

Crimes (Fraud) Bill

No.

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SCHEDULE

CONSEQUENTIAL AMENDMENTS

1. **Bail Act 1977**
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3. **Magistrates' Court Act 1989**

LEGISLATIVE ASSEMBLY

Read 1° 23 October 1991

(Brought in by Mr Kennan and Mr Roper)

A BILL

to make provision for the trial of offences of serious and complex fraud, to simplify the rules relating to documentary evidence, to amend the **Evidence Act 1958** and the **Judicial Proceedings Reports Act 1958**, to make consequential amendments to certain other Acts and for other purposes.

Crimes (Fraud) Act 1991

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purposes*

The purposes of this Act are—

- 5
- (a) to make provision for the trial of offences of serious and complex fraud;
 - (b) to simplify the rules relating to documentary evidence.

Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

2. Commencement

- (1) Section 38 (3) must be taken to have come into operation on 12 December 1990.
- (2) Section 38 (1) must be taken to have come into operation on 1 June 1991. 5
- (3) The remaining provisions of this Act come into operation on a day or days to be proclaimed.

3. Definitions

In this Act—

“**Appropriate registrar**” has the same meaning as in the **Magistrates’ Court Act 1989**. 10

“**Court**” means the Court (Supreme or County, as the case requires) to which a proceeding is transferred under this Act.

“**Defence response**” means a statement referred to in section 19 (1) (a). 15

“**DPP**” means the Director of Public Prosecutions for Victoria or the Director of Public Prosecutions for the Commonwealth.

“**Preparatory hearing**” means a hearing ordered to be held under section 9 (1). 20

“**Prosecution case statement**” means a statement referred to in section 12 (1) (a).

PART 2—TRANSFER TO TRIAL COURT**4. Notice of transfer**

- (1) If a defendant is charged before the Magistrates’ Court with an indictable offence, the DPP may, at any time before the commencement of a committal proceeding or summary hearing, give a notice of transfer in relation to the charge. 30

(2) The DPP may only give a notice of transfer if in his or her opinion—

5 (a) the evidence reveals a case of fraud of such seriousness and complexity that it is appropriate that the management of the case should without delay be taken over by the Supreme Court or the County Court; and

(b) the evidence is of sufficient weight to support a conviction for the offence.

10 (3) A decision of the DPP to give a notice of transfer is not liable to be challenged, appealed against, reviewed, quashed or called in question in a proceeding in any court on any account.

5. *Effect of giving notice of transfer*

15 (1) On the giving of a notice of transfer in relation to a charge—

(a) the functions of the Magistrates' Court cease in relation to the charge; and

20 (b) the Supreme Court or County Court (as the case requires) has jurisdiction to deal with the offence charged to the same extent as if a presentment had been made of the defendant at that Court for that offence.

25 (2) Nothing in sub-section (1) (a) takes away any power of the Magistrates' Court with respect to bail.

30 (3) If the defendant has been granted bail conditioned for his or her appearance at the Magistrates' Court for the hearing of the charge or a committal proceeding, the undertaking of bail has effect (without any further consent of the surety or sureties) as if it were conditioned for the defendant's appearance at the trial.

(4) The appropriate registrar of the Magistrates' Court must forward to the DPP—

35 (a) copies of all process filed in the Court in the proceeding, including a hand-up brief; and

- (b) any depositions or exhibits in the custody of the Court; and
 - (c) copies of all bail undertakings in the proceeding.
- (5) Subject to this Act and to any regulations made under this Act, the provisions of the **Crimes Act 1958** relating to presentments apply, with any necessary modifications, to notices of transfer. 5
- (6) Without limiting sub-section (5), nothing in this Act prevents a court ordering a separate trial of any charge or charges to which a notice of transfer relates. 10

6. *How notice of transfer is given*

A notice of transfer is given by—

- (a) filing it and any accompanying matter with the appropriate registrar of the Magistrates' Court; and
- (b) filing a copy of it and any accompanying matter with the Prothonotary of the Supreme Court or the registrar of the County Court (as the case requires); and 15
- (c) serving a copy of it and any accompanying matter on the defendant in accordance with the regulations. 20

7. *Form of notice of transfer*

- (1) A notice of transfer must—
- (a) specify the charge or charges to which it relates; and
 - (b) specify the court at which it is proposed that the trial shall take place; and 25
 - (c) be accompanied by a statement of the evidence on which the charge or charges is based; and
 - (d) include, or be accompanied by, any additional matter that may be prescribed. 30
- (2) In determining which court to specify as the proposed

trial court the DPP must have regard to the considerations mentioned in section 353 (8) of the **Crimes Act 1958**.

PART 3—APPLICATION FOR DISCHARGE

8. *Application for discharge*

- 5 (1) At any time between the giving of a notice of transfer in relation to a charge and the empanelling of a jury at the trial, the defendant may apply to the Court to be discharged on the ground that the evidence which has been disclosed is not of sufficient weight to support a conviction for any indictable offence.
- 10 (2) An application under sub-section (1) may be made orally or in writing.
- (3) The Court may order a person who has made a written statement which it is proposed to tender in support of the application to supplement that statement by oral evidence.
- 15 (4) Otherwise, oral evidence may be given on the hearing of the application only with the leave of the Court.
- (5) The Court may only grant leave under sub-section (4) if it appears to it, having regard to any matters stated in the application for leave, that the interests of justice require it to do so.
- 20 (6) A witness who gives evidence on the hearing of an application under sub-section (1) may be cross-examined and re-examined.
- 25 (7) Except with the leave of the Court, a written statement with respect to which an order is made under sub-section (3) is inadmissible in evidence unless its maker gives oral evidence to supplement it.
- 30 (8) In deciding whether to grant an application under sub-section (1) the Court must have regard to—
- (a) the evidence tendered by the prosecution;
 - (b) any written or oral statement tendered in support of the application;

- (c) any oral evidence given on the application on behalf of the prosecution or the defence.
- (9) A discharge under this section has the same effect as a discharge in a committal proceeding.

PART 4—PREPARATORY HEARING

5

9. *Power to order preparatory hearing*

- (1) The Court may order that a hearing be held before the empanelling of a jury if it considers that the notice of transfer and the matter accompanying it reveal a case of fraud of such seriousness and complexity that the hearing is likely to help substantially— 10
- (a) to identify issues which are likely to be material to the jury's verdict; or
- (b) to assist the jury's comprehension of those issues; or 15
- (c) to expedite the proceedings before the jury; or
- (d) to assist the presiding judge's management of the trial.
- (2) An order under sub-section (1) is not liable to be challenged, appealed against, reviewed, quashed or called in question in a proceeding in any court on any account. 20
- (3) The Court may order a preparatory hearing of its own motion or on an application made on behalf of the prosecution or the defence.
- (4) If the Court refuses an application for a preparatory hearing or notifies the parties that it does not propose to order a preparatory hearing, the prosecution must, within 30 days, serve on the defendant and file in court the documents referred to in paragraphs (a), (b) and (c) of section 12 (1). 25
30

10. Preparatory hearing

(1) At a preparatory hearing the Court may—

5 (a) exercise any power and make any order that it is authorised by this Act to exercise or make at a preparatory hearing; and

(b) determine any question of law relating to the case, including any question about the admissibility of evidence.

(2) An order made at a preparatory hearing—

10 (a) may specify the time within which it is to be complied with; and

(b) binds the Court throughout the trial.

(3) However, the Court may during the trial vary or discharge an order made at a preparatory hearing to the extent that it considers necessary in the interests of justice.

11. Trial commences with preparatory hearing

(1) Arraignment of the defendant in accordance with the **Crimes Act 1958** must take place at the beginning of the preparatory hearing.

(2) The beginning of the preparatory hearing is for all purposes the beginning of the trial.

12. Service of case statement, etc. by prosecution

(1) At a preparatory hearing the Court may order the prosecution to prepare and serve on the defendant and file in court—

(a) a statement containing—

(i) a concise account of the facts; and

(ii) the inferences sought to be drawn from those facts—

on which the prosecution case is based;

- (b) copies of the statements of the witnesses (including expert witnesses) whom the prosecution intends to call at the trial after the jury has been empanelled;
 - (c) a list of exhibits, and copies of any documentary exhibits, that the prosecution intends to have produced at the trial after the jury has been empanelled; 5
 - (d) a statement of any proposition of law specifically applicable to the prosecution case on which it proposes to rely; 10
 - (e) any other explanatory document that the Court considers appropriate.
- (2) Nothing in sub-section (1) entitles the defendant to receive a copy of any document already served on the defendant under the **Magistrates' Court Act 1989**. 15

13. Requirements relating to witness statements

- (1) A witness statement included with the prosecution case statement must be—
- (a) in the form of an affidavit; or
 - (b) signed by the witness and contain an acknowledgement signed in the presence of— 20
 - (i) a member of the police force of Victoria or of any other State or of the Northern Territory of Australia; or
 - (ii) a member of the Australian Federal Police— 25

that the statement is true and correct and is made in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.
- (2) The statement must include the age of the witness if he or she is under the age of 18. 30
- (3) If the witness cannot read—
- (a) the statement must be read to the witness before he or she signs it; and

(b) the acknowledgment must state that the statement was read to the witness before he or she signed it.

5 (4) A failure to comply with this section does not make ineffective the service or filing of the prosecution case statement if the Court is satisfied that the defendant is not substantially prejudiced by the failure.

(5) A person who acknowledges a statement which he or she knows to be false is liable to the penalties of perjury.

10 (6) If a witness refuses to make or sign a witness statement, the prosecution (if it wants to call him or her as a witness) must include with the prosecution case statement a statement of the evidence that the prosecution believes the witness will give.

14. Exhibits

15 (1) An exhibit which is mentioned in a list of exhibits included with the prosecution case statement must be clearly identified in a witness statement also included with it.

20 (2) The defendant must be given a reasonable opportunity to inspect the exhibits.

(3) A failure to comply with this section does not make ineffective the service or filing of the prosecution case statement if the Court is satisfied that the defendant is not substantially prejudiced by the failure.

25 **15. Notice of additional evidence**

30 Following the service and filing of a prosecution case statement, the prosecution may notify the defence that it wishes to introduce further evidence at the trial and serve on the defendant and file in court a copy of that further evidence.

16. Defence may object to prosecution case statement

(1) Following the service and filing of a prosecution case statement, the Court may order the defendant to prepare

and serve on the prosecution and file in court a notice stating any objection that the defendant has to the statement.

- (2) An objection under sub-section (1) must be on the ground that the statement does not disclose the prosecution case with sufficient particularity to enable the defendant to present a defence. 5
- (3) Without limiting section 17, the Court may from time to time order the prosecution to amend the prosecution case statement if it appears to it to be appropriate to do so having regard to any objection under sub-section (1) and any notice of additional evidence served on the defendant by the prosecution. 10

17. *Amendment of prosecution case statement*

- (1) The prosecution may amend the prosecution case statement before the jury is empanelled— 15
 - (a) without leave if the defendant has not served and delivered a defence response;
 - (b) with the leave of the Court if the defendant has served and delivered one. 20
- (2) The Court must not grant leave under sub-section (1) (b) unless it is satisfied—
 - (a) that the need for the amendment arises from unforeseen circumstances beyond the prosecution's control; and 25
 - (b) that it is in the interests of justice that leave should be granted.
- (3) The prosecution must serve on the defendant and file in court a copy of the amended prosecution case statement.
- (4) At the preparatory hearing the defendant may, with the leave of the Court, withdraw any admission made before service of the amended prosecution case statement. 30

18. Defence may object to admissibility of prosecution evidence

- 5 (1) Following the service and filing of a prosecution case statement or of a copy of any further evidence, the Court may order the defendant to prepare and serve on the prosecution and file in court a notice stating any objection that the defendant has to the evidence contained in or included with the statement or to the further evidence (as the case requires) being admitted at the trial after the jury has been empanelled.
- 10 (2) A notice of objection must contain particulars of the evidence objected to and state the ground of objection.
- 15 (3) The Court must determine the admissibility of the evidence objected to having regard to, among other things, any evidence given, or representations made, by or on behalf of the prosecution or the defence.
- 20 (4) If the defendant makes an objection after the jury is empanelled which could have been made under subsection (1), the Court may (without limiting its power under section 29) order the defendant to pay to the prosecution the additional costs properly incurred by it because of the delay in making the objection.

19. Service of defence response, etc

- 25 (1) If all objections under sections 16 and 18 have been dealt with, the Court may order the defendant to prepare and serve on the prosecution and file in court—
- 30 (a) a statement indicating, with reference to the prosecution case statement, the facts and inferences on which issue is taken;
- (b) a statement of any proposition of law in reply to any stated by the prosecution;
- (c) copies of the statements of any expert witnesses whom the defence intends to call at the trial after the jury has been empanelled.
- 35 (2) The defendant is not required to disclose—
- (a) the identity of any defence witness other than an expert witness; or

- (b) whether the defendant will give evidence.
- (3) The defendant may amend the defence response to take account of any amendment subsequently made to the prosecution case statement.
- (4) The defendant must serve on the prosecution and file in court a copy of the amended defence response. 5

20. Explanatory material

At a preparatory hearing the Court may order the prosecution to prepare and serve on the defendant and file in court explanatory material in a form appearing to the Court to be likely to help the jury to understand the case. 10

21. Notice to admit, etc.

- (1) At a preparatory hearing the Court may order the prosecution to prepare and serve on the defendant and file in court a notice of— 15
 - (a) those documents the truth of the contents of which ought in the prosecution's view to be admitted;
 - (b) those documents which ought in the prosecution's view to be admitted as evidence without further proof; 20
 - (c) any other matters which ought in the prosecutions' view to be agreed.
- (2) Following the service and filing of a notice under sub-section (1), the Court may order the defendant to prepare and serve on the prosecution and file in court a notice in reply. 25
- (3) If the defendant refuses, in a notice under sub-section (2), to comply with any view of the prosecution as specified in its notice, the defendant must state the reasons for the refusal (for example, that the document, fact or matter is central to a fact on which the defence takes issue with the prosecution). 30
- (4) The Court may require the defendant to give further or

better reasons if it appears to it that the reasons given are inadequate.

- 5
- (5) Any fact or matter admitted or agreed in a notice under sub-section (2) must be treated as an admission of that fact or matter.
 - (6) Any document that the defendant agrees in a notice under sub-section (2) ought to be admitted as evidence without further proof is admissible in evidence on its production by the prosecution without further proof.

10 **22. *Dispensing with attendance of witness***

- (1) The Court may allow a witness to give his or her evidence at the preparatory hearing if satisfied, after hearing any representations that the defence and the prosecution may wish to make, that—

15 (a) the attendance of the witness at the trial after the jury has been empanelled cannot be procured without unreasonable expense or inconvenience; and

20 (b) having regard to the nature of the evidence, it is unnecessary to lead it before the jury.

- (2) A witness who gives evidence at a preparatory hearing may be cross-examined and re-examined.

- (3) Evidence given at a preparatory hearing must be recorded in accordance with Part VI of the **Evidence Act 1958**.

- 25
- (4) Evidence given at a preparatory hearing is admissible in evidence at the trial after the jury has been empanelled and at that trial—

30 (a) any written statement admitted in evidence must be read aloud, unless the presiding judge directs that an oral account only be given of it or of any part of it; and

35 (b) any document or thing referred to as an exhibit and identified in a written statement admitted in evidence must be treated as an exhibit produced and identified in court by the maker of the statement.

23. *Adjournment of preparatory hearing*

The Court may adjourn a preparatory hearing from time to time.

24. *Empanelling of jury*

- (1) At the end of a preparatory hearing the Court must order that the jury be empanelled. 5
- (2) The trial shall then proceed before the presiding judge and the jury.

PART 5—TRIAL AFTER EMPANELLING OF JURY

25. *Evidence at trial after empanelling of jury* 10

- (1) A party may introduce evidence at the trial after the jury has been empanelled which was not given at the preparatory hearing and which represents a departure from the case disclosed by that party at that hearing.
- (2) However the judge or, with the leave of the judge, any other party may make any comment on that departure that the judge or that party (as the case requires) thinks appropriate. 15
- (3) The jury may draw any inference from the comment that it thinks proper. 20
- (4) In deciding whether to grant leave under sub-section (2) the judge must have regard to the extent of the departure and whether it is justified.
- (5) The Court may allow the prosecution after it has closed its case to call evidence in rebuttal of evidence given by the defence which could not reasonably have been foreseen by the prosecution having regard to the defence response served on it. 25
- (6) Nothing in sub-section (5) limits any other power of the Court to allow the prosecution to call evidence after it has closed its case. 30

26. Giving evidence by satellite or landline facilities

- 5 (1) The Court may, in a proceeding transferred to it under this Act, allow a witness to give his or her evidence from a place outside Victoria by means of satellite facilities if satisfied, after hearing any representations that the defence and the prosecution may wish to make, that—
- (a) the attendance of the witness in the courtroom cannot be procured without unreasonable expense or inconvenience; and
- 10 (b) the interests of justice do not make it necessary for the witness to be present in the courtroom.
- (2) Any place from where a witness is permitted to give evidence under this section must be taken to be part of the courtroom while the witness is there for the purpose of giving evidence.
- 15 (3) Section 22 applies if evidence is given at a preparatory hearing by means of satellite or landline facilities.

27. Jury documents

- 20 For the purpose of helping the jury to understand the issues the Court may, in a proceeding transferred to it under this Act, order that copies of any of the following shall be given to the jury in any form that the presiding judge considers appropriate:
- 25 (a) the prosecution case statement and, with the consent of the defendant, the defence response;
- (b) any document admitted as evidence without further proof under section 21;
- (c) any statement of facts admitted under section 21;
- 30 (d) any written statement admitted in evidence under section 22;
- (e) the opening and closing speeches of counsel;
- (f) any schedules, charts or diagrams;
- (g) transcripts of evidence;
- (h) the presiding judge's summing up;

- (i) any other document that the presiding judge thinks fit.

PART 6—GENERAL

28. Power to extend time

- (1) On application the Court may, with respect to any proceeding transferred to it under this Act, extend any time fixed by or under this Act or by any order extending time made under this section if of the opinion that neither the prosecution nor the defence will be substantially prejudiced. 5 10
- (2) The Court may extend time under sub-section (1) before or after the time expires and whether or not the application is made before the time expires.

29. Costs

- (1) The Court may at any stage in a proceeding transferred to it under this Act order a party’s counsel or solicitor personally to pay to another party within a specified time any costs properly incurred by the other party as a result of a failure by that counsel or solicitor, or his or her servant or agent, to comply with this Act or any order made under this Act. 15 20
- (2) The Court must not make an order under sub-section (1) without giving the legal practitioner a reasonable opportunity to be heard.

30. Relationship to other legislation 25

Nothing in this Act limits the operation of—

- (a) section 391A of the **Crimes Act 1958**; or
- (b) Order 4 of the **Criminal Appeals and Procedures Rules 1988**; or
- (c) Order 16 of the **County Court Miscellaneous Rules 1989**. 30

31. Supreme Court—Limitation of jurisdiction

5 It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the bringing before the Supreme Court of a proceeding of a kind referred to in section 4 (3) or 9 (2).

32. Regulations

The Governor in Council may make regulations for or with respect to—

- 10 (a) notices of transfer;
- (b) the matters to be included in, or to accompany, notices of transfer;
- (c) the application to notices of transfer of the provisions of the **Crimes Act 1958** relating to presentments;
- 15 (d) the manner of service on defendants of notices of transfer;
- (e) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this
- 20 Act.

33. Consequential amendments

On the coming into operation of an item in the Schedule the Act specified in the heading to that item is amended as set out in that item.

25 **PART 7—RESTRICTIONS ON REPORTS OF PROCEEDINGS**

34. Restrictions on reports of proceedings

In section 3 of the **Judicial Proceedings Reports Act 1958**—

- (a) in sub-section (1) for paragraph (c) substitute—

No. 6280.
Reprint dt
No. 7596.
Subs qu ntly
am nd d by
N s 9554,
9848, 16/1986,
57/1989
and 8/1991.

Crimes (Fraud)

- “(c) except as provided in this section in relation to an application under section 8 of the **Crimes (Fraud) Act 1991** or a preparatory hearing under that Act, any matters other than—
- (i) the identity of the Court and name of the judge constituting it; 5
 - (ii) the names, ages, home addresses and occupations of the defendant and witnesses;
 - (iii) any relevant business information; 10
 - (iv) the offence or offences, or a summary of it or them;
 - (v) the names of counsel and solicitors engaged in the proceeding;
 - (vi) if the proceeding is adjourned, the date and place to which it is adjourned and bail arrangements on the adjournment.”; 15
- (b) after sub-section (1) insert—
- “(1A) The following is relevant business information for the purposes of sub-section (1) (c) (iii): 20
- (a) any address used by the defendant for carrying on a business on the defendant’s own account;
 - (b) the name of any business which the defendant was carrying on, on the defendant’s own account, at the time when events giving rise to the charge or charges occurred; 25
 - (c) the name and address of any firm in which the defendant was a partner at that time or by which at that time the defendant was engaged under a contract of service or a contract for services; 30
 - (d) the name, and address of the registered or principal office, of any company of which the defendant was a director at that time or by which at that time the defendant 35

was engaged under a contract of service
or a contract for services;

(e) any working address of the defendant in
his or her capacity as a person engaged by
a company referred to in paragraph (d).

5
10 (1B) On an application under section 8 of the
Crimes (Fraud) Act 1991 or at a preparatory
hearing under that Act the Court may, on the
application of the defendant or, if there are
more than one, any one of the defendants,
order that sub-section (1) (c) shall not apply to
reports of that application or hearing.

15 (1C) If a defendant is not represented by counsel at
an application or hearing referred to in sub-
section (1B), the Court must explain to the
defendant the restrictions imposed by sub-
section (1) (c) and inform the defendant about
the Court's power under sub-section (1B).

20 (1D) If an application or hearing at which an order
has been made under sub-section (1B) is
adjourned, the Court must, on resuming the
hearing, announce that the order has been
made.

25 (1E) It is not unlawful under this section to print or
publish or cause or procure to be printed or
published matters relating to an application
under section 8 of the **Crimes (Fraud) Act 1991**
not permitted by sub-section (1) (c) if the
application is successful.

30 (1F) It is not unlawful under this section to print or
publish or cause or procure to be printed or
published any matter relating to an
unsuccessful application under section 8 of the
Crimes (Fraud) Act 1991 or a preparatory
hearing under that Act after the conclusion of
35 the trial of the person charged or of the last of
the persons charged to be tried.”

PART 8—CHANGES TO RULES OF EVIDENCE

35. Admissibility of documentary evidence in criminal proceedings

Section 55 of the Evidence Act 1958 is amended as follows:

(a) in sub-section (2) omit “, and the person who supplied the information recorded in the statement in question is called as a witness in the proceeding”;

(b) after sub-section (2) insert—

“(2A) Despite anything to the contrary in sub-section (2), the court may, if for any reason it appears to it to be expedient in the interests of justice to do so, order that any statement referred to in that sub-section is only admissible as evidence if the person who supplied the information recorded in the statement is called as a witness in the proceeding.”;

(c) in sub-section (5) for “the foregoing provisions of this section” substitute “sub-section (1)”;

(d) in sub-section (6) omit “or in sub-section (2)”;

(e) in sub-section (7) omit “or sub-section (2)”.

36. New section 149D inserted

After section 149C of the Evidence Act 1958 insert—

“149D. Form of giving evidence in criminal proceedings

Despite any rule of law or procedure or any practice to the contrary, evidence in a criminal proceeding may be given in the form of charts, summaries or other explanatory material if it appears to the court that the material would be likely to aid its comprehension of other evidence given or to be given.”.

37. Abolition of best evidence rule

The rule of evidence known as the best evidence rule is abolished.

38. Statute law revision

- 5
- (1) In section 9G of the **Evidence Act 1958** (definition of “examination”) for “foreign country” substitute “place outside the State”.
- 10
- (2) In section 21C of the **Evidence Act 1958** omit “and of any rules or orders made under sub-section (4) of the said section 20”.
- (3) In section 21M (1) (e) of the **Evidence Act 1958** for “neighbourhood mediation” substitute “dispute settlement”.



SCHEDULE

Section 33

CONSEQUENTIAL AMENDMENTS**1. Bail Act 1977**

1. In section 29 (1), after “committed for trial” insert “or given a notice of transfer under the **Crimes (Fraud) Act 1991**”.

2. Crimes Act 1958

- 2.1 In section 359 (1), after “the Queen” insert “or a notice of transfer has been given under the **Crimes (Fraud) Act 1991**”.
- 2.2 In section 359 (1A), after “as aforesaid” (where first occurring) insert “or a notice of transfer specifying the County Court has been given under the **Crimes (Fraud) Act 1991**”.
- 2.3 In section 359 (3), after “commitment or remand” (where twice occurring) insert “or notice”.
- 2.4 In section 360 (1), after “the Queen” insert “or a notice of transfer has been given under the **Crimes (Fraud) Act 1991**”.
- 2.5 In section 399A (7) in the definition of “the prescribed period”, after paragraph (a) insert—
“(ab) in a case where a notice of transfer has been given under the **Crimes (Fraud) Act 1991**, the day on which a copy of the notice was served on the accused; and”.

3. Magistrates’ Court Act 1989

- 3.1 In section 56 (1), after paragraph (a) insert—
“(ab) a notice of transfer is given under the **Crimes (Fraud) Act 1991** in relation to the charge; or”.
- 3.2 In section 66—
 - (a) in sub-section (1)—
 - (i) in paragraph (a) after “against” insert “, or a notice of transfer is given under the **Crimes (Fraud) Act 1991** in respect of;”;
 - (ii) in paragraph (b) after “presentment” insert “or notice”;
 - (iii) in paragraph (c) after “preferred” insert “or the notice is given”;
 - (iv) after “having been preferred” insert “or notice having been given”;
 - (b) in sub-section (2), after “preferred” insert “or in respect of whom the notice has been given”.
- 3.3 In section 67—
 - (a) in sub-section (1), after “presentment” insert “or notice”;
 - (b) in sub-section (2)—

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- (i) after “preferred” insert “or in respect of whom the notice has been given”;
 - (ii) after “or presentment” insert “or notice”;
 - (iii) after “or presentment is preferred” insert “or in respect of whom the notice has been given”;
- (c) in sub-section (3) (a), after “presented” insert “or in respect of whom the notice has been given”.

