

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 14 of 1936.

## AN ORDINANCE

### To amend the Companies (Liquidation) Ordinance 1935.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1.—(1.) This Ordinance may be cited as the *Companies (Liquidation) Ordinance 1936*. Short title and citation.

(2.) The *Companies (Liquidation) Ordinance 1935* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Companies (Liquidation) Ordinance 1935-1936*.

2. Section two of the Principal Ordinance is amended by inserting, after the definition of “the Companies Acts”, the following definition:— Definitions.

“ ‘the Companies Rules’ means the Rules made in pursuance of section two hundred and sixty-five of the Companies Act, 1899, of the State of New South Wales in force in that State on the date of the commencement of this Ordinance; ”.

3. After section three of the Principal Ordinance, the following section is inserted:—

“ 3A. The practice and procedure of the Court in the winding-up of any or all of the companies set out in the Schedule to this Ordinance shall be such as is prescribed by the Companies Rules, subject to the following modifications and such other modifications as are prescribed:— Practice and procedure of Court in winding-up companies.

(a) Any reference to the Court shall be read as a reference to the Supreme Court of the Australian Capital Territory;

- (b) Any reference to the Judge, the Chief Judge in Equity or the Judge in Equity shall be read as a reference to the Judge of the Supreme Court of the Australian Capital Territory;
- (c) Any reference to the Master or Master in Equity shall be read as a reference to the Registrar of the Supreme Court of the Australian Capital Territory;
- (d) Any reference to the official liquidator shall be read as a reference to the sole liquidator appointed under the last preceding section;
- (e) Any reference to the *Gazette* or the *Government Gazette* shall be read as a reference to the *Commonwealth of Australia Gazette*;
- (f) Any reference to the Act, the said Act, the same Act, the Companies Act or the Companies Act, 1899, shall be read as a reference to the Companies Act, 1899, in its application to the Territory.

Modification of the Companies Rules, in their application to the Territory.

4. The Companies Rules are modified as if they were amended—
- (a) by omitting Rules one to sixteen (inclusive), paragraph (e) of rule seventeen and rules eighteen, thirty-five, fifty-two, fifty-four and eighty-eight;
  - (b) by omitting paragraph (b) of rule seventeen and inserting in its stead the following paragraph:—  
“(b) The sole liquidator may open and keep open a liquidator’s general account in such bank or banks as he thinks fit.”;
  - (c) by omitting paragraph (d) of that rule and inserting in its stead the following paragraph:—  
“(d) The sole liquidator shall leave and pass accounts of his receipts and payments and file a report of the progress of the winding-up in the office of the Registrar at such time or times as the Court directs.”;
  - (d) by omitting sub-rule (2.) of rule nineteen and inserting in its stead the following sub-rule:—  
“(2.) The remuneration of the sole liquidator shall be fixed by the Court.”;
  - (e) by omitting from rule twenty the words “as the Master may direct” and inserting in their stead the words “as the sole liquidator determines”;
  - (f) by omitting sub-rule (2.) of rule twenty-nine and inserting in its stead the following sub-rule:—  
“(2.) A summons under this rule shall be heard and determined by the Court.”;
  - (g) by omitting from sub-rule (1.) of rule thirty the words “the Master, he” and inserting in their stead the words “the Court, the Registrar of the Supreme Court of the Australian Capital Territory”;

- (h) by omitting from that sub-rule the words "his determination" and inserting in their stead the words "the determination of the Court";
- (i) by omitting sub-rule (2.) of that rule;
- (j) by omitting from rule forty-one the words "and countersigned by the Master in Equity, or in his absence by the Deputy Registrar" (wherever occurring);
- (k) by inserting in rules seventy and eighty-nine E, after the word "Sydney", the words "or Canberra";
- (l) by omitting from rule eighty-nine F the words "and such moneys cannot be paid over to the Colonial Treasurer as provided by the Unclaimed Moneys Act, 1917."; and
- (m) by omitting from that rule the words "on the Colonial Treasurer" and inserting in their stead the words "on the Treasurer".

5. After section eight of the Principal Ordinance the following section is inserted:—

"8A. The general practice of the Court shall, in cases not provided for by this Ordinance or the Companies Rules and so far as applicable and not inconsistent with this Ordinance, apply to proceedings in the winding-up of all or any of the companies set out in the Schedule to this Ordinance."

General  
practice of  
the Court  
to apply.

Dated this twenty-second day of April, 1936.

GOWRIE

Governor-General.

By His Excellency's Command,

THOS. C. BRENNAN

for Minister of State for the Interior.

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By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.