



**EVIDENCE AMENDMENT (COMPELLABLE  
WITNESSES) ACT 1993**

**No. 57 of 1993**

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85A.—Evidence by spouse in relation to restraint orders

**AN ACT to amend the *Evidence Act 1910***

**[Royal Assent 17 September 1993]**

**B**E 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 (Compellable Witnesses) 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 (7) of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (a) “incest or bigamy;” and substituting “incest; or”;
- (b) by inserting in paragraph (b) “127A,” after “127,”;
- (c) by omitting from paragraph (b) “years;” and substituting “years; or”;
- (d) by inserting the following paragraph after paragraph (b):—
  - (ba) the defendant is charged with having committed an offence under the *Police Offences Act 1935* involving an assault on, or the threat of violence to, a person who, at the time of the alleged offence, had not attained the age of 16 years; or

**Section 85A inserted**

5—After section 85 of the Principal Act, the following section is inserted:—

**Evidence by spouse in relation to restraint orders**

85A—(1) In this section, “**prescribed application**” means an application made by a police officer under Part XA of the *Justices Act 1959* in respect of—

- (a) an act or alleged act of violence; or

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\* 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 No. 5 of 1993.

(b) a threat or alleged threat of violence—  
on the part of the respondent to the application against  
any person.

(2) The spouse of a person who is the respondent to  
a prescribed application may, in any proceedings in respect  
of the application, be compelled to give evidence against  
that person.

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*[Second reading presentation speech made in:—  
House of Assembly on 15 June 1993  
Legislative Council on 24 August 1993]*

