

Queensland



# **EVIDENCE AND DISCOVERY ACT 1867**

**Reprinted as in force on 24 April 1995  
(includes amendments up to Act No. 47 of 1977)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 24 April 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit historical notes (s 42)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

**Also see Endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
  - **Table of changed names and titles**
  - **Table of obsolete and redundant provisions**
  - **Table of renumbered provisions**
  - **Table of comparative legislation.**

# Queensland



## EVIDENCE AND DISCOVERY ACT 1867

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## **EVIDENCE AND DISCOVERY ACT 1867**

[as amended by all amendments that commenced on or before 24 April 1995]

### **An Act to consolidate and amend the law of evidence and discovery at common law**

#### **Judgments decrees and orders**

##### **Copies of judgments decrees rules and orders of Supreme Court to be received in evidence if duly certified by master prothonotary chief clerk or deputy registrar respectively**

**31.(1)** Copies of all judgments decrees rules and orders filed or recorded in the Supreme Court of the said State at Brisbane shall be admitted as evidence of the contents thereof by all courts Judges justices and other legal tribunals and in every judicial proceeding in the said State without production of the originals of such documents respectively provided the copies of such orders and decrees made in the equitable jurisdiction of the said Supreme Court at Brisbane be certified under the hand of the master in equity of the said court and that such copies of all judgments decrees rules and orders made in the common law and ecclesiastical jurisdiction of the said Supreme Court at Brisbane be certified under the hand of the prothonotary or chief clerk thereof.

**(2)** And they shall be deemed prima facie to be so certified if they purport to be so certified.

#### **Powers as to oaths and notarial Acts abroad**

**37A.(1)** In this section—

“**consular officer**” means a person appointed to hold or act in any of the following offices (being an office of the United Kingdom of Great

*Evidence and Discovery Act 1867*

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Britain and Northern Ireland or of some other country which is a member of the Commonwealth of Nations) in a country or place outside the United Kingdom of Great Britain and Northern Ireland or, as the case may be, such other country, that is to say—

- (a) ambassador; or
- (b) high commissioner; or
- (c) minister; or
- (d) head of mission; or
- (e) commissioner; or
- (f) charge d'affaires; or
- (g) counsellor or secretary at an embassy, high commissioner's office, legation or other post; or
- (h) consul-general; or
- (i) consul; or
- (j) vice-consul; or
- (k) pro-consul; or
- (l) trade commissioner; or
- (m) consular agent.

**(2)** Where any oath, affidavit, or notarial act is required for the purpose of any court or matter in Queensland, any such oath or affidavit, and any such notarial act which, if done in the United Kingdom of Great Britain and Northern Ireland, a notary public could do may, in any country or place outside the Commonwealth of Australia, be made, sworn, or done before a consular officer exercising his or her functions in that country or place.

**(2A)** Every such oath, affidavit, or notarial act made, sworn, or done before any such consular officer shall be as effectual as if duly made, sworn, or done before a lawful authority in Queensland.

**(3)** Any document required, authorised, or permitted by any Act or law of Queensland to be attested or verified by, or sealed, or signed, or acknowledged or declared before a justice of the peace of this State may, in any country or place outside the Commonwealth of Australia, be attested, or verified by, or sealed, or signed, or acknowledged or declared by or before a

consular officer exercising his or her functions in that country or place.

(3A) Every document attested or verified by, or sealed, or signed, or acknowledged or declared before any such consular officer shall be as effectual as if duly attested, or verified by, or sealed, or sworn, or acknowledged or declared before a justice of the peace in Queensland.

(4) Where any enactment in force at the passing of the *Evidence and Discovery Acts Amendment Act 1960* or thereafter in force requires, authorises, or permits any notarial act to be done by, or any oath or affidavit to be made or taken or any document to be sealed or signed or acknowledged or declared before, any person appointed to hold or act in any diplomatic or consular office of the United Kingdom of Great Britain and Northern Ireland, whether that person is in that enactment referred to as a British ambassador, envoy, minister, charge d'affaires, secretary of embassy or legation, consul-general, consul, vice-consul, pro-consul, or consular agent, or by any other title, then the same may be done by or, as the case may be, made, or taken, or sealed, or signed, or acknowledged or declared in any country or place outside the Commonwealth of Australia before any consular officer exercising his or her functions in that country or place.

(5) For the purposes of this subsection—

“**enactment**” includes a provision of any order in council, regulation, rule, by-law, or other instrument made pursuant to any Act of this State as well as any enactment of the Legislature of this State.

### **Certain documents to be evidence without proof of seal or signature of official persons**

38. Any document purporting to have affixed impressed or subscribed thereon or thereto the seal and signature of any British ambassador envoy minister charge d'affaires secretary of embassy or legation consul-general consul vice-consul acting consul pro-consul or consular agent or of any Australian consular officer within the meaning of the *Australian Consular Officers' Notarial Powers and Evidence Act 1946* or of any other person who is a consular officer within the meaning of section 37A of this Act, in testimony of any oath affidavit affirmation or notarial act having been administered sworn affirmed had or done by or before him or her shall be deemed prima facie to be so affixed impressed or subscribed and shall

accordingly be admitted in evidence without proof of any such seal and signature being the seal and signature of the person whose seal and signature the same purport to be or of the official character of such person.

## **Speeches or addresses**

### **Speeches to the jury**

**43.(1)** Upon the trial of any civil cause the addresses to the court or jury shall be regulated as follows—the party who begins or his or her counsel shall be allowed in the event of the party’s opponent not announcing at the close of the case of the party who begins his or her intention to adduce evidence to address the court or jury a second time at the close of such case for the purpose of summing up the evidence.

**(2)** And the party on the other side or his or her counsel shall be allowed to open the case and also to sum up the evidence (if any).

**(3)** And the right to reply shall be the same as at present.

### **Such examinations may be read without proof**

**61.** Affidavits and affirmations duly taken under this Act shall and may be received read and made use of in and before any court of law or equity or other judicature whatever in the State and the Judges and officers thereof in or in relation to any action suit cause matter or proceeding in or before any such court or judicature in like manner and shall be of the same force and effect as affidavits and affirmations taken in or before such court or judicature or by any person duly commissioned or authorised by such court or judicature to take such affidavits or affirmations and shall be filed and dealt with accordingly.

### **Depositions of prisoners’ witnesses dying before trial—attendance of witnesses for prisoner**

**67.(1)** In every case where any witness who shall have been called and examined before the justice or justices by and on behalf of a party committed or held to bail shall happen to die before the trial and in cases in which the witness shall be so ill as not to be able to travel and in all cases in

which the justices who committed the prisoner or held the prisoner to bail shall have certified before such committal or holding to bail that the evidence of the witness is material and that the prisoner is in their belief willing to attend the trial but will be unable to bear in the expense of attendance the deposition of such witness may be read in evidence to the jury in the prisoner's defence if the party on trial shall so require.

(2) However, where any witness has in due time before the trial been subpoenaed by the Crown such certificate of such justices shall not render the deposition admissible.

## **Commencement and short title**

### **Commencement of Act—short title**

**79.** This Act shall commence on 31 December 1867 and may be referred to as the *Evidence and Discovery Act 1867*.

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 24 April 1995. Future amendments of the Evidence and Discovery Act 1867 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 List of legislation

**Evidence and Discovery Act 1867 31 Vic No. 13**

date of assent 28 December 1867

commenced 31 December 1867 (see s 79)

as amended by—

**Evidence Further Amendment Act 1874 37 Vic No. 9**

date of assent 8 June 1874

commenced on date of assent

**Justices Act 1886 50 Vic No. 17 s 2 sch 1**

date of assent 13 October 1886

commenced 1 January 1887 (see s 3)

**Stamp Duties Act Amendment Act 1890 54 Vic No. 28 s 3 sch 1**

date of assent 5 December 1890

commenced 1 January 1891 (see s 2)

**Criminal Law Amendment Act 1892 56 Vic No. 3 s 2**

date of assent 21 July 1892  
commenced on date of assent

**Criminal Law Amendment Act 1894 58 Vic No. 23 s 2**

date of assent 11 December 1894  
commenced on date of assent

**Criminal Code Act 1899 63 Vic No. 9 s 3(2) sch 3**

date of assent 28 November 1899  
commenced on date of assent

**Acts Citation Act 1903 8 Edw 7 No. 10 s 10 sch 3 (prev Acts Shortening Act Amendment Act)**

date of assent 13 November 1903  
commenced on date of assent

**Statute Law Revision Act 1908 8 Edw 7 No. 18 s 2 sch 1**

date of assent 23 December 1908  
commenced on date of assent

**Evidence and Discovery Act Amendment Act 1927 18 Geo 5 No. 18**

date of assent 4 January 1928  
commenced on date of assent

**Australian Consular Officers' Notarial Powers and Evidence Act 1946 10 Geo 6 No. 43 s 5(i), (v)(a) (as amended by Australian Consular Officers' Notarial Powers and Evidence Acts Amendment Act 1963 No. 16)**

date of assent 28 November 1946  
commenced 28 November 1946 (see s 1(3))

**Evidence and Discovery Acts and Other Acts Amendment Act 1960 9 Eliz 2 No. 22 pt 2**

date of assent 14 November 1960  
commenced on date of assent

**Evidence Acts Amendment Act 1962 No. 9 pt 2**

date of assent 12 November 1962  
commenced on date of assent

**Decimal Currency Act 1965 No. 61 s 11 sch 2**

date of assent 23 December 1965  
commenced 14 February 1966 (see s 1(2))

**Evidence and Discovery Acts Amendment Act 1967 No. 53**

date of assent 22 December 1967  
commenced on date of assent

**Metric Conversion Act 1972 No. 31 s 6 sch 1**

date of assent 21 December 1972  
commenced 1 July 1973 (proc pubd Gaz 16 June 1973 p 1460)

**Evidence Act 1977 No. 47 s 3(2) sch 1 pt B**

date of assent 3 October 1977  
commenced 1 January 1978 (see s 1(2))

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
ch	=	chapter
def	=	definition
div	=	division
exp	=	expires/expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
pt	=	part
RA	=	Reprints Act 1992
renum	=	renumbered
sdiv	=	subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

**Note**—references to ‘Pring’s Statutes’ and to Colonial Acts were omitted from the sectional notes throughout this Act by Act of 1903 3 Edw 7 No. 10 s 10 sch 3.

### Preamble

om 1908 8 Edw 7 No. 18 s 2 sch 1

### Judicial Notice

**hdg prec s 1** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

### Proclamations and Orders in Council to be judicially noticed

**s 1** om 1977 No. 47 s 3(2) sch 1 pt B

**Copies of private Acts journals of the Legislative Council and Assembly proclamations and commissions by the Governor printed by the government printer admissible in evidence**

**s 2** om 1977 No. 47 s 3(2) sch 1 pt B

**Courts &c. to take judicial notice of signature of the judges of Supreme Court and of certain officers thereof**

**s 3** amd 1903 3 Edw 7 No. 10 s 10 sch 3  
om 1977 No. 47 s 3(2) sch 1 pt B

### Competency and Privileges of Witnesses

**hdg prec s 4** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Witnesses not to be excluded from giving evidence by incapacity from crime or interest**

**s 4** amd 1903 3 Edw 7 No. 10 s 10 sch 3  
om 1977 No. 47 s 3(2) sch 1 pt B

**Parties to actions and their husbands and wives made competent and compellable to give evidence for or against themselves**

s 5 om 1977 No. 47 s 3(2) sch 1 pt B

**Exceptions in proceedings for adultery or breach of promise of marriage**

s 6 om 1874 37 Vic No. 9 s 1

**Nemo tenetur Seipsum accusare**

hdg prec s 7 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Persons charged or witnesses impeachable criminally**s 7 amd 1892 56 Vic No. 3 s 2  
om 1977 No. 47 s 3(2) sch 1 pt B**Husband and Wife**

hdg prec s 8 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Exceptions as to criminal cases or proceedings for adultery**s 8 amd 1874 37 Vic No. 9 s 1  
om 1892 56 Vic No. 3 s 2**Communications to husband or wife privileged**s 9 amd 1927 18 Geo 5 No. 18 s 2  
om 1977 No. 47 s 3(2) sch 1 pt B**Wife petitioning for dissolution of marriage husband and wife may give evidence relating to cruelty or desertion**

s 10 om 1977 No. 47 s 3(2) sch 1 pt B

**Rated Inhabitant**

hdg prec s 11 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Rateable inhabitants not incompetent witnesses in certain cases on behalf of or against certain districts**

s 11 om 1977 No. 47 s 3(2) sch 1 pt B

**Persons not disqualified from giving evidence on account of being assessed to rates**

s 12 om 1977 No. 47 s 3(2) sch 1 pt B

**Nominal rateable parties on any trial not disqualified from giving evidence**

s 13 om 1977 No. 47 s 3(2) sch 1 pt B

**Word "district" to include province county &c.**

s 14 om 1977 No. 47 s 3(2) sch 1 pt B

**Interest**

hdg prec s 15 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Certain verdicts or judgments no to be used for or against witness**

s 15 om 1977 No. 47 s 3(2) sch 1 pt B

**Credit of Party's own Witness**

hdg prec s 16 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**How far a party may discredit his own witness**

**prov hdg** amd 1903 3 Edw 7 No. 10 s 10 sch 3  
**s 16** om 1977 No. 47 s 3(2) sch 1 pt B

**Cross examination and Credit of Witnesses**

**hdg prec s 17** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Contradictory statements of adverse witness**

**s 17** om 1977 No. 47 s 3(2) sch 1 pt B

**Cross-examination as to previous statements in writing**

**s 18** om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of previous conviction of a witness may be given**

**s 19** om 1977 No. 47 s 3(2) sch 1 pt B

**Declaring the law respecting witness refusing to answer questions**

**s 20** om 1977 No. 47 s 3(2) sch 1 pt B

**Admissions**

**hdg prec s 21** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Admissions as to documents**

**prov hdg** amd 1903 3 Edw 7 No. 10 s 10 sch 3  
**s 21** om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of admissions**

**s 22** om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of notice to produce**

**s 23** om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of Handwriting**

**hdg prec s 24** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Comparison of disputed writing**

**prov hdg** amd 1903 3 Edw 7 No. 10 s 10 sch 3  
**s 24** om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of Attested Writings**

**hdg prec s 25** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Attesting witness**

**s 25** om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of instrument of validity of which attestation is necessary**

**s 25A** ins 1962 No. 9 s 4  
om 1977 No. 47 s 3(2) sch 1 pt B

**Secondary Evidence**

**hdg prec s 26** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Machine copies to be evidence**

**s 26** om 1977 No. 47 s 3(2) sch 1 pt B

**Wills**

**hdg prec s 27** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Wills deeds &c. may be verified on declaration**

s 27 om 1977 No. 47 s 3(2) sch 1 pt B

**Plaintiff with notice of trial to give notice that he will use such declaration**

s 28 om 1977 No. 47 s 3(2) sch 1 pt B

**Probate or office copy to be evidence of the will in suits relating to real estate unless the validity of the will is disputed**

s 29 om 1977 No. 47 s 3(2) sch 1 pt B

**When original will proved court may direct which party shall pay costs**

s 30 om 1977 No. 47 s 3(2) sch 1 pt B

**Convictions and Orders**

hdg prec s 32 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of conviction or acquittal**

s 32 om 1977 No. 47 s 3(2) sch 1 pt B

**Evidence to prove a conviction or sentence**

s 33 om 1977 No. 47 s 3(2) sch 1 pt B

**The like as to the fact of a trial or inquiry**

s 34 om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of certificate**

s 35 om 1977 No. 47 s 3(2) sch 1 pt B

**Ship's Register**

hdg prec s 36 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Registers of British vessels and certificates of registry admissible as prima facie evidence of their contents without proof of signature &c.**

s 36 om 1977 No. 47 s 3(2) sch 1 pt B

**Documentary Evidence in General**

hdg prec s 37 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Documents admissible without proof of seal in England or Ireland admissible in Queensland**

s 37 om 1977 No. 47 s 3(2) sch 1 pt B

**Powers as to oaths and notarial Acts abroad**

s 37A ins 1960 9 Eliz 2 No. 22 s 4

**Certain documents to be evidence without proof of seal or signature of official persons**

s 38 amd 1946 10 Geo 6 No. 43 s 5(i); 1960 9 Eliz 2 No. 22 s 5

**Evidence of Acts of State and of judgments in any British colonial and foreign courts**s 39 amd 1903 3 Edw 7 No. 10 s 10 sch 3  
om 1977 No. 47 s 3(2) sch 1 pt B**Certain official entries and copies evidence**s 40 amd 1965 No. 61 s 11 sch 2  
om 1977 No. 47 s 3(2) sch 1 pt B

**Proof of books and documents of a public nature by certified copies or extracts**

s 41      amd 1965 No. 61 s 11 sch 2  
             om 1977 No. 47 s 3(2) sch 1 pt B

**Presumptions as to documents twenty years old**

s 41A     ins 1962 No. 9 s 5  
             om 1977 No. 47 s 3(2) sch 1 pt B

**Certain documents to be received in evidence without proof of signature or seal**

s 42      om 1977 No. 47 s 3(2) sch 1 pt B

**Interpretation and savings**

s 42A     ins 1962 No. 9 s 6  
             om 1977 No. 47 s 3(2) sch 1 pt B

**Admissibility of documentary evidence as to facts in issue**

s 42B     ins 1962 No. 9 s 6  
             om 1977 No. 47 s 3(2) sch 1 pt B

**Weight to be attached to evidence**

s 42C     ins 1962 No. 9 s 6  
             om 1977 No. 47 s 3(2) sch 1 pt B

**Summing up in cases of felony and misdemeanor**

s 44      om 1899 63 Vic No. 9 s 3(2) sch 3

**Stamp**

hdg prec s 45 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Instruments admissible as evidence in criminal cases though not properly stamped**

s 45      om 1977 No. 47 s 3(2) sch 1 pt B

**Provision as to unstamped documents at any trial not criminal**

s 46      amd 1890 54 Vic No. 28 s 3 sch 1  
             om 1977 No. 47 s 3(2) sch 1 pt B

**Officers of the court to receive and account for the duty and fine**

s 47      om 1977 No. 47 s 3(2) sch 1 pt B

**No deed affecting lands in the colony to require stamp**

s 48      om 1977 No. 47 s 3(2) sch 1 pt B

**Power to deliver written interrogatories to opposite party**

s 49      om 1908 8 Edw 7 No. 18 s 2 sch 1

**Affidavits by party proposing to interrogate and his attorney**

s 50      om 1977 No. 47 s 3(2) sch 1 pt B

**Oral examination of parties when to be allowed**

s 51      om 1977 No. 47 s 3(2) sch 1 pt B

**Proceedings upon such rule or order**

s 52      om 1977 No. 47 s 3(2) sch 1 pt B

**Commissions for Examining Witnesses**

hdg prec s 53 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Order or commission to examine witnesses**

s 53 om 1977 No. 47 s 3(2) sch 1 pt B

**Witnesses may be ordered to attend for examination**

s 54 om 1977 No. 47 s 3(2) sch 1 pt B

**Examination of Prisoners**

hdg prec s 55 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Examination of prisoners**

s 55 om 1977 No. 47 s 3(2) sch 1 pt B

**Examination and Depositions of Witnesses**

hdg prec s 56 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Examination of witnesses to be taken upon oath**

s 56 om 1977 No. 47 s 3(2) sch 1 pt B

**Persons appointed for taking examinations to report to the court upon the conduct or absence of witnesses if necessary**

s 57 om 1977 No. 47 s 3(2) sch 1 pt B

**Costs of the order for examination may be made costs in the cause**

s 58 om 1977 No. 47 s 3(2) sch 1 pt B

**Depositions not to be read without proof of absence death or sickness**

s 59 om 1977 No. 47 s 3(2) sch 1 pt B

**Affidavits taken under this Act may be used in courts in the colony**

s 60 om 1977 No. 47 s 3(2) sch 1 pt B

**Provision for examining witnesses *de bene esse* or on commission**s 62 amd 1972 No. 31 s 6 sch 1  
om 1977 No. 47 s 3(2) sch 1 pt B**Power of person appointed by foreign country take evidence and administer oaths**s 62A ins 1967 No. 53 s 2  
om 1977 No. 47 s 3(2) sch 1 pt B**Evidence in Criminal Cases**

hdg prec s 63 impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Commissions in criminal cases**

s 63 om 1977 No. 47 s 3(2) sch 1 pt B

**Confessions**

s 64 om 1894 58 Vic No. 23 s 2

**Depositions**

s 65 om 1886 50 Vic No. 17 s 2 sch 1

**Statement of prisoner**

s 66 om 1886 50 Vic No. 17 s 2 sch 1

**Witnesses for prisoner or defendant to be sworn**

**s 68**            amd 1899 63 Vic No. 9 s 3(2) sch 3  
                   om 1977 No. 47 s 3(2) sch 1 pt B

**Defendant may have copies of the depositions**

**s 69**            om 1886 50 Vic No. 17 s 2 sch 1

**Examination of Parties**

**hdg prec s 70** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Examination of parties *de bene esse* or under commission**

**prov hdg**    sub 1903 3 Edw 7 No. 10 s 10 sch 3  
**s 70**            om 1977 No. 47 s 3(2) sch 1 pt B

**Proviso**

**prov hdg**    sub 1903 3 Edw 7 No. 10 s 10 sch 3  
**s 71**            om 1977 No. 47 s 3(2) sch 1 pt B

**Discovery and Inspection**

**hdg prec s 72** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Discovery of documents**

**prov hdg**    sub 1903 3 Edw 7 No. 10 s 10 sch 3  
**s 72**            om 1977 No. 47 s 3(2) sch 1 pt B

**Orders for inspection of documents**

**s 73**            om 1977 No. 47 s 3(2) sch 1 pt B

**Inspection by jury or parties or witnesses**

**s 74**            om 1977 No. 47 s 3(2) sch 1 pt B

**Penalties**

**hdg prec s 75** om 1908 8 Edw 7 No. 18 s 2 sch 1

**Punishment for forging or uttering any forged stamp seal or signature of any document mentioned in this Act**

**s 75**            om 1899 63 Vic No. 9 s 3(2) sch 3

**Impounding of documents and procedure against offenders**

**s 76**            amd 1899 63 Vic No. 9 s 3(2) sch 3  
                   om 1977 No. 47 s 3(2) sch 1 pt B

**Government Printer**

**hdg prec s 77** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**Power of the Governor to appoint a government printer**

**s 77**            om 1977 No. 47 s 3(2) sch 1 pt B

**Powers of the Court**

**hdg prec s 78** impliedly om 1977 No. 47 s 3(2) sch 1 pt B

**General rules may be made by the judges**

**s 78**            om 1977 No. 47 s 3(2) sch 1 pt B

**5 Table of changed names and titles**TABLE OF CHANGED NAMES AND TITLES  
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
colony	State	see Commonwealth Constitution

**6 Table of obsolete and redundant provisions**TABLE OF OBSOLETE AND REDUNDANT PROVISIONS  
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
references to Queensland implied	Acts Interpretation Act 1954 s 35

**7 Table of renumbered provisions**TABLE OF RENUMBERED PROVISIONS  
under the Reprints Act 1992 s 43

Previous	Renumbered as
31, from 'Copies of' to 'chief clerk thereof'	31(1)
31, from 'And they shall' to 'be so certified.'	31(2)
37A(2), 2nd sentence	37A(2A)
37A(3), 2nd sentence	37A(3A)
37A(4), 2nd sentence	37A(5)
43, from 'Upon the trial' to 'the evidence'	43(1)
43, from 'and the party' to '(if any)'	43(2)
43, from 'and the right' to 'at present.'	43(3)
67, from 'In every case' to 'shall so require'	67(1)
67, proviso	67(2)

**8 Table of comparative legislation**

<b>s 38</b>	18 & 19 Vic c. 42
<b>s 43</b>	17 & 18 Vic c. 125 s 18