

Criminal Benchbook Update Notes January 2020

Criminal Benchbook Update Note – January 2020

1. Remove and replace
 - No 004 Trial Procedure
 - No 010 Child Witnesses
 - No 011 Special Witnesses
 - No 023 General Summing-up Direction
 - No 028 Defendant Not Giving Evidence, where an adverse inference may follow from that
 - No 068 Preliminary Complaint
 - No 076 Claim of Right
 - No 078 Accident
 - No 080 Mistake of Fact in Sexual Offences
 - No 091 Provocation
 - No 101 Acts Intended to Cause Grievous Bodily Harm and other Malicious Acts
 - No 112 Burglary
 - No 113 Carnal Knowledge
 - No 125 Circumstances of Aggravation
 - No 146 Indecent Dealing with a Child Under 16
 - No 157 Maintaining a Sexual Relationship with a Child s229B
 - No 168 Rape
 - No 183 Unlawful killing
 - No 196 Wilful damage
2. Remove Nos 094-096 and replace with new No 094.
3. Retain superseded directions No 094-096 in chapter headed “Selected Superseded Directions”. These directions should be re-named No 094S, 095S, 096S.
4. Insert new direction No 13A – “Privilege against Self-Incrimination”.
5. Insert new Explanatory Note under heading “Commonwealth Directions”, and include link to the *Victorian Criminal Charge Book* published by the Judicial College of Victoria.