

WESTERN AUSTRALIA

EVIDENCE AMENDMENT ACT

No. 47 of 1990

AN ACT to amend the *Evidence Act 1906*.

[Assented to 4 December 1990.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Evidence Amendment Act 1990*.

Commencement

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act

3. In this Act, the *Evidence Act 1906** is referred to as the principal Act.

*[*Reprinted as at 14 August 1986; amended by Acts Nos. 81 of 1986, 66 of 1987, 70 of 1988.]*

Section 11 amended and transitional provision

4. (1) Section 11 of the principal Act is amended by inserting after subsection (2) the following subsection—

“ (2a) Where in a proceeding a person is given a certificate under subsection (2) in respect of any evidence, a statement made by him, as part of that evidence, in answer to a question or interrogatory is not admissible in evidence in criminal proceedings against the person other than on a prosecution for perjury committed in the proceeding. ”.

(2) Subsection (2a) inserted in section 11 of the principal Act by subsection (1) applies to a certificate given under subsection (2) of that section in respect of evidence given on or after the day on which this section comes into operation.

Section 11A inserted

5. After Section 11 of the principal Act the following section is inserted—

Judge may restrict publication of evidence where certificate given.

11A. (1) Where in a proceeding a Judge gives to a person a certificate under section 11 (2) in respect of any evidence and the Judge considers that publication of a report of the evidence or of the giving of the certificate may tend to prejudice any prosecution that has been or may be brought against the person, the judge may make an order prohibiting publication of a report of or relating to the evidence, or any part of the evidence, and may extend the order to include a report of the fact that the certificate was granted.

(2) A person who fails to comply with an order made under subsection (1) commits a contempt of the Supreme Court and is punishable accordingly by that court.

(3) Where a body corporate fails to comply with an order made under subsection (1) and it is proved that the failure occurred with the consent, connivance, or authority of any director, manager, secretary or other officer of the body corporate, or of any member of the managing body of the body corporate, or of any person who was purporting to act in any such capacity, he or she as well as the body corporate commits the contempt and is punishable under subsection (2).

Section 13 amended

6. Section 13 of the principal Act is amended by deleting “called as a witness or interrogated under sections 11 or 12” and substituting the following—

“ examined as a witness under section 12 ”.

Heading preceding section 24 amended

7. The principal Act is amended by deleting the heading immediately preceding section 24 and substituting the following heading—

“ *Protection in respect of Certain Questions* ”.
