
Terms of Reference

In 1970 the Committee was given a reference to consider the law relating to the introduction of evidence of criminal convictions in civil proceedings and report on the need, if any, for change.

Background of Reference

The rule in *Hollington v Hewthorn*¹ ("the rule") provides that in civil proceedings, a criminal conviction following trial cannot be tendered as evidence of the material facts upon which that conviction is based.² Since its creation, the rule has been widely criticised.³ This criticism resulted in legislative and judicial reform in Australia, New Zealand and the United Kingdom in the late 1960s.

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The Committee received a very small number of submissions in response to the working paper. Most valuable of these was the response by the Law Society of Western Australia which canvassed its members

