

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 23 of 1936.

AN ORDINANCE

To amend the Companies (Investigation of Affairs) Ordinance 1934.

BE it ordained by the Deputy of 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* Short title.
(Investigation of Affairs) Ordinance 1936.

(2.) The *Companies (Investigation of Affairs) Ordinance* 1934
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 (Investigation of Affairs) Ordinance*
1934-1936.

2. Section four of the Principal Ordinance is amended by Definitions.
adding at the end thereof the following definition:—

“‘the Court’ means the Supreme Court of the Australian
Capital Territory.”

3. Section eleven of the Principal Ordinance is repealed and
the following section inserted in its stead:—

“11.—(1.) Notwithstanding anything contained in the *Com-* Winding-up.
panies Ordinance 1931-1935 or the Companies Acts, the Attorney-
General, if he is satisfied that it is in the public interest that a
company should be wound up by the Court, may, at any time after
the appointment of an Inspector to investigate the affairs of the
company, by notice in the *Gazette*, order that the company be so
wound up, and thereupon the Court shall, subject to this Ordinance,
have the same powers, and the provisions of the *Companies Ordinance*
1931-1935 and of the Companies Acts shall apply, as if a winding-up
petition had been duly presented to the Court by the
Company.

“(2.) By the same or any subsequent order the Attorney-
General may appoint a person to be the liquidator of the company
and such liquidator shall be the sole liquidator of the company and
shall have all the powers of an official liquidator appointed by the
Court.”

3035.—PRICE 3d.

4. After section eleven of the Principal Ordinance the following sections are inserted:—

Liability of contributors.

“11A. Where any company ordered under this Ordinance to be wound up is being wound-up under the law of any State, the persons who are liable in law or in equity to pay or contribute to the payment of—

- (a) any debt or liability of the company; or
- (b) any sum for the adjustment of the rights of the members amongst themselves; or
- (c) the costs, charges, and expenses of winding-up,

shall in relation to the winding-up under the law of the State, but not otherwise, cease to be so liable.

Annulment or disclaimer of certain agreements.

“11B.—(1.) When an order has been made under this Ordinance for the winding-up of a company, any contract or agreement (not being a contract for the issue of shares in the company) made between the company and any other person shall not, unless otherwise ordered by the Court, be enforceable.

“(2.) Where any part of the property of a company which is being wound up in pursuance of this Ordinance consists of shares or stock in companies, the liquidator of the company, notwithstanding that he has endeavoured to sell or has taken possession of the property, or exercised any act of ownership in relation thereto, may, with the leave of the Court, at any time within twelve months after the commencement of the winding-up or such extended period as is allowed by the Court, disclaim the property.

“(3.) The disclaimer shall operate to determine, as from the date of disclaimer, the rights, interest, and liabilities of the company and the property of the company, in or in respect of the property disclaimed.

Rights of members.

“11C. Where a company is being wound-up in pursuance of an order made under this Ordinance, no member shall by reason of his holding shares of a particular class have any greater rights than a member not holding shares of that class, and the rights of any member against the company or the assets of the company shall, subject to any order of the Court, be based on the amount contributed in respect of the shares held by him.”

Dated this nineteenth day of June, 1936.

HUNTINGFIELD

Deputy of the Governor-General.

By His Excellency's Command,

T. PATERSON

Minister of State for the Interior.

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