

# ADMISSIONS

*Admission means a previous representation made by a party to a proceeding (or someone with their authority s87) that is adverse to the party's interest in the outcome of the proceeding*

**RULE:** The hearsay and opinion rules do not apply to evidence of an admission or to evidence of a previous representation made in the context of an admission **s81**

## QUALIFICATIONS

Hearsay rule applies unless evidence first-hand **s82**  
See **s83** regarding using evidence of admissions against third parties

Evidence not admissible unless court satisfied that the admission was not influenced by violent, oppressive inhuman or degrading conduct, or threats of that kind **s84**

## CRIMINAL PROCEEDING

Admissions by a defendant to or in the presence of an investigating official, or as a result of an act of a person who the defendant knew or believed to be capable of influencing the decision to prosecute, are not admissible unless the circumstances in which the admission was made make it unlikely that its truth was adversely affected **s85**

Written records of oral admissions by a defendant in response to questions or representations by investigating officials are not admissible unless the defendant acknowledged it as a true record by signing, initialling or otherwise marking the document **s86**

Evidence of a failure or refusal by a party or another person to answer or respond to questioning by an investigating official is not admissible if it can only be used to draw an inference unfavourable to the party **s89**

Discretion to exclude evidence of admissions led by prosecution if the circumstances in which it was made make it unfair to defendant **s90**

## CIVIL PROCEEDING

Discretionary and mandatory exclusions **Part 3.11**

Note: The court may waive the rules in Parts 3.2-3.8 in certain circumstances **s190**

A party may request another party to call a specified person as a witness, or may request another party to give it access to a document or thing to examine, copy or test the document or thing for authenticity, identity or admissibility **s166-s169**