



Companies and Securities (Interpretation and Miscellaneous Provisions) Amendment Act 1981

No. 4 of 1981

An Act to amend the Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980

[Assented to 5 March 1981]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Companies and Securities (Interpretation and Miscellaneous Provisions) Amendment Act 1981*.

(2) The *Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980*¹ is in this Act referred to as the Principal Act.

Commencement

2. This Act shall come into operation on the day on which the *Companies and Securities (Interpretation and Miscellaneous Provisions) Act 1980* comes into operation.

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Definitions

3. Section 9 of the Principal Act is amended—

- (a) by inserting “or has been” before “amended” (first occurring) in the definition of “Agreement”;
- (b) by inserting after the definition of “court” the following definition:
“ ‘court of summary jurisdiction’ means the Court of Petty Sessions of the Territory;”;
- (c) by omitting the definition of “statutory declaration”; and
- (d) by adding at the end thereof the following definition:
“ ‘this Act’ includes regulations under the relevant Act.”.

4. Section 35 of the Principal Act is repealed and the following section substituted:

Indictable offences and summary offences

“35. (1) An offence against a relevant Act that is not punishable by imprisonment or is punishable by imprisonment for a period not exceeding 6 months is, unless the contrary intention appears, punishable summarily.

“(2) An offence against a relevant Act that is punishable by imprisonment for a period exceeding 6 months is, subject to sub-section (3), punishable on indictment.

“(3) Where—

- (a) proceedings for an offence against a relevant Act that is punishable by imprisonment for a period exceeding 6 months are brought in a court of summary jurisdiction; and
- (b) the prosecutor requests the court to hear and determine the proceedings, the offence is punishable summarily and the court shall hear and determine the proceedings.

“(4) A court of summary jurisdiction may not—

- (a) impose, in respect of any one offence against a relevant Act, a period of imprisonment exceeding 2 years; or
- (b) impose, in respect of offences against a relevant Act or relevant Acts, cumulative periods of imprisonment that, in the aggregate, exceed 5 years.

“(5) Nothing in this section renders a person liable to be punished more than once in respect of the same offence.”.

Proceedings how and when taken

5. Section 36 of the Principal Act is amended by omitting from sub-section (1) “proceedings for an offence against a provision of a relevant Act may be instituted only” and substituting “in any proceedings for an offence against a provision of a relevant Act, any information, charge, complaint or application may be laid or made only”.

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6. The Principal Act is amended by adding at the end thereof the following Part:

“PART VI—EVIDENCE OF CORRESPONDING LAWS

Evidence of laws of States and other Territories

“41. Where a provision of a law of a State or of another Territory, being a law by reason of which provisions of a relevant Act or regulations in force for the time being under a relevant Act apply as laws of that State or Territory, provides that a document published in accordance with that provision is *prima facie* evidence of the provisions of that relevant Act or those regulations as so applying on a particular date, a document that is, or purports to be, a copy of a document so published is *prima facie* evidence of the provisions of that relevant Act or those regulations as so applying on that date.”.

NOTE

1. No. 68, 1980.