

EVIDENCE (AMENDMENT) ACT.

Act No. 1, 1966.

An Act to make certain trade and business records admissible as evidence in criminal proceedings; to amend the Evidence Act, 1898, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 9th March, 1966.]

Elizabeth II,
No. 1, 1966

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Evidence (Amendment) Act, 1966".

Short
title and
citation.

(2) The Evidence Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Evidence Act, 1898-1966.

2. The Evidence Act, 1898, as amended by subsequent Acts, is amended—

Amendment
of Act No.
11, 1898.

(a) (i) by inserting in the matter relating to Part IIA in section one after the word "*Issue*" the words "*in Civil Proceedings*";

Sec. 1.
(Short title
and divi-
sion.)

(ii) by inserting next after the same matter the following new matter:—

PART IIB.—*Admissibility of Documentary Evidence as to Facts in Issue in Criminal Proceedings*—ss. 14CA-14CC.

(b) by inserting in subsection two of section three after the figures "1954," the words "or the Evidence (Amendment) Act, 1966,";

Sec. 3.
(Interpreta-
tion.)

Evidence (Amendment) Act.

No. 1, 1966
Part II A.
(Heading.)

(c) by inserting at the end of the heading to Part II A the words "*in Civil Proceedings*";

New Part II B.

(d) by inserting next after Part II A the following new Part :—

PART II B.*Admissibility of Documentary Evidence as to Facts in Issue in Criminal Proceedings.*

Interpreta-
tion.

14CA. In this Part of this Act—

"Business" includes any public transport, public utility or similar undertaking carried on by the Crown or a statutory body representing the Crown within the meaning of the Local Government Act, 1919, as amended by subsequent Acts, or a municipal, shire or county council within the meaning of that Act, as so amended.

"Court" means the court, judge, justice or person before whom proceedings are taken or held.

"Document" includes any device by means of which information is recorded or stored.

"Statement" includes any representation of fact, whether made in words or otherwise.

Admissi-
bility of
certain docu-
mentary
evidence in
criminal
proceedings.

14CB. (1) In any criminal proceedings, the hearing of which commences after the commencement of the Evidence (Amendment) Act, 1966, where direct oral evidence of a fact would be admissible, any statement contained in a document and tending to establish that fact shall, on production of the document, be admissible as evidence of that fact if—

- (a) the document is, or forms part of, a record relating to any trade or business and compiled, in the course of that trade or business, from information supplied (whether directly or indirectly) by persons who had,
or

or may reasonably be supposed to have had, ^{No. 1, 1966}
personal knowledge of the matters dealt
with in the information they supplied; and

- (b) the person who supplied the information recorded in the statement in question is dead, or beyond the seas, or unfit by reason of his bodily or mental condition to attend as a witness, or cannot with reasonable diligence be identified or found, or cannot reasonably be expected (having regard to the time which has elapsed since he supplied the information and to all the circumstances) to have any recollection of the matters dealt with in the information he supplied.

(2) For the purpose of deciding whether or not a statement is admissible as evidence by virtue of this section, the court may draw any reasonable inference from the form or content of the document in which the statement is contained, or from any other circumstances, and may, in deciding whether or not a person is fit to attend as a witness, act on a certificate purporting to be a certificate of a legally qualified medical practitioner.

14cc. In estimating the weight, if any, to be attached to a statement admissible as evidence by this Part of this Act, regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement, and in particular to the question whether or not the person who supplied the information recorded in the statement did so contemporaneously with the occurrence or existence of the facts stated, and to the question whether or not that person, or any person concerned with making or keeping the record containing the statement, had any incentive to conceal or misrepresent the facts.

Weight to
be attached
to evidence.