



**EVIDENCE AMENDMENT (UNSWORN STATEMENTS)
ACT 1993**

No. 89 of 1993

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AN ACT to amend the *Evidence Act 1910*

[Royal Assent 2 December 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Evidence Amendment (Unsworn Statements) Act 1993*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Evidence Act 1910** is referred to as the Principal Act.

Section 85 amended (Evidence in criminal proceedings)

4—Section 85 of the Principal Act is amended by omitting subsection (13) and substituting the following subsection:—

(13) In criminal proceedings, a defendant is not entitled to give evidence by means of an unsworn statement.

***Criminal Code* amended**

5—Section 371 of the *Criminal Code*† is amended as follows:—

(a) by omitting from paragraph (d) (i) “be sworn” and substituting “give evidence personally”;

(b) by omitting paragraph (f).

* 1 Geo. V No. 20. For this Act, as amended to 1 June 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 52 of 1981, Nos. 60 and 75 of 1982, No. 29 of 1984, Nos. 5, 21 and 51 of 1985, No. 34 of 1986, Nos. 55 and 77 of 1987, Nos. 4 and 25 of 1988, No. 5 of 1990, Nos. 1, 25, 27 and 46 of 1991, Nos. 13 and 36 of 1992 and Nos. 5 and 57 of 1993.

† Schedule 1 to 14 Geo. V No. 69. For the *Criminal Code*, as amended to 1 March 1980, see the continuing Reprint of Statutes. Subsequently amended by No. 19 of 1980, No. 52 of 1981, Nos. 33 and 99 of 1982, No. 77 of 1983, No. 3 of 1984, No. 17 of 1985, Nos. 77, 86 and 93 of 1986, Nos. 26, 71, 81 and 83 of 1987, Nos. 14 and 29 of 1988, Nos. 7, 9 and 33 of 1989, No. 13 of 1990, Nos. 3, 43 and 46 of 1991, No. 21 of 1992 and No. 9 of 1993.

Transitional provision

6—(1) The amendments effected by sections 4 and 5 do not apply to criminal proceedings that began before the commencement of this Act.

(2) For the purposes of subsection (1), criminal proceedings are taken to have begun if the defendant has been called upon to plead.

*[Second reading presentation speech made in:—
House of Assembly on 20 October 1993
Legislative Council on 27 October 1993]*

