

Queensland



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

Act No. 68 of 1993

Queensland



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

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Queensland



**Justice and Attorney-General Legislation
(Miscellaneous Provisions) Act 1993**

Act No. 68 of 1993

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

[Assented to 23 November 1993]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

Short title

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

PART 2—AMENDMENT OF DISTRICT COURTS ACT 1967

Amended Act

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

Insertion of new s.11A

3. After section 11—

insert—

‘Leave of absence

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

PART 3—AMENDMENT OF EVIDENCE ACT 1977

Amended Act

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

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

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**

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

Insertion of new s.269

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 To remove doubt, it is declared that, on and from the commencement of the *Penalties and Sentences Act 1992* as originally enacted, other than as expressly provided by the Schedule to that Act, nothing in that Act amended or repealed any provision of this Act, by implication or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

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

Insertion of new s.10A

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

in connection with the conduct of the partnership's business in this State.

‘(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—

- (a) that the law is similar to this Act; and
- (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) 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.’.

PART 6—AMENDMENT OF THE CRIMINAL CODE

Amended Code

10. The Criminal Code is amended as set out in this Part.

Amendment of section 669A

11. Section 669A—

insert—

‘(2A) The Attorney-General may refer to the Court for its consideration and opinion a point of law that has arisen at the summary trial of a charge of an indictable offence, if the person charged has been—

- (a) acquitted of the charge at the summary trial; or
- (b) discharged on the charge after the prosecution, because of a decision on the point of law by the court of trial, indicates to the court that it will not further proceed on the charge in the proceeding before the court.

“(6) In this section—

“**discharged**” includes the dismissal or striking out of a charge at a summary trial.’.

PART 7—MINOR AMENDMENTS

Amended Acts

12. Each Act mentioned in the Schedule is amended as set out in the Schedule.

SCHEDULE

MINOR AMENDMENTS

section 10

BAIL ACT 1980

Amendment

1. Section 11(2)—

omit ‘member’, insert ‘police officer’.

COMMERCIAL ARBITRATION ACT 1990

Amendment

1. Section 3(7)—

omit ‘Insurance Act 1860–1976’, insert ‘Insurance Act 1960’.

JUSTICES ACT 1886

Amendments

1. Section 4(2)—

omit.

2. Section 40(2)—

omit, insert—

‘(2) A person convicted under subsection (1) is liable to a maximum

SCHEDULE (continued)

penalty of 2 penalty units or imprisonment for 14 days.’.

3. Section 102F(1) (penalty paragraphs (a) and (b))—

omit, insert—

‘Maximum penalty—4 penalty units or imprisonment for 6 months.’.

4. Section 154—

omit ‘a Children’s Court’, *insert* ‘the Childrens Court’.

5. Part 6, Division 7—

omit.

PARTNERSHIP (LIMITED LIABILITY) ACT 1988

Amendment

1. Section 28—

omit, insert—

‘Regulations

‘**28.(1)** The Governor in Council may make regulations for the purposes of this Act.

‘**(2)** A regulation may be made with respect to—

- (a) the particulars to be specified in a statement or notice filed with the registrar; or
- (b) the keeping of the registered office of a limited partnership; or
- (c) the forms to be used under this Act; or
- (d) the fees payable under this Act.’.

