

No. 60 of 1976

## AN ORDINANCE

### To revise the Ordinances of the Territory in Consequence of Changes in Administrative Arrangements.

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this fourth day of November, 1976.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

JOHN HOWARD  
Minister of State for Business and Consumer Affairs,  
acting for and on behalf of the Attorney-General.

### ORDINANCES REVISION (ADMINISTRATIVE ARRANGEMENTS) ORDINANCE 1976

#### PART I—PRELIMINARY

1. This Ordinance may be cited as the *Ordinances Revision (Administrative Arrangements) Ordinance 1976*.<sup>\*</sup> **Short title.**

#### PART II—AMENDMENTS OF THE ASSOCIATIONS INCORPORATION ORDINANCE 1953

2. In this Part, "Principal Ordinance" means the *Associations Incorporation Ordinance 1953*.<sup>†</sup> **Definition.**

3. Section 2 of the Principal Ordinance is amended—

(a) by omitting from the definition of "association" in sub-section (1) the word "Attorney-General" and substituting the word "Minister"; and

(b) by omitting from the definition of "unauthorized name" in sub-section (1) the words—

"Attorney-General has, under section twenty-two of the Companies Ordinance, directed the Registrar"

**Inter-pretation.**

<sup>\*</sup> Notified in the *Australian Government Gazette* on 16 November 1976.

<sup>†</sup> Ordinance No. 15, 1953, as amended by No. 14, 1954; No. 7, 1956; No. 5, 1961; No. 7, 1962; and No. 19, 1966.

and substituting the words—

“Registrar has been directed, under section 22 of the Companies Ordinance,”.

**Prohibited names.**

4. Section 6 of the Principal Ordinance is amended by omitting from sub-section (1A) the word “Attorney-General” and substituting the word “Minister”.

**Change of name.**

5. Section 14 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2) the word “Attorney-General” and substituting the word “Minister”;
- (b) by omitting from sub-section (4) the word “Attorney-General” and substituting the word “Minister”; and
- (c) by omitting from sub-section (5) the word “Attorney-General” and substituting the word “Minister”.

**Regulations.**

6. Section 25 of the Principal Ordinance is amended by omitting the word “Attorney-General” and substituting the word “Minister”.

**Saving.**

7. (1) A certificate given by the Attorney-General for the purposes of a provision of the Principal Ordinance, as in force immediately before the commencement of this Ordinance, has the same force and effect after the commencement of this Ordinance as it would have had if—

- (a) this Ordinance had been in operation when the certificate was given; and
- (b) the certificate had been given by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

(2) A consent given by the Attorney-General under the Principal Ordinance and having force and effect immediately before the commencement of this Ordinance has the same force and effect after that commencement as it would have had if—

- (a) this Ordinance had been in operation when the consent was given; and
- (b) the consent had been given by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

(3) Notwithstanding the amendment of section 25 of the Principal Ordinance effected by this Ordinance, regulations in force under that section immediately before the commencement of this Ordinance continue in force after that commencement as if—

- (a) this Ordinance had been in operation when the regulations were made; and
- (b) the regulations had been made by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

PART III—AMENDMENTS OF THE BUSINESS NAMES ORDINANCE 1963

8. In this Part, “Principal Ordinance” means the *Business Names Ordinance 1963*.\* Definition.

9. Section 9 of the Principal Ordinance is amended—

Restriction on registration of undesirable business names.

- (a) by omitting from sub-section (1) the word “Attorney-General” (wherever occurring) and substituting the word “Minister”;
- (b) by omitting from sub-section (2) the word “Attorney-General” (first occurring) and substituting the word “Minister”;
- (c) by omitting from sub-section (3) the word “Attorney-General” and substituting the word “Minister”; and
- (d) by omitting from sub-section (4) the word “Attorney-General” and substituting the word “Minister”.

10. Section 10 of the Principal Ordinance is amended—

Cancellation of business names that are undesirable.

- (a) by omitting from sub-section (2) the word “Attorney-General” and substituting the word “Minister”; and
- (b) by omitting from sub-section (3) the word “Attorney-General” and substituting the word “Minister”.

11. Section 32 of the Principal Ordinance is repealed.

Repeal.

12. Section 33 of the Principal Ordinance is amended by omitting the word “Attorney-General” and substituting the word “Minister”.

Regulations.

13. (1) Where—

Saving.

- (a) before the date of commencement of this Ordinance, an application was duly made for the consent of the Attorney-General under section 9 of the Principal Ordinance; and
- (b) at that date, the Attorney-General had neither granted the consent nor informed the applicant that he declined to grant the consent,

the Principal Ordinance, as amended by this Ordinance, and the regulations apply to, and in relation to, the application as if—

- (c) this Ordinance had been in operation when the application was made;
- (d) the application had been for the consent of the Minister of State for Business and Consumer Affairs under section 9 of the Principal Ordinance, as amended by this Ordinance; and
- (e) the application had been duly made in accordance with the Principal Ordinance, as amended by this Ordinance, and the regulations in force under the Principal Ordinance, as so amended.

\* Ordinance No. 12, 1963, as amended by No. 15, 1966 and No. 51, 1976.

(2) A direction given under sub-section 9 (1) of the Principal Ordinance by the Attorney-General and having force and effect immediately before the commencement of this Ordinance has the same force and effect after that commencement as it would have had if—

- (a) this Ordinance had been in operation when the direction was given; and
- (b) the direction had been given by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

(3) A consent given by the Attorney-General under the Principal Ordinance and having force and effect immediately before the commencement of this Ordinance has the same force and effect after that commencement as it would have had if—

- (a) this Ordinance had been in operation when the consent was given; and
- (b) the consent had been given by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

(4) Notwithstanding the amendment of section 33 of the Principal Ordinance effected by this Ordinance, regulations in force under that section immediately before the commencement of this Ordinance continue in force after that commencement as if—

- (a) this Ordinance had been in operation when the regulations were made; and
- (b) the regulations had been made by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

#### PART IV—AMENDMENTS OF THE COMPANIES ORDINANCE 1962

**Definition.** 14. In this Part, “Principal Ordinance” means the *Companies Ordinance* 1962.\*

**Repeal and amendment of Ordinances; transitional provisions.** 15. Section 4 of the Principal Ordinance is amended by omitting sub-section (10).

**Names of companies.** 16. Section 22 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the word “Attorney-General” (wherever occurring) and substituting the word “Minister”; and
- (b) by omitting from sub-section (2) the word “Attorney-General” (first occurring) and substituting the word “Minister”.

\* Ordinance No. 7, 1962, as amended by No. 11, 1962; No. 19, 1963; Nos. 11 and 13, 1966; No. 31, 1968; Nos. 4, 10 and 28, 1969; No. 5, 1971 (as amended by No. 16, 1972); No. 19, 1972; No. 9, 1973; No. 9, 1974; and Nos. 32 and 50, 1976.

## 17. Section 24 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (3) the words “A licence” and substituting the words “Subject to sub-section (7), a licence”; and
- (b) by adding at the end thereof the following sub-sections:—

Omission of  
“Limited”  
in name of  
charitable  
and other  
companies.

“ (7) On and from the date of commencement of the *Ordinances Revision (Administrative Arrangements) Ordinance 1976*—

- (a) a licence under this section shall not be issued subject to a condition that the memorandum or articles of the company shall not be altered except with the consent or approval of a person specified in the condition; and
- (b) where a licence issued before the date of commencement of that Ordinance under this section or a corresponding previous law of the Territory is subject to such a condition, the condition is void.

“ (8) On and from the date of commencement of the *Ordinances Revision (Administrative Arrangements) Ordinance 1976*, an alteration of the memorandum or articles of a company in respect of which a licence under this section or a corresponding previous law of the Territory is in force shall not take effect unless the alteration has been approved—

- (a) in the case of an alteration of the memorandum—  
by the Minister or by an officer of the Public Service authorized by the Minister to give approvals for the purposes of this paragraph; and
- (b) in the case of an alteration of the articles—by the Registrar.

“ (9) On and after the date of commencement of the *Ordinances Revision (Administrative Arrangements) Ordinance 1976*, a provision of the memorandum of a company, being a company referred to in sub-section (8), that prohibits the alteration of the memorandum or articles of the company except with the approval of a person specified in the provision is of no effect to the extent that it prohibits the alteration except with the approval of—

- (a) the Governor-General or the Governor-General acting with the advice of the Federal Executive Council;
- (b) the Attorney-General or a Minister of State acting for and on behalf of the Attorney-General;
- (c) a person authorized or appointed by the Attorney-General or a Minister of State acting for and on behalf of the Attorney-General; or
- (d) the Registrar.”.

**Repeal.**

**18.** Section 385 of the Principal Ordinance is repealed.

**Further amendments.**

**19.** Each of the provisions of the Principal Ordinance specified in the Schedule is amended by omitting the word "Attorney-General" (wherever occurring) and substituting the word "Minister".

**Savings.**

**20.** (1) An appointment made under the Principal Ordinance by the Attorney-General and having force and effect immediately before the commencement of this Ordinance has the same force and effect after that commencement as it would have had if—

- (a) this Ordinance had been in operation when the appointment was made; and
- (b) the appointment had been made by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

(2) Subject to sub-section 24 (7) of the Principal Ordinance, as amended by this Ordinance, a licence granted by the Attorney-General under section 24 of the Principal Ordinance or a previous law of the Territory corresponding to that section, being a licence that was in force immediately before the commencement of this Ordinance, has the same force and effect after that commencement as it would have had if—

- (a) this Ordinance had been in operation when the licence was granted; and
- (b) the licence had been granted by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

(3) A declaration made under the Principal Ordinance by the Attorney-General and having force and effect immediately before the commencement of this Ordinance has the same force and effect after that commencement as it would have had if—

- (a) this Ordinance had been in operation when the declaration was made; and
- (b) the declaration had been made by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

(4) An act done under the Principal Ordinance by the Attorney-General, being an act to which this sub-section applies, and having force and effect immediately before the commencement of this Ordinance has the same force and effect after that commencement as it would have had if—

- (a) this Ordinance had been in operation when the act was done; and
- (b) the act had been done by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

(5) The following are the acts to which sub-section (4) applies:—

- (a) a determination under sub-section 7 (5) of the Principal Ordinance;
- (b) a direction under section 22 or sub-section 84 (3) of the Principal Ordinance;
- (c) a consent under section 22 or section 353 of the Principal Ordinance;
- (d) an approval under sub-section 23 (3) or sub-section 79 (1) of the Principal Ordinance;
- (e) a modification, under sub-section 83 (4) of the Principal Ordinance, of the application of sub-section 83 (3) of that Ordinance to a corporation;
- (f) an exemption under sub-section 88 (1) or section 180v of the Principal Ordinance.

(6) Where—

- (a) before the date of commencement of this Ordinance, an application was duly made for the consent of the Attorney-General under section 22 or 353 of the Principal Ordinance or for a licence under section 24 of that Ordinance; and
- (b) at that date, the Attorney-General had neither granted the consent or licence nor informed the applicant that he declined to grant the consent or licence,

the Principal Ordinance, as amended by this Ordinance, and the regulations apply to, and in relation to, the application as if—

- (c) this Ordinance had been in force when the application was made;
- (d) the application had been for the consent of the Minister of State for Business and Consumer Affairs under section 22 or 353, or for a licence under section 24, of the Principal Ordinance, as amended by this Ordinance; and
- (e) the application had been duly made in accordance with the Principal Ordinance, as amended by this Ordinance, and the regulations in force under the Principal Ordinance, as so amended.

(7) Where—

- (a) before the commencement of this Ordinance, a corporation had given notice in accordance with sub-section 374 (2) of the Principal Ordinance; and
- (b) when it was given, the notice was in accordance with the prescribed form,

the notice shall, for the purposes of the Principal Ordinance, as amended by this Ordinance, be deemed to be in accordance with the prescribed form.

(8) Notwithstanding the amendment of section 386 of the Principal Ordinance effected by this Ordinance, regulations in force under that section immediately before the commencement of this Ordinance continue in force after that commencement as if—

- (a) this Ordinance had been in operation when the regulations were made; and
- (b) the regulations had been made by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

**PART V—AMENDMENTS OF THE COMPANIES (URANIUM MINING COMPANIES) ORDINANCE 1970**

**Definition.**           **21.** In this Part, “Principal Ordinance” means the *Companies (Uranium Mining Companies) Ordinance 1970*.\*

**Repeal.**               **22.** Sections 2 and 3 of the Principal Ordinance are repealed.

**Certain foreign shares not to confer voting rights.**       **23.** Section 25 of the Principal Ordinance is amended by omitting the word “Attorney-General” and substituting the word “Minister”.

**Registrar to report to Minister.**       **24.** Section 30 of the Principal Ordinance is amended by omitting the word “Attorney-General” and substituting the word “Minister”.

**Power of Minister to give directions.**       **25.** Section 31 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the word “Attorney-General” and substituting the word “Minister”;
- (b) by omitting from sub-section (3) the word “Attorney-General” and substituting the word “Minister”; and
- (c) by omitting from sub-section (5) the word “Attorney-General” and substituting the word “Minister”.

**Minister may direct that foreign shares not disposed of vest in the Minister.**       **26.** Section 32 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the word “Attorney-General” (wherever occurring) and substituting the word “Minister”; and
- (b) by omitting from sub-section (2) the word “Attorney-General” and substituting the word “Minister”.

**Powers of Court with respect to defaulting substantial shareholders.**       **27.** Section 56 of the Principal Ordinance is amended by omitting from sub-section (1) the word “Attorney-General” and substituting the word “Minister”.

**Regulations.**       **28.** Section 60 of the Principal Ordinance is amended by omitting the word “Attorney-General” and substituting the word “Minister”.

\* Ordinance No. 48, 1970, as amended by No. 9, 1972; and No. 34, 1973.

PART VI—AMENDMENTS OF THE MARKETABLE SECURITIES  
ORDINANCE 1971

29. In this Part, "Principal Ordinance" means the *Marketable Securities Ordinance 1971*.\* Definition.

30. Section 4 of the Principal Ordinance is repealed. Repeal.

31. Section 16 of the Principal Ordinance is amended by omitting the word "Attorney-General" and substituting the word "Minister". Regulations.

32. Notwithstanding the amendment of section 16 of the Principal Ordinance effected by this Ordinance, regulations in force under that section immediately before the commencement of this Ordinance continue in force after that commencement as if— Saving.

(a) this Ordinance had been in operation when the regulations were made; and

(b) the regulations had been made by the Minister of State for Business and Consumer Affairs under the Principal Ordinance, as amended by this Ordinance.

PART VII—AMENDMENTS OF THE SEAT OF GOVERNMENT  
(ADMINISTRATION) ORDINANCE 1930

33. In this Part, "Principal Ordinance" means the *Seat of Government (Administration) Ordinance 1930*.† Definition.

34. Section 10 of the Principal Ordinance is amended by inserting after sub-section (4A) the following sub-section:— Administration of Ordinances.

"(4B) The Ordinances the titles of which are specified in Part 5 of the Second Schedule shall be administered by the Minister of State for Business and Consumer Affairs."

35. (1) The Second Schedule to the Principal Ordinance is amended by omitting from Part 1 the following titles:— Second Schedule.

"*Associations Incorporation Ordinance 1953-1966*  
*Business Names Ordinance 1963-1966*  
*Companies Ordinance 1962-1966*  
*Companies (Uranium Mining Companies) Ordinance 1970*  
*Marketable Securities Transfer Ordinance 1971*."

(2) The Second Schedule to the Principal Ordinance is amended by adding at the end thereof the following Part:—

"PART 5—ORDINANCES ADMINISTERED BY THE MINISTER OF STATE  
FOR BUSINESS AND CONSUMER AFFAIRS

*Associations Incorporation Ordinance 1953*  
*Business Names Ordinance 1963*  
*Companies Ordinance 1962*  
*Companies (Uranium Mining Companies) Ordinance 1970*  
*Marketable Securities Ordinance 1971*."

\* Ordinance No. 14, 1971.

† Ordinance No. 5, 1930, as amended by No. 21, 1931; No. 4, 1933; No. 4, 1937; Nos. 25, 32 and 36, 1938; No. 8, 1939; No. 16, 1940; No. 14, 1941; No. 10, 1950; No. 22, 1959; No. 10, 1961; No. 2, 1963; No. 12, 1965; Nos. 1 and 21, 1968; No. 1, 1971; Nos. 1 and 41, 1972; and No. 26, 1976.

## SCHEDULE

Section 19

## PROVISIONS OF THE COMPANIES ORDINANCE 1962 AMENDED BY SECTION 19

Sub-section 7 (1)	Sub-sections 172 (1) to 172 (3)
Sub-section 7 (5)	Sub-section 173 (1)
Sub-section 8 (1)	Sub-section 173 (3)
Sub-section 8 (2)	Sub-section 173 (3C)
Sub-section 8 (3)	Sub-section 173 (3E)
Sub-section 8 (9)	Sub-section 174 (1)
Sub-section 8 (10)	Sub-section 175 (1)
Sub-section 14 (3)	Sub-section 177 (1)
Sub-section 20 (2)	Sub-section 177 (3)
Sub-section 23 (2)	Sub-section 177 (5)
Sub-section 23 (3)	Sub-section 178 (1)
Sub-section 24 (1)	Sub-section 179 (1)
Sub-section 24 (2)	Sub-section 179 (2)
Sub-section 24 (3)	Sub-section 179 (3)
Sub-section 24 (4c)	Sub-section 179 (6)
Sub-section 24 (4d)	Section 180
Sub-section 24 (5)	Sub-section 180R (1)
Sub-section 24 (5A)	Section 180v
Sub-section 27 (1)	Sub-section 186 (1)
Sub-section 38 (7)	Sub-section 221 (1)
Sub-section 38 (8)	Sub-section 224 (3)
Sub-section 44 (3)	Section 231
Sub-section 69A (2)	Sub-section 306 (1)
Sub-section 69N (1)	Sub-section 306 (2)
Sub-section 74 (1)	Sub-sections 306 (4) to 306 (6A)
Sub-section 74 (2)	Sub-section 306 (8)
Sub-section 74D (2)	Sub-section 306 (9)
Sub-section 74D (3)	Sub-section 318 (3)
Sub-section 74D (6)	Sub-section 334 (1)
Sub-section 74F (7)	Sub-section 334 (2)
Sub-section 74F (8)	Section 339
Section 77	Sub-section 348 (5)
Sub-section 79 (1)	Sub-section 353 (1)
Sub-section 79 (2)	Sub-section 353 (2)
Sub-section 83 (4)	Section 368
Sub-section 84 (3)	Sub-section 374 (2)
Sub-section 88 (1)	Sub-section 381 (3)
Sub-section 117 (2)	Sub-section 381 (4)
Sub-section 122 (2)	Section 386
Sub-section 122 (3)	Fifth Schedule, sub-paragraph 20 (2)
Sub-section 157 (7)	Fifth Schedule, paragraph 21
Sub-section 160 (2)	Fifth Schedule, sub-paragraph 22 (1)
Sub-sections 169 (1) to 169 (6)	
Sub-section 170 (3)	
Sub-sections 171 (8) to 171 (10)	