

**COMPANIES (SPECIAL INVESTIGATIONS)
AMENDMENT ACT.**

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 100, 1974.

An Act to make further provisions in relation to the appointment of inspectors to investigate the affairs of companies; for this and other purposes to amend the Companies Act, 1961; and for purposes connected therewith.
[Assented to, 13th December, 1974.]

BE

Companies (Special Investigations) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by No. 100, 1974
 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:—

1. This Act may be cited as the "Companies (Special Short title.
 Investigations) Amendment Act, 1974".

2. The Companies Act, 1961, is amended—

Amendment
 of Act No.
 71, 1961.

(a) by inserting after section 168 (2) the following Sec. 168.
(Interpre-
 tation and
 application.)
 subsection :—

(3) Where two or more inspectors have been
 appointed, whether by the same instrument or by
 different instruments, to investigate the affairs of a
 company, each of those inspectors may exercise
 his powers or perform his functions under this Part
 independently of the other inspector or inspectors.

(b) (i) by omitting section 171 (1) (b) and (c) and Sec. 171.
(Conditions,
 &c., of
 appointment
 of
 inspector.)
 by inserting instead the following
 paragraphs :—

(b) subject to subsection (4), where the
 investigation is to be made into
 particular affairs of a company, the
 period in respect of which the
 investigation is to be made; and

(c) the terms and conditions, if any, of the
 appointment of the inspector including,
 where the appointee is not the Com-
 mission or an officer or employee of
 the Commission, terms and conditions
 relating to remuneration.

(ii)

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(ii) by inserting after section 171 (3) the following subsection :—

(4) Notwithstanding subsection (1), the Minister may, in the instrument appointing an inspector, authorise the inspector to make the investigation in respect of a period concluding on such date as the inspector thinks fit.

Sec. 171A.

(c) by inserting after section 171 the following section :—

**Appoint-
ment
of Com-
mission as
inspector.**

171A. (1) Nothing in this or any other Act prevents the appointment of the Commission as an inspector and, where the Commission is so appointed, any reference in this Act that includes an inspector includes the Commission.

(2) Section 177 (1) (a), in its application to the Commission, as an inspector, shall be deemed to be amended by omitting the words “, the power to administer an oath and the power to examine on oath”.

Savings.

3. (1) Part VIA of the Companies Act, 1961, as amended by this Act, applies and shall be deemed always to have applied to and in respect of an appointment of an inspector made under that Part before the commencement of this Act, in the same way as it applies to and in respect of an appointment of an inspector so made after that commencement.

(2) For the purposes of subsection (1), where the effect of any provision of an appointment of an inspector made under Part VIA of the Companies Act, 1961, before

the

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the commencement of this Act, is to allow the inspector, No. 100, 1974
by any means, to determine the concluding date of the period
in respect of which an investigation is to be made, that
provision shall be deemed to be a provision authorising the
inspector to make the investigation in respect of a period
concluding on such date as the inspector thinks fit.

POLICE