

Criminal Benchbook Update Notes - February 2010

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 2010” pages numbered 2D.1 – 2D.3.
3. Remove the old “Table of Cases” pages numbered 3.1 – 3.30. Replace with the new “Table of Cases” pages numbered 3.1 – 3.32.
4. Remove the old “5B – Trial Procedure” direction pages numbered 5B.6 – 5B.7. Replace with new “5B – Trial Procedure” direction pages numbered 5B.6 – 5B.7.
5. Remove the old “10 – Evidence of affected children” direction pages numbered 10.1 – 10.3. Replace with the new “10 – Evidence of Affected Children” direction pages numbered 10.1 – 10.3”.
6. Remove the old “11 – Special witnesses” direction pages numbered 11.1 – 11.3. Replace with the new “11 – Special witnesses and child witnesses” direction pages numbered 11.1 – 11.3.
7. Remove the old “12 - Competency of witnesses, including children” direction pages numbered 12.1 – 12.3. Replace with the new “11 – Special witnesses, including children” direction pages numbered 12.1 – 12.3.
8. Insert new “12A - Hostile witnesses” direction pages numbered 12A.1 – 12A.2.
9. Remove the old “24 – General summing up directions” direction pages numbered 24.1 – 24.9. Replace with the new “24 – General summing up directions” direction pages numbered 24.1 – 24.9.
10. Remove the old “36A – Out-of-Court exculpatory confessions” direction pages numbered 36A.1 – 36A.2. Replace with the new “36A – Out-of-Court exculpatory confessions” pages numbered 36A.1 – 36A.2.
11. Remove the old “49 – Identification” direction pages numbered 49.1 – 49.7. Replace with the new “49 – Identification” direction pages numbered 49.1 – 49.7.
12. Remove the old “52A – Majority verdict” direction pages numbered 52A.1 – 52A.4. Replace with the new “52A – Majority verdict” direction pages numbered 52A.1 – 52A.4.
13. Remove the old “57 – Reasonable Doubt” direction page numbered 57.1. Replace with the new “57 – Reasonable Doubt” direction page numbered 57.1.
14. Renumber the “61A – Defence not raised but available” direction page numbered 61A as page 61B. Add the new “61A – Defences in relation to sexual offences which relate to a Specific age; or Person with Impairment of the mind” direction page numbered 61A.

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15. Remove the old “66 – Evidence of other sexual (or violent) acts or other ‘Discreditable Conduct’” direction pages numbered 66.1 – 66.9. Replace with the new “66 – Evidence of other sexual (or violent) acts or other ‘Discreditable Conduct’” direction pages numbered 66.1 - 66.9.
16. Remove the old “74 – Unwilled acts (Automatism): s 23(1)(a)” direction pages numbered 74.1 – 74.2. Replace with new “74 – Unwilled acts (Automatism): s 23(1)(a)” direction pages numbered 74.1 – 74.2.
17. Remove the old “75 – Accident: s 23(1)(b)” directions pages numbered 75.1 – 75.4. Replace with the new “Accident: s 23(1)(b)” directions pages numbered 75.1 – 75.4.
18. Remove the old “76 – Mistake of fact” direction pages numbered 76.1 – 76.2. Replace with the new “Mistake of fact” direction pages numbered 76.1 – 76.2.
19. Remove the old “76A - Mistake of fact in sexual offences” direction pages numbered 76A.1 – 76A.2. Replace with the new “Mistake of fact in sexual offences” direction pages number 76A.1 – 76A.2.
20. Remove the old “77 - Extraordinary emergency: s 25” direction page numbered 77.1. Replace with the new “Extraordinary emergency: s 25” direction pages numbered 77.1 – 77.2.
21. Remove the old “79B - Intentional intoxication: s 28” direction pages numbered 79B.1 – 79B.3. Replace with the new “77B - Intentional intoxication: s 28” direction pages numbered 79B.1 – 79B.3.
22. Remove the old “82 – Compulsion – s 31(1)(d)” direction pages numbered 82.1 – 82.2. Replace with the new “82 – Compulsion – s 31(1)(d)” direction pages numbered 82.1 – 82.2.
23. Remove the old “83 - Defence of a dwelling house: s 267” direction pages numbered 83.1 – 83.3. Replace with the new “83 - Defence of a dwelling house: s 267” direction pages numbered 83.1 – 83.3.
24. Remove the old “84 - Provocation: ss 268, 269” direction pages numbered 84.1 – 84.4. Replace with the new “84 - Provocation: ss 268, 269” direction pages numbered 84.1 – 84.4.
25. Remove the old “86 - Self-defence: s 271(1)” direction pages numbered 86.1 – 86.6. Replace with the new “86 - Self-defence: s 271(1)” direction pages numbered 86.1 – 86.6.
26. Remove the old “87 - Provocation: s 304” direction pages numbered 87.1 – 87.5. Replace with the new “87 - Provocation: s 304” direction pages numbered 87.1 – 87.6.

27. Remove the old “92 – Arson” direction page numbered 92.1. Replace with the new “92 – Arson” direction page numbered 92.1.
28. Remove the old “98C – Child stealing” direction pages numbered 98C.1 – 98C.2. Replace with the new “98C – Child stealing” direction pages numbered 98C.1 – 98C.2.
29. Remove the old “117 – Incest: s 222” direction page numbered 117.1. Replace with the new “117 – Incest: 222” direction pages numbered 117.1 – 117.2.
30. Remove the old “129 – Perjury” direction page numbered 129.1. Replace with the new “129 – Perjury” direction page numbered 129.1.
31. Remove the old “130 – Possession of a child abuse computer game” direction page numbered 130.1. Replace with the new “130 – Possession of a child abuse computer game” direction page numbered 130.1.
32. Remove the old “133 – Rape: s 347 (now repealed) (For offences occurring prior to 27 October 2000)” direction pages numbered 133.1 – 133.2. Replace with the new “133 – Rape: s 347 (now repealed) (For offences occurring prior to 27 October 2000)” direction pages numbered 133.1 – 133.2.
33. Replace the old “148 - Unlawful sodomy: Of a person under 18 s 208(1)(a)” direction page numbered 148.1. Replace with the new “148 - Unlawful sodomy: Of a person under 18 s 208(1)(a)” direction page numbered 148.1.