

**SECURITIES INDUSTRY (AMENDMENT) ACT,  
1978, No. 40**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 40, 1978.**

An Act to amend the Securities Industry Act, 1975, with respect to the application of the fidelity funds of stock exchanges and to the officers and employees of the Corporate Affairs Commission. [Assented to, 28th March, 1978.]

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*Securities Industry (Amendment).*

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**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 "Securities Industry (Amendment) Act, 1978".
- Principal Act.      **2.** The Securities Industry Act, 1975, is referred to in this Act as the Principal Act.
- Amendment of Act No. 3, 1976.      **3.** The Principal Act is amended in the manner set forth in Schedule 1.
- Saving.            **4.** The Principal Act applies to and in respect of—
- (a) a defalcation or fraudulent misuse of property (as referred to in section 97 (1) of the Principal Act) that occurred before the commencement of this Act; or
  - (b) dealings in securities giving rise to debts proved in bankruptcy (as referred to in section 97 (2) of the Principal Act), being dealings that occurred before that commencement,
- as if this Act had not been enacted.

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Sec. 3.

**SCHEDULE 1.**

**AMENDMENTS TO THE PRINCIPAL ACT.**

(1) (a) Section 97 (1) (a)—

After "exchange", insert "who is a sole trader and".

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*Securities Industry (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 97 (2) —

Omit “exchange or”, insert instead “exchange who is a sole trader or being”.

(c) Section 97 (3)—

After “the” where secondly occurring, insert “total”.

(d) Section 97 (3) (a), (b)—

Omit the paragraphs, insert instead :—

(a) for the purpose of compensating pecuniary loss as referred to in subsection (1); or

(b) for the purpose of paying amounts under subsection (2)—

(e) Section 97 (3)—

Omit “or member firm”, insert instead “who is a sole trader or in respect of a member firm”.

(2) (a) Section 106 (2)—

Omit “member of a stock exchange”, insert instead “sole trader”.

(b) Section 106 (2)—

Omit “member or partner”, insert instead “sole trader or member firm”.

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*Securities Industry (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

## (c) Section 106 (2)—

Omit “those defalcations or fraudulent misuses of property”, insert instead “defalcations or fraudulent misuses of property by or in connection with that sole trader or member firm”.

## (3) Section 137—

Omit the section, insert instead :—

Officers  
of the  
Commission.

137. (1) Except as provided by this section, such officers and employees as may be necessary for the exercise or discharge by the Commission of its powers, authorities, duties and functions shall be appointed and employed under and subject to the Public Service Act, 1902.

(2) For the purposes of the exercise or discharge by the Commission of its powers, authorities, duties and functions, the Commission may, with the approval of the Minister and of the body or person concerned and on such terms and conditions as may be approved by the Public Service Board, make use of the services of any of the officers, employees or servants of any body or person.

(3) The Commission may, with the approval of the Public Service Board and on such terms and conditions as may be approved by that Board, appoint persons to be officers of the Commission for the purpose of conducting or assisting in the conduct of investigations or inspections under this Act or the Companies Act, 1961.

(4) The maximum term for which a person may be appointed by the Commission under subsection (3) is 3 years, but he is, if otherwise qualified, eligible for further appointment under that subsection.

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*Securities Industry (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) An officer referred to in subsection (3) is not, in his capacity as such, an officer within the meaning of the Public Service Act, 1902, but, if the terms and conditions on which he is appointed so provide, any specified provisions of that Act or the regulations thereunder, whether with or without specified modifications, apply to and in respect of him as if he were an employee within the meaning of that Act.

(6) A reference in this Act to an officer or employee of the Commission is a reference to—

- (a) an officer or employee referred to in subsection (1);
  - (b) an officer, employee or servant referred to in subsection (2) whose services are being made use of under that subsection; or
  - (c) an officer referred to in subsection (3).
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