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**What is the “Evidence” in the “Expert Witness” Debates?  
The trials (and tribulations) of child sexual abuse case  
evidence and the demise of section 23G**

**A thesis presented in partial fulfillment of the requirements for the**

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## **Abstract**

Conflicts dogged the 1990 amendments to the Evidence Act 1908. These amendments were intended to make it easier for children alleging sexual abuse to give evidence in court. Section 23G, which made provisions for an “expert witness” to testify for the prosecution in such a case, was particularly contentious. The Evidence Act 2006 came into effect on 1 August 2007 and relinquished s 23G. The debates that surrounded s 23G expert witness evidence raise epistemological issues which are explored in this thesis. An analysis of constructions of expert witness evidence pertaining to child sexual abuse within legal, psychiatric and psychological discourses and the situation of these constructions in the socio-political environments of their times expose their gendered origins. A feminist methodology is employed to identify the ongoing impact on child sexual abuse cases of the gendered epistemology that underpins modern Western knowledge construction.



## **Dedication**

This thesis is dedicated to the memory of the late

Anna Woods (1931 – 2005).

Anna worked tirelessly against the exploitation

of women and children.



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## Abbreviations and Acronyms

<b>ACC</b> .....	Accident Compensation Corporation
<b>ACIDPOC</b> .....	Advisory Committee on the Investigation, Detection and Prosecution of Offences against Children
<b>COSA</b> .....	Casualties of Sexual Abuse Allegations
<b>CSA</b> .....	Child Sexual Abuse
<b>DSAC</b> .....	Doctors for Sexual Abuse Care
<b>DSM</b> .....	Diagnostic and Statistical Manual of Mental Disorders
<b>ECT</b> .....	Electro Convulsive Therapy
<b>FMS</b> .....	False Memory Syndrome
<b>FMSF</b> .....	False Memory Syndrome Foundation
<b>ICD</b> .....	International Classification of Diseases
<b>IPNZ</b> .....	Innocence Project New Zealand
<b>MHF</b> .....	Mental Health Foundation
<b>MMP</b> .....	Mixed Member Proportional Representation
<b>MOJ</b> .....	Ministry of Justice
<b>NACPCA</b> .....	National Advisory Committee on the Prevention of Child Abuse
<b>NZCYPS</b> .....	New Zealand Children and Young Persons' Services (later New Zealand Child Youth and Family Services)
<b>NZLJ</b> .....	<i>New Zealand Law Journal</i>
<b>NZLS</b> .....	New Zealand Law Society
<b>S 23G</b> .....	Section 23G, Evidence Act 1908
<b>THAW</b> .....	The Health Alternatives for Women