

IN THE SUPREME COURT OF THE) No. ACTCA 72 - 2012
) No. SCC 407 of 2011
 AUSTRALIAN CAPITAL TERRITORY)
)
 COURT OF APPEAL)

ON APPEAL FROM A SINGLE JUDGE OF THE SUPREME COURT OF THE
 AUSTRALIAN CAPITAL TERRITORY

BETWEEN: THE QUEEN

Applicant

AND:

CDA

Respondent

O R D E R

Judges: Penfold and Dowsett JJ and Nield AJ
 Date: 14 February 2013
 Place: Canberra

THE COURT ORDERS THAT:

1. That the applicant have leave to appeal against the decision of Higgins CJ made on 12 December 2012, that in the trial of the respondent, for the offence of allegedly committing an act of indecency against the complainant, the complainant is not a competent witness to give unsworn evidence.
2. That the appeal be allowed.
3. That the Chief Justice's decision, that the said complainant is incompetent to give unsworn evidence at such trial, be set aside.

4. That the question of the admissibility of the complainant's evidence otherwise be remitted to the Chief Justice for determination in accordance with the reasons of this Court.