

Evidence

WESTERN AUSTRALIA

ANNO TRIGESIMO NONO

VICTORIÆ REGINÆ

No. 6

An Act to further amend the Administration of Justice.
[Assented to 21st December, 1875.]

WHEREAS it is expedient for the due administration of justice that persons called as witnesses in any trial in the Supreme Court should be compellable to speak the truth and the whole truth, and should not be able to excuse themselves from so doing by alleging that the answer to any question put to them will criminate or tend to criminate them: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble

1. This Act may be cited for all purposes as 'The Protection of Witnesses Act, 1875.'

Short title

2. Whenever in any action, suit or proceeding before the Supreme Court, any person called as a witness or to answer any interrogatory shall decline to answer any question or interrogatory on the ground that his answer will criminate or tend to criminate him, it shall be lawful for the Chief Justice, if it appears to him expedient for the ends of justice that such person should be compelled to answer such question or interrogatory, to tell such person that, if he answers such question or interrogatory and other questions or interrogatories that may be put to him, in a satisfactory manner, he will grant him the certificate hereinafter mentioned; and thereupon such person shall no longer be entitled to refuse to answer any question or interrogatory on the ground that his answer will criminate or tend to criminate him; and thereafter if such person shall have given his evidence to the satisfaction of the Chief Justice, the Chief Justice shall give such person a certificate to the effect that he was called as a witness or interrogated in the said action, suit or proceeding, that his evidence was required for the ends of justice, and was given to his satisfaction.

Witnesses to be compellable to answer questions, though they may tend to criminate them

And to be entitled to receive a certificate of having done so

3. After such person shall have received such certificate, if any indictment, information, action or proceeding of a penal character be at any time thereafter pending against him in any Court in respect of any matter touching which he has been examined as aforesaid, it shall be lawful for him to plead in bar of such indictment, information, action or proceeding that the matters charged against him therein arose before the date of such certificate and were matters touching which he had been examined as aforesaid, and that at the close of such his examination the Chief Justice had granted him a certificate as aforesaid: Provided always, that nothing herein contained shall make such certificate pleadable in bar of any indictment or information brought against such person for perjury committed in such action, suit or proceeding as aforesaid.

Such certificate may be pleaded in bar to any prosecution

WILLIAM C. F. ROBINSON,
GOVERNOR.