



Western Australia.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

No. IX.

AN ACT to facilitate the Proof of Acts of the
Parliaments of Australasian Colonies and of
Judicial and Official Documents, Seals, and
Signatures, and for other purposes.

[Assented to, 9th October, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and
with the advice and consent of the Legislative Council and
the Legislative Assembly of Western Australia, in this present
Parliament assembled, and by the authority of the same, as
follows:—

1. THIS Act may for all purposes be cited as the Evidence
Act, 1899.

Short title and
construction.

2. IN this Act, unless the context otherwise requires—

(a.) The expression “Act of Parliament” includes any Act of
Council and Ordinance of the Legislature of any Aus-
tralasian Colony;

Interpretation of
terms.

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- (b.) The expression “Australasian Colony” means and includes the Colonies (including their respective dependencies) of Fiji, New South Wales, New Zealand, Queensland, South Australia, Tasmania, and Victoria, and any British possession which may at any time be created within Her Majesty’s possessions in Australasia, and the said expression shall also be deemed to include any part of New Zealand during such time as such part constituted a separate Colony;
- (c.) The expression “Colony” includes province;
- (d.) The expression “*Government Gazette*” means the *Government Gazette*, *Royal Gazette*, or other official gazette of any Australasian Colony;
- (e.) The expression “Government Printer” means and includes any printer purporting to be the printer authorised to print the Statutes, Ordinances, Acts of State, or other public Acts of the Legislature of any Australasian Colony, or otherwise to be the Government Printer of such Colony;
- (f.) The expression “Governor” means the person for the time being administering the Government of any Australasian Colony; and
- (g.) The expression “Votes and Proceedings” shall be deemed to include any papers printed or purporting to be printed by the authority of and laid before or purporting to be laid before any House or Houses of Legislature of any Australasian Colony.

Australasian
Colonies and their
Acts to be judicially
noticed.

3. (1.) ALL courts and persons acting judicially within Western Australia shall take judicial notice of every Australasian Colony and the extent of its territories, and also of all Acts of Parliament of any Australasian Colony, whether passed before or after the commencement of this Act.

Government
Printer’s copies to
be deemed *prima
facie* correct for
certain purposes.

(2.) Any paper purporting to be a copy of any Act of Parliament of any Australasian Colony, whether passed before or after the commencement of this Act, and purporting to be printed by the Government Printer of such Colony, or as a supplement to the *Government Gazette* of such Colony, shall, *prima facie*, be deemed to be a correct copy of such Act without any further proof thereof. The date which appears on any such copy purporting to be the day on which such Act received the Royal Assent shall be received for all purposes as evidence of the date of such assent.

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4. ALL courts and persons acting judicially within Western Australia shall take judicial notice of the impression of the public seal of Western Australia and of the public seal of any Australasian Colony without evidence of such seal having been impressed or any other evidence relating thereto.

Public seals of Colonies.

5. *PRIMA facie* evidence of any Royal Proclamation, Order of Her Majesty's Privy Council, order, regulation, despatch, or any instrument whatsoever made or issued before or after the commencement of this Act by Her Majesty or by Her Majesty's Privy Council, or by or under the authority of any of Her Majesty's Secretaries of State, or of any Department of Her Majesty's Government in the United Kingdom may be given before all courts and persons acting judicially within Western Australia by the production of a copy of the *London Gazette* or of the *Government Gazette* purporting to contain a reprint of such Proclamation, Order of the Privy Council, order, regulation, despatch, or other instrument as an extract from the *London Gazette*.

Mode of proving Royal Proclamations, Orders of Privy Council or Rules, etc., of Her Majesty's Imperial Government.

6. *PRIMA facie* evidence of any Proclamation, Order in Council, order, regulation, or other instrument whatsoever made or issued before or after the commencement of this Act by the Governor or by the Governor in Council of any Australasian Colony; also of any order, regulation, or instrument whatsoever made or issued before or after the commencement of this Act by or under the authority of any responsible Minister of the Crown in any such Colony, or of any public commission or Board, may be given before all courts and persons acting judicially within Western Australia in all or any of the modes hereinafter mentioned (that is to say):—

Mode of proving Proclamations, Orders in Council, Rules, etc., of Governor or Ministers of the Crown of Australasian Colony.

- (a.) By the production of a copy of the *Government Gazette* of such Colony purporting to contain such Proclamation, Order in Council, order, regulation, or other instrument;
- (b.) By the production of a copy of such Proclamation, Order in Council, order, regulation, or instrument purporting to be printed by the Government Printer of such Colony;
- (c.) By the production in the case of any Proclamation, Order in Council, order, regulation, or instrument whatsoever made or issued by the Governor, or by the Governor in Council of any Australasian Colony, of a written copy or extract purporting to be certified to by the Clerk of the Executive Council of such Colony, and in the case of any order, regulation, or instrument whatsoever made or issued by or under the authority of any responsible Minister of the Crown by the production of a copy or extract purporting

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to be certified to be true by the aforesaid Minister or any other responsible Minister of the Crown in such Colony.

No proof shall be required of the handwriting or official position of any person certifying in pursuance of this section to the truth of any copy of or extract from any Proclamation, Order in Council, order, regulation, or instrument.

Documents admissible in Australasian Colonies without proof to be equally admissible in Western Australia.

7. EVERY document which by any law now in force or hereafter to be in force in any Australasian Colony is or shall be admissible in evidence of any particular in any court of justice in such Colony without proof of the seal, or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same, shall be admitted in evidence to the same extent and for the same purposes before all courts and persons acting judicially within Western Australia without proof of the seal, or stamp, or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same.

Documents of Australasian Colony which, if Western Australian, admissible on mere production provable by certified copy.

8. WHENEVER any book or other document of any Australasian Colony is of such a public nature as would, if it were a Western Australian book or document, be admissible in evidence in Western Australia on its mere production from the proper custody, any copy thereof or extract therefrom shall be admissible in evidence before all courts and persons acting judicially within Western Australia, provided it be proved to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by some officer of the Colony in question, who shall further certify thereto that he is the officer to whose custody the original is entrusted.

Votes and proceedings of Legislature of any Australasian Colony proved by copy.

9. ALL copies, whether made before or after the commencement of this Act, of the Votes and Proceedings of any House of the Legislature of any Australasian Colony, and of Royal Proclamations if purporting to be printed by the Government Printer of the Colony to which they belong or relate shall, on the mere production of the same, be admitted as evidence thereof by all courts and persons acting judicially within Western Australia without any proof being given that such copies were so printed.

Certain signatures to be judicially noticed.

10. ALL courts and persons acting judicially within Western Australia shall take judicial notice of the signature of every person who is for the time being and of every person who has at any time been Governor, Judge of the Supreme Court, Prothonotary, Master, Registrar, or Chief Clerk of the Supreme Court, Commissioner of

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Titles, Registrar of Titles, Assistant or Deputy Registrar of Titles, Registrar General, Assistant or Deputy Registrar General, Government Statist or Assistant or Deputy Government Statist, Judge or Presiding Magistrate of any County Court, or District or Local Court, or Court of Mines, Chairman of any Court of General or Quarter Sessions, Judge of any Court of Bankruptcy, or Insolvency, or Police, or Stipendiary Magistrate, or Justice of the Peace in any of the Australasian Colonies, and of any person holding in any Australasian Colony any office corresponding to any of the aforesaid offices, and of any person holding in any such Colony any office to which the Governor in Council may at any time, by order published in the *Government Gazette*, declare this section to apply, and of the seal of every such court or person, if such signature or seal purports to be attached or appended to any decree, order, certificate, affidavit, writ, warrant, summons, or other judicial or official document.

11. WHENEVER by any Act of any Australasian Colony now or hereafter to be in force—

- (a.) Any certificate, official or public document; or
- (b.) Any document or proceeding of any corporation or company; or
- (c.) Any certified copy of any document or by-law, or entry in any register or other book, or any other proceeding

Proof of certain public or corporation documents by a sealed copy.

shall be receivable in evidence of any particular under such Act in the particular Colony, the same shall respectively be admitted in evidence before all courts and persons acting judicially within Western Australia, provided they respectively purport to be sealed or impressed with a stamp, or sealed and signed, or signed alone, as required, or impressed with a stamp and signed, as directed by such Act of the particular Australasian Colony, without any proof of the seal or stamp where a seal or stamp is necessary, or of the signature, or of the official character of the person appearing to have signed the same, and without any further proof thereof in every case in which the original record or document could have been received in evidence.

12. BOOKS purporting to have been printed or published, whether before or after the commencement of this Act, under the authority of the Government of any Australasian Colony or by the Government Printer of such Colony, and purporting to contain statutes, ordinances, or other written laws in force in such Colony shall, on production, be admitted and received as *prima facie* evidence of such laws by all courts and persons acting judicially within Western Australia.

Books of Statutes of any Australasian Colony published under authority of Government thereof admissible in evidence.

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Incorporation of any
company how
authenticated.

13. ALL courts and persons acting judicially within Western Australia shall admit and receive as *prima facie* evidence of the incorporation of a company incorporated or registered in any Australasian Colony, either before or after the commencement of this Act, a certificate of the incorporation or registration thereof which purports to have been signed by a person whose authority to give the same shall be verified by a statutory declaration made before any judge or justice of the peace of such Colony, of whose signature such courts and persons aforesaid shall take judicial notice, and the date of incorporation or registration mentioned in such certificate shall be deemed to be the date on which the company was incorporated or registered.

Powers under this
Act not to be in
derogation of exist-
ing law.

14. THE provisions of this Act shall be in addition to and not in derogation of any powers existing at common law or given by any law now in force in Western Australia.

What documents
may be given in
evidence.

15. NOTWITHSTANDING anything in this Act contained to the contrary, it shall not be lawful to give in evidence before any court any of the documents or papers mentioned in Sections seven and eight unless and until the party intending so to do shall have, seven days at least before tendering the same in evidence,—

- (a.) Given to the opposite party or his solicitor notice of such intention.
- (b.) Appointed a place in the town where the court before which the evidence is to be tendered is held, where, at any reasonable time within two days after the giving of such notice, such documents or papers may be inspected or copied by the opposite party or his solicitor.

In the name and on behalf of the Queen I hereby assent
to this Act.

GERARD SMITH, Governor.