



NORTHERN TERRITORY OF AUSTRALIA

No. 61 of 1983

AN ACT

To amend the *Evidence Act*

[Assented to 28 November 1983]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Evidence (Criminal Code) Amendment Act 1983*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Criminal Code Act 1983*.

3. PRINCIPAL ACT

The *Evidence Act* is in this Act referred to as the Principal Act.

4. COMPETENCY AND COMPELLABILITY TO GIVE EVIDENCE IN CRIMINAL PROCEEDINGS

Section 9 of the Principal Act is amended -

- (a) by omitting sub-section (1) and substituting the following:

"(1) Every accused person in a criminal proceeding shall be competent, but, subject to this section, not compellable, to give evidence in the proceeding in every Court.";

- (b) by omitting from sub-section (3) "or of the wife or husband, as the case may be, of an accused person";

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- (c) by omitting from sub-section (4) ", or of the husband or wife, as the case may be, of any of them,";
- (d) by omitting from sub-section (5) all words after "without the consent of the accused"; and
- (e) by omitting from sub-section (6) "but, except in any case to which sub-section (5) applies, not" and substituting "and".

5. REPEAL OF SECTION 11

Section 11 of the Principal Act is repealed.

6. REPEAL OF SECTION 26

Section 26 of the Principal Act is repealed.

7. SCHEDULE

The Second Schedule to the Principal Act is repealed.
