

TASMANIA

EVIDENCE AMENDMENT BILL 2002

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EVIDENCE AMENDMENT BILL 2002

(Brought in by the Minister for Justice and Industrial Relations, the Honourable Judith Louise Jackson)

A BILL FOR

An Act to amend the *Evidence Act 2001*

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 Act 2002*.

Commencement

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

Principal Act

3. In this Act, the *Evidence Act 2001** is referred to as the Principal Act.

*No. 76 of 2001

Section 194K amended (Publication of certain identifying particulars prohibited)

4. Section 194K of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “address” and substituting “address,”;
- (b) by omitting from subsection (1)(a) “identification” and substituting “identification,”;
- (c) by omitting from subsection (1)(a)(i) “section 124, 125, 125A, 126, 127, 127A, 128, 129, 133, 185 or 186 of the *Criminal Code*” and substituting “section 124, 125, 125A, 126, 127, 127A, 128, 129, 185 or 186 of the *Criminal Code*”;
- (d) by inserting in subsection (1)(a)(iii) “, other than the defendant,” after “intended witness”;
- (e) by inserting the following subsection after subsection (1):

(1A) A person, in relation to any proceedings in any court, must not, without a court order, publish or cause to be published in any newspaper, journal, periodical or document or in any broadcast by means of wireless, telegraphy or television –

- (a) the name, address, or any other reference or allusion likely to lead to the identification, of –
 - (i) any person in respect of whom a crime is alleged to have been committed under

- section 133 of the *Criminal Code*; or
- (ii) the person who is alleged to have committed that crime; or
 - (iii) any witness or intended witness in those proceedings; or
- (b) any picture purporting to be a picture of any of those persons.
- (f) by inserting in subsection (2) “under subsection (1) or (1A)” after “order”;
 - (g) by inserting in subsection (3) “under subsection (1) or (1A)” after “order”.