place where the entity is sitting for the purpose of conducting the proceeding.

(2) Subsection (1) has effect, for example, for the purposes of the laws relating to evidence, procedure, contempt of court and perjury.

(3) Subsection (1) also has the effect that any offence committed at the place where the person appearing before the entity or giving the evidence or making the submission is located is to be taken to have been committed at the place where the entity is sitting for the purposes of the laws in force in the Territory.

(4) If a communication link fails in relation to a proceeding, the entity may:

(a) adjourn the proceeding; or

(b) make other orders as are appropriate in the circumstances as if a person present at the place at which the communication link is located were in the presence of the entity.

49J Expenses

If a Territory entity directs that a person appear, evidence be taken, or submissions be made, by a communication link from a person under this Division, the entity may make the orders it considers just for payment of the expenses incurred.

49K Administration of oaths

An oath to be taken by a person giving evidence by a communication link under this Division may be administered:

(a) by means of a communication link, as nearly as practicable in the same way as if the person were to give evidence in the place where the Territory entity is sitting; or

(b) at the direction of, or on behalf of, the entity at the place where the person is giving the evidence, by a person authorised by the entity.

49L Putting documents to remote person

(1) If in the course of examination of a person by a communication link it is necessary to put a document to the person, a Territory entity may permit the document to be put to the person:

(a) if the document is at the place where the entity is sitting:

(i) by transmitting by any means (including by the communication link itself) a video, electronic or other image of it to the place where the person is giving evidence or making a submission; and

(ii) by the image transmitted being then put to the person; or

(b) if the document is at the place where the person is giving evidence or making a submission:

(i) by putting the document to the person; and

(ii) by then transmitting by any means (including by the communication link itself) a video, electronic or other image of the document to the place where the entity is sitting.

(2) A document put to a person in accordance with subsection (1) is admissible as evidence without proof that the transmitted video, electronic or other image of the document is a true copy of the document.

49M Putting objects to remote person

(1) If in the course of examination of a person by a communication link it is necessary to put an object, other than a document, to the person, a Territory entity may permit the object to be put to the person:

(a) if the object is at the place where the entity is sitting:

(i) by transmitting by any means (including by the communication link itself) a video, electronic or other image of the object to the place where the person is giving evidence or making a submission; and

(ii) by the image transmitted being then put to the person; or

(b) if the object is at the place where the person is giving evidence or making a submission:

(i) by putting the object to the person; and

(ii) by then transmitting by any means (including by the communication link itself) a video, electronic or other image of the object to the place where the entity is sitting.

(2) The entity may permit the video, electronic or other image of the object transmitted to the place where the entity is sitting, or any copy of that image, to be admissible as evidence of the object.

Division 3 Use of interstate audiovisual links or audio links in Territory proceedings

49N Application of Division

This Division applies to any Territory proceeding.

49P Territory entity may take evidence and submissions from outside Territory

(1) A Territory entity may, on the application of a party to a proceeding, direct that evidence be taken or submissions be made, by audiovisual link or audio link, from a participating State.

(2) The entity must not make the direction unless it is 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.

(3) Without limiting the matters to which the entity may have regard, the entity must have regard to whether the making of the direction would be unfair to any person.

(4) The entity may exercise in the participating State, in connection with taking evidence or receiving submissions 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.

49Q Giving evidence or making submissions by audiovisual link

Evidence must not be given, and a submission must not be made, by audiovisual link under this Division unless:

(a) the place where a Territory entity is sitting (***place A***); and

(b) the place where the evidence would be given or the submission would be made (***place B***);

are equipped with audiovisual link facilities that enable:

(c) all appropriate persons who are at place A to see and hear all appropriate persons at place B; and

(d) all appropriate persons who are at place B to see and hear all appropriate persons at place A.

49R Giving evidence or making submissions by audio link

Evidence must not be given, and a submission must not be made, by audio link under this Division, unless:

(a) the place where a Territory entity is sitting (***place A***); and

(b) the place where the evidence would be given or the submission would be made (***place B***);

are equipped with audio link facilities that enable:

(c) all appropriate persons who are at place A to hear all appropriate persons at place B; and

(d) all appropriate persons who are at place B to hear all appropriate persons at place A..

49S Expenses

If a Territory entity directs evidence to be taken, or submissions to be made, by audiovisual link or audio link from a person in a participating State, the entity may make the orders it considers just for payment of expenses incurred in connection with taking the evidence or making the submissions.

49T Counsel entitled to practise

A person who is entitled to practise as a legal practitioner in a participating State is entitled to practise as a barrister, solicitor or both:

(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 Territory proceeding; and

(b) in relation to the making of submissions by audiovisual link or audio link from the participating State in a Territory proceeding.

Division 4 Use of interstate audiovisual links or audio links in interstate proceedings

49U Application of Division

This Division applies to any interstate proceeding.

49V Interstate entity may take evidence or receive submissions from persons in Territory

An interstate entity may, for the purposes of an interstate proceeding, take evidence or receive submissions, by audiovisual link or audio link from a person in the Territory.

49W Powers of interstate entity

(1) The interstate entity may, for the purposes of the proceeding, exercise in the Territory, in connection with taking evidence or receiving submissions 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 force of this subsection, to the practice and procedure of the interstate entity in taking evidence or receiving submissions, by audiovisual link or audio link from a person in the Territory.

(3) For the purposes of the interstate entity exercising its powers, the place in the Territory where evidence is given or submissions are made is taken to be part of the place where the entity is sitting.

49X Orders made by interstate entity

Without limiting section 49W, the interstate entity 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 Territory where the giving of evidence or the making of submissions 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.

49Y Enforcement of order

(1) An order of an interstate entity under this Division must be complied with.

(2) Subject to rules of court, the order may be enforced by the Supreme Court of the Northern Territory as if the order were an order of that court.

(3) Without limiting subsection (2), a person who contravenes the order:

(a) is taken to be in contempt of the Supreme Court of the Northern Territory; and

(b) is punishable accordingly;

unless the person establishes that the contravention should be excused.

49Z Privileges, protection and immunity of participants in interstate proceedings

(1) A judge or other person presiding at or otherwise taking part in an interstate proceeding has, in connection with evidence being taken or submissions being received by audiovisual link or audio link from a person in the Territory, the same privileges, protection and immunity as a Supreme Court Judge.

(2) A person appearing as a legal practitioner in an interstate proceeding has, in connection with evidence being taken or submissions being received by audiovisual link or audio link from a person in the Territory, the same protection and immunity as a barrister has in appearing for a party in a proceeding in the Supreme Court of the Northern Territory.

(3) A person appearing as a witness in an interstate proceeding by audiovisual link or audio link from the Territory has the same protection as a witness in a proceeding in the Supreme Court of the Northern Territory.

49ZA Interstate entity may administer oath in Territory

(1) An officer of an interstate entity may, for the purpose of obtaining in the proceeding, by audiovisual link or audio link, the testimony of a person in the Territory, administer an oath or affirmation in accordance with the practice and procedure of the interstate entity.

(2) Evidence given by a person on oath or affirmation so administered is, for the purposes of the law of the Territory, testimony given in a judicial proceeding.

49ZB Assistance to interstate entity

An officer of a Territory entity may, at the request of an interstate entity:

(a) attend at the place in the Territory where evidence is to be or is being taken, or submissions are to be or are being made, in the proceeding; and

(b) take the action that the interstate entity directs to facilitate the proceeding; and

(c) assist with the administering by an officer of the interstate entity of an oath or affirmation.

49ZC Contempt of interstate entity

(1) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in contempt of the interstate entity (as defined in section 49ZD) and the person is reckless as to the result.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(2) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

49ZD Conduct constituting contempt of interstate entity

(1) A person's conduct results in ***contempt*** of the interstate entity if:

(a) the interstate entity has made an order requiring the person to do or not do something; and

(b) the order:

(i) was made orally to the person during proceedings; or

(ii) has been served on the person; and

(c) the person does not comply with the order.

(2) Also, a person's conduct results in ***contempt*** of the interstate entity if the person, while evidence is being given or a submission is being made in the Territory, by audiovisual link or audio link, in an interstate proceeding:

(a) insults, threatens, intimidates or obstructs the following in relation to the person's performance of functions or exercise of powers under this Act:

(i) a judge or other person presiding at or otherwise taking part in the proceeding;

(ii) an Associate Judge or a Master, Registrar, Deputy Registrar or other officer of the interstate entity who is taking part in or assisting in the proceeding;

(iii) a person appearing in the proceeding as a legal practitioner;

(iv) a witness in the proceeding;

(v) a juror in the proceeding; or

(b) interrupts, obstructs or hinders a proceeding of the interstate entity; or

(c) engages in any other conduct that, under a law of the Territory, would constitute contempt in the face of the court if the interstate proceeding were a Territory proceeding.

Part 6 Evidence on commission

Division 1 Taking outside Territory of evidence for Territory proceedings

50 Order for taking of evidence

(1) This section applies to any proceeding before the Supreme Court or the Local Court, other than a proceeding in which the court in question is exercising jurisdiction conferred on or vested in it by an Act of the Commonwealth.

(2) Where on the application of a party to any proceeding to which this section applies it appears to the court that it is in the interests of justice to do so, the court may in its discretion make in relation to a person outside the Territory an order:

(a) for the examination of the person on oath at any place outside the Territory before a judge or justice of the peace, an officer of the court, or such other person as the court may appoint; or

(b) for the issue of a commission for the examination of the person on oath at any place outside the Territory; or

(c) for the issue to an appropriate judicial authority of a place outside the Territory of a letter of request to take, or cause to be taken, the person's evidence.

(3) In subsection (2)(c):

appropriate judicial authority means:

(a) in relation to a place in Australia (including a place in any external Territory of the Commonwealth for the government of which as a Territory provision is made by any Act of the Commonwealth) – a court or authority prescribed as such for that place; and

(b) in relation to any other place – an authority appearing to the court to be appropriate having regard to the law of that place.

(4) In determining whether it is in the interests of justice to make an order under subsection (2) in relation to the taking of evidence of a person, the matters to which the court shall have regard include:

(a) whether the person is willing or able to come to the Territory to give evidence in the proceeding; and

(b) whether the person will be able to give evidence material to any issue to be tried in the proceeding; and

(c) whether, having regard to the interests of the parties to the proceeding, justice will be better served by granting the order or refusing it.

(5) Where a court makes an order within subsection (2)(a) or (b), it may in its discretion (at the time of making the order or at a subsequent time) give such directions as it thinks just relating to the procedure to be followed in and in relation to the examination, including directions as to the time, place and manner of the examination and any other matter that the court thinks relevant.

(6) Where a court makes an order within subsection (2)(c), it may in its discretion include in the order a request as to any matter relating to the taking of the person's evidence, including:

(a) the examination, cross-examination or re-examination of the person, whether his or her evidence is given orally, upon affidavit or otherwise; and

(b) the attendance of the legal representative of each party to the proceeding in which the order is made, and the participation of those persons in the examination in appropriate circumstances; and

(c) any prescribed matter.

51 Admissibility of evidence

(1) Subject to subsection (2), the court by which an order is made under section 50(2) may on such terms as it thinks fit permit a party to the proceeding in which the order is made to tender as evidence in the proceeding:

(a) the evidence of a person taken in an examination held as a result of the order; or

(b) a record of that evidence.

(2) Evidence of a person so tendered is not admissible if:

(a) it appears to the satisfaction of the court at the hearing of the proceeding that the person is in the Territory and able to attend the hearing; or

(b) the evidence would not have been admissible had it been given or produced at the hearing of the proceeding.

(3) Where it is in the interests of justice to do so, the court may in its discretion exclude from a proceeding evidence taken in an examination held as a result of an order under section 50(2), notwithstanding that the evidence is otherwise admissible.

(4) This section does not affect the power of a court in a criminal proceeding to exclude evidence that has been obtained illegally or would, if admitted, operate unfairly against the defendant.

(5) In this section:

examination includes any proceeding for the taking of a person's evidence conducted in relation to a letter of request issued pursuant to an order within section 50(2)(c), and a reference to evidence taken in an examination includes a reference to:

(a) a document produced at the examination; and

(b) answers made, whether in writing or orally and reduced to writing, to any written interrogatories presented at the examination.

Division 2 Taking within Territory of evidence for proceedings elsewhere

52 Application to Supreme Court for order to obtain evidence

(1) Where an application is made to the Supreme Court for an order for evidence to be obtained in the Territory, and the Supreme Court is satisfied:

(a) that the application is made in pursuance of a request issued by or on behalf of a court or tribunal exercising jurisdiction in a place outside the Territory, and relates to evidence to be obtained for the purposes of proceedings in a civil or commercial matter which have been instituted before that court or tribunal, or whose institution before that court or tribunal is contemplated; or

(b) that the application is made in pursuance of a request issued by or on behalf of a court of a place elsewhere in Australia (including a place in any external Territory of the Commonwealth for the government of which as a Territory provision is made by any Act of the Commonwealth), or by or on behalf of a court in New Zealand, and relates to evidence to be obtained for the purposes of proceedings in relation to the commission of an offence or alleged offence which have been instituted in or before that court, or whose institution in or before that court is contemplated;

the Supreme Court may give effect to the application in accordance with section 53.

(2) The references in subsection (1) to a request issued by or on behalf of a court or tribunal include references to any commission, order or other process so issued.

53 Power of Supreme Court to give effect to application

(1) The Supreme Court has power on any such application as is mentioned in section 52(1) to make by order such provision for obtaining evidence in the Territory as may appear to the Supreme Court to be appropriate for the purpose of giving effect to the request in pursuance of which the application is made.

(2) An order under this section may require a specified person to take such steps as the Supreme Court may consider appropriate for that purpose.

(3) Without limiting the generality of subsections (1) and (2), an order under this section may in particular make provision for:

(a) the examination of witnesses, either orally or in writing; and

(b) the production of documents; and

(c) the inspection, photographing, preservation, custody or detention of any property, the taking of samples of any property, and the carrying out of any experiments on or with any property (***property*** including in this paragraph any land, chattel or other corporeal property of any description); and

(d) the medical examination of any person; and

(e) without limiting paragraph (d), the taking and testing of samples of blood from any person.

(4) An order under this section shall not require any particular steps to be taken unless they are steps which can be required to be taken by way of obtaining evidence for the purposes of proceedings in the Supreme Court (whether or not proceedings of the same description as those to which the application for the order relates).

(5) Subsection (4) does not preclude the making of an order requiring a person to give testimony (either orally or in writing) otherwise than on oath, where this is asked for by the court or tribunal pursuant to whose request the application for the order was made.

(6) An order under this section shall not require a person:

(a) to state what documents relevant to the proceedings to which the application for the order relates are or have been in his or her possession, custody or power; or

(b) to produce any documents other than particular documents specified in the order and appearing to the Supreme Court to be, or to be likely to be, in his or her possession, custody or power.

(7) If an order under this section requires a person to attend at a place:

(a) section 194 of the Evidence (NUL) Act applies as if the order were a summons to attend; and

(b) the person is entitled to payment for other expenses and loss of time on attendance as a witness in a proceeding before the Supreme Court.

54 Privilege of witnesses

(1) A person shall not be compelled by virtue of an order under section 53 to give any evidence which he or she could not be compelled to give:

(a) in similar proceedings in the Territory; or

(b) in similar proceedings in the place in which jurisdiction is exercised by the court or tribunal pursuant to whose request the application for the order was made.

(2) Subsection (1)(b) does not apply unless the claim of the person in question to be exempt from giving evidence is:

(a) supported (whether unconditionally or subject to conditions that are fulfilled) by a statement contained in the request; or

(b) conceded by the applicant for the order.

(3) Where such a claim by a person is not so supported or conceded, he or she may (subject to the other provisions of this section) be required to give the evidence to which the claim relates, but that evidence shall not be transmitted to the court or tribunal in question if that court or tribunal, on the matter being referred to it, upholds the claim.

(4) In this section, references to giving evidence include references to answering any question and producing any document, and the reference in subsection (3) to the transmission of evidence given by a person shall be construed accordingly.

55 Misleading testimony

(1) A person who, in giving any testimony (either orally or in writing) otherwise than on oath where required to do so by an order under section 53, commits an offence if:

(a) the person intentionally gives testimony to the court or tribunal; and

(b) the person knows the testimony is misleading.

Maximum penalty: Imprisonment for 14 years.

(2) In this section:

misleading, in relation to testimony, means testimony that is misleading in a material particular or because of the omission of a material particular.

Part 7 Confidential information

56 Definitions

In this Part:

committal proceedings means a preliminary examination under Part V of the *Local Court (Criminal Procedure) Act 1928*.

confidential communication means:

(a) a communication, whether oral or written, made in confidence by a victim to a counsellor or to a victim by a counsellor in the course of the relationship of counsellor and client and includes:

(i) a communication that is not made in connection with the sexual offence or alleged sexual offence or a condition arising from the sexual offence or alleged sexual offence; and

(ii) a communication made in the presence of a parent or carer of the victim or any other person who is present to facilitate communication between the victim and the counsellor or to otherwise further the counselling of the victim; or

(b) a communication, whether oral or written, made about the victim to the counsellor by the parent, carer or other person referred to in paragraph (a)(ii) or by the counsellor to the parent, carer or other person; or

(c) a communication referred to in paragraph (a) or (b) that is made before or after the acts constituting the sexual offence committed against the victim occurred or are alleged to have occurred; or

(d) a record (including an electronic record) kept by a party to a confidential communication or any other person of the confidential communication or of any observation, opinion, advice, recommendation or other matter relating to the confidential communication; or

(e) part of a confidential communication.

counsellor means a person who is treating a victim for an emotional, psychological or psychiatric condition.

harm includes physical bodily harm, financial loss, stress or shock, damage to reputation or shame, humiliation, fear or other emotional, psychological or psychiatric harm.

party to a confidential communication means:

(a) the victim to whom the confidential communication relates; or

(b) the counsellor to whom or by whom the confidential communication is made; or

(c) a parent, carer or other person referred to in paragraph (a)(ii) of the definition of ***confidential communication***.

victim means a victim or alleged victim of a sexual offence.

56A Application of Part

(1) Subject to subsection (2), this Part applies in relation to a confidential communication whenever made.

(2) This Part applies in relation to the following criminal proceedings:

(a) committal proceedings in respect of a sexual offence;

(b) the hearing of a charge for a sexual offence;

(c) a trial in respect of a sexual offence;

where those proceedings are commenced after the commencement of this Part, regardless of when the offence is alleged to have been committed.

(3) For the purposes of subsection (2):

(a) committal proceedings commence on the committal mention date; and

(b) the hearing of a charge commences on the taking of a formal plea from the accused; and

(c) a trial commences on the arraignment of the accused.

56B Protection of confidential communications

(1) A confidential communication is a privileged communication to the extent provided by this section.

(2) Evidence that discloses a confidential communication:

(a) is not to be subject to discovery or any other form of pre-hearing or pre-trial disclosure or inspection; and

(b) is not admissible in committal proceedings; and

(c) is not to be adduced or produced as evidence at the hearing of a charge or at a trial except with the leave of the court.

56C Notice of intention to apply for leave to adduce or produce evidence of confidential communication

A party to criminal proceedings who intends to apply for leave to adduce or produce evidence of a confidential communication must give reasonable notice in writing of that intention to:

(a) the court; and

(b) each other party to the proceedings; and

(c) each party to the confidential communication who is not a party to the proceedings.

56D Procedural matters relating to application for leave

(1) An application for leave to adduce or produce evidence of a confidential communication is to be heard in the absence of the jury (if any).

(2) A party to the confidential communication may appear at the hearing of the application for leave if the party:

(a) is not also a party to the criminal proceedings in which the evidence is sought to be adduced or produced; and

(b) is unlikely to be a witness in those proceedings; and

(c) is given leave by the court to appear at the hearing.

(3) If the evidence to which the application for leave relates is a document or record, the court may order that the document or record be produced to it and may inspect the document or record but the court must not make the document or record available to, or disclose its contents to, the applicant for leave.

(4) For the purposes of determining the application for leave, the court may order the counsellor:

(a) to provide written answers to questions; or

(b) to produce documents or records relating to the confidential communication; or

(c) to appear for oral examination.

(5) Evidence that is not to be adduced or produced in a criminal proceeding because of section 56A(2) is not admissible in the hearing of an application for leave.

56E Giving leave to adduce or produce evidence of confidential communication

(1) A court must not give leave to adduce or produce evidence of a confidential communication unless satisfied:

(a) that the evidence will, either by itself or together with other evidence that has been or will be adduced or produced, have substantial probative value in respect of a fact in issue; and

(b) that other evidence of a similar or greater probative value in respect of the matters to which the confidential communication relates is not available; and

(c) that the public interest in preserving the confidentiality of confidential communications and protecting the victim from harm is substantially outweighed by the public interest in admitting into evidence information, or the contents of a document or record, that is of substantial probative value.

(2) Without limiting the matters the court may take into account for the purposes of subsection (1)(c), the court must take into account the likelihood, nature and extent of the harm that could be caused to the victim if the evidence is adduced or produced.

(3) In giving leave to adduce or produce evidence of a confidential communication, the court may:

(a) allow evidence of part only of the confidential communication to be adduced or produced; or

(b) specify the manner in which the evidence is to be adduced or produced.

(4) The court must state its reasons for giving or refusing to give leave to adduce or produce evidence of a confidential communication.

56F Limitation on privilege under this Part

(1) Nothing in this Part prevents the adducing or producing of:

(a) evidence with the consent of a victim or, if the victim is under 14 years of age, the consent of a person the court considers appropriate to give consent; or

(b) evidence of information acquired by a medical practitioner or a registered nurse from a physical examination of a victim in connection with the commission or alleged commission of the sexual offence, including evidence of communications between the practitioner or nurse and the victim during the examination; or

(c) evidence of a criminal fraud or perjury.

(2) In this section:

registered nurse means a person registered under the Health Practitioner Regulation National Law:

(a) to practise in the nursing profession (other than as a student); and

(b) in the registered nurses division of that profession.

56G Ancillary orders where evidence of confidential communication to be adduced or produced

(1) Where the leave of the court or consent under section 56F(a) is given to adduce or produce evidence of a confidential communication, the court may take action to limit the harm likely to be caused to the victim or any other person because of the disclosure of the confidential communication.

(2) The action the court may take includes but is not limited to making one or more of the following orders:

(a) an order that all or part of the evidence of the confidential communication be adduced or produced in camera;

(b) an order relating to the production and inspection of a document that in the opinion of the court is necessary to protect the safety and welfare of the victim, the counsellor or any other person who was a party to the confidential communication;

(c) an order relating to the suppression of publication of all or part of the evidence of the confidential communication that in the opinion of the court is necessary to protect the safety and welfare of the victim, the counsellor or any other person who was a party to the confidential communication;

(d) an order relating to the disclosure of information about the victim, the counsellor or any other person who was a party to the confidential communication (including information that enables a person to ascertain the party's private, business or official address, email address or telephone number) that in the opinion of the court is necessary to protect the party's safety and welfare.

Part 8 Publication of evidence

57 Prohibition of the publication of evidence and of names of parties and witnesses

(1) Where it appears to any court:

(a) that the publication of any evidence given or used or intended to be given or used, in any proceeding before the court, is likely to offend against public decency; or

(b) that, for the furtherance of, or otherwise in the interests of, the administration of justice, it is desirable to prohibit the publication of the name of any party or intended party to, or witness or intended witness in, the proceeding;

the court may, either before or during the course of the proceeding or thereafter, make an order:

(i) directing that the persons specified (by name or otherwise) by the court, or that all persons, except the persons so specified, shall absent themselves from the place wherein the Court is being held while the evidence is being given; or

(ii) forbidding the publication of the evidence, or any specified part thereof, or of any report or account of the evidence, or any specified part thereof, either absolutely or subject to such conditions, or in such terms or form, or in such manner, or to such extent, as the court approves; or

(iii) forbidding the publication of the name of any such party or witness.

(2) Where the court makes an order under subsection (1)(iii), the publication of any reference or allusion to any party or witness, the name of whom is by the order forbidden to be published, shall, if the reference or allusion is, in the opinion of the court hearing the complaint for the alleged offence, intended or is sufficient to disclose the identity of the party or witness, be deemed to be a publication of the name of the party or witness.

(3) When the court makes an order under subsection (1)(ii) or (iii), forbidding the publication of any evidence or any report or account of any evidence, or the publication of any name, the court shall report the fact to the Director of Public Prosecutions, and shall embody in its report a statement of:

(a) the evidence or name, as the case may be, by the order forbidden to be published; and

(b) the circumstances in which the order was made.

58 Temporary prohibition of the publication of evidence where witnesses ordered out of court

Where, in the course of any proceeding before any court, witnesses are ordered out of court, and it appears to the court that, for the furtherance or otherwise in the interests of the administration of justice, it is desirable to prohibit for any period the publication of any

evidence given or used in the proceeding, the court may make an order forbidding, for such period as the court thinks fit, the publication of the evidence or any specified part thereof.

59 Contravention of order

A person to whom an order under section 57 or 58 relates commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in a contravention of the order and the person is reckless as to the result.

Maximum penalty: 40 penalty units or imprisonment for 12 months.

Part 9 Other matters

62 Proof of *public place* in certain cases

(1) Whenever in any proceeding in the Local Court, in respect of any offence, it is an essential ingredient of the offence that the place (where any fact or matter occurred or was done) should be a public place, an allegation, in the complaint or information, that the place (specified as that in which the fact or matter charged occurred or was done) was a public place, shall be prima facie evidence that the place was a public place.

(2) The court may, if it thinks fit, and at any stage of the proceeding, permit evidence to be called with respect to the question whether the place was a public place.

62A Proof of place being within local government area etc.

(1) In any complaint or information an allegation that any place is within a local government area or a town is prima facie evidence of the fact so alleged.

(2) In this section:

place includes:

(a) any place, public or private, however described in the complaint or information; and

(b) the whole or any part of:

(i) a street, road or other thoroughfare; or

(ii) a building or structure.

65 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Part 10 Transitional provisions

Division 1 Transitional matters for Evidence Legislation (Authorised Persons) Amendment Act 2009

66 Savings – authorised officers

(1) An act of a person purportedly done as an authorised person because of an approval mentioned in the repealed regulation is taken to have been validly done by an authorised person for Part IIA of this Act.

(2) The amendments made to this Act by the *Evidence Legislation (Authorised Persons) Amendment Act 2009* do not affect any decision of a court made before the commencement of this section.

(3) In this section:

repealed regulation means regulation 4 of the *Evidence Regulations 1991* as in force before its repeal by section 7 of the *Evidence Legislation (Authorised Persons) Amendment Act 2009*.

Division 2 Transitional matters for Evidence (National Uniform Legislation) (Consequential Amendments) Act 2012

67 Definitions

In this Division:

commencement day means the day on which section 4 of the Evidence (NUL) Act commences.

Consequentials Act means the *Evidence (National Uniform Legislation) (Consequential Amendments) Act 2012*.

proceeding includes part of a proceeding or something relating to a proceeding.

68 Application of this Act linked to application of Evidence (NUL) Act

(1) If the Evidence (NUL) Act applies in relation to a proceeding, this Act, as amended by the Consequentials Act, applies in relation to the proceeding.

(2) If the Evidence (NUL) Act does not apply in relation to a proceeding, this Act as in force immediately before the commencement day applies in relation to the proceeding as if the Consequentials Act had not commenced.

(3) If subsection (2) applies in relation to a proceeding, any law amended or repealed by Part 4 or 5 of the Consequentials Act that is relevant to the proceeding continues to apply in relation to the proceeding as it was in force immediately before the commencement day as if the Consequentials Act had not commenced.

Note for section 68

Chapter 6, and in particular section 199, of the Evidence (NUL) Act sets out the proceedings in relation to which the Evidence (NUL) Act does and does not apply.

Division 3 Justice Legislation Amendment (Vulnerable Witnesses) Act 2016

69 Definitions

In this Division:

amending Act means the *Justice Legislation Amendment (Vulnerable Witnesses) Act 2016*.

commencement day means the commencement of Part 3 of the amending Act.

70 Proceeding already commenced

(1) If a proceeding commenced before the commencement day, the amending Act applies to that part of the proceeding that takes place on or after the commencement day.

(2) However, subsection (1) does not apply in relation to a trial or hearing in the proceeding that commenced before the commencement day and:

(a) continued on or after the commencement day; or

(b) was adjourned until the commencement day or after the commencement day.

(3) The provisions of this Act, as in force immediately before the commencement, apply to a trial or hearing mentioned in subsection (2).

71 Offence provisions – before and after commencement day

(1) The offence provisions, as amended by the amending Act, apply only in relation to offences committed after the commencement day.

(2) The offence provisions, as in force before the commencement day, continue to apply in relation to offences committed before the commencement day.

(3) For this section, if any of the conduct constituting an offence occurred before the commencement day, the offence is taken to have been committed before the commencement day.

(4) In this section:

offence provisions means the provisions of this Act that create or relate to offences committed against this Act (including in relation to criminal responsibility, defences and penalties).

Division 4 Evidence and Other Legislation Amendment Act 2020

72 Proceeding already commenced

(1) If a proceeding commenced before the commencement, this Act as amended by the amending Act applies to that part of the proceeding that takes place on or after the commencement.

(2) However, subsection (1) does not apply in relation to a trial or hearing, including a preliminary examination under Part V of the *Local Court (Criminal Procedure) Act 1928*, in the proceeding that commenced before the commencement and:

(a) continued on or after the commencement; or

(b) was adjourned until the commencement or after the commencement.

(3) The provisions of this Act, as in force immediately before the commencement, apply to a trial or hearing mentioned in subsection (2).

(4) In this section:

amending Act means the *Evidence and Other Legislation Amendment Act 2020*.

commencement means the commencement of Part 4 of the amending Act.

Division 5 Justice Legislation Amendment (Domestic and Family Violence) Act 2023

73 Definitions

In this Division:

amending Act means the *Justice Legislation Amendment (Domestic and Family Violence) Act 2023*.

commencement means the commencement of Part 5 of the amending Act.

74 Application of section 21GA

Section 21GA applies in relation to a proceeding in which the hearing commences after the commencement.

75 Application of amendment to section 21J

(1) Section 21J, as amended by the amending Act, applies only in relation to a proceeding in which the hearing commences after the commencement.

(2) Section 21J, as in force immediately before the commencement, continues to apply in relation to a proceeding in which the hearing commenced before the commencement.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz* = *Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced
od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

***Evidence Ordinance 1939* (Act No. 18, 1939)**

Assent date	3 August 1939
Commenced	3 August 1939

***Evidence Ordinance (No. 2) 1939* (Act No. 24, 1939)**

Assent date	16 November 1939
Commenced	16 November 1939 (s 2)

***Evidence Ordinance 1960* (Act No. 1, 1961)**

Assent date	8 February 1961
Commenced	8 February 1961

***Evidence Ordinance 1965* (Act No. 64, 1965)**

Assent date	17 December 1965
Commenced	14 February 1966 (s 2)

***Evidence Ordinance 1967* (Act No. 30, 1967)**

Assent date	23 August 1967
Commenced	23 August 1967

***Evidence Ordinance 1970* (Act No. 47, 1970)**

Assent date	3 December 1970
Commenced	18 Dec 1970 (s 2, s 2 *Records of Depositions Ordinance 1970* (Act No. 44, 1970) and *Gaz* No. 50A, 18 December 1970, p 365)

Ordinances Revision Ordinance 1973 **(Act No. 87, 1973)**

Assent date 11 December 1973
Commenced 11 December 1973 (s 12(2))

Amending Legislation

Ordinances Revision Ordinance 1974 **(Act No. 34, 1974)**

Assent date 26 August 1974
Commenced 11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 **(Act No. 69, 1974)**

Assent date 24 October 1974
Commenced 11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 **(Act No. 27, 1976)**

Assent date 28 June 1976
Commenced ss 1, 2 and 6: 28 June 1976 (s 6(2));
ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Transfer of Powers (Further Provisions) Ordinance 1977 **(Act No. 51, 1977)**

Assent date 9 December 1977
Commenced 1 January 1978 (s 2)

Transfer of Powers (Self-Government) Ordinance 1978 **(Act No. 54, 1978)**

Assent date 1 July 1978
Commenced 1 July 1978 (s 8)

Law Officers Ordinance 1978 **(Act No. 61, 1978)**

Assent date 1 July 1978
Commenced 1 July 1978

Statute Law Revision Act (No. 2) 1979 **(Act No. 128, 1979)**

Assent date 15 October 1979
Commenced 15 October 1979

Evidence Amendment Act 1982 **(Act No. 23, 1982)**

Assent date 27 April 1982
Commenced 27 April 1982

Evidence (Criminal Code) Amendment Act 1983 **(Act No. 61, 1983)**

Assent date 28 November 1983
Commenced 1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

Evidence Amendment Act 1984 **(Act No. 20, 1984)**

Assent date 12 July 1984
Commenced 1 August 1984 (*Gaz* S40, 1 August 1984)

Statute Law Revision Act 1985 **(Act No. 49, 1985)**

Assent date 1 October 1985
Commenced 1 October 1985

Law Officers Amendment Act (No. 2) 1986 **(Act No. 48, 1986)**

Assent date 10 December 1986
Commenced 19 December 1986 (*Gaz* S87, 17 December 1986)

Statute Law Revision Act 1989 **(Act No. 60, 1989)**

Assent date	2 October 1989
Commenced	2 October 1989

Director of Public Prosecutions (Consequential Amendments) Act 1990 **(Act No. 29, 1990)**

Assent date	11 June 1990
Commenced	21 January 1991 (s 2, s 2 *Director of Public Prosecutions Act 1990* (Act No. 35, 1990) and *Gaz* G2, 16 January 1991, p 9)

Evidence Amendment Act 1990 **(Act No. 36, 1990)**

Assent date	22 June 1990
Commenced	9 July 1990 (*Gaz* S42, 6 July 1990)

Financial Institutions (NT) (Consequential Amendments) Act 1992 **(Act No. 23, 1992)**

Assent date	2 June 1992
Commenced	1 July 1992 (s 2, s 2 *Financial Institutions (NT) Act 1992* (Act No. 22, 1992) and *Gaz* S35, 30 June 1992)

Local Government (Consequential Amendments) Act 1993 **(Act No. 84, 1993)**

Assent date	31 December 1993
Commenced	1 June 1994 (s 2, s 2 *Local Government Act 1993* (Act No. 83, 1993) and *Gaz* S35, 20 May 1994)

Evidence Amendment Act 1994 **(Act No. 3, 1994)**

Assent date	16 March 1994
Commenced	1 August 1994 (*Gaz* G29, 20 July 1994, p 2)

Evidence Amendment Act (No. 2) 1994 **(Act No. 16, 1994)**

Assent date	14 April 1994
Commenced	1 August 1994 (*Gaz* G29, 20 July 1994, p 2)

Sentencing (Consequential Amendments) Act 1996 **(Act No. 17, 1996)**

Assent date	19 April 1996
Commenced	s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz* S15, 13 June 1996)

Evidence Amendment Act 1999 **(Act No. 20, 1999)**

Assent date	5 May 1999
Commenced	16 June 1999 (*Gaz* G23, 16 June 1999, p 2)

Statute Law Revision Act 1999 **(Act No. 27, 1999)**

Assent date	18 June 1999
Commenced	18 June 1999

Corporations Reform (Consequential Amendments NT) Act 2001 **(Act No. 17, 2001)**

Assent date	29 June 2001
Commenced	15 July 2001 (s 2, s 2 Corporations Act 2001 (Cth Act No. 50, 2001) and Cth *Gaz* S285, 13 July 2001)

Evidence Amendment Act 2001 **(Act No. 37, 2001)**

Assent date	19 July 2001
Commenced	26 September 2001 (*Gaz* G38, 26 September 2001, p 4)

Statute Law Revision (Financial Provisions) Act 2002 **(Act No. 38, 2002)**

Assent date	13 September 2002
Commenced	30 October 2002 (*Gaz* G43, 30 October 2002, p 3)

Evidence Amendment Act 2003 **(Act No. 43, 2003)**

Assent date	7 July 2003
Commenced	1 January 2004 (*Gaz* G50, 17 December 2003, p 2)

Evidence Reform (Children and Sexual Offences) Act 2004 **(Act No. 56, 2004)**

Assent date	4 November 2004
Commenced	8 December 2004 (*Gaz* G49, 8 December 2004, p 3)

Youth Justice (Consequential Amendments) Act 2005 **(Act No. 33, 2005)**

Assent date	22 September 2005
Commenced	1 August 2006 (s 2, s 2 *Youth Justice Act 2005* (Act No. 32, 2005) and *Gaz* G30, 26 July 2006, p 3)

Statute Law Revision Act 2005 **(Act No. 44, 2005)**

Assent date	14 December 2005
Commenced	14 December 2005

Antisocial Behaviour (Miscellaneous Amendments) Act 2006 **(Act No. 2, 2006)**

Assent date	8 March 2006
Commenced	14 June 2006 (*Gaz* G24, 14 June 2006, p 3)

Evidence and Other Legislation (Witness Assistance) Amendment Act 2006 **(Act No. 32, 2006)**

Assent date	3 November 2006
Commenced	3 November 2006

Evidence of Children Amendment Act 2007 **(Act No. 16, 2007)**

Assent date	18 September 2007
Commenced	10 October 2007 (*Gaz* G41, 10 October 2007, p 4)

Care and Protection of Children Act 2007 **(Act No. 37, 2007)**

Assent date	12 December 2007
Commenced	Ch 1 and pts 3.3 and 5.1: 7 May 2008 (*Gaz* G18, 7 May 2008, p 4); Ch 2 (exc pt 2.1, div 6 and s 127), Ch 3, pts 3.1 and 3.2 (exc s 187) and Ch 5, pts 5.2 to 5.6: 8 December 2008 (*Gaz* G47, 26 November 2008, p 6); Ch 4: 9 June 2009 (*Gaz* S27, 1 June 2009); Ch 2, pt 2.1, div 6: 18 August 2010 (*Gaz* S43, 18 August 2010); s 187: 1 July 2011 (*Gaz* S32, 20 June 2011); s 127: nc

Local Government (Consequential Amendments) Act 2008 **(Act No. 28, 2008)**

Assent date	14 November 2008
Commenced	1 July 2008 (s 2)

Evidence Legislation (Authorised Persons) Amendment Act 2009 **(Act No. 4, 2009)**

Assent date	12 March 2009
Commenced	ss 3 and 4(1): 16 October 2007; rem: 12 March 2009 (s 2)

Statute Law Revision Act 2009 **(Act No. 25, 2009)**

Assent date	1 September 2009
Commenced	16 September 2009 (*Gaz* G37, 16 September 2009, p 3)

Justice Legislation Amendment (Penalties) Act 2010 **(Act No. 12, 2010)**

Assent date	20 May 2010
Commenced	1 July 2010 (*Gaz* G24, 16 June 2010, p 2)

Health Practitioner (National Uniform Legislation) Implementation Act 2010 **(Act No. 18, 2010)**

Assent date	20 May 2010
Commenced	1 July 2010 (s 2)

Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 **(Act No. 40, 2010)**

Assent date	18 November 2010
Commenced	1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

Alcohol Reform (Substance Misuse Assessment and Referral for Treatment Court) Act 2011 **(Act No. 19, 2011)**

Assent date	20 May 2011
Commenced	1 July 2011 (*Gaz* G23, 8 June 2011, p 6)

Evidence (National Uniform Legislation) (Consequential Amendments) Act 2012 **(Act No. 23, 2012)**

Assent date	21 November 2012
Commenced	1 January 2013 (*Gaz* G51, 19 December 2012, p 4)

Local Government Amendment Act 2013 **(Act No. 28, 2013)**

Assent date	8 November 2013
Commenced	8 November 2013

Statute Law Revision Act 2014 **(Act No. 38, 2014)**

Assent date	13 November 2014
Commenced	13 November 2014

Justice Legislation Amendment (Vulnerable Witnesses) Act 2016 **(Act No. 2, 2016)**

Assent date	2 March 2016
Commenced	23 March 2016 (*Gaz* G12, 23 March 2016, p 6)

Local Court (Related Amendments) Act 2016 **(Act No. 8, 2016)**

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

Justice Legislation Amendment (Body-worn Video and Domestic Violence Evidence) Act 2017 **(Act No. 6, 2017)**

Assent date	5 April 2017
Commenced	s 6 (ext ins ss 21H to 21R) and pt 4: 2 August 2017 (*Gaz* S55, 2 August 2017); rem: 26 April 2017 (*Gaz* G17, 26 April 2017, p 6)

Supreme Court Amendment (Associate Judges) Act 2017 **(Act No. 18, 2017)**

Assent date	5 September 2017
Commenced	22 November 2017 (*Gaz* S84, 21 November 2017, p 1)

Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Act 2018 **(Act No. 28, 2018)**

Assent date 30 November 2018
Commenced 1 December 2018 (s 2)

Evidence and Other Legislation Amendment Act 2020 **(Act No. 3, 2020)**

Assent date 9 March 2020
Commenced 29 July 2020 (*Gaz* G28, 15 July 2020, p 1)

Criminal Justice Legislation Amendment (Sexual Offences) Act 2023 **(Act No. 20, 2023)**

Assent date 17 August 2023
Commenced 25 March 2024 (*Gaz* S20, 22 March 2024)

Justice Legislation Amendment (Domestic and Family Violence) Act 2023 **(Act No. 33, 2023)**

Assent date 6 December 2023
Commenced 25 March 2024 (*Gaz* S18, 22 March 2024)

Amending Legislation

Justice and Other Legislation Amendment Act 2024 **(Act No. 4, 2024)**

Assent date 14 March 2024
Commenced pt 5, div 1: 30 October 2023 (s 2(2));
pt 3, div 2: 25 March 2024 (s 2(3), s 2 *Sentencing and Other Legislation Amendment Act 2022* (Act No. 28, 2022) and *Gaz* S19, 22 March 2024);
pt 4: 25 March 2024 (s 2(4), s 2 *Criminal Justice Legislation Amendment (Sexual Offences) Act 2023* (Act No. 20, 2023) and *Gaz* S20, 22 March 2024);
rem: 15 March 2024 (s 2(1))

Bail Legislation Amendment Act 2024 **(Act No. 16, 2024)**

Assent date 29 October 2024
Commenced 6 January 2025 (*Gaz* S111, 23 December 2024)

Criminal Procedure Legislation Amendment Act 2026 **(Act No. 11, 2026)**

Assent date 28 May 2026
Commenced 1 July 2026 (*Gaz* S47, 22 June 2026)

3 SAVINGS AND TRANSITIONAL PROVISIONS

s 5 *Evidence Amendment Act 2003* (Act No. 43, 2003)
s 18 *Evidence Reform (Children and Sexual Offences) Act 2004* (Act No. 56, 2004)

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to the following provisions: ss 2, 8, 9, 14, 17, 21, 26A, 26D, 26H, 26J, 28, 29, 33, 37, 38, 42A 42B, 44, 45, 47, 48, 51, 52, 54, 55, 56, 57 and 59 and First Schedule.

5 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 21A, 21J, 24, 26E, 53, 56 and 66.

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s 2	rep No. 23, 2012, s 8
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s 7	amd No. 36, 1990, s 22 rep No. 23, 2012, s 10
s 8	sub No. 1, 1961, s 2 rep No. 23, 2012, s 10
s 9	amd No. 61, 1983, s 4; No. 36, 1990, s 22; No. 17, 1996, s 6 rep No. 23, 2012, s 10
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s 12	amd No. 23, 2012, s 11
s 13	amd No. 36, 1990, s 22 rep No. 23, 2012, s 12
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s 33	amd No. 36, 1990, s 22; No. 17, 1996, s 6 rep No. 23, 2012, s 16
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s 40	amd No. 87, 1973, s 12; No. 60, 1989, s 6 rep No. 36, 1990, s 22

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s 44	amd No. 36, 1990, ss 16 and 22; No. 38, 2002, s 6 rep No. 23, 2012, s 16
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