

House of Assembly—No 71

As received from the Legislative Council and read a first time, 1 June 2023

South Australia

**Evidence (Aboriginal Traditional Laws and
Customs) Amendment Bill 2023**

A BILL FOR

An Act to amend the *Evidence Act 1929*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Evidence (Aboriginal Traditional Laws and Customs) Amendment Act 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Evidence Act 1929*

3—Insertion of Part 3 Division 5

10 After Part 3 Division 4 insert:

Division 5—Evidence relating to Aboriginal traditional laws and customs

34ZA—Evidence relating to Aboriginal traditional laws and customs

15 Despite a provision of this Act, or any other Act or law, the following provisions apply if an Aboriginal person gives evidence relating to the existence, or non-existence, or the content, of traditional laws and customs of an Aboriginal group:

- 20 (a) evidence that would otherwise be inadmissible under the hearsay rule at common law is admissible as evidence of the fact stated;
- 25 (b) evidence that would otherwise be inadmissible under the opinion rule at common law is admissible to prove the existence of the fact about the existence of which the opinion was expressed;

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- (c) the court may make orders or other arrangements that the court thinks fit (including, but not limited to, making orders or arrangements relating to the giving, receiving or publication of evidence) having regard to Aboriginal traditional law and custom, but not so as to prejudice unduly any other party to the relevant proceedings.