

THIS IS HOW THE TRANSCRIPT SHOULD APPEAR – WITH THE SPEAKERS NAME, FOLLOWED BY THE WORDS – SO THAT THE INTERACTION IS CLEARLY DEFINED.

RE- TYPED EXTRACT OF ORIGINAL TRANSCRIPT PAGES 51 AND 52 - SET OUT IN A CLEAR FORMAT. THE CONTENT IS IDENTICAL

[Compare this to Auscript image \(1\) and \(2\), from SimonHickey website - taken from exactly the same transcript](#)

Why the difference? This is no accident. Do you see how they have deliberately obfuscated the interaction, making it hard to determine who said what? Only because I was there and remember, I have named the speakers below. Now read the interaction and see the judge refuse all evidence supplied by the defence (page 1-52)

BENCH: (Judge Suzette Coates) Yes. That's the problem?---I don't accept that objection, because the – the invoices from SiteGround - - - Well, let me just have a look at them so I can determine - - -

MR RAUT: (prosecutor) Yeah. Yes.

HICKEY: (defendant) Well, there's' the – a copy for the court there.

BENCH: Whether they're admissible or not. I just need you to – you've got them there with you?

HICKEY : There's three copies. So that's the copy for the court. Okay. Okay. Well - - -?---I would like to say that the invoices - - -

BENCH: No. No. No. Just let me have a look - - -?---Okay.

HICKEY: Yep, yep..

BENCH: No, they're not admissible in their current form, because they don't comply with the rules of evidence. No. No. Just – these are the two I've got. I've just looked at - - -?---No, there's eight pages there, or 10 pages. Yes. Yes. Yes. I've had a look at this?

HICKEY: Well, the invoices are admissible, because **they were made during the course of someone's employment,** and they form – they form – if we check the Evidence Act, they form part – **part of a record that was made** (cut off by BENCH)

BENCH: Yes. But it would have to be the person who employed them. That means you'd have to call the person, and unless you're in a position to do that they're

HICKEY: That's not true. They're... (intending to say '**part of a record made during the course of a person's employment**') but again cut off by the judge

BENCH: They're not admissible as of right in accordance with the Evidence Act.

HICKEY: I don't accept that. As standalone evidence - - -

BENCH: Well, that's my ruling on these documents. So I can understand how a person might feel that they would be, but under the rules they're not.

HICKEY: I'd – I'd like to repeat **that they were made during the course of someone's employment** as a regular record of what was done during the day, and **as such they should be admitted under the Evidence Act.**

BENCH: No. They can't be. You'd have to call the person who made the record, and they'd have to confirm that

HICKEY: You didn't - - -?---Gillespie hasn't – I'd like to give – evidence as to the origins of the documents that I've downloaded.

BENCH: No. I'm sorry, Mr Hickey. They're not admissible. I'll return the documents to You.

HICKEY: So none of my evidence is admissible, is that what the court's saying?

BENCH: I'm not entering into an argument with you, Mr Hickey.

BELOW IS A VERBATIM COPY OF THE CURRENT QUEENSLAND EVIDENCE LAWS (page 174)

Admissibility of documentary evidence as to facts in issue in criminal proceedings

- (1) In any criminal proceeding where direct oral evidence of a fact would be admissible, **any statement contained in a document** and tending to establish that fact **shall be admissible as evidence** of that fact if—
- (a) **the document is or forms part of a record relating to any trade or business and made in the course of that trade or business** from information supplied by persons who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in the information they supplied; and
 - (b) **the person who supplied the information** recorded in the statement in question—
 - (i) is dead, or unfit by reason of the person's bodily or mental condition to attend as a witness; or
 - (ii) **is out of the State** and it is not reasonably practicable to secure the person's attendance

Magistrate Suzette Coates refused all of Hickey's documentary evidence which supported his statements during this trial. She had already admitted all the prosecution evidence, but then refused all the defence evidence. The QLD evidence act is the law when it comes to admissibility of evidence, and Coates broke the law when she refused Hickeys documents.

For arguments sake, lets assume this judge didn't know the evidence act – it's possible. So why didn't she pause and check the law? Copies of all legislation are in every court room. If she didn't know, then ruled without checking the law, then that conduct is unacceptable for a judge. It could be considered criminal.

If she did know, and made this ruling, then that conduct is absolutely criminal.

Neither explanation is acceptable.