

# AUSTRALIAN CAPITAL TERRITORY

No. 6 of 1980

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## An Ordinance to amend the *Companies Ordinance 1962*

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 eleventh day of March 1980.

ZELMAN COWEN  
Governor-General

By His Excellency's Command,

R. V. GARLAND  
Minister of State for Business and Consumer Affairs

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## COMPANIES (AMENDMENT) ORDINANCE 1980

### Short title

1. This Ordinance may be cited as the *Companies (Amendment) Ordinance 1980*.<sup>1</sup>

### Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Companies Ordinance 1962*.<sup>2</sup>

### Commencement

3. This Ordinance shall come into operation on 1 April 1980.

### Repeal

4. Section 349 of the Principal Ordinance is repealed.

### Second Schedule

5. The Second Schedule to the Principal Ordinance is repealed and the following Schedule substituted:

## SECOND SCHEDULE

Section 7

## FEES TO BE PAID TO THE REGISTRAR

<i>Names</i>	\$
1. For a search in the office of the Registrar as to the availability of any name proposed to be used by a corporation for each name searched . . . . .	3.00
2. On lodging an application for the reservation of a name . . . . .	10.00
3. On lodging a request for the consent of the Minister to the use of a name by a corporation . . . . .	15.00
4. For the consent of the Minister to the use of a name by a corporation . . . . .	30.00
 <i>Incorporation</i>	
5. On lodging the memorandum of a company having a share capital . . . . .	100.00
6. For the registration of a company having a share capital . . . . .	100.00
7. On lodging the memorandum and articles of a company not having a share capital, other than a company holding a licence issued under section 24 . . . . .	25.00
8. For the registration of a company not having a share capital . . . . .	50.00
 <i>Section 24 Licences</i>	
9. On lodging a request to the Minister for a licence under section 24 . . . . .	15.00
10. For a licence under section 24 . . . . .	30.00
 <i>Changes after Incorporation</i>	
11. For the approval of the Minister or Registrar to alter the memorandum or articles of a company holding a licence issued under section 24 . . . . .	10.00
12. For the approval of the Registrar to the change of name of a company, other than a change of name directed by the Registrar under sub-section 23 (2) or a change of name under sub-section 24 (2) . . . . .	30.00
13. On lodging an application by a company limited by guarantee to convert to a company limited by both shares and guarantee . . . . .	110.00
 <i>Registration of Foreign Companies</i>	
14. For the registration of a foreign company having a share capital, other than a foreign company referred to in item 16 . . . . .	100.00
15. For the registration of a foreign company not having a share capital, other than a foreign company referred to in item 16 . . . . .	37.50
16. For the registration of a foreign company holding a licence under a law of a State or another Territory corresponding to section 24 . . . . .	25.00
 <i>Corporate Finance</i>	
17. On lodging a statement in lieu of a prospectus . . . . .	25.00
18. On lodging a prospectus or a statement under section 82, other than a prospectus or statement referred to in item 19 . . . . .	250.00
19. On lodging, in relation to a corporation that is a foreign company incorporated in a State or another Territory, a prospectus or statement under section 82, being a prospectus or statement registered or acceptable for registration in that State or Territory . . . . .	25.00
20. On lodging an application to the Minister under section 44 or 374 . . . . .	15.00
21. For the approval by the Registrar of a deed under section 78, other than a deed referred to in item 22 . . . . .	250.00
22. For the approval by the Registrar of a deed amending a deed approved under section 78 . . . . .	25.00
23. For registering a charge created by a corporation . . . . .	20.00
24. For registering particulars of a series of debentures . . . . .	20.00
25. On lodging under sub-section 100 (6) particulars of each issue of debentures in a series of debentures . . . . .	10.00
26. For the entry in the register of charges of particulars of a memorandum lodged under sub-section 105 (1) . . . . .	10.00
 <i>Accounts and Annual Returns</i>	
27. On lodging an application to the Registrar under section 161B . . . . .	25.00
28. On lodging an appeal under section 161B to the Companies Auditors Board . . . . .	20.00
29. On lodging an application to the Registrar under section 162C . . . . .	30.00
30. On lodging an annual return of a public company, not being a company referred to in item 31 . . . . .	200.00

## SECOND SCHEDULE—continued

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<i>Accounts and Annual Returns—continued</i>	
31. On lodging an annual return or balance sheet of a corporation holding a licence under section 24 or under a corresponding previous law of the Territory, or holding a licence under a law of a State or another Territory corresponding to section 24 . . . . .	10.00
32. On lodging an annual return or balance sheet of a corporation limited by guarantee where the memorandum of the corporation states that the corporation—	
(i) is formed for a purpose referred to in paragraph 24 (1) (a);	
(ii) applies its profits (if any) or other income in promoting its objects; and	
(iii) prohibits the distribution of its income or property among its members . . . . .	10.00
33. On lodging an annual return of a proprietary company that is not an exempt proprietary company . . . . .	75.00
34. On lodging an annual return of an exempt proprietary company . . . . .	50.00
35. On lodging an annual return or balance sheet of a foreign company under section 348, not being an annual return or balance sheet referred to in item 31 or 32 . . . . .	50.00
<i>Other Applications</i>	
36. On lodging any application for the lodging of which a fee is not provided by any other item . . . . .	10.00
<i>Defunct Companies</i>	
37. On lodging a request to the Registrar to exercise the powers conferred by section 309 or 311 . . . . .	15.00
38. For an act done by the Registrar as representing a defunct company or its liquidator under section 309 . . . . .	25.00
39. For an act done by the Registrar under section 311 . . . . .	25.00
<i>Late Lodgment</i>	
40. On the late lodgment of a document under this Ordinance (in addition to any lodgment fee provided by any other item for the lodging of that document)—	
(a) if lodged within 1 month after the prescribed time . . . . .	5.00
(b) if lodged more than 1 month after the prescribed time—	
(i) if the Registrar is satisfied that reasonable cause exists for the failure to lodge the document before the date on which it is lodged . . . . .	5.00
(ii) in any other case . . . . .	20.00
<i>Searches of Documents and Registers</i>	
41. For inspection of documents in the custody of the Registrar or a transparency or reproduction of such documents (other than an inspection made by or on behalf of the Australian Broadcasting Commission, the holder of a licence for a commercial broadcasting or television station or the proprietor or publisher of a newspaper generally available to the public otherwise than only on subscription)—	
(a) in the case of documents filed or lodged by or in relation to a corporation . . . . .	2.50
(b) in any other case . . . . .	0.50
42. For any enquiry by letter involving a search of a document filed or lodged by or in relation to a corporation . . . . .	3.50
43. For a search or an inspection, in relation to a particular corporation, of the register kept by the Registrar under Division 7 of Part IV . . . . .	0.50
<i>Certification</i>	
44. For a certificate issued by the Registrar under this Ordinance other than a certificate referred to in item 45 or 46 . . . . .	3.00
45. For certifying a copy of, or an extract from, a document filed or lodged with the Registrar, being a copy or an extract supplied to the Registrar for certification	
for one page . . . . .	2.00
for each additional page . . . . .	0.50
46. For the supply of a certified copy of, or an extract from, a document filed or lodged with the Registrar—	
for one page . . . . .	3.00
for each additional page . . . . .	1.50
<i>Supply of Uncertified Copies</i>	
47. For the supply of an uncertified copy or extract of a document where the fee prescribed by item 41 or 42 has been paid—	
for each page of the copy or extract . . . . .	0.20
48. For the supply of an uncertified copy or extract of a document where the fee prescribed by item 41 or 42 has not been paid—	
(i) for the first two pages of the copy or extract . . . . .	1.50

**SECOND SCHEDULE—continued**

<i>Supply of Uncertified Copies</i> continued	\$
(ii) for each additional page . . . . .	0.20
<i>Production of Documents</i>	
49. For the production of a document in the custody of the Registrar . . . . .	10.00 plus 20 cents per page
<i>Other Acts by Registrar</i>	
50. For any act which the Registrar is required or authorized to do under this Ordinance upon the request of a person and for which a fee is not prescribed by any other item . . . . .	5.00

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**NOTES**

1. Notified in the *Commonwealth of Australia Gazette* on 20 March 1980.
2. 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; Nos. 16 and 19, 1972; No. 9, 1973; No. 9, 1974; Nos. 32, 50 and 60, 1976; No. 38, 1977; No. 46, 1978.