

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 28 April, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to enable an applicant for a certificate under the Costs in Criminal Cases Act, 1967, to adduce evidence of further relevant facts not established in the proceedings in relation to which the certificate is applied for; for this purpose to amend that Act; and for purposes connected therewith.

BE

Costs in Criminal Cases (Amendment).

5 **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. This Act may be cited as the "Costs in Criminal Cases Short title. (Amendment) Act, 1971".

2. The Costs in Criminal Cases Act, 1967, is amended by Amendment of Act No. 13, 1967. inserting next after section three the following new section :—
New sec. 3A.

10 3A. (1) For the purpose of determining whether or Evidence of further relevant facts may be adduced.
not to grant a certificate under section two of this Act in relation to any proceedings, the reference in paragraph (a) of subsection one of section three of this Act to all the relevant facts is a reference to such of the relevant
15 facts as were established in those proceedings together with such further relevant facts as the defendant, on the application for the certificate, has established to the satisfaction of the Court or Judge or Justice or Justices.

20 (2) Where, on an application for a certificate under section two of this Act in relation to any proceedings, the defendant adduces evidence to establish further relevant facts that were not established in those proceedings, the Court or Judge or Justice or Justices to which or to whom the application is made may—

25 (a) order that leave be given to the prosecutor in those proceedings or, in the absence of the prosecutor, to any person authorised to represent the Minister on the application, to comment on the evidence of those further
30 relevant facts; and

(b)

Costs in Criminal Cases (Amendment).

5

- (b) if it, he or they think it desirable to do so after taking into consideration any such comments, order that leave be given to the prosecutor or to the person representing the Minister to examine any witness giving evidence for the applicant or to adduce evidence tending to show why the certificate applied for should not be granted and adjourn the application so that that evidence may be adduced.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[5c]

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No. , 1971.

A BILL

To enable an applicant for a certificate under the Costs in Criminal Cases Act, 1967, to adduce evidence of further relevant facts not established in the proceedings in relation to which the certificate is applied for; for this purpose to amend that Act; and for purposes connected therewith.

[MR MADDISON—20 April, 1971.]

BE

Costs in Criminal Cases (Amendment).

5 **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. This Act may be cited as the "Costs in Criminal Cases Short title.
(Amendment) Act, 1971".

2. The Costs in Criminal Cases Act, 1967, is amended by Amendment
inserting next after section three the following new section :— of Act No.
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Costs in Criminal Cases (Amendment).

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[5c]

Costs in Criminal Cases (Amendment)

(b) if it be or they think it desirable to do so after taking into consideration any such comments, order that leave be given to the prosecutor or to the person representing the Minister to examine any witness giving evidence for the applicant or to adduce evidence tending to show why the certificate applied for should not be granted and adjourn the application so that that evidence may be adduced.

PROOF

COSTS IN CRIMINAL CASES (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to enable an applicant for a certificate under the Costs in Criminal Cases Act, 1967, to adduce in support of his application evidence of further relevant facts not established in the proceedings in relation to which the certificate is applied for;
- (b) to make other provision consequential upon and ancillary to the foregoing.

PROOF

COSTS IN CRIMINAL CASES (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

The object of the Bill is to amend the Code of Criminal Procedure, 1973, in relation to the award of costs in criminal cases. The Bill provides for the award of costs in criminal cases in which the accused is acquitted or discharged or the charges against him are dropped. It also provides for the award of costs in criminal cases in which the accused is convicted but the court is satisfied that he is unable to pay the costs. The Bill also provides for the award of costs in criminal cases in which the accused is convicted but the court is satisfied that he is unable to pay the costs.

PROOF

No. , 1971.

A BILL

To enable an applicant for a certificate under the Costs in Criminal Cases Act, 1967, to adduce evidence of further relevant facts not established in the proceedings in relation to which the certificate is applied for; for this purpose to amend that Act; and for purposes connected therewith.

[Mr MADDISON—20 April, 1971.]

BE

Costs in Criminal Cases (Amendment).

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
5 follows :—

1. This Act may be cited as the "Costs in Criminal Cases Short title.
(Amendment) Act, 1971".

2. The Costs in Criminal Cases Act, 1967, is amended by Amendment
of Act No.
13, 1967.
inserting next after section three the following new section :— New sec.
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facts as were established in those proceedings together
with such further relevant facts as the defendant, on the
application for the certificate, has established to the
satisfaction of the Court or Judge or Justice or Justices.

20 (2) Where, on an application for a certificate
under section two of this Act in relation to any proceed-
ings, the defendant adduces evidence to establish further
relevant facts that were not established in those proceed-
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or to whom the application is made may—

25 (a) order that leave be given to the prosecutor in
those proceedings or, in the absence of the
prosecutor, to any person authorised to
represent the Minister on the application, to
comment on the evidence of those further
30 relevant facts; and

(b)

Costs in Criminal Cases (Amendment).

- 5 (b) if it, he or they think it desirable to do so after taking into consideration any such comments, order that leave be given to the prosecutor or to the person representing the Minister to examine any witness giving evidence for the applicant or to adduce evidence tending to show why the certificate applied for should not be granted and adjourn the application so that that evidence may be adduced.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

Rules in Criminal Cases (Amendment)

(c) If it be or they think it desirable to do so after taking into consideration any such comment, order that leave be given to the prosecutor or to the person representing the witness to examine any witness giving evidence for the applicant or to adduce evidence tending to show why the evidence applied for should not be granted and against the application so that the evidence may be adduced.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 1, 1971.

An Act to enable an applicant for a certificate under the Costs in Criminal Cases Act, 1967, to adduce evidence of further relevant facts not established in the proceedings in relation to which the certificate is applied for; for this purpose to amend that Act; and for purposes connected therewith. [Assented to, 12th May, 1971.]

BE

Costs in Criminal Cases (Amendment).

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 :—

Short title. **1.** This Act may be cited as the "Costs in Criminal Cases (Amendment) Act, 1971".

Amendment of Act No. 13, 1967.
New sec. 3A.

2. The Costs in Criminal Cases Act, 1967, is amended by inserting next after section three the following new section :—

Evidence of further relevant facts may be adduced.

3A. (1) For the purpose of determining whether or not to grant a certificate under section two of this Act in relation to any proceedings, the reference in paragraph (a) of subsection one of section three of this Act to all the relevant facts is a reference to such of the relevant facts as were established in those proceedings together with such further relevant facts as the defendant, on the application for the certificate, has established to the satisfaction of the Court or Judge or Justice or Justices.

(2) Where, on an application for a certificate under section two of this Act in relation to any proceedings, the defendant adduces evidence to establish further relevant facts that were not established in those proceedings, the Court or Judge or Justice or Justices to which or to whom the application is made may—

(a) order that leave be given to the prosecutor in those proceedings or, in the absence of the prosecutor, to any person authorised to represent the Minister on the application, to comment on the evidence of those further relevant facts; and

(b)

Costs in Criminal Cases (Amendment).

- (b) if it, he or they think it desirable to do so after taking into consideration any such comments, order that leave be given to the prosecutor or to the person representing the Minister to examine any witness giving evidence for the applicant or to adduce evidence tending to show why the certificate applied for should not be granted and adjourn the application so that that evidence may be adduced.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

Chapter 100, Section 100.01

(b) If the court finds that the applicant has shown that the evidence is relevant and that the person applying for the evidence is not the person who gave the evidence to the applicant or to another person, the court shall grant the application for the evidence if the applicant shows that the evidence is relevant and that the person applying for the evidence is not the person who gave the evidence to the applicant or to another person.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 5 May, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 1, 1971.

An Act to enable an applicant for a certificate under the Costs in Criminal Cases Act, 1967, to adduce evidence of further relevant facts not established in the proceedings in relation to which the certificate is applied for; for this purpose to amend that Act; and for purposes connected therewith. [Assented to, 12th May, 1971.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Costs in Criminal Cases (Amendment).

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 :—

Short title. **1.** This Act may be cited as the "Costs in Criminal Cases (Amendment) Act, 1971".

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Costs in Criminal Cases (Amendment).

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In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 12th May, 1971.*

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