

## EVIDENCE.

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No. 23 of 1967.

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### AN ACT to amend the Evidence Act, 1906-1966.

[Assented to 27th October, 1967.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Evidence Act Amendment Act, 1967.*

Short title  
and citation.

(2) In this Act the Evidence Act, 1906-1966, is referred to as the principal Act.

Reprinted as  
approved for  
reprint 4th  
August, 1966,  
as amended  
by Act No. 20  
of 1966.

(3) The principal Act as amended by this Act may be cited as the Evidence Act, 1906-1967.

S. 104A  
added.

2. The principal Act is amended by adding after section one hundred and four a section as follows—

Power of  
person  
appointed by  
foreign  
authority to  
take or  
receive  
evidence and  
administer  
oath.

104A. (1) Where an authority desires to take or receive evidence in the State, the authority may by instrument in writing appoint a person to so take or so receive evidence.

(2) Subject to subsection (3) of this section, a person appointed pursuant to subsection (1) of this section has power to take or receive evidence in the State for the authority and for that purpose has power to administer an oath.

(3) Where the authority is not a Court or Judge a person so appointed is not empowered to take or receive evidence or administer an oath in the State unless he has first obtained the consent in writing of the Attorney-General.

*Vide s. 154*  
(4) Act No.  
36 of 1935.

(4) This section does not authorise the taking or receiving of evidence by a person so appointed in or for use in criminal proceedings.

(5) In this section “authority” means any Court, Judge, person or body that is authorised under the law of a foreign country to take or receive evidence on oath in that country. .

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