

ROYAL COMMISSIONS (AMENDMENT) ACT.

Act No. 8, 1934.

An Act to make further provisions relating to Royal Commissions; to amend the Royal Commissions Act, 1923, and certain other Acts; and for purposes connected therewith. [Assented to, 8th August, 1934.]

George V.
No. 8, 1934.

BE it enacted by the King'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:—

1. (1) This Act may be cited as the "Royal Commissions (Amendment) Act, 1934." Short title.

(2) The Royal Commissions Act, 1923, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Royal Commissions Act, 1923-1934.

2. The Principal Act is amended—

Amendment of
Act No. 29,
1923.

(a) by inserting at the end of section twelve the following new subsection:—

Sec. 12.
(Inspection of
documents.)

(2) The Commission may employ such assistance as it deems proper for the carrying out of any inquiry or investigation, and may by writing authorise any person so employed to inspect and report to it upon any books, documents, writings or accounts it considers relevant to the subject matter of the inquiry.

(b)

Royal Commissions (Amendment) Act.

No. 8, 1934.
New s. 23A.

Delaying
and
obstructing
commission.

- (b) by inserting next after section twenty-three the following new section:—

23A. (1) Any person who, with intent to delay or obstruct the carrying out by a commission appointed under this Act of any inquiry, destroys or alters any book, document, or record relating to the subject matter of the inquiry, or sends or attempts to send, or conspires with any other person to send out of New South Wales any such book, document or record, or any property of any description belonging to or in the disposition of or under the control of any person or company whose affairs are the subject matter of the inquiry, shall be guilty of an indictable offence, and shall be liable to be imprisoned for a period not exceeding five years.

(2) If in any prosecution for an offence against this section it is proved that the person charged with the offence has destroyed or altered any book, document, or record, or has sent or attempted to send, or conspired to send out of New South Wales any such book, document, or record, or any other thing, the onus of proving that in so doing he had not acted in contravention of this section shall be upon him.

Amendment of
Act No. 40,
1899.

Sec. 89.
(Applica-
tion for
winding up.)

3. The Companies Act, 1899, is amended—

- (a) by inserting in section eighty-nine next after subsection one the following new subsection:—

(1A) When an inquiry into the affairs of a company has been made by a Royal Commission appointed under the Royal Commissions Act, 1923-1934, and the Royal Commission recommends that steps should be taken to have the company wound up, a petition in that behalf may be presented by the Attorney-General.

- (b) by inserting next after section two hundred and fifty-seven the following new section:—

257A. (1) Where (in the case of a company formed or incorporated outside New South Wales and carrying on business in New South Wales) on any petition presented by the Attorney-General pursuant to subsection (1A) of

New sec.
257A.

Prohibition
against
company
carrying on
business in
certain
cases.

Sydney Corporation (Amendment) Act.

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of section eighty-nine, an order is made for the affairs of the company so far as New South Wales assets are concerned, to be wound up in New South Wales, such company shall not carry on business or establish or keep a place of business within New South Wales.

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(2) Every company which fails to comply with the provisions of subsection one of this section and every officer or agent of the company concerned in the contravention of that subsection, shall be liable to a penalty not exceeding five hundred pounds, and in the case of a continuing offence, to a penalty not exceeding one hundred pounds for every day during which the default continues.
