

# CONCURRENCE COPY

## EVIDENCE (AMENDMENT) BILL, 1978

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### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The Crimes (Banking Transactions) Amendment Bill, 1978, is cognate with this Bill.

The objects of this Bill are—

- (a) to extend the operation of the Evidence Act, 1898, with respect to business records and bankers' books to business records and bankers' books situated outside New South Wales;
  - (b) to extend the categories of persons who may give evidence of entries made in business records and bankers' books;
  - (c) to make provisions consequential upon or ancillary to the foregoing
-

Всего в количестве 1000 штук  
в том числе 500 штук  
в том числе 250 штук  
в том числе 125 штук  
в том числе 62,5 штук

Итого 1000 штук  
в том числе 500 штук  
в том числе 250 штук  
в том числе 125 штук  
в том числе 62,5 штук

Сумма 1000 штук

Удостоверенный секретарь

СОВЕТ ПЕРВОЙ СОВЕТ

**EVIDENCE (AMENDMENT) BILL, 1978**

No.           , 1978.

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**A BILL FOR**

**An Act to amend the Evidence Act, 1898, with respect to business records and bankers' books.**

[MR F. J. WALKER—1 *March*, 1978.]

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*Evidence (Amendment).*

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**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 :—

5 **1.** This Act may be cited as the "Evidence (Amendment) Short title. Act, 1978".

**2.** The Evidence Act, 1898, is amended in the manner set Amendment of Act No. 11, 1898. forth in Schedule 1.

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SCHEDULE 1.

Sec. 2.

10 AMENDMENTS TO THE EVIDENCE ACT, 1898.

(1) (a) Section 3 (1), paragraph (a) of definition of "Bank" or "banker"—

After "engaged", insert "in New South Wales or elsewhere".

15 (b) Section 3 (2)—

Omit "or".

(c) Section 3 (2)—

After "1976," insert "or the Evidence (Amendment) Act, 1978,".

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*Evidence (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.*

(2) Section 14CD (1), paragraph (a) of definition of “Business”—

5 After “business”, insert “(including business as a banker)”.

(3) (a) Section 14CM (1)—

After “by”, insert “an authorised person or if given by”.

(b) Section 14CM (3)—

After section 14CM (2), insert :—

10 (3) In subsection (1) “authorised person” means—

(a) a person before whom, pursuant to section 26 of the Oaths Act, 1900, an oath, declaration or affidavit may be taken or made in a country or place outside New South Wales;

15 (b) a member of the police force of or above the rank of sergeant; or

(c) a person approved by the Attorney-General for the purposes of this section.

(4) Section 44—

20 After “copy”, insert “made before or after the commencement of the Evidence (Amendment) Act, 1978,”.

(5) (a) Section 45 (1) (c)—

After “is”, insert “or, at the time of the making of the copy of the entry, was”.

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*Evidence (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.*

(b) Section 45 (2)—

5 After “bank”, insert “or, where the banker’s book is not  
in New South Wales, on the information and belief of an  
authorised person referred to in section 14CM (3) who has  
examined the book and the entry”.

(6) Section 47—

10 After “affidavits”, insert “or to be made as provided by  
section 26 of the Oaths Act, 1900”.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978







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-

The following is a list of the names of the persons who have been  
 elected to the office of Justice of the Peace for the year 1910.  
 The names are listed in alphabetical order of their surnames.  
 The names of the persons who have been elected to the office of  
 Justice of the Peace for the year 1910 are as follows:

JUSTICES OF THE PEACE

JOHN A. BROWN  
 JAMES H. CLARK  
 WALTER D. GIBSON  
 HENRY L. HARRIS  
 GEORGE W. JONES  
 EDWARD K. SMITH  
 THOMAS R. WALKER  
 CHARLES E. WILSON

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.*

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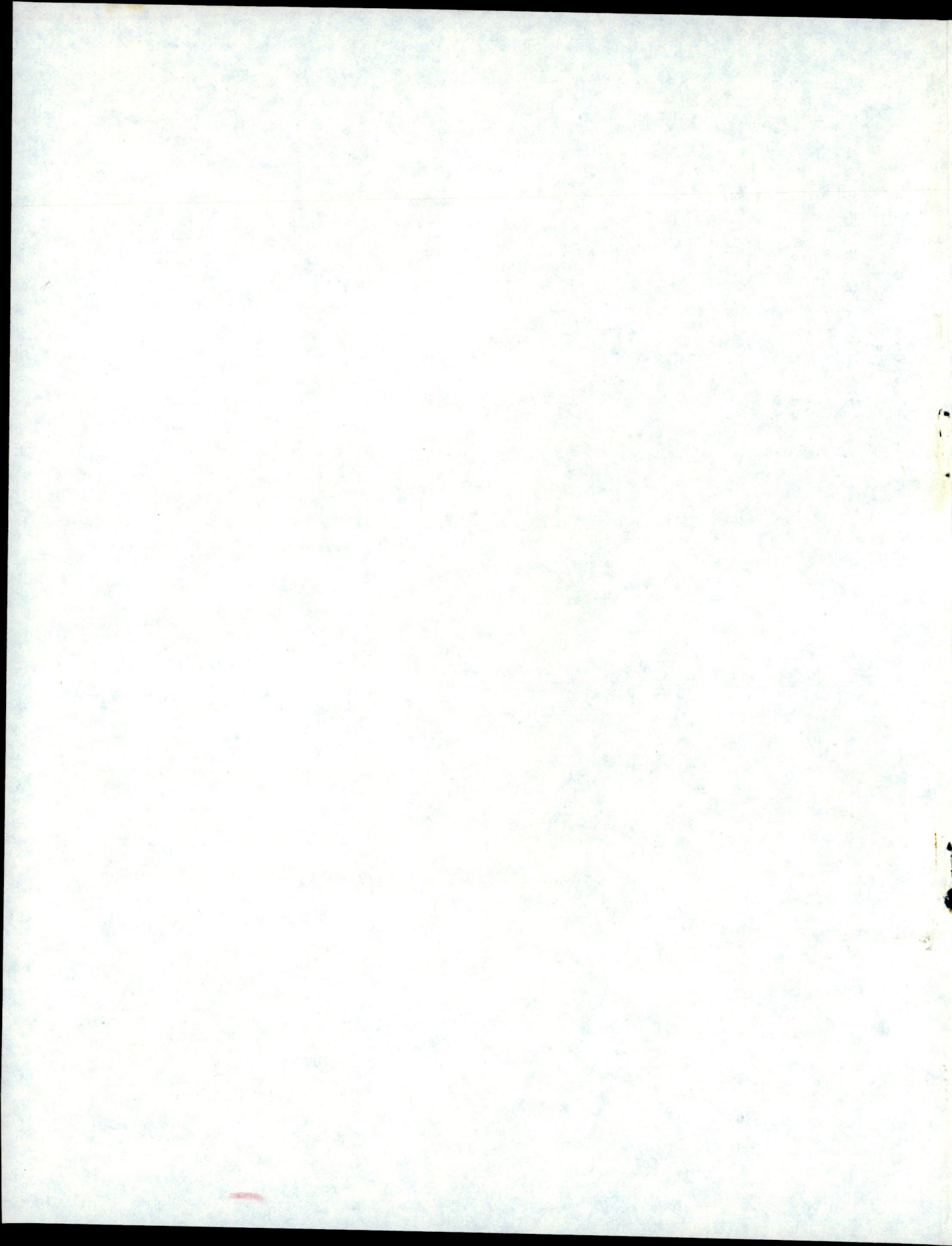
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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978







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RESEARCH ASSISTANT  
SARAH J. BROWN  
1998-1999

THE UNIVERSITY OF CHICAGO

**EVIDENCE (AMENDMENT) BILL, 1978**

No. , 1978.

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**A BILL FOR**

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[Mr F. J. WALKER—1 March, 1978.]

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*Evidence (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.*

(2) Section 14CD (1), paragraph (a) of definition of “Business”—

5 After “business”, insert “(including business as a banker)”.

(3) (a) Section 14CM (1)—

After “by”, insert “an authorised person or if given by”.

(b) Section 14CM (3)—

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*Evidence (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.*

(b) Section 45 (2)—

5 After “bank”, insert “or, where the banker’s book is not  
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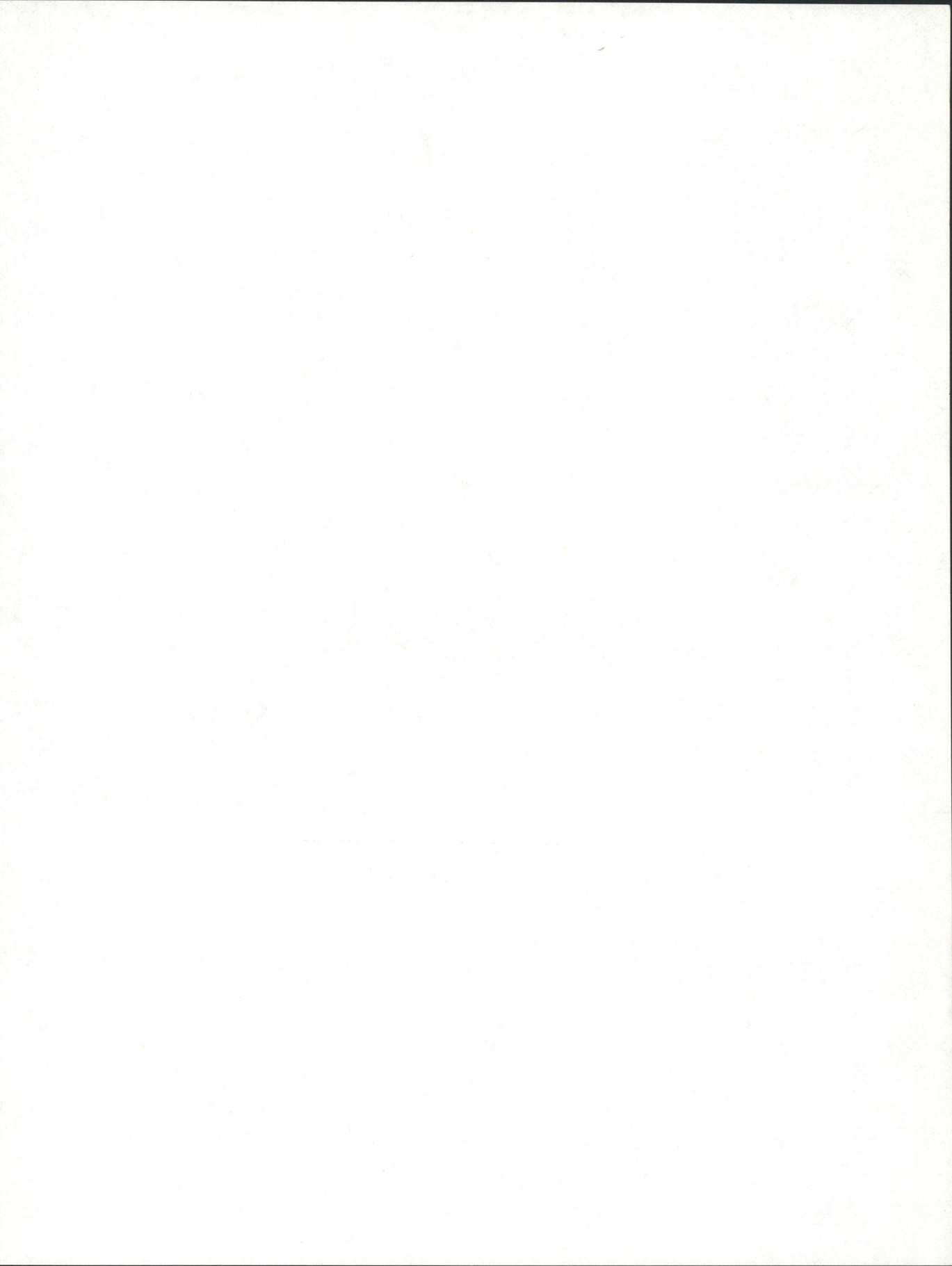
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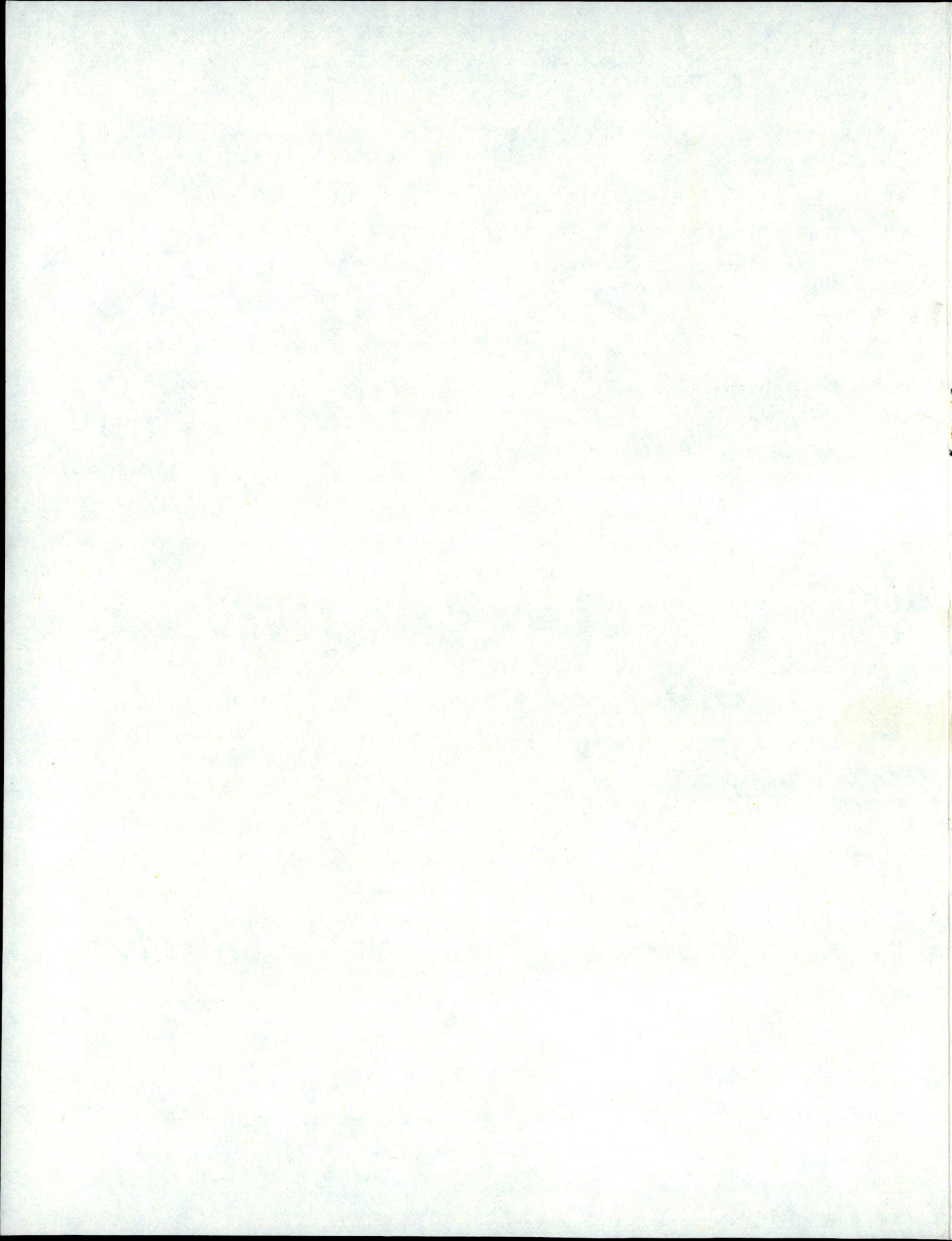
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---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978







**EVIDENCE (AMENDMENT) ACT, 1978, No. 26**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 26, 1978.**

An Act to amend the Evidence Act, 1898, with respect to business records and bankers' books. [Assented to, 16th March, 1978.]

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*Evidence (Amendment).*

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**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 "Evidence (Amendment) Act, 1978".

Amendment of Act No. 11, 1898.      **2.** The Evidence Act, 1898, is amended in the manner set forth in Schedule 1.

Sec. 2.

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**SCHEDULE 1.****AMENDMENTS TO THE EVIDENCE ACT, 1898.**

(1) (a) Section 3 (1), paragraph (a) of definition of "Bank" or "banker"—

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(b) Section 3 (2)—

Omit "or".

(c) Section 3 (2)—

After "1976," insert "or the Evidence (Amendment) Act, 1978,".

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*Evidence (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.*

(2) Section 14CD (1), paragraph (a) of definition of “Business”—

After “business”, insert “(including business as a banker)”.

(3) (a) Section 14CM (1)—

After “by”, insert “an authorised person or if given by”.

(b) Section 14CM (3)—

After section 14CM (2), insert :—

(3) In subsection (1) “authorised person” means—

(a) a person before whom, pursuant to section 26 of the Oaths Act, 1900, an oath, declaration or affidavit may be taken or made in a country or place outside New South Wales;

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(4) Section 44—

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After “is”, insert “or, at the time of the making of the copy of the entry, was”.

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*Evidence (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE EVIDENCE ACT, 1898—*continued.*

## (b) Section 45 (2)—

After “bank”, insert “or, where the banker’s book is not in New South Wales, on the information and belief of an authorised person referred to in section 14CM (3) who has examined the book and the entry”.

## (6) Section 47—

After “affidavits”, insert “or to be made as provided by section 26 of the Oaths Act, 1900”.

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

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 16th March, 1978.*