

Criminal Benchbook Update Notes – May 2013

1. Remove the old “Contents Index” pages numbered 1.1 – 1.9. Replace with the new “Contents Index” pages numbered 1.1 – 1.9.
2. Add the “Update Notes – February 2013” pages numbered 2H.1 – 2H.3.
3. Remove the old “5B – Trial Procedure” direction pages. Replace with the new “5B – Trial Procedure” direction pages.
4. Remove the old “10 – Evidence of Affected Children” direction pages. Replace with the new “10 – Evidence of Affected Children” direction pages.
5. Remove the old “11 – Special Witnesses and Child Witnesses” direction pages. Replace with the new “11 – Special Witnesses and Child Witnesses” direction pages.
6. Remove the old “12 – Competency of Witnesses, Including Children” direction pages. Replace with the new “12 – Competency of Witnesses Including Children” direction pages.
7. Remove the old “24 – General Summing Up Directions” direction pages. Replace with the new “24 – General Summing Up Directions” direction pages.
8. Remove the old “34 – Separate Consideration of Charges – Single Defendant”. Replace with the new “34 – Separate Consideration of Charges – Single Defendant” direction pages.
9. Remove the old “35 – Separate Consideration of Charges – Multiple Defendants Confronting Multiple Charges” direction pages. Replace with the new “35 – Separate Consideration of Charges – Multiple Defendants Confronting Multiple Charges” direction pages.
10. Remove the old “36A – Hearsay Confessions by another Exculpating the Defendant” direction pages. Replace with the new “36A – Hearsay Confessions by another Exculpating the Defendant” direction pages.
11. Remove the old “37 – Accomplices” direction pages. Replace with the new “37 – Accomplices” direction pages.
12. Remove the old “43 – Cross Examination as to Complainant’s Motive to Lie” direction pages. Replace with the new “43A – Cross Examination as to Complainant’s Motive to Lie” and “43B – Absence of Complainant’s Motive to Lie” direction pages.
13. Remove the old “49 – Identification” direction pages. Replace with the new “49 – Identification” direction pages.

14. Remove the old “52A – Majority Verdict” direction pages. Replace with the new “52A – Majority Verdict” direction pages.
15. Remove the old “53 – DNA” direction pages. Replace with the new “53 - DNA” direction pages.
16. Remove the old “62A – Distressed Condition” direction pages. Replace with the new “62A – Distressed Condition” direction pages.
17. Remove the old “64 – Preliminary Complaint” direction pages. Replace with the new “64 – Preliminary Complaint” direction pages.
18. Remove the old “71 – Parties to an Offence ss 7, 8” direction pages. Replace with the new “71 – Parties to an Offence ss 7, 8” direction pages.
19. Remove the old “75 – Accident: s 23(1)(b)” direction pages. Replace with the new “75 – Accident: s 23(1)(b)” direction pages.
20. Remove the old “86 – Self-Defence s 271(1)” direction pages. Replace with the new “86 – Self-Defence s 271(1)” direction pages.
21. Remove the old “86A – Self-Defence 271(2)” direction pages. Replace with the new “86A – Self-Defence s 271(2)” direction pages.
22. Remove the old “93 – Assault Occasioning Bodily Harm” direction pages. Replace with the new “93A - Assault” and “93B – Assault Occasioning Bodily Harm” direction pages.
23. Remove the old “103 – Dangerous Operation of a Motor Vehicle” direction pages. Replace with new “103 – Dangerous Operation of a Motor Vehicle” direction pages.
24. Remove the old “112 – Fraud” direction pages. Replace with the new “112 – Fraud” direction pages.
25. Remove the old “125 – Maintaining a Sexual Relationship with a Child s 229B (Offences between 3 July 1989 and 1 July 1997)” direction pages. Replace with the new “125 – Maintaining a Sexual Relationship with a Child s 229B (Offences between 1 July 1996 and 1 May 2003)” direction pages.
26. Remove the old “126 – Maintaining a Sexual Relationship with a Child s 229B (Offences between 1 July 1997 and 1 May 2003)” direction pages. Replace with the new “126 – Maintaining a Sexual Relationship with a Child s 229B (Offences between 1 July 1997 and 1 May 2003)” direction pages.
27. Remove the old “127 – Maintaining a Sexual Relationship with a Child s 229B (after 1 May 2003)” direction pages. Replace with the new “127 – Maintaining a Sexual Relationship with a Child s 299B (after 1 May 2003)” direction pages.

28. Add new “129A – People Smuggling” directions pages.
29. Remove the old “147 – Attempted Murder: Code s 306(2)” direction pages. Replace with the new “147 – Attempted Murder: Code s 306(2)” direction pages.
30. Remove the old “153 – Unlawful Wounding: s 323” direction pages. Replace with new “153 – Unlawful Wounding: s 323” direction pages.
31. (To Associates) **DO NOT** discard or replace any page on which your judge has written or made notes.