



ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1983

No. 87 of 1983

An Act to amend the Wrongs Act, 1936.

[Assented to 1 December 1983]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Wrongs Act Amendment Act, 1983". Short title.

(2) The Wrongs Act, 1936, is in this Act referred to as "the principal Act".

2. The following heading and section are inserted after section 35 of the principal Act: Insertion of new heading and section.

LIABILITY FOR PERJURY IN CIVIL ACTIONS

36. (1) Subject to this section, a person who gives perjured evidence in civil proceedings is liable for damage suffered by any other person in consequence of the perjury. Liability for perjury in civil actions.

(2) In proceedings under this section, the plaintiff must establish—

(a) that the defendant—

(i) has been convicted of perjury;

(ii) has been found guilty of contempt of court on the ground of having committed perjury;

or

(iii) has been committed for trial on a charge of perjury but by reason of the fact that no indictment has been preferred, or a *nolle prosequi* has been entered, has not been tried on that charge;

and

(b) that the perjured evidence was material to the outcome of the proceedings in which it was given.

(3) Where the defendant has not been convicted of perjury, or been found guilty of contempt of court on the ground of having committed perjury, the evidence upon which a liability is alleged to arise under this section must be corroborated in a material particular.

(4) It is no defence to an action under this section that the perjured evidence was accepted as true by the court before which it was given.

(5) In proceedings under this section, an apparently genuine document that appears to be a transcript of evidence given in the proceedings in which the perjured evidence is alleged to have been given shall be accepted as evidence—

(a) of the evidence given in those proceedings;

and

(b) where evidence appears from the transcript to have been given by a particular person—that it was in fact given by that person.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor