

24/8/93



Queensland



JUSTICE AND ATTORNEY- GENERAL LEGISLATION (MISCELLANEOUS PROVISIONS) BILL 1993

ISSUE TO MEMBERS ETC.
and supply stock.

Michael Conner

Deputy Clerk of the Parliament (Procedure)

Queensland



**JUSTICE AND ATTORNEY-GENERAL
LEGISLATION (MISCELLANEOUS
PROVISIONS) BILL 1993**

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	4
	PART 2—AMENDMENT OF DISTRICT COURTS ACT 1967	
2	Amended Act	4
3	Insertion of new s.11A	4
	11A Leave of absence	4
	PART 3—AMENDMENT OF EVIDENCE ACT 1977	
4	Amended Act	4
5	Replacement of s.55 (Proof of incorporation of company)	5
	55 Proof of incorporation or registration of company in Queensland ..	5
	PART 4—AMENDMENT OF JUSTICES ACT 1886	
6	Amended Act	5
7	Insertion of new s.269	5
	269 Declaration about effect of Penalties and Sentences Act 1992	6
	PART 5—AMENDMENT OF PARTNERSHIP (LIMITED LIABILITY) ACT 1988	
8	Amended Act	6
9	Insertion of new s.10A	6
	10A Liability for limited partnerships formed under corresponding laws	6
	PART 6—MINOR AMENDMENTS	
10	Amended Acts	7

*Justice and Attorney-General Legislation
(Miscellaneous Provisions)*

SCHEDULE	8
MINOR AMENDMENTS	
BAIL ACT 1980	8
COMMERCIAL ARBITRATION ACT 1990	8
JUSTICES ACT 1886	8
PARTNERSHIP (LIMITED LIABILITY) ACT 1988	9

1993

A BILL

FOR

**An Act to amend various Acts administered by the Minister for
Justice and Attorney-General and the Minister for the Arts**

Introduced on Leave, 24 August, 1994 - Hon Denis Wai

*Justice and Attorney-General Legislation
(Miscellaneous Provisions)*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause 1. This Act may be cited as the *Justice and Attorney-General Legislation (Miscellaneous Provisions) Act 1993*.

4

5

**PART 2—AMENDMENT OF DISTRICT COURTS ACT
1967**

6

7

Amended Act

8

Clause 2. The *District Courts Act 1967* is amended as set out in this Part.

9

Insertion of new s.11A

10

Clause 3. After section 11—

11

insert—

12

‘Leave of absence

13

‘11A. The Governor in Council may grant leave of absence to a Judge.’.

14

PART 3—AMENDMENT OF EVIDENCE ACT 1977

15

Amended Act

16

Clause 4. The *Evidence Act 1977* is amended as set out in this Part.

17

Justice and Attorney-General Legislation
(Miscellaneous Provisions)

Replacement of s.55 (Proof of incorporation of company)

Clause **5. Section 55—**

omit, insert—

‘Proof of incorporation or registration of company in Queensland

‘55.(1) Evidence of the incorporation of a company incorporated or registered in Queensland may be given by the production of a certificate of the incorporation or registration of the company that purports to be given by the Australian Securities Commission (the “**Commission**”) or the delegate or an officer of the Commission.

‘(2) The date of incorporation or registration mentioned in the certificate is evidence of the date on which the company was incorporated or registered.

‘(3) A document that purports to be—

(a) a copy of, or extract from, a document kept and registered in the office of the Commission in Queensland; and

(b) certified by the Commission or the delegate or an officer of the Commission;

is admissible in evidence in all cases in which the original document is admissible and for the same purposes and to the same extent.’.

PART 4—AMENDMENT OF JUSTICES ACT 1886

Amended Act

Clause **6. The *Justices Act 1886* is amended as set out in this Part.**

Insertion of new s.269

Clause **7. After Section 268—**

insert—

‘Declaration about effect of Penalties and Sentences Act 1992

‘269. To remove doubt, it is declared that, on and from the commencement of the *Penalties and Sentences Act 1992* as originally enacted, other than as expressly provided by the Schedule to that Act, nothing in that Act amended or repealed any provision of this Act, by implication or otherwise.’.

**PART 5—AMENDMENT OF PARTNERSHIP
(LIMITED LIABILITY) ACT 1988**

Amended Act

Clause **8.** The *Partnership (Limited Liability) Act 1988* is amended as set out in this Part.

Insertion of new s.10A

Clause **9.** After section 10—
 insert—

‘Liability for limited partnerships formed under corresponding laws

‘10A.(1) In this section—

“corresponding law” means a law of another State, a Territory or a foreign country that is declared by regulation to be a corresponding law for the purposes of this Act;

“limited partner”, in a recognised limited partnership, means a partner in the partnership whose liability is limited under the corresponding law applying to the partnership;

“recognised limited partnership” means a partnership formed under a corresponding law.

‘(2) A limitation under a corresponding law on the liability of a limited partner in a recognised limited partnership extends to any liability incurred

*Justice and Attorney-General Legislation
(Miscellaneous Provisions)*

in connection with the conduct of the partnership's business in this State.	1
‘(3) The law of another State or a Territory may be declared to be a corresponding law only if the Governor in Council is satisfied—	2
(a) that the law is similar to this Act; and	3
(b) that under the law the limitation of liability of limited partners in a limited partnership formed under this Act extends to any liability incurred in connection with the conduct of the partnership's business in the State or Territory.	4
‘(4) The law of a foreign country may be declared to be a corresponding law only if the Governor in Council is satisfied that the law provides for the limitation of liability for partners or certain partners in certain partnerships.’.	5
	6
	7
	8
	9
	10
	11

PART 6—MINOR AMENDMENTS 12

Amended Acts 13

<i>Clause</i> 10. Each Act mentioned in the Schedule is amended as set out in the Schedule.	14
	15
	16

SCHEDULE	1
MINOR AMENDMENTS	2
section 10	3
BAIL ACT 1980	4
Amendment	5
1. Section 11(2)—	6
<i>omit</i> ‘member’, <i>insert</i> ‘police officer’.	7
COMMERCIAL ARBITRATION ACT 1990	8
Amendment	9
1. Section 3(7)—	10
<i>omit</i> ‘Insurance Act 1860–1976’, <i>insert</i> ‘Insurance Act 1960’.	11
JUSTICES ACT 1886	12
Amendments	13
1. Section 4(2)—	14
<i>omit</i> .	15
2. Section 40(2)—	16
<i>omit, insert—</i>	17
‘(2) A person convicted under subsection (1) is liable to a maximum	18

*Justice and Attorney-General Legislation
(Miscellaneous Provisions)*

SCHEDULE (continued)

penalty of 2 penalty units or imprisonment for 14 days.’.	1
3. Section 102F(1) (penalty paragraphs (a) and (b))—	2
<i>omit, insert—</i>	3
‘Maximum penalty—4 penalty units or imprisonment for 6 months.’.	4
4. Section 154—	5
<i>omit</i> ‘a Children’s Court’, <i>insert</i> ‘the Childrens Court’.	6
5. Part 6, Division 7—	7
<i>omit.</i>	8

PARTNERSHIP (LIMITED LIABILITY) ACT 1988	9
---	---

Amendment	10
1. Section 28—	11
<i>omit, insert—</i>	12
‘Regulations	13
‘28.(1) The Governor in Council may make regulations for the purposes of this Act.	14
	15
‘(2) A regulation may be made with respect to—	16
(a) the particulars to be specified in a statement or notice filed with the registrar; or	17
	18
(b) the keeping of the registered office of a limited partnership; or	19
(c) the forms to be used under this Act; or	20
(d) the fees payable under this Act.’.	21

*Justice and Attorney-General Legislation
(Miscellaneous Provisions)*

© The State of Queensland 1993

BY AUTHORITY
V R. WARD, GOVERNMENT PRINTER, QUEENSLAND—1993
143868