

EVIDENCE.

No. 53 of 1964.

An Act to amend the *Evidence Act* 1905–1963.

[Assented to 30th May 1964.]

[Date of commencement, 27th June, 1964.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Evidence Act* 1964.

(2.) The *Evidence Act* 1905–1963* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Evidence Act* 1905–1964.

2. After section one of the Principal Act the following section is inserted:—

Parts.

“ 1A. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1–2).

Part II.—Judicial Notice (Sections 3–4A).

Part III.—Proof of Certain Instruments (Sections 5–7).

Part IV.—Proof of Certain Matters (Sections 8–10A).

Part V.—Proof of Judicial Proceedings (Section 11).

Part VI.—Miscellaneous (Section 12).”

3. After section four of the Principal Act the following section is inserted:—

Certain
instruments
to be
judicially
notified.

“ 4A. Judicial notice shall be taken of all—

(a) proclamations and orders by the Governor-General made, or purporting to be made, under an Act or Imperial Act;

(b) regulations, rules or by-laws made, or purporting to be made, under an Act;

(c) Ordinances of a Territory of the Commonwealth; and

(d) regulations, rules or by-laws made, or purporting to be made, under a law (whether an Ordinance, Imperial Act or State Act) in force in a Territory of the Commonwealth.”

* Act No. 4, 1905, as amended by No. 43, 1934; No. 80, 1950; No. 48, 1956; and No. 28, 1963.

4. Section five of the Principal Act is repealed and the following section inserted in its stead:—

“ 5. Evidence of any commission issued by the Governor-General, or of any order made by or under the authority of a Minister, may be given in all Courts— Proof of commission and orders.

- (a) by the production of the *Gazette* purporting to contain it;
- (b) by the production of a document purporting to be a copy thereof, and purporting to be printed by the Government Printer or by the authority of the Government of the Commonwealth;
- (c) in the case of a commission issued by the Governor-General—by the production of a document purporting to be certified by the Secretary to the Federal Executive Council as a true copy thereof or extract therefrom; or
- (d) in the case of an order made by or under the authority of a Minister—by the production of a document purporting to be certified by a Minister as a true copy thereof or extract therefrom.”.

5. The heading preceding each section of the Principal Act the number of which is set out in the first column of the Schedule to this Act is repealed and the heading set out in the second column of that Schedule opposite to that number is inserted in its stead. Headings.

THE SCHEDULE.

Section 5.

First Column. Number of Section.	Second Column. Heading Inserted.
1	PART I.—PRELIMINARY.
3	PART II.—JUDICIAL NOTICE.
5	PART III.—PROOF OF CERTAIN INSTRUMENTS.
8	PART IV.—PROOF OF CERTAIN MATTERS.
11	PART V.—PROOF OF JUDICIAL PROCEEDINGS.
12	PART VI.—MISCELLANEOUS.
