

## EVIDENCE (AMENDMENT) BILL 1986

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to allow, in proceedings in which any writing or signature is in dispute, evidence to be given of a handwriting comparison, made before or during the proceedings, with respect to original, duplicate or reproduced writing or signatures; and
- (b) to allow a duplicate or reproduction of any disputed or genuine writing or signature to be admitted in evidence in any such proceedings, but only if the original writing or signature is not available.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 substitutes section 36 of the Evidence Act 1898. That section has been interpreted by Courts to allow only original documents to be considered in proceedings where the authorship of any writing or signature is in dispute. The proposed section makes it clear that, in any such proceedings—

- (a) evidence may be given of a handwriting comparison of original writing or signatures, or of duplicates or reproductions of writing or signatures;
- (b) evidence of any such handwriting comparison may be given even if the documents concerned are not produced to the Court; and



- (c) duplicates or reproductions of writing or signatures may be produced to the Court.
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# EVIDENCE (AMENDMENT) BILL 1986

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
  2. Commencement
  3. Amendment of Act No. 11, 1898, sec. 36
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# EVIDENCE (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

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## A BILL FOR

An Act to amend the Evidence Act 1898 with respect to evidence concerning  
disputed writing or signatures.

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*Evidence (Amendment) 1986*

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 Short title**

1. This Act may be cited as the "Evidence (Amendment) Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- 10 (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 11, 1898, sec. 36**

3. The Evidence Act 1898 is amended by omitting section 36 and by  
15 inserting instead the following section:

**Comparison of disputed writing**

36. (1) Where the authorship of any writing or signature is in dispute—

- 20 (a) evidence of a comparison of the writing or signature in dispute with any other writing or signature proved to the satisfaction of the Court to be genuine is admissible as evidence concerning the authorship of the writing or signature in dispute; and
- 25 (b) the writing or signature in dispute and the other writing or signature are admissible as such evidence.

(2) Evidence of the comparison may be based on observations of the writing or signature in dispute or of the other writing or signature, or of both, made before or during, or before and during, the proceedings in which the evidence is given.

- 30 (3) In this section, a reference to writing or a signature includes a reference to—

- (a) a duplicate of the writing or signature; and



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(b) a reproduction of the writing or signature made by photographic, photostatic or any other prescribed means, whether or not the original writing or signature is available.

5 (4) A duplicate or reproduction of any writing or signature is admissible under this section only if the original writing or signature is not available.

(5) The Governor may make regulations for the purposes of subsection (3) (b).





# EVIDENCE (AMENDMENT) ACT 1986 No. 112

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
  2. Commencement
  3. Amendment of Act No. 11, 1898, sec. 36
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**EVIDENCE (AMENDMENT) ACT 1986 No. 112**

**NEW SOUTH WALES**



**Act No. 112, 1986**

An Act to amend the Evidence Act 1898 with respect to evidence concerning disputed writing or signatures. [Assented to, 27 November 1986]

*Evidence (Amendment) 1986*

**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 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Amendment of Act No. 11, 1898, sec. 36**

3. The Evidence Act 1898 is amended by omitting section 36 and by inserting instead the following section:

**Comparison of disputed writing**

36. (1) Where the authorship of any writing or signature is in dispute—

- (a) evidence of a comparison of the writing or signature in dispute with any other writing or signature proved to the satisfaction of the Court to be genuine is admissible as evidence concerning the authorship of the writing or signature in dispute; and

- (b) the writing or signature in dispute and the other writing or signature are admissible as such evidence.

(2) Evidence of the comparison may be based on observations of the writing or signature in dispute or of the other writing or signature, or of both, made before or during, or before and during, the proceedings in which the evidence is given.

(3) In this section, a reference to writing or a signature includes a reference to—

- (a) a duplicate of the writing or signature; and



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(b) a reproduction of the writing or signature made by photographic, photostatic or any other prescribed means, whether or not the original writing or signature is available.

(4) A duplicate or reproduction of any writing or signature is admissible under this section only if the original writing or signature is not available.

(5) The Governor may make regulations for the purposes of subsection (3) (b).







