

# 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:—

1.—(1.) This Act may be cited as the *State and Territorial Laws and Records Recognition Act 1928*. Short title and citation.

(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*.

2. The title of the Principal Act is amended—

(a) by inserting after the word "Commonwealth" the words "and its Territories"; and Amendment of title of Principal Act.

(b) by adding after the word "States" the words "and the Territories".

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

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:— 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.

\*Act No. 5, 1901.

“ ‘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”;

(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".

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

Public document  
admissible in  
Territory  
without proof  
to be admissible  
throughout the  
Commonwealth.  
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 public  
books and  
documents.

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

Proof of  
*Government  
Gazette* of  
Territory.

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

Proof of  
printing by  
Government  
Printer of  
Territory.

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

"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."

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

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

"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—

By-laws and  
regulations.

(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."

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

Proof of  
incorporation  
of company.

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

Proof of  
judicial  
proceedings of  
Court of  
Territory.

Faith and credit to be given to documents properly authenticated.

This Act not to derogate from existing powers.

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

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.

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 occurring).

## OFFICERS' RIGHTS DECLARATION.

### No. 16 of 1928.

#### An Act relating to the Rights of Officers.

[Assented to 22nd June, 1928.]

Preamble.

WHEREAS under various Acts of the Parliament of the Commonwealth provision is made for the preservation or retention by officers of their existing and accruing rights, or concerning the determination of their existing or accruing rights:

AND WHEREAS it is desirable that the rights in question should be definitely declared:

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Officers' Rights Declaration Act* 1928.

Commencement.

2. This Act shall commence on a date to be fixed by Proclamation.