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:—

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| 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.”.

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 Section five of the Principal Act is repealed and the following section inserted in its stead:—

**Proof of commission and orders.**

“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—

(*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.”.

**Headings.**

**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 headi.ng set out in the second column of that Schedule opposite to that number is inserted in its stead.

THE SCHEDULE. Section 5

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| --- | --- | --- | --- |
| First Column. | Second Column. | | |
| Number of Section. | Heading Inserted. | | |
| 1 | Part | I. | —Preliminary |
| 3 | Part | II. | —Judicial Notice |
| 6 | Part | III. | —Proof of Certain Instruments |
| 8 | Part | IV. | —Proof of Certain Matters |
| 11 | Part | V. | —Proof of Judicial Proceedings. |
| 12 | Part | VI. | —Miscellaneous |