

VICTORIA GOVERNMENT

G A Z E T T E

No. S 59 Tuesday 22 December 1987
By Authority Jean Gordon Government Printer Melbourne

SPECIAL

Adoption (Amendment) Act 1987

PROCLAMATION OF COMMENCEMENT

I, J. Davis McCaughey, Governor of Victoria, acting with the advice of the Executive Council and under section 2 of the *Adoption (Amendment) Act 1987*, fix 22 December 1987 as the day on which sections 1 to 7 and 9 to 13 of the Act come into operation.

Given under my hand and the seal of Victoria on 22 December 1987.

(L.S.) J. DAVIS McCAUGHEY

By His Excellency's Command

C. R. T. MATHEWS

Minister for Community Services

BLF (DE-RECOGNITION) ACT 1985

The Governor in Council makes the following Order:

Dated 22 December 1987

Responsible Minister:

S. M. CRABB

Minister for Labour

LAWRENCE A. FISHER

Clerk of the Executive Council

This is a further supplemental Order to the order dated 13 October 1987 and is made pursuant to the powers conferred by section 7 of the *BLF (De-recognition) Act 1985*.

The Governor in Council orders that:

1. In this Order reference to the investigators is a reference to Lex Lasry and Peter Francis McDermott, who were appointed Investigators by the Order in Council dated 10 November 1987.

2. Except for the first sentence of paragraph 8 of the Order in Council dated 10 November 1987 that paragraph is hereby revoked.

3. The investigators are directed and authorised to investigate the affairs of BLF in relation to the acquisition, use, disposition, possession, custody and control of its funds and property whether in Victoria or elsewhere since 1 January of 1976.

4. The provisions of sections 295, 296, 297 and 298 of the Companies (Victoria) Code shall apply to the investigation with the following adaptations;

(a) wherever the word "inspector" appears substitute the word "investigator".

(b) wherever the word "officer" appears substitute the words "an officer or employee former officer or employee of a trading or financial corporation".

(c) for the introductory words of sub-section 295(1) substitute the following: "An Investigator may, by notice in writing, require a prescribed person..."

(d) in sub-section 295(1) (a) for the words "books of the corporation and other books relating to the affairs of the corporation" substitute the words "prescribed documents".

(e) wherever the word "person" appears in sub-section 295(3) substitute the words "prescribed person".

(f) in sub-section 295 (3) after the word "books" wherever appearing substitute the words "prescribed documents".

(g) in sub-section 295(3) after the word "books" where first appearing insert the word "are".

(h) in sub-section 295(3) delete the words "may be relevant to any of the matters relating to the affairs of the corporation that are being investigated under this part" and also the words "containing the prescribed matters given in the prescribed manner". Add to the end of the sub-section in the following words "or to his agent authorised in writing."

(i) in sub-section 295(5) delete the words "of a corporation, affairs of which he is investigating under section 293" and also the words "in the prescribed form" and also the words "of the corporation" where appearing at the end of the sub-section;

(j) in section 295(5) for the words "the corporation under that section" substitute the expression "BLF".

- (k) in sub-section 295(6) for the word "part" substitute the word "section". Also for the word "books" wherever appearing substitute the words "prescribed documents".
 - (l) delete sub-section 296(1).
 - (m) in sub-sections 296(3), 296(4) and 296(5) delete the words "of the corporation" wherever appearing.
 - (n) delete sub-section 296(10).
 - (o) in sub-section 297(1) delete the words "appointed to investigate the affairs of the corporation" and also the words "officer of a corporation or another".
 - (p) in sub-section 297(2) before paragraph (a) delete the words "officer of a corporation or another".
 - (q) in paragraph 297(2) (a) delete the words "officer or the other" and also the words "as the case may be".
 - (r) in paragraph 297(2) (b) delete the words "officer or the other" and also the words "as the case may be".
 - (s) in sub-section 297(3) delete the words "officer or another" and also the words "officer or other".
 - (t) in section 298 delete the words "under this Part" wherever appearing and in sub-sections 298(1), 298(2), 298(5), substitute with the words "of a prescribed person".
 - (u) in section 298 delete sub-sections (6) to (10) inclusive.
- funds or property whether in Victoria or elsewhere since 1 January 1976 and may include:
- (i) any document of title or document evidencing title to any funds or property of BLF; or
 - (ii) any books of account, records, documents or computer records concerning or relating to any funds or property of BLF.
7. In the conduct of the investigation the Investigators may act jointly or separately as an Investigator thinks fit.

5. For the purpose of this Order in Council and also for the purpose of adapting the provisions of the Companies (Victoria) Code the following definitions shall apply;

- (a) "prescribed persons" means a person to whom an Investigator has furnished a certificate signed by the Investigator and stating that the Investigator believes that person is able to produce to the Investigators or give to the Investigator any documents or other evidence whatsoever concerning or relating to the affairs of BLF in relation to the acquisition, use, disposition, possession, custody or control of its funds or property whether in Victoria or elsewhere since 1 January 1976.

6. "prescribed document" means any documents concerning or relating to the affairs of BLF in relation to the acquisition, use, disposition, possession, custody or control of its

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