

Act No. 16 of 1987

**CORPORATE AFFAIRS COMMISSION (AMENDMENT)
BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Corporate Affairs Commission Act 1981 so as—

- (a) to reconstitute the Corporate Affairs Commission; and
- (b) to create the office of Commissioner for Corporate Affairs, who will manage all the affairs of the Commission.

The Bill also contains certain consequential provisions, which include amendments to the Statutory and Other Offices Remuneration Act 1975 and the Public Service Act 1979.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 is a formal provision giving effect to the Schedule of amendments to the Principal Act.

Clause 4 amends Schedule 2 to the Statutory and Other Offices Remuneration Act 1975 so as to enable the fixing of remuneration for the Commissioner for Corporate Affairs under that Act.

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Clause 5 amends Schedule 2 to the Public Service Act 1979 so as to provide that the Commissioner will exercise the functions of a department head in relation to the staff of the Commission employed under that Act.

Schedule 1 (1) substitutes the long title of the Principal Act.

Schedule 1 (2) defines "Commissioner" for the purposes of the Principal Act as meaning the Commissioner for Corporate Affairs.

Schedule 1 (3) repeals sections 4–7 of the Principal Act and replaces them with the following proposed new sections:

Section 4 (Constitution of Commission) reconstitutes the Corporate Affairs Commission as a corporation and sets out its corporate powers.

Section 5 (Commissioner for Corporate Affairs) provides for the appointment of the Commissioner by the Governor-in-Council and gives effect to proposed Schedule 1A (Provisions relating to the Commissioner).

Section 6 (Seal of Commission) makes provision for the use of the Commission's seal, and presumes the seal to have been properly used when affixed to a document.

Schedule 1 (4) amends section 8 of the Principal Act to make express provision for the appointment of consultants to the Commission.

Schedule 1 (5) replaces section 9 of the Principal Act with proposed section 9 (Performance of functions of Commission) providing for the affairs of the Commission to be managed by the Commissioner and for the exercise of the functions of the Commission through the Commissioner and staff of the Commission authorised by the Commissioner.

Schedule 1 (6)–(10) make minor consequential amendments to the Principal Act.

Schedule 1 (11) updates terms used in section 19 (1) of the Principal Act as a matter of statute law revision.

Schedule 1 (12) inserts proposed Schedule 1A (Provisions relating to the Commissioner) into the Principal Act, including provisions relating to the appointment of the Commissioner, the appointment of a person to act as Commissioner and the grounds on which the Commissioner is to be treated as having vacated office. The proposed Schedule also preserves certain employment-related entitlements for the Commissioner and a person who ceases to be Commissioner.

Schedule 1 (13) amends the savings and transitional provisions of the Principal Act, firstly by omitting clauses that are now obsolete or spent, and secondly by inserting the following proposed new clauses to deal with matters connected with the proposed Act:

Clause 10 links the reconstituted Commission with the former Commission, so that they are treated as the same legal entity.

Clause 11 removes the existing Commissioners from office, but certain obligations (e.g. secrecy) continue to be applicable to them.

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Clause 12 provides for the automatic appointment of the present Chairman as the new Commissioner, and for the preservation of his rights on ceasing to be Commissioner.
