

*Evidence Act 1906***s. 30**

30. Proof by attesting witness unnecessary in certain cases

It shall not be necessary to prove, by the attesting witness, any instrument to the validity of which attestation is not requisite, and such instrument may be proved as if there had been no attesting witness thereto.

31. Comparison of disputed hand-writing

Comparison of a disputed hand-writing with any writing proved to the satisfaction of the judge to be genuine may be made by witnesses, and such writings and the testimony of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute.

31A. Propensity and relationship evidence

(1) In this section —

propensity evidence means —

- (a) similar fact evidence or other evidence of the conduct of the accused person; or
- (b) evidence of the character or reputation of the accused person or of a tendency that the accused person has or had;

relationship evidence means evidence of the attitude or conduct of the accused person towards another person, or a class of persons, over a period of time.

(2) Propensity evidence or relationship evidence is admissible in proceedings for an offence if the court considers —

- (a) that the evidence would, either by itself or having regard to other evidence adduced or to be adduced, have significant probative value; and
- (b) that the probative value of the evidence compared to the degree of risk of an unfair trial, is such that fair-minded people would think that the public interest in adducing

all relevant evidence of guilt must have priority over the risk of an unfair trial.

- (3) In considering the probative value of evidence for the purposes of subsection (2) it is not open to the court to have regard to the possibility that the evidence may be the result of collusion, concoction or suggestion.

[Section 31A inserted by No. 46 of 2004 s. 13.]

32. Admissions by accused persons in criminal cases

An accused person, either personally or by his counsel or solicitor, in his presence, may admit on his trial any fact alleged or sought to be proved against him, and such admission shall be sufficient proof of the fact without other evidence.

32A. Derogation of privilege in civil proceedings

- (1) This section applies only in respect of—
- (a) civil proceedings in or before a court; and
 - (b) arbitrations; and
 - (c) civil proceedings in or before any tribunal that is not a court.
- (2) In this section—
- privilege* means privilege that would, apart from this section and the rules of court mentioned in subsection (3), attach to documents prepared for the purpose of pending or contemplated proceedings or in connection with the obtaining or giving of legal advice; and
- rules of court*, without affecting the operation of section 40 of the *Interpretation Act 1918*³, includes rules, regulations, and by-laws prescribing the practice and procedure for and in relation to proceedings in respect of which this section applies.
- (3) There shall be a derogation of privilege to the extent that rules of court applicable to expert evidence so provides.