

ABSENCE OF SPEAKER

The CLERK: Honourable members, I advise the Speaker will be absent from the Assembly this morning. Pursuant to Standing Order 9, the Deputy Speaker will perform the duties of the Speaker during that absence.

Madam Deputy Speaker Walker took the Chair at 10 am.

VISITORS

Madam DEPUTY SPEAKER: Honourable members, I advise of the presence in the gallery of Year 3/4 Wagaman Primary School students accompanied by Mrs Lois Ramsay, Mrs Carol Hethrington, and Ms Kirsten King; and Years 8, 9 and 10 Taminmin College Japanese exchange students and teachers from Kamitonda Junior High School in the Wakayama Prefecture near Osaka accompanied by Mrs Sue MacLean.

On behalf of honourable members, I extend a warm welcome to our visitors.

Members: Hear, hear!

Mr Mills: Perhaps *Konnichiwa* would be appropriate, Madam Acting Speaker.

A member: Perhaps it would.

TABLED PAPER

Pairing Arrangement – Members for Nightcliff and Goyder

Madam DEPUTY SPEAKER: Honourable members, I draw your attention to the pairing arrangement between the members for Nightcliff and Goyder from 10 am until 2 pm signed by the government Whip, the member for Fannie Bay, and the opposition Whip, the member for Port Darwin.

EVIDENCE (NATIONAL UNIFORM LEGISLATION) BILL (Serial 172)

Bill presented and read a first time.

Ms LAWRIE (Justice and Attorney-General): Madam Speaker, I move that the bill be now read a second time.

This bill is to reform Northern Territory evidence law and bring it into line with the Australian Uniform Evidence law, known as the UEA, which was adopted initially by the Commonwealth and New South Wales in 1995, and has since been adopted by Victoria, Tasmania, and Norfolk Island.

The UEA has also applied in the Australian Capital Territory by force of Commonwealth law. In April 2011, the ACT parliament enacted its own version of the UEA.

The policy behind the uniform law is that all relevant and reliable evidence that is of an appropriate probative value should be admissible unless such evidence would cause unfair prejudice to a party to a court proceeding.

Until now, the Northern Territory evidence law has been a mixture of common law evidence modified by various statutes, some dating back hundreds of years reflecting a variety of sometimes conflicting aims and purposes.

The main current statutory provisions are contained in the *Evidence Act*, *Evidence (Business Records) Interim Arrangements Act*, and the *Sexual Offences (Evidence and Procedure) Act*. There are, however, many evidence provisions in other acts.

Common law evidence principles, as modified by ad hoc statutory reform, have generally served us well. However, in some critical areas these rules have ceased to develop and the system has become inefficient, lacking in coherence and structure, and has failed to keep up with the changes and needs of a modern and fair justice system. Reform has been long overdue, and this uniform evidence bill does what the courts and the common law were unable to do.

The uniform evidence bill draws the law of evidence together, updating and reforming, where necessary, into one well-organised and logically-constructed document which is easily accessed and understood. There are significant reforms introduced by this bill; for example, the area of hearsay, discretionary exclusion, and cross-examining of a party's own witness. The ultimate issue rule and common knowledge rule regarding opinion evidence have been abolished. It is now easier to admit computer-generated evidence. Various changes have been made in criminal proceedings in, for example, the competence of family to give evidence, tendency evidence, and similar fact evidence.

Some of the main changes the bill will make to the Northern Territory evidence law are:

1. The law relating to hearsay:

Reliable firsthand hearsay will now be able to be introduced in certain circumstances (Part 3.2).

Once relevant evidence is admitted for a purpose other than to establish the truth of what was said, it then