

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Evidence (Amendment) Bill (No. 2) 1993

**A BILL
FOR
An Act to amend the *Evidence Act 1971*, and for
related purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 **1.** This Act may be cited as the *Evidence (Amendment) Act (No. 2) 1993*.

Commencement

- 2.** This Act commences on the day it is notified in the *Gazette*.

Principal Act

- 3.** In this Act, "Principal Act" means the *Evidence Act 1971*.¹

10 **Repealed Acts**

- 4.** The following Acts are repealed:

83015 1992/173 (T15/93)

Evidence (Laws and Instruments) Act 1989;

Evidence (Laws and Instruments) (Amendment) Act 1990.

Interpretation

5 **5.** Section 6 of the Principal Act is amended by inserting the following definition:

“ ‘reserved law’ means—

- (a) a law specified in Schedule 5 to the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth;
- 10 (b) an Ordinance; or
- (c) a regulation, rule or by-law made under—
 - (i) a law specified in Schedule 5 to the *Australian Capital Territory (Self-Government) Act 1988* of the Commonwealth; or
 - 15 (ii) an Ordinance;”.

Substitution

6. Part II of the Principal Act is repealed and the following Part substituted:

20 **“PART II—EVIDENCE OF LAWS, INSTRUMENTS AND OFFICE HOLDERS**

“Division 1—Evidence of Acts, subordinate laws and instruments

Judicial notice—Acts

- 25 “8. 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

- 30 “9. 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 Ordinance was notified in the *Commonwealth Gazette*; and

- (c) the commencement of an enactment or of part of an enactment.

Judicial notice—subordinate laws

“10. All courts shall take judicial notice of—

- (a) the making of a subordinate law;
- 5 (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

10 “10A. 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.

15 **Proof of *Gazette***

“10B. 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.

Proof of instruments under Acts and subordinate laws

“10C. (1) In this section—

‘instrument’ includes—

- (a) a by-law, determination, direction, notice and order; and
- 25 (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*;

30 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
 - 5 (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*;
- 10 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.

“Division 2—Evidence of reserved laws and instruments

Judicial notice—reserved laws

“10D. All courts shall take judicial notice of—

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

20 **Judicial notice—proclamations**

“10E. All courts shall take judicial notice of the making of a proclamation by the Governor-General under a reserved law, being a proclamation published in the *Commonwealth Gazette*.

Proof of *Commonwealth Gazette*

- 25 “10F. A document that purports to be a copy of the *Commonwealth Gazette*, or an extract from a copy of the *Commonwealth Gazette*, and to have been printed by the Commonwealth Government Printer shall, in the absence of evidence to the contrary, be taken to be a copy of the *Commonwealth Gazette*, or an extract from a copy of the *Commonwealth Gazette*, as the case requires.
- 30

Proof of instruments under reserved laws

“10G. (1) In this section—

‘instrument’ includes—

- (a) a determination, direction, notice and order, except a proclamation by the Governor-General; and
- (b) a copy of an instrument.

5 “(2) Where a reserved law requires or permits an instrument to be published in the *Commonwealth Gazette*, a copy of the relevant *Commonwealth Gazette*, or an extract from a copy of the relevant *Commonwealth Gazette*, that purports to contain the instrument is evidence of—

- (a) the making of the instrument;
- 10 (b) the terms of the instrument;
- (c) 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
- 15 (d) the publication of the instrument in the relevant *Commonwealth Gazette*.

“(3) Where—

- (a) a reserved law requires or permits an instrument to be published in the *Commonwealth Gazette*; and
- 20 (b) the instrument has been published in the relevant *Commonwealth Gazette*;

the instrument shall, in the absence of evidence to the contrary, be taken to be in force.

“Division 3—Evidence of office holders

Judicial notice—signatures and seals

25 “10H. (1) All courts shall take judicial notice of—

- (a) the signature, appearing on a judicial or official document, of a person who holds, or has held, any of the following offices:
 - (i) the Speaker of the Legislative Assembly;
 - (ii) the Clerk to the Legislative Assembly;
 - 30 (iii) the Chief Minister or the Deputy Chief Minister;
 - (iv) 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;
- (viii) the Registrar of Business Names, the Acting Registrar of Business Names or a Deputy Registrar of Business Names;
- 5 (ix) the Registrar of Incorporated Associations, the Acting Registrar of Incorporated Associations or a Deputy Registrar of Incorporated Associations;
- (x) the Registrar of Unclaimed Moneys or the Acting Registrar of Unclaimed Moneys;
- 10 (xi) the Public Trustee;
- (xii) the Youth Advocate;
- (xiii) the Director of Public Prosecutions;
- (xiv) an office to which the Executive, by order published in the *Gazette*, declares this section to apply;
- 15 (b) the seal of such a person appearing on a judicial or official document; and
- (c) the fact that such a person holds or has held such an office.

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

- 20 “(3) An order under subparagraph (1) (a) (xiv) continues to apply in relation to an office, notwithstanding that the office ceases to exist after the making of the order.”.

Formal amendments

- 7. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 7

FORMAL AMENDMENTS

Section 3—

Omit all the words after “operation”, substitute “on 29 March 1971”.

Section 6 (definition of “Australia”)—

Omit “Territories of the Commonwealth”, substitute “external Territories”.

SCHEDULE—continued

Section 6 (definitions of “Act of the Territory”, “Territory public servant” and “Territory Public Service”)—

Omit the definitions.

Section 6—

Insert the following definitions:

“ ‘government department’ means an administrative unit (however described) of—

- (a) the Public Service; or
- (b) the public service of the Commonwealth, a State or another Territory;

‘public authority’ means an authority established by or under the law of the Territory, the Commonwealth, a State or another Territory;”.

Section 12—

Omit “by a law in force in”, substitute “under a law of”.

Subsection 14 (3)—

Omit “his”.

Subsection 14 (4)—

Omit “his”.

Paragraph 14 (5) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) a reference to letters of administration shall be read as a reference to—

- (i) letters of administration, or an exemplification of letters of administration, whether granted within or outside the Territory; or
- (ii) an order to collect and administer being carried out by the Public Trustee.”.

Subsection 15 (1) (definitions of “document” and “the appropriate officer”)—

Omit the definitions, substitute the following definitions:

“ ‘appropriate officer’ means—

SCHEDULE—continued

(a) in relation to a document lodged with, or registered or issued by, a government department or public authority—the person having custody of the official records of the department or authority; or

(b) in relation to a document lodged with, or registered or issued by, a public official—that official;

‘document’ means a document that, under a law of the Territory, the Commonwealth, a State or another Territory, has been lodged with, or registered or issued by—

(a) a government department;

(b) a public authority; or

(c) a public official;”.

Subsection 15 (1)—

Insert the following definition:

“ ‘public official’ means—

(a) a public servant; or

(b) an officer of the Commonwealth, a State, another Territory or a public authority;”.

Subparagraphs 15 (3) (a) (i) and (ii)—

Omit all the words after “custody”, substitute “of the government department, the public authority or that officer (as the case requires); or”.

Subsection 16 (3)—

Omit “The last preceding subsection”, substitute “Subsection (2)”.

Paragraph 17 (2) (a)—

Omit “under the *Statutory Declarations Act 1959-1966* of the Commonwealth”.

Subsection 17 (2)—

(a) Omit “section (2) of the last preceding section”, substitute “subsection 16 (2)”.

(b) Omit “his”, substitute “the person’s”.

(c) After “he”, insert “or she”.

SCHEDULE—continued

Subsections 17 (3) and (4)—

- (a) Omit “subsection (2) of the last preceding section”, substitute “subsection 16 (2)”.
- (b) Omit “his”, substitute “the person’s”.
- (c) After “he”, insert “or she”.

Paragraph 18 (1) (b)—

Omit “the last preceding section”, substitute “section 17”.

Paragraph 18 (2) (b)—

Omit “last preceding paragraph”, substitute “paragraph (a)”.

Subsection 18 (2)—

- (a) Omit “subsection (2) of section 16 of this Act”, substitute “subsection 16 (2)”.
- (b) Omit “his”, substitute “the person’s”.

Section 19—

Omit “the person, in attesting the document has described himself”, substitute “in the attestation, the person is described”.

Subsection 22 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Subsection 24 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Subsection 24 (3)—

- (a) Omit “of this section”.
- (b) Omit “three”, substitute “3”.

Subsection 24 (4)—

Omit “the last preceding subsection”, substitute “subsection (3)”.

Paragraph 25 (1) (b)—

Omit the paragraph, substitute the following paragraph:

- “(b) that at a given time there were, or were not, funds standing to a person’s credit at a bank; or”.

SCHEDULE—continued**Subsection 25 (2)—**

Omit “the last preceding subsection”, substitute “subsection (1)”.

Subsection 26 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Section 27—

Omit “section 23 and 24 of this Act and the last preceding section”, substitute “sections 23, 24 and 26”.

Paragraph 28 (1) (a)—

Omit “his”, substitute “that”.

Subsection 28 (2)—

Omit “The last preceding subsection”, substitute “Subsection (1)”.

Paragraph 29 (1) (b)—

After “his”, insert “or her”.

Paragraph 29 (1) (c)—

Omit “his”.

Subsection 29 (2)—

Omit “supplied by him” (first occurring).

Paragraph 29 (2) (e)—

After “his”, insert “or her”.

Paragraph 29 (2) (f)—

Omit “his”.

Paragraph 29 (2) (h)—

(a) Omit “he supplied the information”, substitute “the information was supplied”.

(b) Omit “supplied by him”.

Subsection 29 (3)—

Omit “the preceding provisions of this section”, substitute “subsection (1) or (2)”.

SCHEDULE—continued

Subsection 29 (4)—

Omit the subsection, substitute the following subsection:

“(4) In paragraph (2) (a)—

‘acting under a duty’, in relation to a person, includes—

- (a) acting in the course of any trade, business, profession or other calling or occupation in which the person was engaged or employed; and
- (b) acting for the purposes of any paid or unpaid office held by the person.”.

Subsection 30 (1)—

Omit “on his”, substitute “under the first person’s”.

Paragraph 30 (1) (a)—

Omit “he had been”.

Subparagraph 30 (1) (c) (ii)—

After “his”, insert “or her”.

Subparagraph 30 (1) (c) (iii)—

Omit “his”.

Subsection 30 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Paragraph 30 (2) (a)—

Omit “paragraphs (a) and (b) of the last preceding subsection”, substitute “paragraphs (1) (a) and (b)”.

Subparagraph 32 (b) (ii)—

Omit “his”, substitute “the”.

Section 33—

Repeal the section, substitute the following section:

Corroborative value of documentary evidence

“33. (1) In any proceeding, a statement admitted in evidence under section 28 is not to be taken to corroborate the oral evidence given by the maker of the statement.

SCHEDULE—continued

“(2) In any proceeding, a statement admitted in evidence in the circumstances referred to in paragraph 29 (2) (h) is not to be taken to corroborate any oral evidence given by the maker of the statement.”.

Section 35—

Omit all the words after “part”, substitute the following words and paragraphs:

“of the document—

- (a) was written, made or produced by the person with his or her own hand;
- (b) was signed or initialled by the person; or
- (c) was otherwise acknowledged by the person as his or her statement.”.

Subsection 36 (2)—

After “he”, insert “or she”.

Subsection 38 (3)—

- (a) Omit “seven”, substitute “7”.
- (b) Omit all the words after “writing”.

Subsection 39 (2)—

Omit “two”, substitute “2”.

Paragraph 39 (2) (d)—

Omit “one” (wherever occurring), substitute “1”.

Paragraph 40 (1) (b)—

Omit “(a) of section 42 of this Act”, substitute “42 (a)”.

Paragraph 41 (a)—

Omit “Rules of the Supreme Court”, substitute “Supreme Court Rules”.

Paragraph 41 (b)—

Omit “of the Territory”.

Subparagraphs 42 (a) (iii) and (iv)—

Omit the subparagraphs, substitute the following subparagraphs:

“(iii) by a government department; or

SCHEDULE—continued

(iv) by a public authority;”.

Section 51—

Omit “of this Act”.

Subsection 52 (1)—

(a) Omit “in force in”, substitute “of”.

(b) Omit all the words after “notwithstanding that”, substitute “the person has not been duly served with a subpoena or other process requiring his or her attendance for that purpose”.

Subsection 52 (2)—

(a) Omit “in pursuance of the last preceding subsection”, substitute “under subsection (1)”.

(b) Omit “he”, substitute “the person”.

(c) After “him”, insert “or her”.

Paragraphs 53 (a) and (b)—

After “he”, insert “or she”.

Subsection 56 (2)—

(a) After “he”, insert “or she”.

(b) After “his”, insert “or her”.

Subsection 57 (1)—

(a) Omit “in force in” (first occurring), substitute “of”.

(b) After “his” (wherever occurring), insert “or her”.

Subsection 57 (2)—

Omit “to answer a question or interrogatory under the last preceding subsection”, substitute “under subsection (1) to answer a question or interrogatory”.

Paragraph 57 (2) (a)—

(a) Omit “he”, substitute “the person”.

(b) After “him” (first occurring), insert “or her”.

(c) Omit “him”, substitute “the person”.

SCHEDULE—continued**Subsection 57 (3)—**

- (a) Omit “paragraphs (a) and (b) of the last preceding subsection”, substitute “paragraphs (2) (a) and (b)”.
- (b) After “him”, insert “or her”.

Subsection 57 (4)—

- (a) Omit “paragraphs (a) and (b) of subsection (2) of this section”, substitute “paragraphs (2) (a) and (b)”.
- (b) After “him”, insert “or her”.
- (c) Omit “his”, substitute “the person’s”.

Subsection 57 (5)—

- (a) Omit “put to him”.
- (b) Omit “to him” (last occurring).

Section 58—

- (a) Omit “subject-matter”, substitute “subject matter”.
- (b) After “his”, insert “or her”.

Paragraphs 60 (2) (a) and (b)—

After “his”, insert “or her own”.

Paragraph 60 (2) (b)—

Omit “he”, substitute “the witness”.

Subsection 60 (3)—

- (a) Omit “the last preceding subsection”, substitute “subsection (2)”.
- (b) After “he”, insert “or she”.

Subsection 60 (4)—

- (a) After “his”, insert “or her own”.
- (b) After “he”, insert “or she”.

Subsection 61 (1)—

- (a) Omit “the next succeeding subsection”, substitute “subsection (2)”.
- (b) After “him”, insert “or her”.
- (c) Omit “subject-matter”, substitute “subject matter”.

SCHEDULE—continued

- (d) After “his”, insert “or her own”.
- (e) Omit “that he made”, substitute “to making”.

Subsection 61 (2)—

- (a) Omit “the last preceding subsection”, substitute “subsection (1)”.
- (b) After “he”, insert “or she”.

Subsection 62 (1)—

- (a) Omit “the next succeeding subsection”, substitute “subsection (2)”.
- (b) Omit “him”, substitute “the witness”.

Subsection 62 (2)—

- (a) Omit “the last preceding subsection”, substitute “subsection (1)”.
- (b) After “him”, insert “or her”.

Subsection 62 (3)—

- (a) Omit “the last preceding subsection”, substitute “subsection (2)”.
- (b) Omit “of this section”.

Subsection 64 (1)—

- (a) Omit “fourteen”, substitute “14”.
- (b) Omit “the next succeeding subsection”, substitute “subsection (2)”.

Subsection 64 (2)—

- (a) Omit “in pursuance of the last preceding subsection”, substitute “under subsection (1)”.
- (b) After “he” (wherever occurring), insert “or she”.
- (c) Omit “his”, substitute “the”.

Section 65—

- (a) After “his” (first occurring), insert “or her”.
- (b) Omit “his” (second occurring), substitute “that”.

Paragraph 65 (a)—

- (a) After “he” (first occurring), insert “or she”.
- (b) After “his”, insert “or her”.

SCHEDULE—continued

(c) Omit “he” (last occurring), substitute “the person”.

Paragraphs 65 (b) and (c)—

After “he”, insert “or she”.

Subsection 66 (1)—

Omit “of this section”.

Subsection 66 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Paragraph 66 (3) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) with an offence against Part III or Part IIIA of the *Crimes Act 1900* which is committed against a person under the age of 16 years;”.

Paragraph 66 (3) (b)—

Omit “of the Territory”.

Paragraph 66 (3) (c)—

(a) Omit “an offence that is”.

(b) Omit “of the Territory”.

Section 67—

After “his”, insert “or her”.

Subsection 68 (1)—

Omit “the next succeeding subsection”, substitute “subsection (2)”.

Subsection 68 (3)—

Omit “the last preceding subsection”, substitute “subsection (2)”.

Section 69—

(a) Omit “the next succeeding section”, substitute “section 70”.

(b) After “he”, insert “or she”.

(c) Omit “him”, substitute “the person”.

Subsection 70 (1)—

(a) After “he” (first occurring), insert “or she”.

SCHEDULE—continued

- (b) Omit “he” (second, third and fourth occurring), substitute “the person”.

Paragraph 70 (1) (a)—

- (a) Omit “his” (first occurring), substitute “the person’s”.
- (b) After “his” (second and third occurring), insert “or her”.

Paragraphs 70 (2) (a) and (b)—

After “his” (wherever occurring), insert “or her”.

Paragraph 70 (2) (d)—

- (a) After “him”, insert “or her”.
- (b) Omit “he is charged,”, substitute “the person is charged;”.

Subsection 70 (2)—

- (a) After “he”, insert “or she”.
- (b) Omit “the last preceding subsection”, substitute “subsection (1)”.

Section 71—

Omit “with which he is”.

Paragraph 72 (1) (b)—

Omit “of the Territory”.

Paragraph 72 (2) (c)—

Omit “his illness”, substitute “that illness,”.

Subsection 72 (3)—

- (a) Omit “Prosecutions” (first occurring), substitute “Prosecutions,”.
- (b) Omit “he” (wherever occurring), substitute “the Magistrate”.

Subsection 72 (4)—

Omit the subsection, substitute the following subsection:

“(4) Any person to whom a notice is given under subsection (3) (including the Director of Public Prosecutions or a person authorised by the Director of Public Prosecutions) may—

- (a) be present while the relevant evidence is being taken; and
- (b) cross-examine the person giving the evidence.”.

SCHEDULE—continued**Subsection 72 (6)—**

Omit all the words after “court”, substitute the following words and paragraphs:

“is satisfied—

- (a) that the person by whom the evidence was given is dead, or is, by reason of illness, unable to attend the trial; and
- (b) that—
 - (i) the person charged, or his or her counsel or solicitor, was present when the evidence was taken; or
 - (ii) reasonable notice of the time and place fixed for the taking of the evidence was given to the person charged or to his or her counsel or solicitor;

the record of the evidence is admissible, to the extent that the evidence would have been admissible at the trial if given orally.”

Paragraph 73 (2) (a)—

Omit “of the Territory”.

Subsection 74 (1)—

After “his”, insert “or her”.

Paragraph 74 (2) (a)—

Omit “two”, substitute “2”.

Subsection 74 (2)—

Omit “he”, substitute “the judge”.

Paragraph 75 (1) (a)—

Omit “his”, substitute “the person’s”.

Paragraph 75 (1) (b)—

Omit “he”, substitute “the person”.

Paragraph 75 (1) (c)—

Omit the paragraph, substitute the following paragraph:

“(c) the facts ascertained and the conclusions reached;”.

SCHEDULE—continued

Paragraph 75 (1) (e)—

Omit “-1967 of the Territory”.

Subsection 75 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Subsection 75 (3)—

Omit “of this section”.

Section 76A—

Omit “of the Territory”.

Section 76B (definition of “prescribed sexual offence”, paragraph (a))—

Omit “Crimes Act”, substitute “*Crimes Act 1900*”.

Section 76B (definition of “Crimes Act”)—

Omit the definition.

Paragraph 76F (3) (a)—

Omit “the commencement of this section”, substitute “28 November 1985”.

Subsection 76G (4)—

Omit “the commencement of this section”, substitute “28 November 1985”.

Subsections 76H (1), (2) and (3)—

Omit “Crimes Act”, substitute “*Crimes Act 1900*”.

Subsection 77 (2)—

Omit “he”, substitute “the person”.

Section 79—

Omit “of this Act”.

Section 80—

Omit “in force in”, substitute “of”.

Subparagraph 81 (a) (i)—

Omit “of the Commonwealth”.

SCHEDULE—continued

Section 82—

Omit all the words after “Supreme Court”, substitute “or the Magistrates Court, or to an inquest or inquiry under the *Coroners Act 1956*.”.

Subsection 83 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Subsection 84 (1)—

- (a) Omit “, or fails to comply with,”.
- (b) Omit “the last preceding section”, substitute “section 83”.
- (c) Omit “six”, substitute “6”.

Subsection 84 (2)—

Omit “the last preceding section”, substitute “section 83”.

Section 85—

Omit “of this Act”.

Section 85 (penalty)—

Omit “six”, substitute “6”.

Section 85A—

Omit all the words after “Australia” (first occurring).

Subsection 85I (2)—

Omit “The Rules of Court under section 28 of the *Australian Capital Territory Supreme Court Act 1933* of the Commonwealth”, substitute “Rules of Court under section 36 of the *Supreme Court Act 1933*”.

Section 85N—

Omit “The Rules of Court under section 28 of the *Australian Capital Territory Supreme Court Act 1933* of the Commonwealth”, substitute “Rules of Court under section 36 of the *Supreme Court Act 1933*”.

Section 86—

- (a) Omit “the commencement of this Act” (first occurring), substitute “29 March 1971”.
- (b) Omit “thirty”, substitute “30”.
- (c) Omit “after the commencement of this Act”, substitute “on and after that date”.

SCHEDULE—continued

(d) Omit “twenty”, substitute “20”.

Subsection 91 (3)—

Omit the subsection, substitute the following subsection:

“(3) The person who—

- (a) prepares a transcript under subsection (2); or
- (b) if such a transcript is prepared under supervision—supervises the transcription;

shall certify on the transcript that it is a true transcript of the record of the proceedings produced out of the custody of the Registrar.”

Subsection 91 (5)—

Omit the subsection, substitute the following subsections:

“(5) Upon application, the Registrar shall, subject to subsection (5A)—

- (a) give the applicant a copy of the whole or any requested part of a transcript prepared under subsection (2); and
- (b) certify on the copy that it is a true copy of the transcript or part, as the case may be.

“(5A) The Registrar shall not furnish a copy of a transcript or part of a transcript to an applicant unless—

- (a) the applicant is a party to the proceeding to which the transcript relates; or
- (b) the applicant satisfies the Registrar or a Judge of the Supreme Court that he or she has good reason for applying.”

Paragraph 91 (6) (b)—

Omit “the last preceding subsection,”, substitute “subsection (5);”.

Paragraph 91 (6) (d)—

After “his”, insert “or her”.

Paragraph 91 (6) (e)—

Omit “his”.

Subsection 91 (7)—

Omit the subsection.

SCHEDULE—continued**Paragraph 92 (b)—**

Omit “him”, substitute “the person”.

Subsection 93 (2)—

Omit all the words from and including “A certificate” to and including “this subsection,”, substitute “A certificate given by a person duly authorised to do so by the Australian Postal Corporation”.

Subsection 93 (3)—

Omit “the last preceding subsection”, substitute “subsection (2)”.

Subsection 94 (2)—

Omit “the last preceding subsection”, substitute “subsection (1)”.

Subsection 94 (3)—

Omit all the words from and including “to this Act” to and including “Police Force” (last occurring), substitute “, made by an officer of the police force of a State or another Territory”.

Paragraph 94 (3) (c)—

After “he”, insert “or she”.

Section 94—

Add at the end the following subsection:

“(4) In subsection (3), and in the Schedule, where the Australian Federal Police provides policing services to a Territory, a reference to the police force of that Territory includes a reference to the Australian Federal Police.”.

Subsection 95 (1)—

Omit “him”, substitute “the person”.

Subsection 97 (1)—

Omit “that he be”.

Schedule—

- (a) Omit from the heading “THE”.
- (b) Omit “an officer of the Commonwealth Police Force (or of the Police Force of that State or Territory)”, substitute “an officer of the police force of that State or Territory”.

SCHEDULE—continued

- (c) Omit “held by the Commonwealth Police Force (or the police force of that State or Territory)”, substitute “held by the police force of that State or Territory”.

NOTE

1. Reprinted as at 31 May 1991. See also Act No. 2, 1993.

NOTE ABOUT SECTION HEADINGS

On the day on which the *Evidence Act 1971* is amended by this Act, headings to sections of the Principal Act are altered as set out in the following table:

Section	Alteration
7	Omit from the heading “of Act”.
12	Omit from the heading “certificates etc.”, substitute “documents”.
14	Omit from the heading “etc.”, substitute “and letters of administration”.
17	Omit the heading, substitute the following heading: Documents attested outside the Territory
18	Omit the heading, substitute the following heading: Declarations of due attestation made outside the Territory
20	Omit the heading, substitute the following heading: Proof—Justices of the Peace
23	Omit the heading, substitute the following heading: Compellability of bankers
27	Omit the heading, substitute the following heading: References to Supreme Court
28	Omit the heading, substitute the following heading: Documentary evidence—maker of document called as witness
29	Omit the heading, substitute the following heading: Documentary evidence—maker of document unable to be called as witness
31	Omit the heading, substitute the following heading: Documentary evidence—criminal proceedings

Section	Alteration
32	Omit the heading, substitute the following heading: Weight of documentary evidence
34	Omit the heading, substitute the following heading: Production of documents and copies
35	Omit the heading, substitute the following heading: Signatures, etc.—proof of statements in documents
36	Omit the heading, substitute the following heading: Admissibility of documentary evidence—judicial discretion
37	Omit the heading, substitute the following heading: Medical certificates
38	Omit the heading, substitute the following heading: Documentary evidence of wages
43	Omit the heading, substitute the following heading: Admissibility of computer statements—judicial discretion
44	Omit the heading, substitute the following heading: Evidentiary weight of computer statements
45	Omit the heading, substitute the following heading: Failure to comply with court rules
52	Omit the heading, substitute the following heading: Examination without subpoena or other court process
60	Omit the heading, substitute the following heading: Party's discrediting of own witness
70	Omit the heading, substitute the following heading: Questioning of accused as to prior convictions and general reputation
75	Omit the heading, substitute the following heading: Admissibility of certificates of scientific examination
76G	Omit from the heading "relating to sexual experience etc.", substitute "of sexual reputation".
77	Omit from the heading all the words after "convictions".
78	Omit the heading, substitute the following heading: Proof of convictions—actions for libel and slander
80	Omit from the heading "not affected by this Part".

Section	Alteration
84	Omit the heading, substitute the following heading: Non-compliance with section 83 order
85	Omit the heading, substitute the following heading: Questions disallowed under sections 58 and 59
97	Omit the heading, substitute the following heading: Failure to attend Supreme Court as required