STATE AND TERRITORIAL LAWS AND RECORDS RECOGNITION.

**No. 15 of 1928.**

An Act to amend the *State Laws and Records Recognition Act* 1901.

[Assented to 22nd June, 1928.]

BE it enacted by the King’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 *State and Territorial Laws and Records Recognition Act* 1928.

(2.) The *State Laws and Records Recognition Act* 1901\* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *State and Territorial Laws and Records Recognition Act* 1901–1928.

**Amendment of title of Principal Act.**

**2.** The title of the Principal Act is amended—

(*a*)by inserting after the word “Commonwealth” the words “and its Territories”; and

(*b*)by adding after the word “States” the words “and the Territories”.

**Amendments of the Principal Act.**

**3.** The Principal Act is amended as set out in the Schedule to this Act.

**Definitions.**

**4.** Section two of the Principal Act is amended by omitting the definitions of “Court” and “Courts within the Commonwealth” and inserting in their stead the following definitions:—

“‘Court’ includes the High Court and all Federal Courts and Courts exercising federal jurisdiction, the Inter-State Commission when sitting as a Court for the hearing or determination of any matter, all Courts of the several States and Territories of the Commonwealth, all Judges and Justices and all Arbitrators under any Act, State Act or Ordinance of a Territory, and all persons authorized by law or by consent of parties to hear, receive and examine evidence.

“‘Minister’, in relation to a Territory, means the Minister charged with the administration of any Act, Ordinance or Regulation in its application to that Territory.

“‘Territory’ or ‘Territory of the Commonwealth’ means any Territory under the authority of the Commonwealth, and includes any Territory governed by the Commonwealth under a mandate.”.

**Recognition of Ordinances.**

**5.** Section three of the Principal Act is amended by adding at the end thereof the words “and of all Ordinances of any Territory”.

**Seals of Territories.**

**6.** Section four of the Principal Act is amended by inserting after the word “State” the words “or of any Territory”.

**Certain Signatures, &c., to be judicially noticed.**

**7.** Section five of the Principal Act is amended by inserting after the word “State” the words “or Territory”.

**Proof of. Proclamations, commissions, orders and regulations.**

**8.** Section six of the Principal Act is amended—

(*a*)by inserting in sub-section (1.), after the word “State”, (second occurring), the words “or, in the case of a Territory, by the Governor-General, or by the Minister or by or under any authority thereto authorized under the laws of the Territory,”;

(*b*) by inserting in paragraph (*a*)of sub-section (1.) after the word “State” the words “or Territory”;

(*c*)by inserting in paragraph (*b*) of sub-section (1.) after the word “State” (wherever occurring) the words “or Territory”;

(*d*)by inserting after paragraph (*c*) of sub-section (1.) the following paragraph:—

“(*ca*)by the production (in the case of any proclamation, commission, order, or regulation issued by the Governor-General) of a copy or extract purporting to be certified to be true by any Minister; or”; and

(*e*) by inserting after paragraph (*d*)of sub-section (1.) the following paragraph:—

“or (*da*)by the production (in the case of any proclamation, commission, order or regulation issued in a Territory by or under the authority of the Minister or any authority thereto authorized under the laws of the Territory) of a copy or extract purporting to be certified to be true by any Minister.”.

**Proof of proclamations and Acts of State.**

**9.** Section seven of the Principal Act is amended—

(*a*)by inserting after the words “any State” the words “or Territory”; and

(*b*)by inserting after the words “that State” the words “or Territory”.

**Proof of certain public documents.**

**10.** Section eight of the Principal Act is amended—

(*a*) by inserting after the word “State” (second occurring) the words “, or by any law of a Territory at any time in force in any Territory”;

(*b*)by inserting after the word “State” (third occurring) the words “or Territory”; and

(*c*) by inserting after the words “State Act” (second occurring) the words “or law of a Territory”.

**Public document admissible in Territory without proof to be admissible throughout the Commonwealth.**

**11.** Section nine of the Principal Act is amended by inserting after the word “State” (wherever occurring) the words “or Territory”.

**Proof of public books and documents.**

**12.** Section ten of the Principal Act is amended by inserting after the word “State” (wherever occurring) the words “or Territory”.

**Proof of *Government Gazette* of Territory.**

**13.** Section twelve of the Principal Act is amended by inserting after the word “State” the words “or Territory”.

**Proof of printing by Government Printer of Territory.**

**14.** Section thirteen of the Principal Act is amended by inserting after the word “State” (wherever occurring) the words “or Territory”.

**15.** After section fourteen of the Principal Act the following section is inserted:—

**Proof of act done by the Governor-General, &c.**

“14a. Where, by any law at any time in force in a Territory, the Governor-General, the Minister, or an authority of the Territory is empowered to do any act whatsoever, production of the *Government Gazette* of the Territory purporting to contain a copy or notification of any such act shall, in all Courts, be evidence of such act having been duly done.”.

**16.** After section fifteen of the Principal Act the following section is inserted:—

**By-laws and regulations.**

“15a. Where, by any law in force in a Territory, power to make by-laws or regulations is conferred upon any person or body, any printed paper purporting to be such by-laws or regulations, and to be printed by the Government Printer of the Territory, or by the authority of the Government of the Territory, shall in all Courts be evidence—

(*a*)that by-laws or regulations in the words printed in such paper were duly made by such person or body; and

(*b*) that such by-laws or regulations have been approved of or confirmed or have not been disallowed (as the case requires) by the authority having power so to do.”.

**Proof of incorporation of company.**

**17.** Section sixteen of the Principal Act is amended by inserting after the word “State” (wherever occurring) the words “or Territory”.

**Proof of judicial proceedings of Court of Territory.**

**18.** Section seventeen of the Principal Act is amended by inserting after the word “State” the words “or Territory”.

**Faith and credit to be given to documents properly authenticated.**

**19.** Section eighteen of the Principal Act is amended by inserting after the word “State” (wherever occurring) the words “or Territory”.

**This Act not to derogate from existing powers.**

**20.** Section nineteen of the Principal Act is amended by inserting after the word “State” the words “or Territory”.

THE SCHEDULE.

Consequential Amendments in the Principal Act.

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| Section Amended. | Extent of Amendment. |
| Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 | Omit “within the Commonwealth” (wherever occuring). |

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