



ANNO TRICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1984

No. 24 of 1984

An Act to amend the Evidence Act, 1929.

[Assented to 10 May 1984]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. (1) This Act may be cited as the "Evidence Act Amendment Act, 1984".

(2) The Evidence Act, 1929, is in this Act referred to as "the principal Act".

Insertion of new s. 45c.

2. The following section is inserted after section 45b of the principal Act:

Proof of original document.

45c. (1) A document that appears to be a facsimile copy of an original document shall be admissible as evidence of the contents of the original document if the following certificates signed by a person authorized by law to take affidavits appear on the copy:

(a) a certificate to the effect that the original consists of a specified number of pages and that the copy is a true and complete copy of the original;

and

(b) where the original consists of two or more pages, a certificate on each page of the copy to the effect that it is a true and complete copy of the corresponding page of the original.

(2) A document that appears to be a facsimile copy of a former copy of an original document shall be admissible as evidence of the contents of the original document if—

(a) the former copy would have been admissible in evidence;

and

(b) the subsequent copy has been made in accordance with subsection (1), taking references in that subsection to the original as references to the former copy.

(3) A document shall be admissible in evidence under this section without proof of the identity of a person by whom a certificate appearing on the document was made, or of whether he was authorized by law to take affidavits, unless the court is of the opinion that there is, in the circumstances of the case, special reason why such proof should be required.

(4) This section does not affect any other method of proof authorized by law.

(5) This section does not prevent a court from requiring the production of the original of a document where the court is of the opinion that it is necessary or desirable to do so.

(6) A person who signs a certificate under this section knowing it to be false shall be guilty of an indictable offence and liable to be imprisoned for a term not exceeding two years.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

C. L. LAUCKE, Governor's Deputy