

**COMPANIES (CORPORATE AFFAIRS COMMISSION)
AMENDMENT ACT, 1979, No. 109**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 109, 1979.

An Act to amend the Companies Act, 1961, in consequence of
the reconstitution of the Corporate Affairs Commission.
[Assented to, 17th May, 1979.]

Companies (Corporate Affairs Commission) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Companies (Corporate Affairs Commission) Amendment Act, 1979".

Commence- **2.** (1) This section and section 1 shall commence on the
ment. date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Securities Industry (Corporate Affairs Commission) Amendment Act, 1979.

Amendment **3.** The Companies Act, 1961, is amended in the manner
of Act No. set forth in Schedule 1.
71, 1961.

Saving. **4.** An information, charge, complaint or application laid or made in accordance with section 381 (1) of the Companies Act, 1961, before the day appointed and notified under section 2 (2) shall be heard and determined as if it had been laid or made in accordance with section 381 (1) of that Act, as amended by this Act.

Companies (Corporate Affairs Commission) Amendment.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE COMPANIES ACT, 1961.

- (1) Section 5 (1), definition of "Commissioner"—

Omit the definition.

- (2) (a) Section 7 (1)—

After "Act", insert "but, except as to the content of a report or recommendation by the Commission or a Commissioner, the Commission and the Commissioners are, in the exercise or performance of powers, authorities, duties or functions under this Act (other than those exercised or performed as an inspector under Part VIA) subject to the control and direction of the Minister".

- (b) Section 7 (5)—

After "Companies", insert "or the Commissioner for Corporate Affairs".

- (c) Section 7 (5A)—

After "Companies", insert ", the Commissioner for Corporate Affairs".

- (d) Section 7 (6)—

Omit "the Commissioner or".

- (e) Section 7 (6) (b)—

Omit "the Commissioner", insert instead "a Commissioner".

- (f) Section 7 (7A)—

Omit "The Commissioner or a", insert instead "A".

- (g) Section 7 (7A)—

Omit "Commissioner or other", insert instead "Commission or that".

Companies (Corporate Affairs Commission) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE COMPANIES ACT, 1961—*continued.*

(h) Section 7 (7c)—

Omit “the Commissioner or” where firstly occurring.

(i) Section 7 (7c)—

Omit “the Commissioner or” where secondly occurring, insert instead “that”.

(j) Section 7 (9)—

Omit “by the Commissioner”, insert instead “so to do”.

(k) Section 7 (9B)—

Omit “by the Commissioner or”, insert instead “so to do by”.

(l) Section 7 (10)—

Omit “the Commissioner or”.

(3) (a) Section 381 (1) (b)—

Omit “by the Commissioner, or”.

(b) Section 381 (1) (b)—

Omit “Commissioner” where secondly occurring, insert instead “Commission”.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,

Governor.

*Government House,
Sydney, 17th May, 1979.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

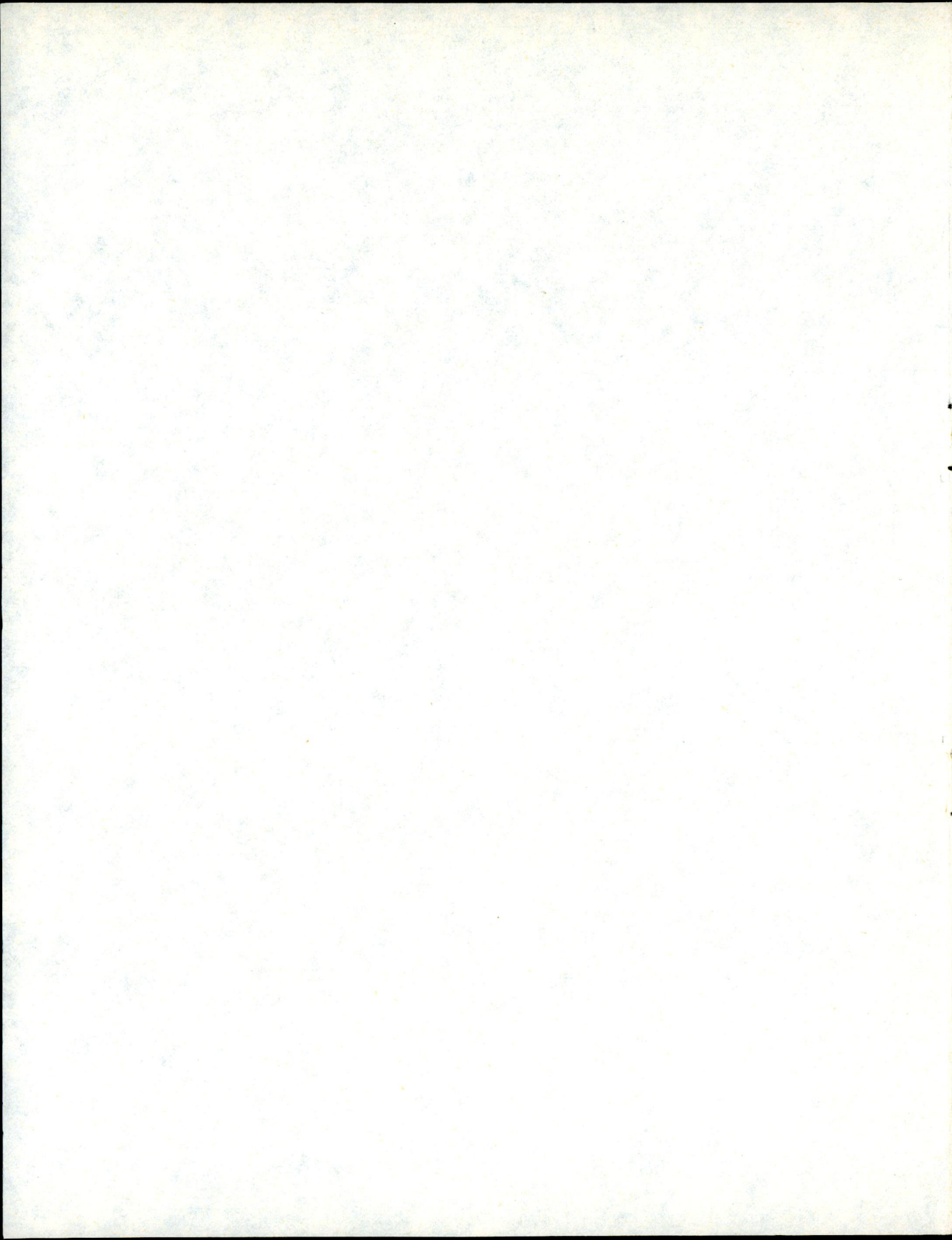
**COMPANIES (CORPORATE AFFAIRS COMMISSION)
AMENDMENT BILL, 1979**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Securities Industry (Corporate Affairs Commission) Amendment Bill, 1979.

The Corporate Affairs Commission is to be reconstituted and brought under the direction and control of the Minister. The object of this Bill is to make consequential amendments to the Companies Act, 1961.



**COMPANIES (CORPORATE AFFAIRS COMMISSION)
AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Companies Act, 1961, in consequence of
the reconstitution of the Corporate Affairs Commission.

[MR F. J. WALKER—28 *March*, 1979.]

Companies (Corporate Affairs Commission) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 1. This Act may be cited as the "Companies (Corporate Affairs Commission) Amendment Act, 1979". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

10 (2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Securities Industry (Corporate Affairs Commission) Amendment Act, 1979.

3. The Companies Act, 1961, is amended in the manner set forth in Schedule 1. Amendment of Act No. 71, 1961.

15 4. An information, charge, complaint or application laid or made in accordance with section 381 (1) of the Companies Act, 1961, before the day appointed and notified under section 2 (2) shall be heard and determined as if it had been laid or made in accordance with section 381 (1) of that Act, as amended by this Saving.
20 Act.

Companies (Corporate Affairs Commission) Amendment.

SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE COMPANIES ACT, 1961.

- (1) Section 5 (1), definition of "Commissioner"—
Omit the definition.
- 5 (2) (a) Section 7 (1)—
After "Act", insert "but, except as to the content of a report or recommendation by the Commission or a Commissioner, the Commission and the Commissioners are, in the exercise or performance of powers, authorities, duties or functions under this Act (other than those exercised or performed as an inspector under Part VIA) subject to the control and direction of the Minister".
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- (b) Section 7 (5)—
15 After "Companies", insert "or the Commissioner for Corporate Affairs".
- (c) Section 7 (5A)—
After "Companies", insert ", the Commissioner for Corporate Affairs".
- 20 (d) Section 7 (6)—
Omit "the Commissioner or".
- (e) Section 7 (6) (b)—
Omit "the Commissioner", insert instead "a Commissioner".
- 25 (f) Section 7 (7A)—
Omit "The Commissioner or a", insert instead "A".
- (g) Section 7 (7A)—
Omit "Commissioner or other", insert instead "Commission or that".

Companies (Corporate Affairs Commission) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE COMPANIES ACT, 1961—*continued.*

- (h) Section 7 (7C)—
Omit “the Commissioner or” where firstly occurring.
- 5 (i) Section 7 (7C)—
Omit “the Commissioner or” where secondly
occurring, insert instead “that”.
- (j) Section 7 (9)—
Omit “by the Commissioner”, insert instead “so to
10 do”.
- (k) Section 7 (9B)—
Omit “by the Commissioner or”, insert instead “so to
do by”.
- (l) Section 7 (10)—
15 Omit “the Commissioner or”.
- (3) (a) Section 381 (1) (b)—
Omit “by the Commissioner, or”.
- (b) Section 381 (1) (b)—
20 Omit “Commissioner” where secondly occurring,
insert instead “Commission”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

