

EVIDENCE.

No. 4 of 1905.

An Act relating to the Law of Evidence.

[Assented to 25th August, 1905.]

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

Preliminary.

Short title.

1. This Act may be cited as the *Evidence Act* 1905.

Definition.

2. In this Act, unless the contrary intention appears—

“Courts” includes the High Court, the Commonwealth Court of Conciliation and Arbitration, all Courts exercising federal jurisdiction, the Inter-State Commission, and all Courts of the several States and parts of the Commonwealth, and all Judges and justices and all arbitrators under any law of the Commonwealth or of a State, and all persons authorized by the law of the Commonwealth or of a State or by consent of parties to hear, receive, and examine evidence.

Judicial Notice.

Seal of
Commonwealth
to be judicially
noticed

See Qd. 62 Vict.
No. 15 s. 4.

Certain
signatures &c.
to be judicially
noticed.

See ib. s. 10.

3. All Courts shall take judicial notice of the impression of the Seal of the Commonwealth without evidence of the seal having been impressed or any other evidence relating thereto.

4. All Courts shall take judicial notice of—

(a) the official signature of any person who holds or has held the office of Governor-General, Minister of State, President of the Senate, Speaker of the House of Representatives, Secretary to the Federal Executive Council, Justice of the High Court, Principal Registrar, Deputy Registrar or District Registrar of the High Court, President or Deputy President of the Commonwealth Court of Conciliation and Arbitration, Industrial Registrar or Deputy Industrial Registrar, or President or Judge or member of any Federal Court,

or of the Inter-State Commission, or any office to which the Governor-General, by order published in the *Gazette*, declares this section to apply; and

(b) the official seal of every such person or Court; and

(c) the fact that such person holds or has held such office; if the signature or seal purports to be attached or appended to any judicial or official document.

Proof of Certain Documents.

5. Evidence of any proclamation, commission, order, or regulation issued or made by the Governor-General, or 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; or

(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; or

(c) by the production (in the case of any proclamation, commission, order, or regulation issued or made by the Governor-General) 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) by the production (in the case of any proclamation, commission, order, or regulation issued or made by or under the authority of a Minister) of a document purporting to be certified by a Minister as a true copy thereof or extract therefrom.

Proof of proclamations commissions orders and regulations.
See N.S.W. 1898 No. 11 s. 18.
Vict. No. 1058 s. 17.
Qld. 62 Vict. No. 15 s. 6.

6. Whenever any book or document of the Commonwealth is of such a public nature as to be admissible in evidence on its mere production from the proper custody, any copy thereof or extract therefrom shall be admissible in evidence in all Courts if—

(a) it is proved to be an examined copy or extract; or

(b) it purports to be signed and certified as a true copy or extract by the officer to whose custody the original is entrusted.

Proof of public books and documents.
See 14 & 15 Vict. c. 99 s. 14.
N.S.W. ib. s. 16
Vict. ib. s. 23.

7. All documents purporting to be copies of the Votes and Proceedings or Journals or Minutes of either House of the Parliament, or of papers presented to either House of the Parliament, if purporting to be printed by the Government Printer, shall on their mere production be admitted as evidence thereof in all Courts.

Proof of Votes and Proceedings of Parliament.
See 3 & 9 Vict. c. 113 s. 3.
Vict. ib. s. 26.

Proof of Certain Matters.

8. The mere production of a paper purporting to be the *Commonwealth of Australia Gazette* shall in all Courts be evidence that the paper is the *Gazette* and was published on the day on which it bears date.

Proof of Commonwealth Gazette.
See Vict. ib. s. 24.

Proof of printing
by Government
Printer.

See Qd. 62 Vict.
No. 15 s. 12.

9. The mere production of a paper purporting to be printed by the Government Printer or by the authority of the Government of the Commonwealth shall in all Courts be evidence that the paper was printed by the Government Printer or by such authority.

Proof of act
done by
Governor-
General or
Minister.

See Vict. No.
1688 s. 25.

10. Where by any law at any time in force the Governor-General or a Minister is authorized or empowered to do any act, production of the *Gazette* purporting to contain a copy or notification of any such act shall in all Courts be evidence of the act having been duly done.

Proof of Judicial Proceedings.

Proof of judicial
proceedings.

See N.S.W.
1893 No. 11
s. 20.

Vict. ib. s. 16.

11. Evidence of any judicial proceeding of the High Court or of any Federal Court or of any Justice or Judge thereof, including any affidavit pleading or legal document filed or deposited in any such Court, may be given in all Courts by the production of a document purporting to be a copy thereof, and—

- (a) proved to be an examined copy thereof; or
- (b) purporting to be sealed with the seal of the Court; or
- (c) purporting to be certified as a true copy by a registrar or chief officer of the Court.

Affidavits.

Affidavit may be
sworn before
Justice of the
Peace.
Cf. Queensland
1891 No. 14 s. 3.

12. Affidavits for use in the High Court or any Court exercising federal jurisdiction may be sworn before any Justice of the Peace without the issue of any commission for taking affidavits.