

AUSTRALIAN CAPITAL TERRITORY

ORDINANCES REVISION (ADMINISTRATIVE ARRANGEMENTS)
ORDINANCE 1976

EXPLANATORY MEMORANDUM

No. 60 of 1976

The purpose of the Ordinances Revision (Administrative Arrangements) Ordinance is to amend the following Australian Capital Territory Ordinances to take account of the transfer of responsibility for these Ordinances from the Attorney-General to the Minister for Business and Consumer Affairs:-

- (a) Associations Incorporation Ordinance 1963;
- (b) Business Names Ordinance 1963;
- (c) Companies Ordinance 1962;
- (d) Companies (Uranium Mining Companies) Ordinance 1970;
- (e) Marketable Securities Ordinance 1971.

2. Consequential amendments are also made to the Seat of Government (Administration) Ordinance 1930.

3. The consequential amendments that will be required to regulations that have been made under these Ordinances will be dealt with in separate amending Regulations.

ASSOCIATIONS INCORPORATION ORDINANCE

4. Part II of the Ordinances Revision (Administrative Arrangements) Ordinance (cls 2 to 7) deals with the amendments to the Associations Incorporation Ordinance 1953.

References to the Attorney-General

5. Those provisions of the Associations Incorporation Ordinance that refer to the Commonwealth Attorney-General are amended to take account of the fact that the Ordinance is now administered by the Minister for Business and Consumer Affairs (cls 3 to 6).

Savings

6. Current certificates and current consents given by the Attorney-General under the Associations Incorporation Ordinance are saved (s-cl 7(1) & (2)). This will cover such things as a certificate that an association is an association for the purposes of the Associations Incorporation Ordinance and a consent to the use of a name as the name of an association.

7. Regulations made before the commencement of the amending Ordinance are also saved (s-cl 7(3)).

BUSINESS NAMES ORDINANCE

8. Part III of the Ordinances Revision (Administrative Arrangements) Ordinance (cls 8 to 13) deals with the amendments to the Business Names Ordinance 1963.

References to the Attorney-General

9. Those provisions of the Business Names Ordinance that refer to the Commonwealth Attorney-General are amended to take account of the fact that the Ordinance is now administered by the Minister for Business and Consumer Affairs (cls 9, 10 and 12).

10. Section 32 of the Business Names Ordinance which provide for the Ordinance to be administered by the Attorney-General, is repealed (cl 11).

Savings

11. Pending applications for the consent of the Attorney-General under section 9 of the Business Names Ordinance to the registration of a business name that would otherwise be prohibited are saved (s-cl 13(1)).

12. Current directions and consents given by the Attorney-General under the Business Names Ordinance are saved (s-cl 13(2) & (3)). This will cover such things as the prohibited names directive that is issued under Sub-section 9 (1) of the Business Names Ordinance and a consent to the use of a name as a business name.

13. Regulations made before the commencement of the amending Ordinance are also saved (s-cl 13(4)).

COMPANIES ORDINANCE

14. Part IV of the Ordinances Revision (Administrative Arrangements) Ordinance (cls 14 to 20) deals with the amendments to the Companies Ordinance 1962.

15. Sub-section 4 (10) of the present Companies Ordinance (which is a transitional provision that is no longer required) is repealed (cl 15).

References to the Attorney-General

16. Those provisions of the Companies Ordinance that refer to the Commonwealth Attorney-General are amended to take account of the fact that the Ordinance is now administered by the Minister for Business and Consumer Affairs (cl 16, cl 19 and the Schedule).

17. Section 385 of the Companies Ordinance, which provided for the Companies Ordinance to be administered by the Attorney-General, is repealed.

Licences to omit the word 'Limited' from the name of a company

18. Under section 24 of the Companies Ordinance 1962 (and under corresponding provisions of earlier companies legislation in force in the Australian Capital Territory) a licence can be obtained to omit the word 'Limited' from the name of a company or proposed company. Before such a licence is granted it is customary to examine the memorandum and articles of the company or proposed company to ensure that they comply with the guidelines that have been evolved in relation to such companies, and to include a provision (in the licence, in the memorandum or both) that the memorandum and articles cannot be altered without the approval of a specified person or persons. Section 24 of the Companies Ordinance is amended to take account of the fact that the Ordinance is now administered by the Minister for Business and Consumer Affairs and to bring the requirements relating to the approval of alterations to the memorandum and articles of association of such companies into line with current practice.

Savings

19. Current appointments made, licences granted, declarations made and acts done by the Attorney-General under the Companies Ordinance are saved (s-cl 20(1), (2), (3), (4) and (5)). This will cover such things as the appointment of the Registrar of Companies, the granting of a licence under section 24 of the Companies Ordinance to omit the word 'Limited' from the name of a company, a declaration of a prescribed corporation for the purposes of sub-section 38(7) of the Companies Ordinance, the issue of a prohibited names directive etc.

20. Pending applications to the Attorney-General for his consent to the use of a name that would otherwise be prohibited or for a licence to omit the word 'Limited' from the name of a company are save (s-cl 20(6)). Similarly notices given by a corporation in accordance with sub-section 374(2) of the Companies Ordinance before the commencement of the amending Ordinance are saved (s-cl 20(7)).

21. Regulations made before the commencement of the amending Ordinance are also saved (s-cl 20(8)).

COMPANIES (URANIUM MINING COMPANIES) ORDINANCE 1970

22. Part V of the Ordinances Revision (Administrative Arrangements) Ordinance (cls 21 to 28) deals with the amendments to the Companies (Uranium Mining Companies) Ordinance 1970.

23. In accordance with current drafting practice, section 3 of the Companies (Uranium Mining Companies) Ordinance, which sets out the various Parts and Divisions of the Ordinance is repealed (cl 22).

References to the Attorney-General

24. Section 2 of the Companies (Uranium Mining Companies) Ordinance, which provides for the Ordinance to be administered by the Attorney-General, is repealed (cl 22).

25. Those provisions of the Companies (Uranium Mining Companies) Ordinance that refer to the Commonwealth Attorney-General are amended to take account of the fact that the Ordinance is now administered by the Minister for Business and Consumer Affairs (cls 23, 24, 25, 26, 27 and 28).

Regulations

26. No Regulations have been made under the Companies (Uranium Mining Companies) Ordinance. Consequently no saving provision is required in relation to regulations under that Ordinance.

MARKETABLE SECURITIES ORDINANCE

27. Part VI of the Ordinances Revision (Administrative Arrangements) Ordinance (cls 29 to 32) deals with the amendments to the Marketable Securities Ordinance 1971.

References to the Attorney-General

28. Section 4 of the Marketable Securities Ordinance, which provides for the Ordinance to be administered by the Attorney-General, is repealed (cl. 30).

29. Section 16 of the Marketable Securities Ordinance, which contains a reference to the Commonwealth Attorney-General, is amended to take account of the fact that the Ordinance is now administered by the Minister for Business and Consumer Affairs (cl 31).

Savings

30. Regulations made before the commencement of the amending Ordinance are saved (cl 32).

SEAT OF GOVERNMENT (ADMINISTRATION) ORDINANCE

31. Section 10 of, and the Second Schedule to, the Seat of Government (Administration) Ordinance are amended to take account of the fact that the Ordinances referred to in the first paragraph of this explanatory memorandum are now administered by the Minister for Business and Consumer Affairs.