

Chapter 5.
Constitutional Documents (Manner of Proof) Act 1976.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 5.

Constitutional Documents (Manner of Proof) Act 1976.

ARRANGEMENT OF SECTIONS.

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 - “the report of the Constitutional Planning Committee”
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INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Constitutional Documents (Manner of Proof) Act 1976,

Being an Act to implement Section 24(2) (*use of certain materials as aids to interpretation*) of the Constitution by providing for the manner of proof of the official records of debates and of votes and proceedings—

- (a) in the pre-Independence House of Assembly on the report of the Constitutional Planning Committee; and
- (b) in the Constituent Assembly on the draft of the Constitution,

and of that report and any other documents or papers tabled for the purposes of or in connection with those debates.

1. **INTERPRETATION.**

In this Act, unless the contrary intention appears—

“**court**” includes a court, Judge, arbitrator and a person authorized by law or by consent of the parties to hear, receive and examine evidence;

“**the draft Constitution**” means the printed volume purporting to be the Fourth Draft (revised and renumbered) of the Constitution of the Independent State of Papua New Guinea presented to the Constituent Assembly on 29 May 1975;

“**the report of the Constitutional Planning Committee**”, means the Final Report of the pre-Independence Constitutional Planning Committee dated 13 August 1974 and presented to the pre-Independence House of Assembly on 16 August 1974.

2. EVIDENCE OF DRAFT CONSTITUTION.

The mere production of a volume printed by the Government Printer and purporting to be a copy of the draft Constitution is, in all courts, evidence that the volume is an authorized copy of the draft Constitution.

3. EVIDENCE OF OFFICIAL RECORDS OF DEBATES.

The mere production of—

- (a) a volume printed by the Government Printer and purporting to be a copy of the debates of the pre-Independence House of Assembly on the report of the Constitutional Planning Committee; or
- (b) a volume printed by the Government Printer and purporting to be a copy of the debates of the Constituent Assembly on the draft Constitution,

is in all courts, evidence that the volume is an authorized volume, of the debates.

4. EVIDENCE OF OFFICIAL RECORDS OF VOTES AND PROCEEDINGS.

The mere production of a printed document purporting to be—

- (a) a copy of the Minutes of Proceedings of the pre-Independence House of Assembly bearing, at the end of it, the name of the Clerk of the House of Assembly and to relate to the proceedings of that House concerning the adoption of the report of the Constitutional Planning Committee; or
- (b) a copy of the Minutes of Proceedings of the Constituent Assembly bearing, at the end of it, the names of the Clerk of the Assembly and the Chairman of the Assembly and to relate to the proceedings of the Constituent Assembly on the draft Constitution,

is, in all courts, evidence that the copy is an authorized copy of the votes and proceedings of the pre-Independence House of Assembly on the report of the Constitutional Planning Committee or the Constituent Assembly on the draft Constitution, as the case may be.

5. EVIDENCE OF REPORT OF THE CONSTITUTIONAL PLANNING COMMITTEE.

The mere production of—

- (a) a bound document entitled “Final Report of the Constitutional Planning Committee 1974 Part 1” apparently containing on the last page facsimile signatures of the 14 members of the Constitutional Planning Committee; or
- (b) a bound document entitled “Final Report of the Constitutional Planning Committee 1974 Part 2”,

is, in all courts, evidence that the document is an authorized copy of Part 1 or Part 2, as the case may be, of the report of the Constitutional Planning Committee.

6. EVIDENCE OF GOVERNMENT PAPER.

The mere production of a bound document entitled “Government Paper Proposals on Constitutional Principles and Explanatory Notes” printed by the Government Printer is, in all courts, evidence that the document is an authorized copy of the document entitled “Government Paper Proposals on Constitutional Principles and Explanatory Notes” tabled in the pre-Independence House of Assembly for the purposes of the debates on the report of the Constitutional Planning Committee.

7. EVIDENCE OF UNITED PARTY PAPER.

The mere production of a bound document entitled “United Party Proposals for the Constitution Port Moresby 1974” apparently containing on the first page a facsimile signature of Tei Abal, Leader of the Opposition, is in all courts, evidence that the document is an authorized copy of the document entitled “United Party Proposals for the Constitution Port Moresby 1974” tabled in the House of Assembly for the purposes of the debates on the report of the Constitutional Planning Committee.

8. AUTHORIZED COPIES TO BE PRIMA FACIE EVIDENCE.

Unless the contrary is shown, it shall be presumed that the text of a paper, document or volume referred to in any of the preceding provisions of this Act printed in an authorized copy correctly sets forth the text of that paper, document or volume, as the case may be.

Office of Legislative Counsel, PNG