

Passed by both Houses



New South Wales

Special Commission of Inquiry (James Hardie Records) Amendment Bill 2004

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2004*



New South Wales

Special Commission of Inquiry (James Hardie Records) Amendment Bill 2004

Act No , 2004

An Act to amend the *Special Commission of Inquiry (James Hardie Records) Act 2004* to make further provision with respect to transferred records; and for other purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Special Commission of Inquiry (James Hardie Records) Amendment Act 2004*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of Special Commission of Inquiry (James Hardie Records) Act 2004 No 78

The *Special Commission of Inquiry (James Hardie Records) Act 2004* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 3 Definitions

Insert in alphabetical order in section 3 (1):

ACCC means the Australian Competition and Consumer Commission established under the *Trade Practices Act 1974* of the Commonwealth.

[2] Section 4 ASIC entitled to control of records of James Hardie Special Commission of Inquiry

Omit “any person” from section 4 (2).

Insert instead “the ACCC or any other person”.

[3] Section 7 Use of transferred records

Insert “, or giving of possession or custody by ASIC to the ACCC or any other person,” after “ASIC” where firstly occurring.

[4] Section 7

Insert “, the ACCC or other person” after “ASIC” where secondly and thirdly occurring.

[5] Section 8 Use and admissibility in proceedings of transferred records

Insert “, or given into the possession or custody of the ACCC or any other person,” after “obtained” in section 8 (1).

[6] Section 8 (2) (c) and (d)

Insert after section 8 (2) (b):

, or

- (c) the giving into the possession or the custody of the ACCC or any other person of any record under this Part, or
- (d) the publication or use by the ACCC or other person of the record, or of matter in or referred to in the record, in connection with the performance of its functions or the exercise of its powers under any law.

[7] Section 16 and Schedule 1

Insert after section 15:

16 Savings and transitional provisions

Schedule 1 has effect.

Schedule 1 Savings and transitional provisions

(Section 16)

1 Transferred records given to ACCC and other persons

Section 7, as amended by the *Special Commission of Inquiry (James Hardie Records) Amendment Act 2004*, extends to the giving of possession or custody of a record by ASIC to the ACCC or any other person under Part 2 before the commencement of that Act.