

# Evidence Amendment Act 1990

Public Act 1990 No 46  
Date of assent 29 June 1990

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

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## An Act to amend the Evidence Act 1908

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### Note

This Act is administered in the Ministry of Justice

## 1 Short Title and commencement

- (1) This Act may be cited as the Evidence Amendment Act 1990 and shall be read together with and deemed part of the Evidence Act 1908 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the 1st day of July 1990.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). *See* clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**Australian Act** means—

- (a) An Act of the Commonwealth of Australia:
- (b) An Act of a State of the Commonwealth of Australia:
- (c) An Act or an Ordinance of a Territory of the Commonwealth of Australia:

**Australian regulation** means a regulation, order, notice, proclamation, or instrument made, given, or issued under an Australian Act.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). *See* clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Section 2 was substituted, as from 1 April 1995, by section 35 Evidence Amendment Act 1995 (1995 No 31). *See* clause 2 Evidence Amendment Act Commencement Order 1995 (SR 1995/61).

## 3 Application

*[Repealed]*

Section 3 was repealed, as from 1 April 1995, by section 36 Evidence Amendment Act 1995 (1995 No 31). *See* clause 2 Evidence Amendment Act Commencement Order 1995 (SR 1995/61).

## 4 Judicial notice of Australian Acts and regulations

Judicial notice shall be taken of Australian Acts and Australian regulations.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). *See* clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

## 5 Facsimiles

Subject to any rules made under the authority of any other Act, and to any contrary direction by the Court—

- (a) A facsimile of a document or thing that is admissible in evidence under this Act is admissible evidence of that document or thing:
- (b) Judicial notice shall be taken of a facsimile of a document or thing of which judicial notice is required to be taken under this Act.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). *See* clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Section 5 was amended, as from 1 April 1995, by section 37 Evidence Amendment Act 1995 (1995 No 31) by substituting “rules made under the authority of any other Act” for “Rules of Court made

under section 51C of the Judicature Act 1908". See clause 2 Evidence Amendment Act Commencement Order 1995 (SR 1995/61).

## 6 Judicial notice of certain signatures, seals, and stamps

Judicial notice shall be taken of—

- (a) The impression of the seal or stamp of an Australian Court; and
- (b) The signature of a Judge, a Master, a Judicial Registrar, a Magistrate, a Registrar, a District Registrar, a Deputy Registrar or a Deputy District Registrar of an Australian Court; or
- (c) The official signature or seal of a person who holds, or has held, office in Australia pursuant to or under an Australian Act; or
- (d) The impression of the official seal or stamp of a person referred to in paragraph (b) or paragraph (c) of this section; and
- (e) If judicial notice is taken of a signature or the impression of a stamp or seal under paragraph (b) or paragraph (c) or paragraph (d) of this section, the fact that a person referred to in paragraph (b) or paragraph (c) holds, or had held, the office concerned—

if the signature or the impression appears on an official or judicial document.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Section 6 was substituted, as from 1 April 1995, by section 38 Evidence Amendment Act 1995 (1995 No 31). See clause 2 Evidence Amendment Act Commencement Order 1995 (SR 1995/61).

## 7 Copies of Australian Acts and regulations to be evidence

Every copy of an Australian Act and every copy of any Australian regulations appearing to have been printed or published, whether before or after the commencement of this section, by the Government Printer of the Government of the Commonwealth of Australia or of the Government of a State or Territory of Australia or under the authority of such Government shall, unless the contrary is proved, be deemed—

- (a) To be a correct copy of the Australian Act or Australian regulations; and
- (b) To have been so printed and published.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Section 7 was amended, as from 1 April 1995, by section 39 Evidence Amendment Act 1995 (1995 No 31) by inserting "or Territory". See clause 2 Evidence Amendment Act Commencement Order 1995 (SR 1995/61).

## 8 Evidence of official Australian documents

- (1) In this section **official Australian document** means a document that appears to be made or issued by a person who appears to have, under an Australian Act, the authority or power to make or issue it.

- (2) Prima facie evidence of the making or issue of an official Australian document may be given by producing—
- (a) An original of the document; or
  - (b) A copy of an Australian Government *Gazette* or a *Gazette* of a State or Territory of Australia, as the case may be, that contains a copy of the document; or
  - (c) A copy of the document that appears to have been printed by the Government Printer of the Government of the Commonwealth of Australia or of the Government of a State or Territory of Australia or under the authority of such Government; or
  - (d) A written copy of, or extract from, the document that appears to have been certified by the person who made or issued the document or by a person who appears to have power to issue or make the document.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Subsection (2)(b) was substituted, as from 1 April 1995, by section 41(1) Evidence Amendment Act 1995 (1995 No 31). See clause 2 Evidence Amendment Act Commencement Order 1995 (SR 1995/61).

Subsection (2)(c) was amended, as from 1 April 1995, by section 41(2) Evidence Amendment Act 1995 (1995 No 31) by inserting “or Territory”. See clause 2 Evidence Amendment Act Commencement Order 1995 (SR 1995/61).

## 9 Evidence of public documents by reference to Australian law

- (1) In this section **public document** means an official or public document; and includes a certificate, an entry in a register, and a record of any proceedings.
- (2) Without limiting subsection (4) of this section, a public document that is admissible in evidence under an Australian Act is admissible in evidence to the same extent and for the same purpose if it appears to be sealed, stamped, signed, signed and sealed, or signed and stamped in accordance with that Act.
- (3) A certified copy of, or a certified extract from, a public document that is admissible in evidence pursuant to subsection (2) of this section is also admissible in evidence.
- (4) A public document that is admissible in evidence under Australian law, to any extent or for any purpose, without proof of—
  - (a) The seal, stamp, or signature that authenticates it; or
  - (b) The judicial or official character of the person who appears to have signed it—

is admissible in evidence to the same extent and for the same purpose without such proof.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

## **10 Evidence of other public documents**

A copy of, or extract from, an Australian document that is, by reason of its public nature, admissible in evidence in Australia merely on its production from the proper custody, is admissible in evidence if—

- (a) The copy or extract is proved to be an examined copy or extract; or
- (b) The copy or extract appears to be signed or certified as a true copy or extract by the person who has custody of the document and that person also certifies that he or she has custody of it.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

## **10A Evidence of certain Acts under Australian law**

If, under an Australian Act or an Australian regulation, the Governor-General of Australia or a Minister of the Commonwealth of Australia, or the Governor, Administrator, or a Minister of a State or a Territory of Australia, as the case may be, is authorised or empowered to do, exercise, or perform any act, power, function, or duty, production of an Australian Government *Gazette* or a *Gazette* of a State or Territory of Australia, as the case may be, purporting to contain a notice of the doing, exercise, or performance of the act, power, function, or duty is evidence that it was lawfully done, exercised, or performed.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

Section 10A was inserted, as from 1 April 1995, by section 41 Evidence Amendment Act 1995 (1995 No 31). See clause 2 Evidence Amendment Act Commencement Order 1995 (SR 1995/61).

## **11 New section substituted**

*This section substituted s 41 of the principal Act.*

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).

## **12 Other laws not affected**

Nothing in this Act limits or affects the provisions of any other Act or a rule of law relating to the admissibility of evidence or the taking of judicial notice of a matter or thing.

This Act was repealed, as from 1 August 2007, pursuant to section 215 Evidence Act 2006 (2006 No 69). See clause 2(2) Evidence Act 2006 Commencement Order 2007 (SR 2007/190).