



Australian Capital Territory

Evidence (Laws and Instruments) Act 1989 (repealed)

A1989-30

Republication No 2

Effective: 7 September 1993

Republication date: 31 January 2008

As repealed by A1993-62 s 4

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Evidence (Laws and Instruments) Act 1989* (repealed) effective 7 September 1993.

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- authorised republications to which the *Legislation Act 2001* applies
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Australian Capital Territory

EVIDENCE (LAWS AND INSTRUMENTS) ACT

1989

Repealed by No. 62, 1993 (in force 6 September 1993)

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An Act to facilitate the proof of certain laws, instruments and other matters

Short title

1. This Act may be cited as the *Evidence (Laws and Instruments) Act 1989*.¹

Commencement

2. This Act commences on the date of commencement of section 22 of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth.

Interpretation

3. (1) In this Act, unless the contrary intention appears, “court” includes any tribunal or person having authority under a law in force in the Territory or by consent of parties to receive evidence.

(2) In this Act, a reference to the notification of an Act in the *Gazette* shall be read as a reference to the notification of the Act in the *Gazette* by the Chief Minister under subsection 25 (1) of the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth.

Judicial notice—Acts

4. All courts shall take judicial notice of—

- (a) the passing of an Act by the Legislative Assembly;
- (b) the date on which an Act was notified in the *Gazette*; and
- (c) the commencement of an Act or of part of an Act.

Judicial notice—enactments

5. All courts shall take judicial notice of—

- (a) the making or passing of an enactment;
- (b) the date on which an enactment that is a converted Act was notified in the Commonwealth *Gazette*; and
- (c) the commencement of an enactment or of part of an enactment.

Judicial notice—subordinate laws

6. All courts shall take judicial notice of—

- (a) the making of a subordinate law;
- (b) the date on which a subordinate law was notified in the *Gazette* or the Commonwealth *Gazette*; and
- (c) the commencement of a subordinate law or of part of a subordinate law.

Subordinate laws printed by Government Printer

7. A document that purports—

- (a) to be a copy of a subordinate law; and
- (b) to have been printed by the Government Printer;

is evidence that the subordinate law was duly made by the person or body authorised to make such a law.

Proof of *Gazette*

8. A document that purports to be a copy of the *Gazette*, or an extract from a copy of the *Gazette*, and to have been printed by the Government Printer shall, in the absence of evidence to the contrary, be taken to be a copy of the *Gazette*, or an extract from a copy of the *Gazette*, as the case requires.

Instruments required to be gazetted

9. (1) In this section, “instrument” includes—

- (a) a by-law, determination, direction and notice and an order; and
- (b) a copy of an instrument.

(2) Where an Act or a subordinate law—

- (a) requires or permits an instrument to be published in the *Gazette*; or
- (b) before self-government day, required or permitted an instrument to be published in the Commonwealth *Gazette*;

a copy of the relevant *Gazette*, or an extract from a copy of the relevant *Gazette*, that purports to contain the instrument is evidence of—

- (c) the making of the instrument;
- (d) the terms of the instrument;
- (e) if the instrument recites that steps or conditions, preliminary to the making of the instrument have been taken or fulfilled—the taking of those steps or the fulfilment of those conditions; and
- (f) the publication of the instrument in the relevant *Gazette*.

(3) Where an Act or a subordinate law—

- (a) requires or permits an instrument to be published in the *Gazette*; or
- (b) before self-government day, required or permitted an instrument to be published in the Commonwealth *Gazette*;

and the instrument has been published in the relevant *Gazette*, the instrument shall, in the absence of evidence to the contrary, be taken to be in force.

Judicial notice—signatures etc.**10. (1)** All courts shall take judicial notice of—

- (a) the signature of each person who holds, or has held, any of the following offices:
 - (i) the Presiding Officer of the Legislative Assembly;
 - (ii) the Clerk to the Legislative Assembly;
 - (iii) the Chief Minister;
 - (iv) Minister (other than the Chief Minister or the Deputy Chief Minister);
 - (v) the Head of Administration;
 - (vi) member of the Australian Capital Territory Administrative Appeals Tribunal;
 - (vii) the Registrar of Titles, the Acting Registrar of Titles or a Deputy Registrar of Titles;
 - (viiia) the Registrar of Business Names, the Acting Registrar of Business Names or a Deputy Registrar of Business Names;
 - (viiib) the Registrar of Incorporated Associations, the Acting Registrar of Incorporated Associations or a Deputy Registrar of Incorporated Associations;
 - (viic) the Registrar of Unclaimed Moneys or the Acting Registrar of Unclaimed Moneys;
 - (viii) the Public Trustee for the Australian Capital Territory;
 - (ix) the Youth Advocate;
 - (ixa) the Director of Public Prosecutions;
 - (x) an office to which the Executive, by order published in the *Gazette*, declares this section to apply;
- (b) the seal, if any, of such a person; and
- (c) the fact that such a person holds or held such an office;

if the signature or seal purports to be attached or appended to any judicial or official document.

(2) An order may be made under subsection (1) in relation to an office that has ceased to exist before the making of the order.

(3) An order under subsection (1) continues to apply in relation to an office, notwithstanding that the office ceases to exist after the making of the order.

NOTE

1. The *Evidence (Laws and Instruments) Act 1989* as shown in this reprint comprises Act No. 30, 1989 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Evidence (Laws and Instruments) Ordinance 1989</i>	30, 1989	10 May 1989	11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	

Self-Government day 11 May 1989

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Director of Public Prosecutions (Consequential Provisions) Act 1990</i>	23, 1990	25 June 1990	Ss. 1 and 2: 25 June 1990 Remainder: 1 July 1990 (see <i>Gazette</i> 1990, No. S44, p. 2)	S. 4
<i>Evidence (Laws and Instruments) (Amendment) Act 1990</i>	29, 1990	24 Aug 1990	Ss. 1-3: 24 Aug 1990 Remainder: 3 Sept 1990	—

as repealed by	62, 1993	6 Sept 1993	6 Sept 1993
<i>Evidence (Amendment)</i>			
<i>Act (No 2) 1993</i>			

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
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S. 10	am. Acts Nos. 23 and 29, 1990
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